



Town Council Agenda

October 28, 2024
 Stallings Government Center
 321 Stallings Road
 Stallings, NC 28104
 704-821-8557
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 A. ARPA Quarterly Amended Project Ordinance	Wyatt Dunn, Mayor	Approve consent agenda
2.	7:15 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve agenda as written
3.	7:17 p.m.	TX24.06.01 A. Parking Amendments (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness	Max Hsiang, Planning Director	Approve/Deny text amendment
4.	7:30 p.m.	TX24.09.01 A. Greenway & Streetscape Type Amendment (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness	Max Hsiang, Planning Director	Approve/Deny text amendment
5.	7:45 p.m.	Stallings Farms Civil Penalties Reduction Request	Max Hsiang, Planning Director	Approve/Deny request
6.	8:00 p.m.	Annexation Agreement with Mecklenburg Co.	Max Hsiang, Planning Director	Direct Staff on agreement
7.	8:05 p.m.	2025 Stallings Park Events A. Alcohol Sales at Certain 2025 Events B. Council Booth at 2025 Events	Tori Crowe, Special Events Coordinator	A. Approve/Deny alcohol sales B. Discuss Council Booth
8.	8:15 p.m.	Closed Session Pursuant to NCGS 143-318.11(a)(3)	Wyatt Dunn, Mayor	Recess into closed session
9.	8:30 p.m.	Adjournment	Wyatt Dunn, Mayor	Motion to adjourn



MEMO

To: Stallings Town Council
Via: Alex Sewell, Town Manager
From: Jessie Williams, Finance Officer
Date: October 15, 2024
RE: **MEMO - FY25 Q1 ARPA and Amended Project Ordinance**

Background:

The Town of Stallings received a total allocation of \$5.1M in Coronavirus State and Local Fiscal Recovery (CSLFR) funds from the American Rescue Plan Act (ARPA) of 2021, a stimulus bill passed by the United States government to provide relief from the COVID-19 pandemic. Funds were received in two separate allocations, the first in August 2021 and the second in August 2022.

Per the project ordinance, the originally allocated funds, along with investment earnings, are being used as salary replacement for the Police Department, covering both salaries and fringe benefits. Total funding and expenditures are shown below.

Total ARPA allocation	\$5,145,370.23
Investment income	<u>\$304,669.13</u>
Total funding	\$5,450,039.36
FY 2022 - 2023 disbursements	\$2,084,952.33
FY 2023 - 2024 disbursements	\$2,640,647.90
Expenditures for FY 2024-2025, Q1 (July 1, 2024 - Sept 30, 2024)	<u>\$584,330.78</u>
Total	\$5,309,931.01
Remaining ARPA balance	\$140,108.35

Requested Action:

Staff requests that a transfer in the amount of \$584,330.78 from the ARPA special revenue fund to the General Fund for the replacement of the Police Department's personnel costs in Quarter 1 be approved and to amend the current ARPA project ordinance accordingly.



AMENDED Grant Project Ordinance for the Town of Stallings American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds – September 2024

BE IT ORDAINED by the Town Council of the Town of Stallings, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Stallings (Town) received a total allocation is \$5,145,370.24. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

Section 3: The following amounts are appropriated for the project and authorized for expenditure:

Internal Project Code	Project Description	Expenditure Category (EC)	Cost Object	Appropriation of ARP/CSLFRF Funds
001	Law enforcement services for period of July 1, 2022 through December 31, 2024	6.1	Salaries and Benefits	\$5,450,040
	TOTAL			\$5,450,040

Section 4: The following revenues are anticipated to be available to complete the project:

ARP/CSLFRF Funds:	\$5,145,371
Investment Income:	<u>\$ 304,669</u>
Total Revenues:	\$5,450,040

Section 5: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town's Uniform Guidance Allowable Costs and Cost Principles Policy.

Section 6: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 7: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.

Section 8: This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

Adopted this is the 28th day of October 2024.

Wyatt Dunn, Mayor

Attest:

Erinn Nichols, Town Clerk

Approved as to form:

Melanie Cox, Town Attorney



MEMO

To: Stallings Town Council
From: Max Hsiang, Planning Director
Date: 10/28/2024
Re: TX24.06.01 Parking Regulations Update

Request:

At the September 9, 2024, Town Council meeting, Staff requested that the proposed text amendment to Article 12.12 of the Stallings Development Ordinance be withdrawn. Staff believed it necessary to allocate additional time for research and analysis of parking requirements to ensure the accuracy and effectiveness of these changes.

Now we are bringing the text amendment back. This amendment requests to revise parking requirements by:

- Updating **minimum and maximum** space requirements in Table 12.1.
- **Simplifying and condensing** the use categories.
- **Reformatting** the requirements for easier interpretation and measurement.

Additionally, Staff recommends reserving Articles 12.3-4 and 12.3-5 sections. These articles pertain to enforcing parking regulations rather than addressing requirements for future developments. As such, they are more appropriately located within the Town's Code of Ordinances rather than the Development Ordinance.

Amendment:

Article 12.3-4 (Reserved)

Article 12.3-5 (Reserved)

12.12 Off-Street Parking Requirements. Table 12.1 outlines the maximum parking requirements for designated parking areas. Sufficient off-street parking is essential to meet a building's or development's specific needs.

(A.) Minimum and Maximum Off-Street Parking Requirements:

1. Table 12.1 establishes minimum and maximum parking spaces to ensure adequate off-street parking while preventing underutilized parking areas.

(B.) Parking Requirements for Unlisted Uses:

1. For uses not listed in Table 12.1, parking, stacking, and loading requirements will follow those of the most similar use category, as determined by the Development Administrator.

(C.) Exclusions and Clarifications:

1. Residential Driveways: Residential driveways are considered parking areas and are required but do not count as off-street parking.
2. Existing Developments: This ordinance applies to new developments only. Existing developments are not required to comply unless altered or a change of use or expansion results in additional parking.

3. Bicycle and Accessible Parking: Bicycle parking is required as outlined in Article 12.8. Accessible parking spaces, as mandated by the NC Building Code, may be included in the parking calculations.

Table 12.1 Parking Spaces to be Provided

Residential	Minimum Automobile Spaces	Maximum Automobile Spaces
Dwelling, Residential (detached, attached, & mobile)	1 driveway space per unit	N/A
Dwelling, Accessory Structure	1 driveway space per structure	2 driveway spaces per structure
Dwelling, multi-family (3 or more units)	1 per unit	3 per unit

Public Facilities & Institutions	Minimum Automobile Spaces	Maximum Automobile Spaces
Schools & Daycares	1 per 1,000 SF of GFA	3 per 1,000 SF of GFA
Civic Facilities	1 per 1,000 SF of GFA	3 per 1,000 SF of GFA
Places of Worship	1 per 1,000 SF of GFA	5 per 1,000 SF of GFA
Assisted Living/Group, Family, & Nursing Homes	1 per 1,000 SF of GFA	3 per 1,000 SF of GFA
Hospitals	2 per 1,000 SF of GFA	6 per 1,000 SF of GFA

Offices & Services	Minimum Automobile Spaces	Maximum Automobile Spaces
Professional/Medical Offices & Services	1.5 per 1,000 SF of GFA	5 per 1,000 SF of GFA
Hotels and Motels	1.5 per 1,000 SF of GFA	5 per 1,000 SF of GFA

Commercial & Retail	Minimum Automobile Spaces	Maximum Automobile Spaces
Retail Sales, Restaurants, and General Commercial	1.5 per 1,000 SF of GFA	5 per 1,000 SF of GFA

Industrial & Manufacturing	Minimum Automobile Spaces	Maximum Automobile Spaces
Industrial, Manufacturing, and Warehouse Facilities	0.5 per 1,000 SF of GFA	2 per 1,000 SF of GFA

Recreation & Entertainment	Minimum Automobile Spaces	Maximum Automobile Spaces
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Parks	1.5 per 1,000 SF within an enclosed building	5 per 1,000 SF within an enclosed building
Athletic Fields, Sports Facilities, and Golf Courses	1.5 per 1,000 SF of Field or Court Area	5 per 1,000 SF of Field or Court Area
Athletic Courts as Accessory Use	0.5 per court	2 per court
Fairgrounds, Amusement Parks	1.5 per 1,000 SF of Activity Area	5 per 1,000 SF of Activity Area

Planning Board Recommendation:

The Planning Board recommended approval of the proposed development at their September 17, 2024, meeting. They requested that the parking regulations align with those of existing hotels, hospitals, and places of worship. To demonstrate consistency, three examples were provided:

1. Quality Inn & Suites:

- Building size: 58,335 square feet
- Current parking: Approximately 140 spaces
- Proposed parking: Between 58 and 290 spaces
- **Determination:** Consistent with updates.

2. Good News Church:

- Building size: 14,364 square feet
- Current parking: Approximately 90 spaces
- Proposed parking: Between 14 and 71 spaces
- **Determination:** Inconsistent with updates. Raised from 3 to 5 between Planning Board and Town Council. Reminder: the goals of the Comp Plan recommend reducing parking.

3. Atrium Hospital:

- Building size: 155,417 square feet
- Current parking: Approximately 622 spaces
- Proposed parking: Between 310 and 932 spaces
- **Determination:** Consistent with updates.

Important Note: It's essential to remember that table would be for new projects and that other development requirements, such as landscaping, buffers, setbacks, open space, and stormwater management, will still apply. These requirements can limit the maximum amount of parking that can be accommodated, potentially preventing some developments from fully utilizing the maximized parking regulations.

Staff Recommendation:

- Staff recommends approval of TX24.06.01

- Staff acknowledges the need to reformat Table 12.1 into a clearer and more condensed layout that can be easily interpreted by a user. This will maximize the user's understanding of the off-street parking space requirements in Stallings as new developments are built in compliance with the ordinance.
- Additionally, staff recommends that sections 12.3-4 and 12.3-5 become reserved sections. These sections relate to the enforcement of the town's parking requirements rather than addressing requirements for future developments. They apply to the Code of Ordinances rather than the Development Ordinance.



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX24.06.01

REQUEST: Staff requests a text amendment in the Stallings Development Ordinance Table 12.1 within Article 12.12 to amend the off-street parking requirements by removing the minimum space requirement, adding minimum off-street bicycle space requirements, simplifying the land use categories, and reformatting the maximum requirements to be more easily interpreted and measured. Staff also requests that the Articles 12.3-4 and 12.3-5 become reserved sections.

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the "Town Council", adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

THEREFORE, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state-mandated land-use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) The amendment aligns with the goals of the Comprehensive Land Use Plan that encourages reducing parking space minimums and implements right-size parking requirements.
- 2) The amendment aligns with the strategy of the Comprehensive Land Use Plan to provide an appropriate quantity and quality of off-street parking.
- 3) The amendment ensures that Section 12 of the Ordinance is easier to interpret

Recommended this the __ day of _____, 2024.

Mayor

Attest:

Clerk



MEMO

To: Stallings Town Council
From: Max Hsiang, Planning Director
Date: 10/28/2024
Re: TX24.09.01 - Text Amendment to Clarify Greenway and Streetscape Requirements

Request:

Based on feedback from August 12, 2024, Council meeting, staff drafted a text amendment (TX24.09.01) to address concerns regarding the selection of greenway types and the application of streetscape requirements.

Key Changes:

1. **Greenway Type Selection:** The Development Administrator will now have the authority to determine the most appropriate greenway trail type when a greenway is required by the development plan. This ensures consistency and alignment with the overall planning goals.
2. **Greenway Requirement Clarification:** The amendment specifies that greenways are required for developments that require a Major Site Development Plan review, provided the greenway is shown on the Greenway plan. This clarifies the scope of the application for the greenway requirements.
3. **Streetscape Type Selection:** To further streamline the development process, the Development Administrator will also have the authority to select the most suitable streetscape type when required by the development plan.

This proposed text amendment aims to provide greater clarity and flexibility in applying greenway and streetscape requirements, ensuring that developments contribute effectively to the overall adopted plans.

Amendment:

21.3 Fee-in-Lieu.

All ~~proposed developed developments requiring major site development plan review~~ within the Town shall provide the improvements identified in the Stallings Parks, Recreation and Greenway Master Plan when those improvements are located on property involved with the proposed development. **The Development Administrator will identify the suitable trail type based on the plan.**

When no improvements as identified by the Stallings Parks, Recreation and greenway Master Plan are associated with a proposed project, the developer shall be required to pay a fee in lieu thereof, in accordance with this section. This fee shall be calculated as follows:

1/35 of an acre per lot X tax value of the property (per acre).

Example:

100-lot subdivision with a per acre tax value of \$10,000:

$(1/35) * 100$ [acres in property] = 2.85714286

$2.85714286 * \$10,000$ [per acre value] =

\$28,571.43

- (1.) At least one thirty-fifth (1/35) of an acre shall be dedicated for each dwelling unit planned or proposed in the subdivision plan or development.
- (2.) The payment of fees, in lieu of the dedication of land under subsection above shall be made to the Town of Stallings after having received recommendation from the Planning Board and having evaluated the proposed dedication and the relationship the dedication would have with the town's Parks, Recreation and Greenway Master Plan.
- (3.) The fees in lieu of dedication shall be paid prior to final plat approval.
- (4.) The amount of the payment shall be the product of:
 - (a.) The number of acres to be dedicated, as required by subsection, above;
 - (b.) The assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time the payment is due to be paid.

21.4 Streetscape

21.4-1 Purpose. This ordinance establishes streetscape requirements identified in the Stallings Streetscape Design Standards and Details Plan.

21.4-2 Applicability. This ordinance applies to all new developments identified in the Stallings Streetscape Design Standards and Details Plan area and Town Center (TC) zoning. For purposes of this requirement, "developments" shall mean any development requiring a Major Site Development Plan Review. **The Development Administrator will identify the suitable Streetscape Plan type based on the plan.**

21.4-3 Exemptions. The following developments are exempt from Article 21.4:

(A) Developments that are owned and operated by a government agency.

(B) Developments that do not require a Major Site Development Plan Review.

21.4-4 Timing of Improvements. All improvements shall be completed or guaranteed with adequate surety prior to issuance of any permits past 60% Certificate of Occupancy or 60% completion for the entire development or project.

Planning Board Recommendation:

Planning Board recommended approval at their September 17, 2024, meeting.

Staff Recommendation:

Staff recommends approval based on the following:

- 1) The amendment aligns with the Comprehensive Land Use Plan's and Greenway Master Plan's goals to encourage a more walkable community.
- 2) The amendment aligns with the Council's recommendation to install specific greenway types in appropriate areas.



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX24.09.01

REQUEST: Staff requests a text amendment to address concerns regarding the selection of greenway types and the application of streetscape requirements.

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council”, adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

THEREFORE, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state-mandated land-use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) The amendment aligns with the Comprehensive Land Use Plan's and Greenway Master Plan's goals to encourage a more walkable community.
- 2) The amendment aligns with the Council's recommendation to install specific greenway types in appropriate areas.

Recommended this the __ day of _____, 2024.

Mayor

Attest:

Clerk



MEMO

To: Stallings Town Council
From: Max Hsiang, Planning Director
Date: 10/28/2024
Re: Stallings Farms Civil Penalty Reduction Request

Overview:

On August 13, 2024, unauthorized tree removal was observed at the future Stallings Farm neighborhood. This action occurred without the necessary Land Disturbance Permit or approved Construction Documents.

Investigation and Findings:

- **Multiple Complaints:** Staff received numerous reports regarding the tree removal.
- **Site Visits:** Code Enforcement, the Planner 1, and the Union County Urban Forester inspected the site on August 14, 15, and 16.
- **Tree Removal:** The Union County Urban Forester determined that protected trees were removed.
- **Land Disturbance:** Planner 1 used site visits, photos, and GIS software to calculate a land disturbance of 3.37 acres.

Violation and Penalty:

Based on the violation of Development Ordinance Articles 11.10 and 11.18-2, a Stop work Order was issued on August 13, 2024, and then a Notice of Violation was issued to the property owner on August 27. The penalty for the unauthorized tree removal is \$10,000 per acre, resulting in a total of \$33,700.

Penalty Reduction Request:

On September 30, Stallings Farms submitted a request to reduce the civil penalty by 75% to \$8,425.

Staff Recommendation:

Staff oppose the 75% penalty reduction. Approving this reduction could set a precedent for other developers to remove trees prematurely and seek similar reductions.

HINSON | FAULK P.A.
ATTORNEYS

WESLEY S. HINSON
WESLEY F. FAULK*
SHELLEY K. LEVINE*
MARK R. HINSON
CABELL SINCLAIR
*Admitted in NC & SC

September 30, 2024

Max Hsiang
Planning and Zoning Director
Town of Stallings
315 Stallings Road
Stallings, NC 28104

Re: Request to Reduce Civil Penalty regarding Notice of Violation (Citation # 2399)
Property Owner: Stallings Farm Investment LLC
Subject Address: 0 Stevens Mill Road
Parcel ID#: 07099006 and 07099007
Violation: Activities Requiring a Land Disturbance Permit &
T Tree Disturbance Prior to Permit Approval

Dear Mr. Hsiang:

I hope this letter finds you well. I am writing on behalf of my client, Stallings Farm Investments, LLC to request a reduction of the \$33,700.00 Civil Penalty levied against by the Town pursuant to the above referenced Citation #2399, a copy of which is attached hereto and incorporated herein by reference.

Factual Recitation:

On or about August 13, 2024, a contractor hired by the property owner, Stallings Farming Investments, LLC, was on the property performing site maintenance and mowing to tidy up the appearance of the site (as it was becoming overgrown) and in anticipation of the future installation of site erosion control measures. As the Notice of Violation accurately states, the bush hog operator clearly got "a little carried away", as he stated to the inspector, when he damaged several trees and then mulched them to eliminate the tree damage. This conduct in damaging and removing certain trees, even being unintentional and/or occurring by the negligence of the contractor, was still a technical violation of Section 11.10 of the Town of Stallings Development Ordinance. These facts are undisputed.

Request for Reduction of the Accessed Civil Penalty – Mitigating Factors:

As a result of the violation of Section 11.10 relating to the removal of trees taking place on August 13, 2024, the property owner was accessed a civil penalty in the amount of \$33,700.00. On behalf

of the property owner, we humbly make this request of the Stallings Town Council for a reduction of the assessed civil penalty based on several mitigating factors, to wit:

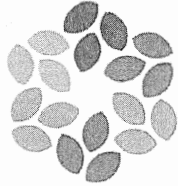
- The conduct giving rise to the violation was not made intentionally by the property owner;
- The violation was an isolated, one-time incident that was not one of an on-going and continuing nature;
- The conduct in damaging and removing certain trees occurred based on third party negligence and was not done to intentionally harvest the trees in circumvention of a town ordinance;
- There were no other neighboring parcels or property owners impacted, injured or damaged as a result of the unintentional conduct;
- The damage to and resulting mulching of these few trees occurred in sporadic locations across approximately 3.37+/- acres of a much larger 83.12+/- acre site;
- The property where the violation occurred is a site already rezoned, approved and slated for residential development approved by the Town of Stallings;
- The violation was a technical violation in that the conduct would not have been a violation of the Town of Stallings Development Ordinance at all had the property owner had a Land Disturbance Permit at the time the trees were damaged and mulched;
- The Land Disturbance Permit was in fact issued approximately two weeks later on September 4, 2024;
- Therefore, had the same conduct occurred 2 weeks later in time, there would be not have been a violation nor civil penalty assessed.

Based on the above mitigating factors, the property owner hereby respectfully requests a 75% reduction of the assessed civil penalty pursuant to the Town of Stalling Policy for Voiding or Reducing Accessed Civil Penalties. Such a reduction, if approved, would bring the amount of the penalty to **\$8,425.00**. Stallings Farming Investment, LLC desires to be a good steward of the Town and to continue to develop what they believe to be a very healthy relationship with the Town to date. Our hope would be that the Town Council would find in it in their good judgment and province to reduce the accessed penalty and accept the amount of \$8,425.00 as a fair and equitable penalty for the above referenced technical violation, in which case the penalty would be paid immediately.

Respectfully,



Wesley S. Hinson
Attorney for Stallings Farm Investments, LLC
whinson@hinsonfaulk.com
704-684-0031



Town of
Stallings

315 Stallings Road • Stallings, North Carolina 28104

NOTICE OF VIOLATION

Date of Issue: August 29, 2024

To: **STALLINGS FARM INVESTMENTS LLC**
P.O. BOX 1561
MONROE, NC 28111

Violation(s)	Activities Requiring a Land Disturbance Permit & Tree Disturbance Prior to Permit Approval.
Citation #	2399
Subject Address	0 Stevens Mill Rd.
Parcel ID #	07099006 and 07099007
Compliance Deadline	September 30, 2024

The Town of Stallings is committed to maintaining an orderly and safe community. This Citation serves as an official notice of a violation of the Town's ordinances. Failure to comply with the citation by the specified deadline may result in additional civil penalties and/or other forms of abatement.

You are receiving this Citation for the unauthorized removal of trees without a permit at the property listed above. This is a violation of the Town of Stallings Development Ordinance. The violation was observed or existed on August 13, 2024. You are hereby ordered to immediately resolve the violation by paying the debt owed to the town. The amount owed must be paid by **September 30, 2024**.

On August 13, 2024, I observed a contractor knock down a mature tree. I spoke with the same contractor who stated he was there to "cut down the brush and weeds." I inquired about the tree I witnessed him knock down and his response was, "Yea, I might have gotten a little carried away." Further investigation of the property revealed multiple trees that had been damaged, knocked down and/or mulched.

Relevant Ordinance Articles 11.10 & 11.18-2:

11.10 Activities Requiring a Land Disturbance Permit

11.10-1 Purpose. Except as otherwise exempted herein, it shall be unlawful to:

(A.) Remove, excessively prune, apply chemicals that are harmful to, or disturb any tree or the soil within the CRZ of any tree;

(B.) Clear vegetation from a site; or

(C.) Begin any excavation, remove soil, or place fill on a site within Stallings and its extraterritorial jurisdiction until the Development Administrator has issued a permit certifying that such activity complies with the applicable provisions of this Ordinance.

(D.) Make any alterations to storm water control measures and/or storm water infrastructure until the Town Engineer has issued a permit certifying that such activity complies with the applicable provisions of the Town of Stallings Development Ordinance.

11.18-2 Penalties.

(A.) *Tree Disturbance Prior to Permit Approval.* The penalty for the removal of or damage to trees, prior to the issuance of a tree disturbance permit shall be a civil penalty of ten thousand (\$10,000) dollars per acre or prorated fraction thereof. (i.e., the civil penalty for a site of 0.35 acres that is cleared prior to approval or prior to the issuance of a tree disturbance permit is three thousand five hundred (\$3,500) dollars). Additionally, the Town of Stallings, under G.S. § 160D-921, may deny a building permit to any landowner who clears land in anticipation of development in violation of this section for up to three (3) years after completion of the timber harvest. If it is determined that the timber harvest was a "willful violation" of this Ordinance, then the Town of Stallings reserves the right to deny development approvals for a period of two (2) years following the timber harvest.

The Town has determined that **3.37 acres** of land disturbance has occurred (See attached documentation). Per the above penalty guidelines, the amount owed is **Thirty Three Thousand Seven Hundred Dollars (33,700)**.

You may pay the amount due in person at the Town Hall office or mail your payment to:

***Town of Stallings
315 Stallings Road
Stallings, North Carolina 28104***

Payment must reach the Town Hall by a date no later than **September 30, 2024**. Please include a copy of this letter with your payment.

In addition to the civil penalties, the Town may take other appropriate actions or proceedings to prevent, correct, or abate the violation. This may include, but is not limited to, legal action to force you to comply with the ordinances.

Any owner or occupant who has received a Notice of Violation may appeal in writing the written decision of the Development Administrator to the Board of Adjustment. You may appeal this Citation to the Board of Adjustment within Thirty (30) days of the date of this notice.

Please remember that this is an official notice and should not be ignored. Your immediate attention to this matter is required. Failure to comply may result in significant fines and other legal action. If you have any questions, please get in touch with the Code Administrator at 704-821-0316.

Matt Dillard

Matt Dillard
Town of Stallings
Code Administrator
Mobile: 704-238-3323
mdillard@stallingsnc.org
www.stallingsnc.org



Town of
Stallings

315 Stallings Road ▪ Stallings, North Carolina 28104

NOTICE OF VIOLATION

Date of Issue: August 27, 2024

To: **STALLINGS FARM INVESTMENTS LLC**
P.O. BOX 1561
MONROE, NC 28111

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The Town of Stallings is committed to maintaining an orderly and safe community. This Citation serves as an official notice of a violation of the Town's ordinances. Failure to comply with the citation by the specified deadline may result in additional civil penalties and/or other forms of abatement.

You are receiving this Citation for the unauthorized removal of trees without a permit at the property listed above. This is a violation of the Town of Stallings Development Ordinance. The violation was observed or existed on August 13, 2024. You are hereby ordered to immediately resolve the violation by paying the debt owed to the town. The amount owed must be paid by **September 30, 2024**.

On August 13, 2024, I observed a contractor knock down a mature tree. I spoke with the same contractor who stated he was there to “cut down the brush and weeds.” I inquired about the tree I witnessed him knock down and his response was, “Yea, I might have gotten a little carried away.” Further investigation of the property revealed multiple trees that had been damaged, knocked down and/or mulched.

Relevant Ordinance Articles 11.10 & 11.18-2:

11.10 Activities Requiring a Land Disturbance Permit

11.10-1 Purpose. Except as otherwise exempted herein, it shall be unlawful to:

(A.) Remove, excessively prune, apply chemicals that are harmful to, or disturb any tree or the soil within the CRZ of any tree;

(B.) Clear vegetation from a site; or

(C.) Begin any excavation, remove soil, or place fill on a site within Stallings and its extraterritorial jurisdiction until the Development Administrator has issued a permit certifying that such activity complies with the applicable provisions of this Ordinance.

(D.) *Make any alterations to storm water control measures and/or storm water infrastructure until the Town Engineer has issued a permit certifying that such activity complies with the applicable provisions of the Town of Stallings Development Ordinance.*

11.18-2 Penalties.

(A.) *Tree Disturbance Prior to Permit Approval. The penalty for the removal of or damage to trees, prior to the issuance of a tree disturbance permit shall be a civil penalty of ten thousand (\$10,000) dollars per acre or prorated fraction thereof. (i.e., the civil penalty for a site of 0.35 acres that is cleared prior to approval or prior to the issuance of a tree disturbance permit is three thousand five hundred (\$3,500) dollars). Additionally, the Town of Stallings, under G.S. § 160D-921, may deny a building permit to any landowner who clears land in anticipation of development in violation of this section for up to three (3) years after completion of the timber harvest. If it is determined that the timber harvest was a “willful violation” of this Ordinance, then the Town of Stallings reserves the right to deny development approvals for a period of two (2) years following the timber harvest.*

The Town has determined that **3.37 acres** of land disturbance has occurred (See attached documentation). Per the above penalty guidelines, the amount owed is **Thirty Three Thousand Seven Hundred Dollars (33,700)**.

You may pay the amount due in person at the Town Hall office or mail your payment to:

***Town of Stallings
315 Stallings Road
Stallings, North Carolina 28104***

Payment must reach the Town Hall by a date no later than **September 30, 2024**. Please include a copy of this letter with your payment.

In addition to the civil penalties, the Town may take other appropriate actions or proceedings to prevent, correct, or abate the violation. This may include, but is not limited to, legal action to force you to comply with the ordinances.

Any owner or occupant who has received a Notice of Violation may appeal in writing the written decision of the Development Administrator to the Board of Adjustment. You may appeal this Citation to the Board of Adjustment within Thirty (30) days of the date of this notice.

Please remember that this is an official notice and should not be ignored. Your immediate attention to this matter is required. Failure to comply may result in significant fines and other legal action. If you have any questions, please get in touch with the Code Administrator at 704-821-0316.

Matt Dillard

Matt Dillard
Town of Stallings
Code Administrator
Mobile: 704-238-3323
mdillard@stallingsnc.org
www.stallingsnc.org

Eugene

Stallings Elementary School

VratGadhpurDham

1365

adybug Learning Academy

Sweet Birch Dr

rk Dr

North Fork Crooked Cree

A

B

C

D

E

F

G



3.37 Total Acres Disturbed.

A. .27 Acres



A. .21 Acres





B. 1.56 Acres

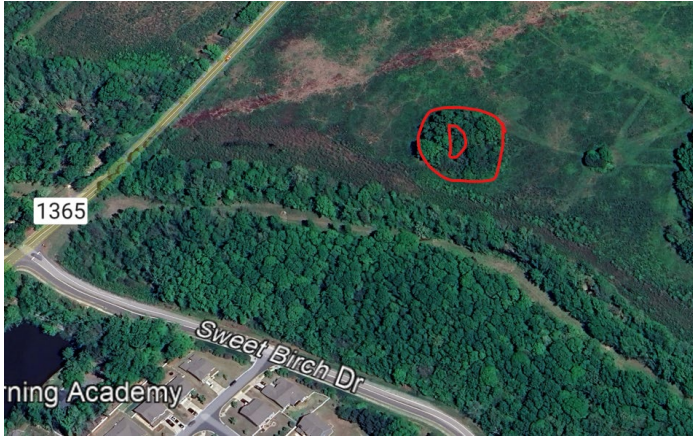








C. .85 Acres







D. .07 Acres



F. .19 Acres





E. .22 Acres









August 16, 2024

Max Hsiang, AICP, CZO
Planning/Zoning Director
Town of Stallings
Re: Stallings Farm

I visited Stallings Farm at the corner of Stallings Road and Stevens Mills Road on August 15, 2024. I found a large forestry mulcher had cleared the site and damaged several mature trees that would have been protected under the Town of Stallings ordinance.

Keith O'Herrin, Ph.D.
NCRF #1941
ISA-CA, TRAQ
Urban Forester
Union County, NC

Contact: Keith O'Herrin, Urban Forester – Keith.O'Herrin@UnionCountyNC.gov

Figure 1: A forestry mulcher mounted on a Barko tractor found on site.



Figure 2: Map of site for reference.



Figure 3: Mature oak and mature southern magnolia in area #1.



Figure 4: More mature oaks in area #1



Figure 5: Mature pecan in great health in area #1 that was damaged.



Figure 6: Damage from mulcher on base of mature pecan in area #1



Figure 7: Mature willow oak in area #2 destroyed by mulcher.



Figure 8: Mature willow oak in area #2 destroyed by mulcher.



Figure 9: Mature white oak and mature ash destroyed in area #2.



Figure 10: Overall picture of area #2



Figure 11: Area #3 trees damaged and destroyed.



Figure 12: Area #3 trees damaged and destroyed.



Figure 13: Mature hickories and oaks damaged by mulcher in area #4.



Figure 14: Mature oak and black cherry damaged by mulcher in area #4



Figure 15: Mature oak and black cherry damaged by mulcher in area #4



Figure 16: Stream crossing in area #5



Figure 17: General nature of the land after clearing activity.



Figure 18: General nature of the land after clearing activity.





MEMO

To: Stallings Town Council
From: Max Hsiang, Planning Director
Date: 10/28/2024
Re: Stallings & Charlotte Annexation Agreement

Background

On July 1, 2024, Ordinance No. 5356-X, which approved the annexation agreement between Charlotte and Stallings, expired.

Following the expiration, Charlotte reached out to Stallings to discuss the Stallings' interest in entering into a new annexation agreement.

Key Provisions of the Agreement

The previous agreement included a stipulation that neither Charlotte nor Stallings could annex land 3-miles north/south within the County of the other municipality.

Staff Recommendation

Staff recommends against entering into a new annexation agreement due to the limited amount of available land for annexation by either municipality. We believe that such an agreement is currently unnecessary since most of the land has been incorporated into a municipality around Stallings.

Decision

Does the Town Council wish to pursue another annexation agreement with Charlotte?

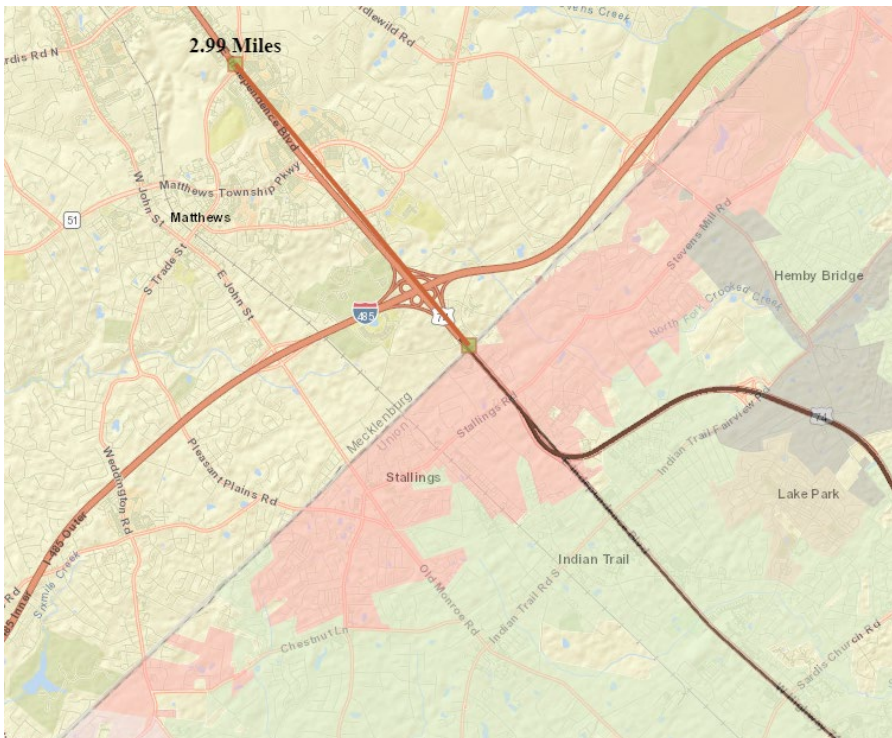


Figure 1: reference of what 3mi (2.99mi) looks like.

ORDINANCE NO. 5356-X

AN ORDINANCE APPROVING ANNEXATION AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE TOWN OF STALLINGS

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 4A, Part 6 of the North Carolina General Statutes have been met; and

WHEREAS, the City Council has taken into consideration the statement presented at the public hearing held on May 27, 2014 on the proposed Annexation Agreement; and

WHEREAS, the City Council has concluded and hereby declares that it is appropriate and desirable for the City of Charlotte to enter into the Agreement;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina that:

Section 1. The proposed Annexation Agreement between the City of Charlotte and the Town of Stallings is hereby approved and ratified and the Mayor of the City of Charlotte is directed to execute the Agreement on behalf of the City of Charlotte to become effective as provided therein.

Section 2. The approved Agreement is attached to this ordinance and is incorporated herein, and this ordinance and the Agreement shall be spread upon the minutes of this meeting.

Section 3. This approving ordinance shall take effect on July 1, 2014.

Adopted this 27th day of May, 2014.

CITY OF CHARLOTTE

By: *Amiel G. Chappell*
Mayor

ATTEST:

Stephanie C. Kelly
City Clerk

APPROVED AS TO FORM:

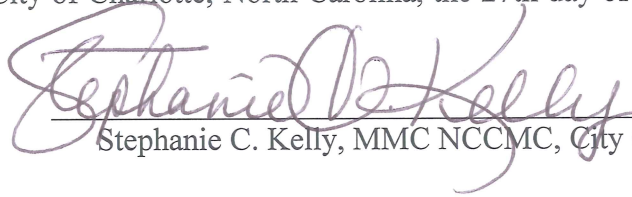
Justin R. Barrett
City Attorney



CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27th of May, 2014, the reference having been made in Minute Book 136, and recorded in full in Ordinance Book 58, Page(s)719-725a.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 27th day of May 2014.


Stephanie C. Kelly, MMC NCCMC, City Clerk



NORTH CAROLINA

MECKLENBURG AND UNION COUNTIES

ANNEXATION AGREEMENT

WHEREAS, the City of Charlotte (hereinafter "Charlotte") and the Town/ of Stallings (hereinafter "Stallings"), being duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to the participating municipalities and also to improve planning by public and private interests in such areas; and

WHEREAS, Part 6, Article 4A, Chapter 160A of the North Carolina General Statutes (hereinafter "Act") authorizes municipalities to enter into agreements designating areas which are not subject to annexation by the participating municipalities.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. This Agreement is executed pursuant to the authority of the Act.
2. This Agreement shall remain in effect for ten (10) years after its effective date.
3. a) Attached hereto and incorporated herein by reference is Exhibit A which describes a portion of Mecklenburg County. No portion of the area described in Exhibit A is subject to annexation by Stallings.
b) Attached hereto and incorporated herein by reference is Exhibit B which describes a portion of Union County. No portion of the area described in Exhibit B is subject to annexation by Charlotte.
4. The effective date of this Agreement is July 1, 2014.
5. a) At least sixty (60) days before the adoption of any annexation ordinance by a party, the party which is considering annexation shall give notice to the other affected party of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to: the boundaries of the area which the annexing party has agreed not to annex pursuant to this

Agreement; roads, streams, and any other prominent geographical features. Such notice shall not be effective for more than one hundred eighty (180) days.

b) Either party may waive, at its sole and absolute discretion, the notice requirements of Paragraph 5(a) above and the Act. Such waiver may be made by the party's governing body or by any official or employee of the party designated by resolution of the party's governing body; provided that, the Mayor of Charlotte is hereby duly authorized to waive said requirements on behalf of Charlotte; and provided further that, the Mayor for the Town of Stallings is hereby duly authorized to waive said requirements on behalf of Stallings.

c) Any waiver authorized by Paragraph 5(b) above must be in writing and bear the signature of the waiving party's Mayor or the official or employee of the waiving party authorized to execute the waiver. If signed by an official or employee designated by a resolution of the party's governing body, the waiver shall be effective without further approval of such party's governing body. Any waiver shall only apply to the annexation described in said waiver. All notices or waivers required by the terms of this Agreement shall be sufficient if directed to and received by the Mayor of the party to whom such notice or waiver is directed.

d) So long as Charlotte does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit B, Stallings waives the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Charlotte of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit B. Stallings may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Charlotte, whichever date is later.

e) So long as Stallings does not take any action by ordinance or resolution to annex any portion of the area described in Exhibit A, Charlotte waives the notice requirements of Paragraph 5(a). Under no circumstances may this Paragraph be construed to relieve Stallings of the obligation to give notice of any proposed annexation of any portion of the area described in Exhibit A. Charlotte may revoke the waiver described above by resolution of its governing body. Such waiver shall be effective on the date set forth in such resolution or ninety (90) days after a copy of such resolution is received by the Mayor of Stallings, whichever date is later.

6. From and after the effective date of this Agreement, neither party may consider in any manner the annexation of any area in violation of the Act or this Agreement. From and after the effective date of this Agreement, neither party may annex all or any portion of any area in violation of the Act or this Agreement.

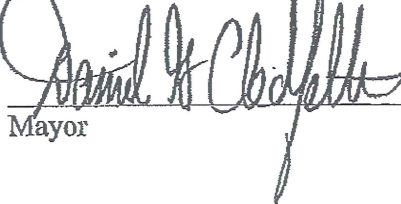
7. Nothing in the Act or this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.

8. Any party, which shall believe that a violation of the Act or this Agreement has occurred, shall have available to it all remedies and relief as authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.

9. The provisions of this Agreement may only be amended or terminated upon the written agreement of the parties, approved by the ordinance of their governing boards and executed by their respective Mayors and spread upon their respective minutes.

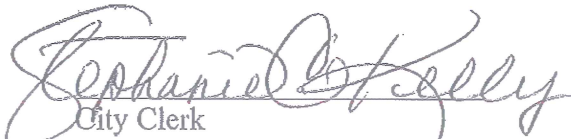
10. The parties acknowledge that development occurring along the Mecklenburg/Union County line ("County Line") has resulted in some developed lots and tracts being split by the County Line. The parties anticipate that additional development along the County Line may occur with similar results. The parties acknowledge the need from time to time to re-consider the appropriateness of using the County Line as the limit of their respective corporate boundaries under all circumstances. Notwithstanding the terms of this Agreement, it is understood and agreed that any of the parties may propose to amend this Agreement to permit one of the Union County parties to annex one or more lots and tracts in Mecklenburg County and to permit Charlotte to annex one or more lots and tracts in Union County under circumstances that the parties agree are appropriate. Each party acknowledges that the provisions of this paragraph are not enforceable, but that all remaining provisions of this Agreement are fully enforceable in accordance with their terms and applicable law.

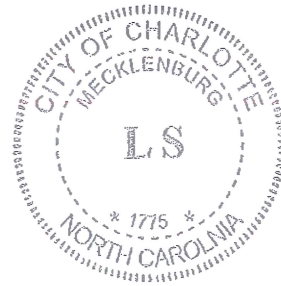
CITY OF CHARLOTTE




Mayor

ATTEST:



City Clerk



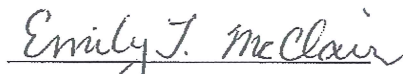
APPROVED AS TO FORM:


City Attorney

TOWN/VILLAGE OF STALLINGS


Mayor

ATTEST:

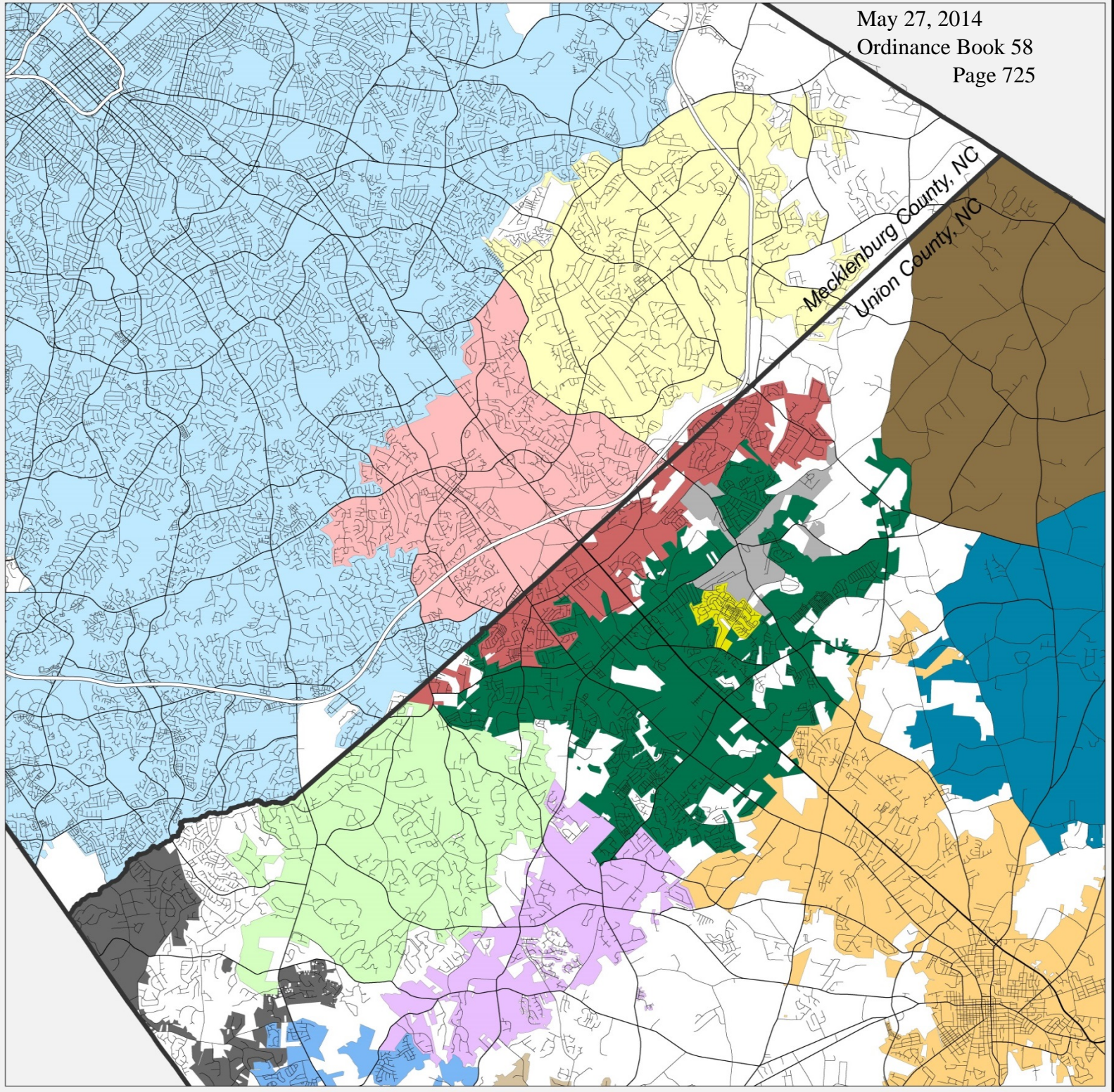

Town Clerk

APPROVED AS TO FORM:


Town Attorney

Mecklenburg County / Union County, NC Political Boundaries

May 27, 2014
Ordinance Book 58
Page 725
















- | | | |
|--|---|--|
|  Charlotte City Limits |  Marvin Town Limits |  Stallings Town Limits |
|  Fairview Town Limits |  Matthews Town Limits |  Unionville Town Limits |
|  Hemby Bridge Town Limits |  Mineral Springs Town Limits |  Waxhaw Town Limits |
|  Indian Trail Town Limits |  Mint Hill Town Limits |  Weddington Town Limits |
|  Lake Park Town Limits |  Monroe City Limits |  Wesley Chapel Town Limits |



EXHIBIT A

That certain three mile wide portion of Mecklenburg County which is contiguous with the Union County/Mecklenburg County Line (the "County Line"), and extending in a generally Northwesterly direction into Mecklenburg County for a distance of three miles. The Northeasterly boundary of said portion is formed by a line which begins at the point of intersection of the northerly right-of-way margin of Pleasant Plains Road and the County Line and extends in a Northwesterly direction that is perpendicular to the portion of the County Line immediately adjacent to said point of intersection. The Northwesterly boundary of said portion is formed by a line which is Northwest of, parallel to and 3 miles distant from the County Line. The Southwesterly boundary of said portion is formed by the North Carolina/South Carolina State Line. The Southeasterly boundary of said portion is formed by the County Line.

EXHIBIT B

That certain three mile wide portion of Union County which is contiguous with the Union County/Mecklenburg County Line (the "County Line"), and extending in a generally Southeasterly direction into Union County for a distance of three miles. The Northeasterly boundary of said portion is formed by a line which begins at the point of intersection of the northerly right-of-way margin of Pleasant Plains Road and the County Line and extends in a Southeasterly direction that is perpendicular to the portion of the County Line immediately adjacent to said point of intersection. The Southeasterly boundary of said portion is formed by a line which is Southeast of, parallel to and 3 miles distant from the County Line. The Southwesterly boundary of said portion is formed by the North Carolina/South Carolina State Line. The Northwesterly boundary of said portion is formed by the County Line.

2025

Event

Calendar



Fit 50 Kick Off
01.01.25



ShamROCKin' Concert
03.14.25



Easter Bunny Photos
04.09.25



The Spring Spectacle
04.26.25



Bash at the Splash
06.07.25



A Golden Day
06.24.25 - Stallings Turns 50



Super Sweet Splash
7.12.25



Sea Ya Summer
8.16.25



Stallings 50 Fest
09.12.25-09.14.25



Stalloween
10.25.25



Thank You Stallings
11.13.25



A Golden Christmas
12.06.25



MEMO

To: Mayor and Council
Via: Alex Sewell, Town Manger
From: Tori Crowe, Special Events Coordinator
Date: 10-23-24
RE: 1) Alcohol at 2025 Town Events
2) Council Booth at Town Events

1) Alcohol at 2025 Town Events

Per Town Ordinance § 130.02 **RESTRICTIONS ON CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES**, alcohol can not be served at Town events unless the Council specifically gives an exception.

(D) Exceptions to the provisions of this section can only be made by the Town Council on a case- by-case basis. Such exemptions shall apply to the annual barbeque event.

Staff is requesting Council make an exemption to §130.02(D) in order to allow breweries to the following two events in 2025:

- Shamrockin' Concert on Friday, March 14, 2025
- Stallings 50 Fest Kick Off Night on Friday, September 12, 2025

2) Council Booth at Town Events

As preparations for the 2025 event schedule, staff would like to gage Council's desire to man a Council booth at various events. In past years, Council preferred a Council booth at events as a place to engage the public directly. However, it has also been popular recently to have a less formal approach and engage the citizens while mingling throughout the park and enjoying the event.

Should Council choose to have a booth, please select the events Council would like to participate in, as well as any adjustments to how the booth is operated and manned for the entirety of the event.

Key events to consider include:

- Shamrockin' Concert - Friday March 14, 2025
- Stallings 50 Fest
 - o Friday - September 12, 2025 | Kickoff Concert
 - o Saturday - September 13, 2024 | Stallings Fest

REQUESTS:

- 1) **Alcohol at 2025 Town Events** - Approve an exception in order to allow for breweries at the 2025 Shamrockin' Concert and Stallings 50 Fest.
- 2) **Council Booth at Town Events** - Provide Staff with direction on a Council Booth at various 2025 Events.