

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

The Town Council of the Town of Stallings met for its regular meeting on September 14, 2015, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Pro Tempore Regis Griffin; Council Members Rocky Crenshaw, Deborah Romanow, and Shawna Steele.

Those absent were: Mayor Wyatt Dunn and Council Member Tony Linhares.

Staff present were: Kevin Woods, Town Manager; Melanie Cox, Town Attorney; Minor Plyler, Police Chief; Erinn Nichols, Town Clerk; Chris Easterly, Town Engineer; Richard Tanner, Town Services; and Lynne Hair, Town Planner.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Pro Tem Griffin welcomed everyone to the meeting and thanked them for their interest in local government. Council Member Romanow delivered the invocation. Mayor Pro Tem Griffin led the Pledge of Allegiance and called the meeting to order.

Public Comments

No one was present to give public comment.

1. Approval of Consent Agenda Items

- A. Minutes of the following meetings:
  - (1) 08-10-15
  - (2) 08-17-15 – special
- B. 2015 Constitution Week Proclamation
- C. Mecklenburg County Tax Settlement Report

Mayor Pro Tem Griffin read the 2015 Constitution Week Proclamation into the record which is attached to these minutes and therefore incorporated herein. Council Member Romanow then made the motion to approve the Consent Agenda as presented. The motion received Council's unanimous approval after a second from Council Member Crenshaw.

## 2. Reports

### A. Report from the Mayor

Mayor Dunn was not present to give a report.

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

Council Member Steele had no report.

Council Member Crenshaw reported that Stallings Fest was the following Saturday from 10 a.m. to 6 p.m. He also mentioned that on Saturday, October 17, the Town would be hosting a Brews, Blues, and BBQ Festival event from 3 – 9 p.m.

Council Member Romanow informed all that, in honor of 9-11, the 3<sup>rd</sup> grade teachers at Stallings Elementary had the students write letters to police/firemen/military thanking them for their service including Stallings own Officer Wrenn. She then requested Mr. Woods and Mrs. Nichols research the possibility of implementing a “No Parking on the Sidewalk” Ordinance.

Mayor Pro Tem Griffin reported that the Public Safety Advisory Committee met on August 24 to continue to work on the Emergency Management Plan with the next meeting scheduled for September 28 at 6 p.m. He also reported that the Finance and Administration Committee was working on updating the Personnel Policy and would continue those efforts at its next meeting on September 18 at 7:30 a.m.

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

Town Manager Woods reported on the following items to the Council:

- Introduction of the Alliance of South Charlotte Communities (ASCC) branding name and logo: The Quad. Town Planner Lynne Hair headed the planning task group from that committee.
- Mario’s Pizza drainage and berm work was not complete. The Town had the ability to close the business if the business owner did not comply.
- Staff had met with the Hemby Bridge Fire Chief to discuss the homes in Town which were covered by Hemby Bridge Fire Department but did not pay fire tax (\$16,000 total) to any entity because they were located in Mecklenburg County.
- Staff and the FAC were working on the personnel policy which should come in front of the Council in about a month.
- Staff had met with the designer numerous times regarding Town Hall Phase 2. Options would be brought in front of the Council in early November.

Chief Plyler then introduced the Town's newest officer Antonio Gonzalez. The Chief then addressed the three arsenic cases in the Town. Two of the cases were related. The State Bureau of Investigations handled arsenic cases with assistance from the local authorities.

### 3. Agenda Approval

Mayor Pro Tem Griffin requested moving Agenda Item 9, *District Three Council Member Appointment*, to Agenda Item 3.A. He also requested adding a closed session as Agenda Item 8.E. to discuss legal issues related to stormwater.

Council Member Romanow made the motion to approve the Agenda with the above noted changes. The motion was seconded by Council Member Steele which was adopted unanimously.

#### 3.A. District Three Council Member Appointment

##### *Original Agenda Item 9*

Mayor Pro Tem Griffin explained that there was a vacancy for Town Council District Three seat with term ending December 2017. The vacancy was advertised for 10 days ending on September 11, 2015. Letters of interest were received from three applicants. Each interested candidate for the District Three Council Seat was given an opportunity to introduce themselves to the Council. The candidates were:

David Scholl – Mr. Scholl was a resident of Shannamara since 1998. He stated that good government did not just happen; it took a lot of work and the right people to come forward to serve. Mr. Scholl had been involved in his community as treasurer of his homeowner's association, volunteer with the schools, and golf coach at the local middle and high school. He was a technology consultant and created website and online learning programs for corporate clients. Mr. Scholl was a member of the school board where he learned it took a lot of work to serve. He would do the work and stay informed to make the decisions which were best for the Town. Mr. Scholl believed in being reasonable when it came to working with other people. He stated he would not agree with them all the time but would have reasonable discussions on the issues and treat each other respectfully. Mr. Scholl stated he was involved in the Town Manager selection process for the Town and he was pleased how the manager was working out. Mr. Scholl stated he would like to opportunity to serve.

Edd Cook (*via phone*) – Mr. Cook apologized for not being able to be present as he was out of town on business. Mr. Cook stated he worked at Wells Fargo and had been in banking for almost 20 years. He had one child and lived in Shannamara since 2005. Mr. Cook had not served in any prior government appointments but was interested in the role and felt his finance background would enable him to do a good job. His role at Wells Fargo was managing a group of strategic sourcing consultants and he also had some background in technology and engineering. Mr. Cook mentioned his wife was a history teacher at Union County Early College and he was vested in the community. He was also in the Marine Corps for 10 years.

Earl Haney – Mr. Haney stated he was a life-long resident of Union County and had owned, managed and operated several businesses in the county. Mr. Haney was the president of his homeowners association in Little River. Mr. Haney was retired and had the time to devote to the Town. He stated he was a plain country boy who told it the way it was. Mr. Haney would always try to act in the best interest of the Stallings and what God wanted him to do. He was also in the Air Force for six years.

Council then voted via open ballot in order to fill the vacancy. The ballots were tallied and verified by the Town Clerk. The Council voted unanimously to appoint Mr. David Scholl.

Council Member Romanow made the motion to appoint Mr. David Scholl to the vacant Council seat in District Three. The motion was seconded by Council Member Crenshaw. The Town Clerk was then requested to conduct a roll call for the vote which passed unanimously:

Council Member Crenshaw – Aye  
Council Member Romanow – Aye  
Council Member Griffin – Aye  
Council Member Steele – Aye

4. Arnett Muldrow Marketing Firm  
*Aaron Arnett*

Council heard a marketing presentation from Aaron Arnett of Arnett Muldrow, a small planning firm from Greenville, SC which consisted of planners and marketing professionals. He presented concepts and systems concerning community branding. To date, the firm had developed brand systems for over 300 communities in over 32 states. Mr. Arnett showed examples of branding the firm had done in North Carolina and neighboring communities.

Mr. Woods would discuss specific numbers with Mr. Arnett and bring it back to Council.

5. Annexation 46 – Hawthorne

Mayor Pro Tem Griffin informed the Council that the applicant for this annexation had requested this item be moved to the next Council meeting on September 28. Mayor Pro Tem Griffin then opened the public hearing.

Council Member Romanow made the motion to recess the public hearing for Annexation 46 – Hawthorne until Monday, September 28, 2015. The motion passed unanimously after a second from Council Member Steele.

6. Annexation 47 – Stevens Mill and Lawrence Daniel Drive

Mayor Pro Tem Griffin opened the public hearing. Deputy Town Manager Nichols noted the area involved in the annexation via a map. Mayor Pro Tem Griffin then opened the public hearing for comments on the item.

Kombiz Salehi, 4410 Lawrence Daniel Drive, stated he was present to express his anger, dismay, and frustration for the deceitfulness of Ryland Homes. He stated that Ryland Homes destroyed his property and his view. Mr. Salehi believed that his home value would depreciate especially since the Town had not resolved the traffic issue at the intersection of Stallings Road and Independence. He stated that (Ryland's) behavior was unacceptable.

Gerald Smith, 4224 Scarlett Street, was present because he wanted to know why the surveyors moved the stakes on his property. He also stated the traffic was getting worse at Stallings Elementary. Mr. Smith thought the roads should be fixed first. He wanted to know what would happen when they built all the other houses behind him.

Linda Bennett, 5025 Stevens Mill Road, had questions about flooding and wetlands near her house. She wanted to know what Ryland was going to do about the wetlands. Ms. Bennett also agreed with Mr. Smith and was concerned about the infrastructure and the school system. She felt all the things needed to be taken care of prior to construction. Ms. Bennett stated that it took her 25 minutes to get to the light at Matthews at 11 a.m.

Mayor Pro Tem Griffin then closed the public hearing.

Council Member Steele made the motion to adopt the Ordinance to Extend the Corporate Limits of Stallings, Annexation 47 – Stevens Mill and Lawrence Daniel Drive. Council Member Romanow seconded the motion. The Town Clerk was then requested to conduct a roll call for the vote which passed unanimously:

Council Member Crenshaw – Aye  
Council Member Romanow – Aye  
Council Member Griffin – Aye  
Council Member Steele – Aye

The motion passed unanimously by Council. The Ordinance to Extend the Corporate Limits of Stallings, Annexation 47 – Stevens Mill and Lawrence Daniel Drive is attached to these minutes and therefore incorporated herein.

#### 7. RZ15.06.01 – Ryland Homes

Mayor Pro Tem Griffin opened the public hearing for RZ15.06.01. Town Planner Hair explained this item was a traditional rezoning request to amend the Stallings UDO map for 48 acres located off of Stevens Mill Road from R-20 (Union County/Town of Stallings) to R-15. The subject property was located

on tax parcels 07075007, 07075007B, 07075005C, 07078099, 07078100, 07078101, 07078007, 07075009 & 07075009A. The development would have 69 lots. The surrounding areas were zoned R-20. The Planning Board heard the item but recommended denial due to lack of information and the applicant's absence at the Planning Board meeting. Staff recommended approval of the request. The Zoning Report for RZ15.06.01 is attached to these minutes and therefore incorporated herein.

Town Planner Hair explained to the Council that the Town had a stormwater ordinance by which the applicant had to abide including providing detention to order to maintain the water on the site. Every development approved by the Town underwent engineer review and approval. If the Council did not approve the request, the applicant had the right to develop the subdivision as R-20 under the parcels use by right.

Applicant Hamilton Stolpen of Ryland Homes noted that any development could not raise the water level on the site per federal regulations. The current pond on the site would remain. The homes would be constructed with brick, stone, and hardiplank. NCDOT would also dictate any requirements for road improvements at the development.

Teresa Moya-Mendez, 5035 Stevens Mill Road, stated she had lived in the area for 23 years and had been flooded twice. During the flood of August 19, 2015, her patio, backyard, and dog pens were flooded. (*Ms. Moya-Mendez showed pictures to the Council of the flooding.*) She was not requesting that Council deny the request but rather requested the Council help her to protect her home. Ms. Moya-Mendez requested that people be held accountable to the stormwater regulations and that a study be done on the creek in regards to stormwater and the creek's capacity levels.

Jeremy Erb, 4228 Lawrence Daniel Drive, was concerned how Ryland would handle the creek that was currently on the property as it had flooded twice in the last two years.

Kathryn General, 4304 Lawrence Daniel Drive, stated her property backed right up to land to be developed. She was concerned with property as it had not been maintained since it had been bought by Ryland.

Alex Wilson, 4220 Lawrence Daniel Drive, stated that Ryland Homes did not construct correctly or maintain the infrastructure it promised in her neighborhood. She stated that the pond on the applicant's property received all the stormwater from her neighborhood but now it would be blocked with a large group of homes.

Jerry Kemper, 650 Butternut Lane, Millstone Estates, requested clarification on the parcels numbers involved in this application.

Council Member Crenshaw made the motion to recess the public hearing and table the vote on this item until the next Council meeting. The motion was seconded by Council Member Romanow. The Town Clerk was then requested to conduct a roll call for the vote:

Council Member Crenshaw – Aye  
Council Member Romanow – Aye  
Council Member Griffin – Aye  
Council Member Steele – Nay

The motion passed by a 3 to 1 vote with Council Member Steele opposing.

Council Member Steele made a motion to take a five minute recess. The motion passed unanimously by Council after a second by Council Member Romanow.

*Council took a brief recess at 8:54 p.m. and reconvened at 9:01 p.m.*

## 8. Engineering

### A. Stormwater – Update

Town Engineer Easterly reviewed the Town's current stormwater concerns with the Council especially after the August 19, 2015 storm. There were 20 incidents where infrastructure was damaged or structural flooding. The total repairs for these areas would cost approximately \$140,000.

Council then focused its attention to 4501 Shannamara Drive and the flooding which had taken place at that address. The owner of the property, John Bolin, was present and shared a slideshow with Council showing all the incidents of flooding of his property and home. He requested Council help him with the flooding problem on his property and felt the best option was for Council to buy his home and adjacent parcel for approximately \$462,000.

Alvin Lewis, 4510 Shannamara Drive, also spoke the Council about the flooding he had experience on his property during the August 19, 2015 rain event and requested Council's assistance by addressing Mr. Bolin's property as that directly affected his property.

Town Engineer Easterly then reported and explained to the Council the stormwater infrastructure and water flow at 4501 Shannamara Drive. Mr. Bolin's home was located outside of the 100 year storm event and the current stormwater infrastructure supported the water flow for a 100 year storm event. Mr. Easterly explained that if the Council wished to control the stormwater above a 100 year storm event, a new, larger stormwater culvert would be required and cost at least \$500,000.

B. Potter/Pleasant Plains Intersection – Duke Energy Right-of-Way Plan

The Town Engineer gave an update on the Potter/Pleasant Plain Intersection in regards to Duke Energy's right-of-way plan for the relocation of the power lines at the intersection. Based on the Town's request, Duke Energy re-evaluated the plan and agreed to relocate the poles to the opposite side of the roadway so the existing residential parcels would not be impacted which resulted in a \$600,000 savings to the Town.

The design phase for the Potter/Pleasant Plains Intersection was 90% complete. As soon as the final plans were approved by NCDOT, the Town could move forward with acquiring a real estate acquisition firm. The real estate acquisition phase would last approximately one year after which construction could begin in approximately the fourth quarter of 2016.

C. Street Maintenance

(1) Resurfacing Update

*Town Engineer Easterly sent a resurfacing update to the Council prior to the Council Meeting.*

(2) Road Remnants

Town Engineer Easterly explained there were 1.88 miles of state maintained road remnants (\$1.5 million) in the Town. He would start discussion with NCDOT to determine a mutually beneficial financial or repair package so the remnants could be accepted into the Town's road maintenance system. All the Town's roadways would be reanalyzed by the Town Engineer in the next fiscal year.

D. Mario's Pizza/John's Place Bar – Drainage Issues

*This item was addressed by Town Manager Woods during Agenda Item 2. Reports.*

E. Closed session

Council Member Romanow made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3). The motion was passed unanimously after a second from Council Member Steele.

Council Member Romanow made the motion to invite Town Engineer Chris Easterly into the closed session discussion. Council Member Steele seconded the motion which passed unanimously.

*Council went into closed session at approximately 10:14 p.m. and reconvened into open session at 10:54 p.m.*

9. District Three Council Member Appointment

*This Agenda Item was moved to Agenda Item 3.A.*

10. Adjournment

Council Member Steele moved to adjourn the meeting, seconded by Council Member Romanow, and the motion received unanimous support. The meeting was adjourned at 10:54 p.m.

Approved on October 12, 2015.

*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