



May 23, 2022
 Stallings Town Hall
 321 Stallings Government Center
 Stallings, NC 28104
 704-821-8557
www.stallingsnc.org

Town Council Agenda

	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.	Agenda Approval	Wyatt Dunn, Mayor	Approve agenda as written. <i>(ADD, IF APPLICABLE: with changes as described by Mayor Dunn)</i> Motion: I make the motion to: 1) Approve the Agenda as presented; or 2) Approve the Agenda with the following changes: _____
2.	7:17 p.m.	RZ22.03.01 A. General Rezoning of 409 Stallings Road from SFR-3 to MU-2 B. Statement of Consistency and Reasonableness (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Decision	Max Hsiang, Planning Director	Approve/Deny rezoning request
3.	7:30 p.m.	TX22.04.01 A. Amend the Stallings Development Ordinance to match 160D amendment to decriminalize violations except in certain instances. B. Statement of Consistency and Reasonableness (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Decision	Max Hsiang, Planning Director	Approve/Deny text amendment

4.	7:45 p.m.	Streetscape Design Direction <i>Recessed form 04-25-22</i>	Max Hsiang, Planning Director	Provide staff with direction
5.	8:00 p.m.	Code of Ordinances 32.10 Amendment <i>Planning Board Duties and Responsibilities Amendments</i>	Max Hsiang, Planning Director	Approve/Deny amendment
6.	8:05 p.m.	2022 Summer Concert Series Alcoholic Beverages Consideration	Eunice Swain, Special Events Coordinator	Approve/Deny request
7.	8:10 p.m.	Annexation 55 – Lawyers/Epcon3 <i>Resolution to Direct the Council to Investigate</i>	Erinn Nichols, Asst. Town Manager	Approve/Deny resolution
8.	8:15 p.m.	Greenway Request for Bids <i>Electronic Advertisement Option</i>	Erinn Nichols, Asst. Town Manager	Approve/Deny electronic advertisement
9.	8:20 p.m.	Adjournment	Wyatt Dunn, Mayor	Motion to adjourn



**PLANNING
& ZONING**
TOWN of STALLINGS

APPLICATION RZ22.03.01

Numan and Abeer Badran

SFR-3 to MU-2

Staff Report

Project Summary

Location

409 Stallings Road

Required Setbacks

Front: 30'
Side: 10'
Rear:30'

Ownership

Numan and Abeer Badran

Size/Project Size

0.533 Acres

Zoning

SFR-3

Traffic Generation

N/A

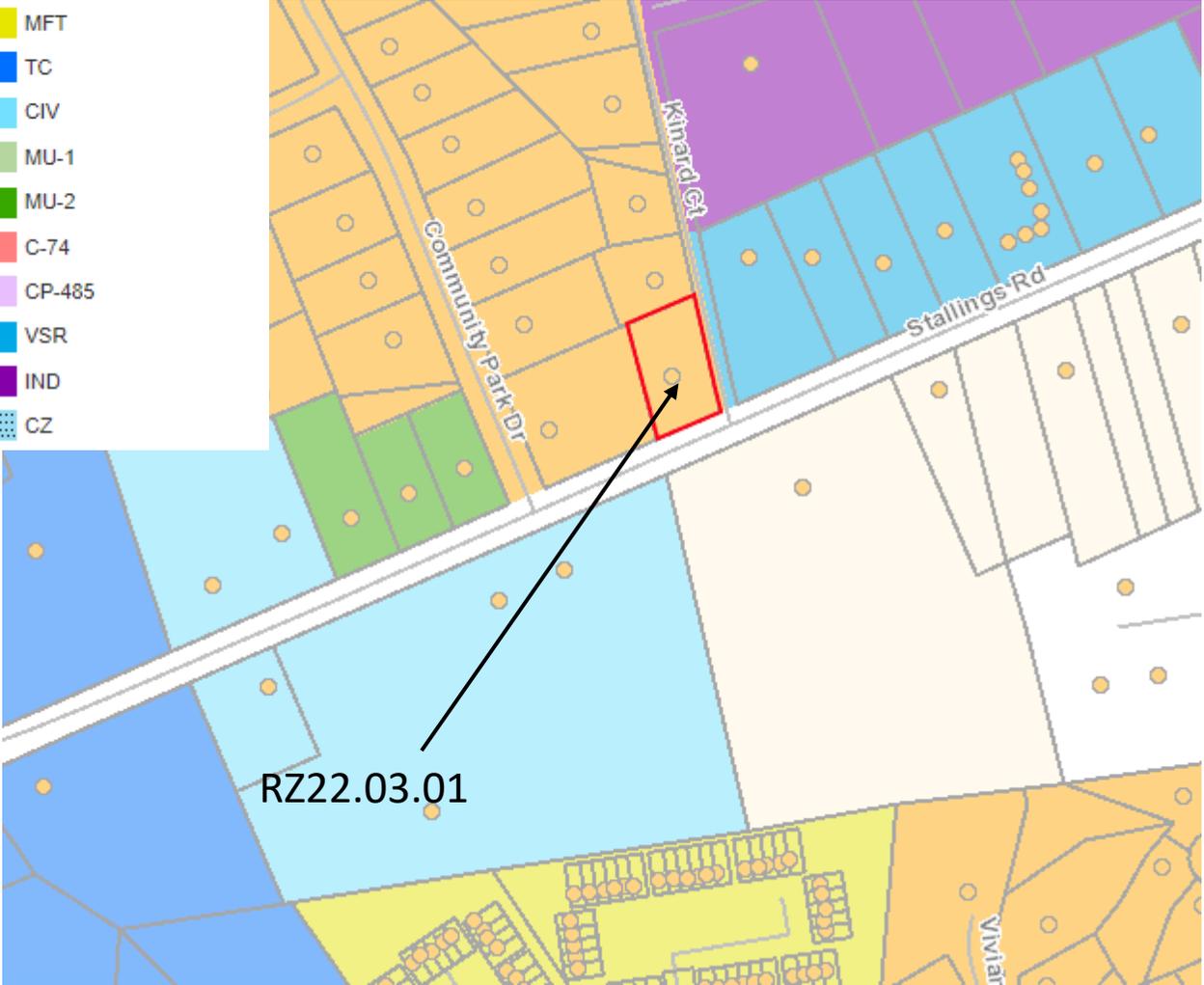
Existing Use

Single-Family Detached

Community Meeting

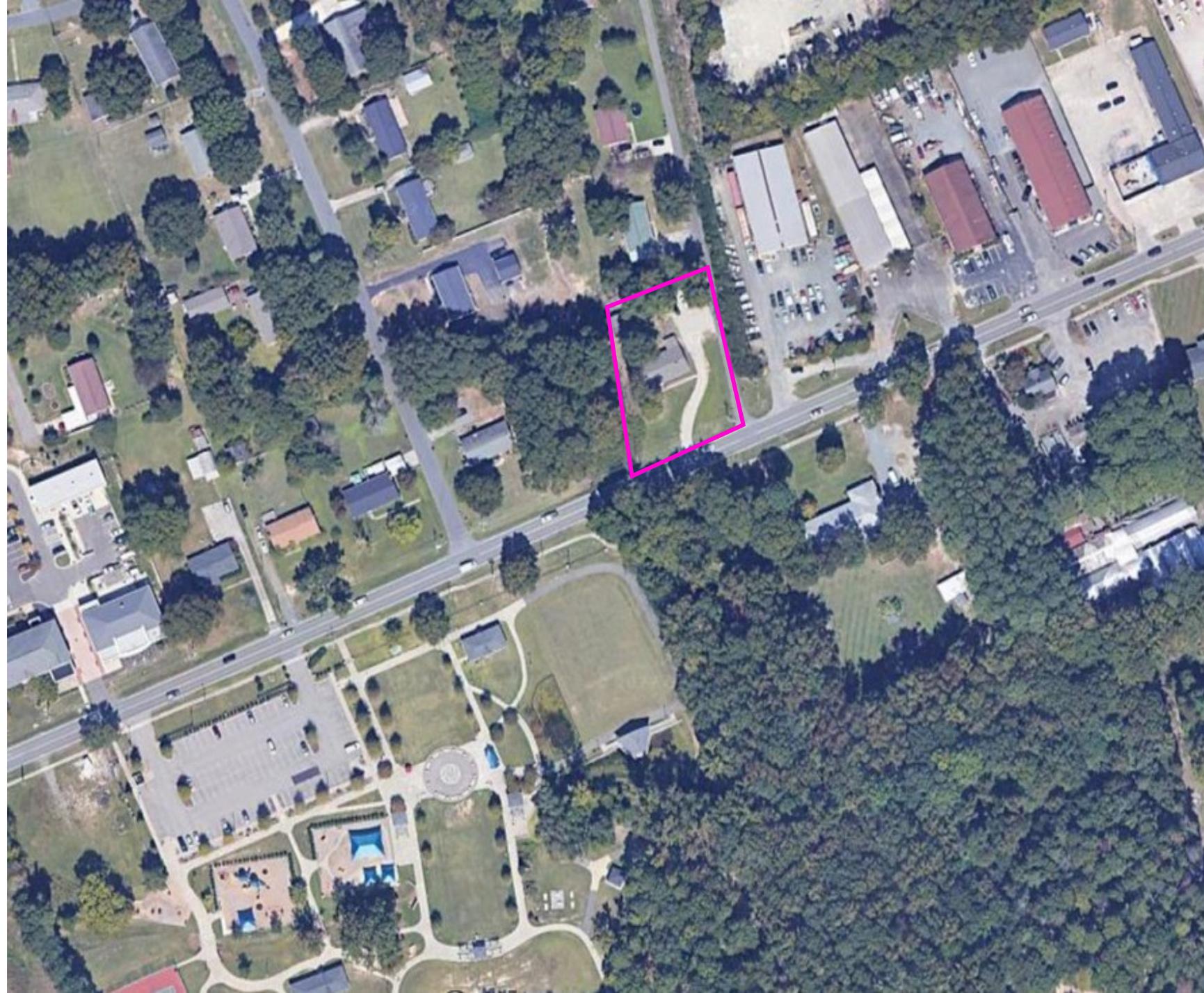
N/A

- Stallings Zoning
- AG
- SFR-1
- SFR-2
- SFR-3
- MFT
- TC
- CIV
- MU-1
- MU-2
- C-74
- CP-485
- VSR
- IND
- CZ



PROJECT SUMMARY

2021 Aerial



PROJECT SUMMARY

History:

The property has been zoned SFR-3 since the adoption of the 2018 Stallings Development Ordinance. Prior to 2018 the property was zoned R-10.

REQUEST

General Rezoning
SFR-3 to MU-2

TREES, VEGETATION, AND STORMWATER

Tree Save

1% of the lot area in the required planting yards
~200 square feet

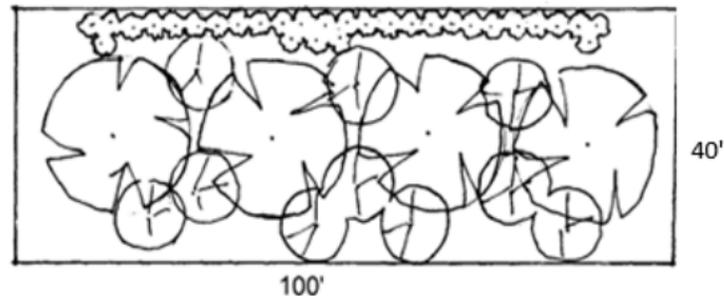
Stormwater Management and PCO

The property is less than one (1) acre, so the stormwater provisions do not apply.

Buffers

Applies per Section 11.3-2 (A.)

Type A required adjacent to SFR-3 zones



Open Space

No open space required because the property is less than 0.6 acres.

LAND USE PLAN AND ADOPTED POLICIES

Land Use Plan

The Land Use Plan shows the property as:

Single-Family Neighborhood (SFN)

Primary Land Uses:

Single-Family Detached Home

Secondary Land Uses:

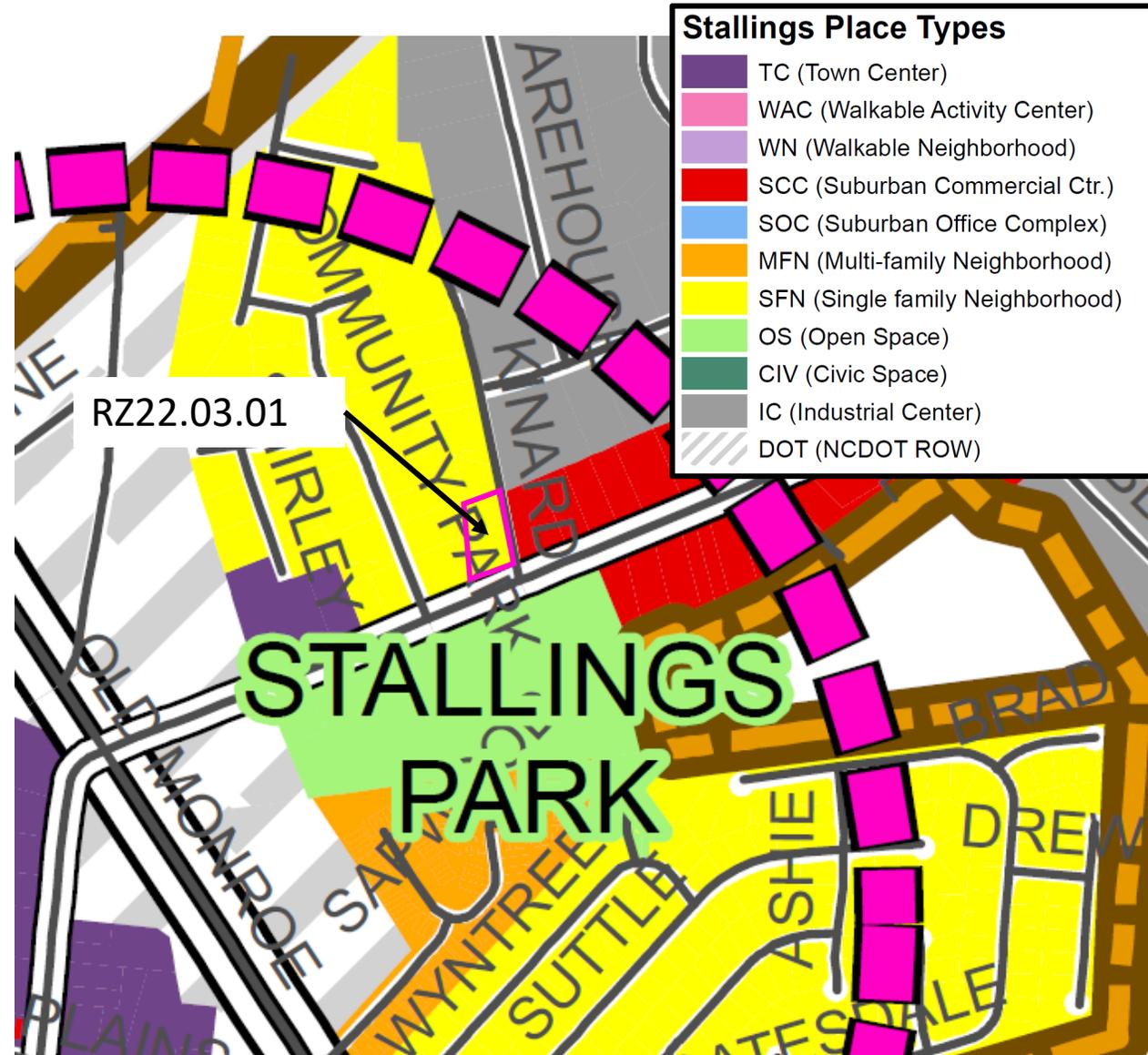
Community Park, Community Center/ Pool and Recreational Facilities, Natural Areas

Small Area Plan

Stallings Downtown

Consistency

MU-2 is inconsistent with the Single-Family Neighborhood place type



LAND USE PLAN AND ADOPTED POLICIES

Small Area Plan

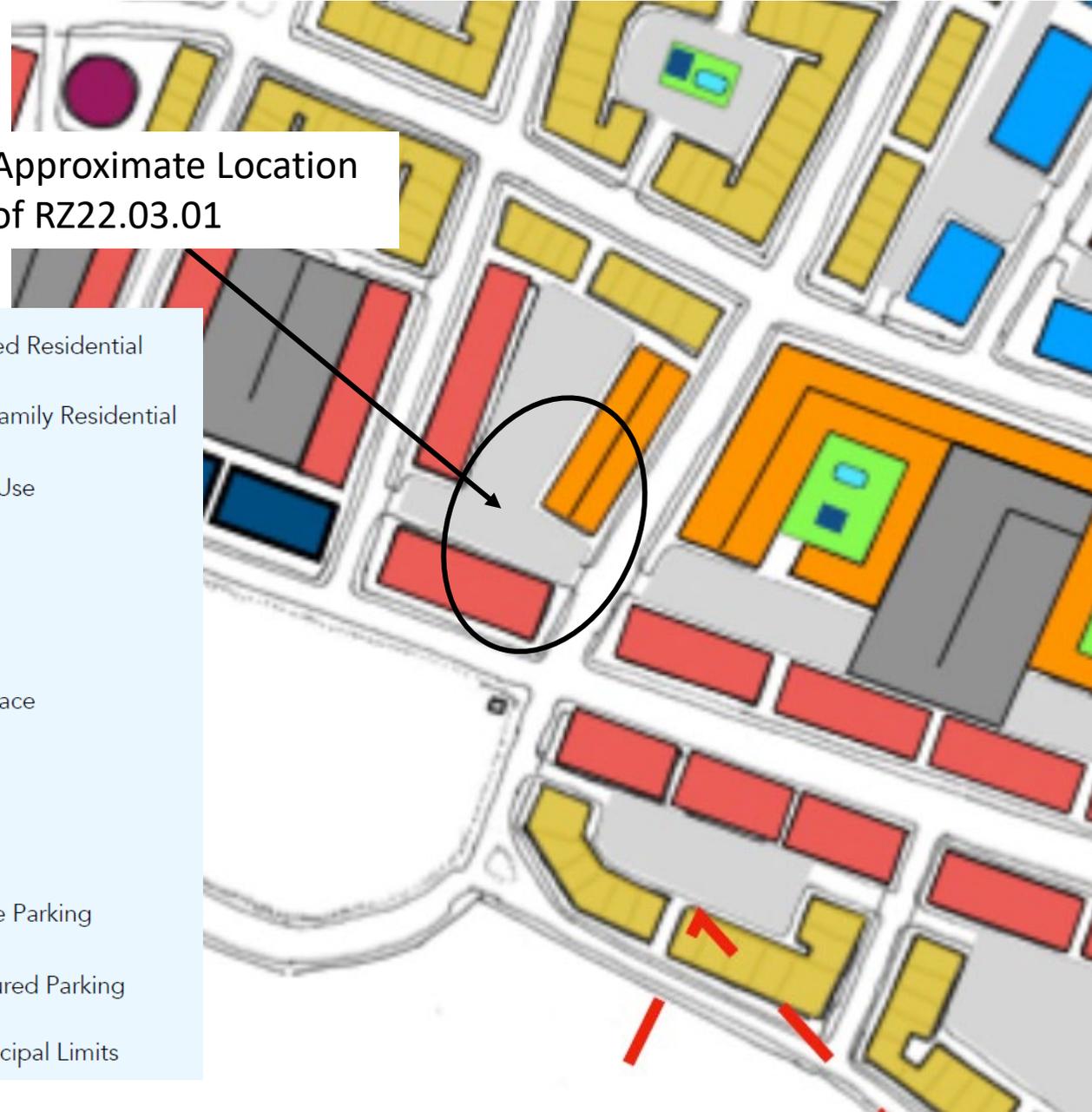
Stallings Downtown

Uses on lot:

Mixed Use & Multi-Family Residential

Consistency

MU-2 is consistent with the Stallings Downtown Small Area Plan.



Approximate Location
of RZ22.03.01

	Attached Residential
	Multi-Family Residential
	Mixed Use
	Retail
	Office
	Workplace
	Civic
	Utility
	Surface Parking
	Structured Parking
	Municipal Limits

Staff Recommendation

Staff recommends that a rezoning to Town Center (TC) instead of Mixed Use 2 (MU-2) be considered for this property.

General Rezoning cannot contain conditions, but governing boards can suggest a different zoning than the one requested, provided that the different zoning is less intense than the request zoning and the applicant agrees.

Both TC and MU-2 will allow the use that the applicants intend to use the property for. Both TC and MU-2 are inconsistent with the Comprehensive Land Use Plan but are consistent with the Small Area Plan. Staff recommends TC be considered because it better matches the Town's vision for the downtown core along Stallings Road. TC allows similar uses as MU-2 but allows slightly fewer commercial uses than MU-2.



MEMO

To: Town Council
From: Max Hsiang, Planning Director
Date: 05-23-2022
Re: TX22.04.01 - Criminal Penalties

The Governor and General Assembly of the State of North Carolina set into law Session Law 2021-138 on the 2nd day of September 2021, amending G.S. 160D to decriminalize violations except in certain instances.

Here is the text of the portion of the (29 pages) S.L. 2021 -138 that decriminalizes most municipal ordinances, with the key provisions highlighted:

PART XIII. DECRIMINALIZATION OF CERTAIN ORDINANCES

SECTION 13.(b) G.S. 160A-175 reads as rewritten:

"§ 160A-175. Enforcement of ordinances. ...

(b) Unless the Council shall otherwise provide, Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance is may be a misdemeanor or infraction as provided by G.S. 14-4. G.S. 14-4 only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) **No ordinance of the following types may impose a criminal penalty:**

(1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, or its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.

(3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc.

(4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.

(5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.

(6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.

(7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.

(8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.

(9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.

(10) Any ordinance regulating trees."

SECTION 13. (c) G.S. 14-4 reads as rewritten:

"§ 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in subsection (b), (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five

hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

(1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.

(2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance."

SECTION 13. (d) This section becomes effective December 1, 2021, and applies to offenses and violations committed on or after that date.

In summary:

The criminal violations in the SDO are all now civil; below are seven suggested ordinance amendment changes to reflect the new law.

Suggested Amendments:

Amendment 1: Article 5.2 is hereby amended by designating the existing text as subsection (A) and adding the following as a new subsection (B):

(B.) The following changes to this Ordinance are authorized and may be carried out by either the Town Clerk or the Planning, Zoning, & Subdivision Administrator or their designee, without processing a formal amendment:

1. Corrections to the Official Zoning Map to reflect updated information on property boundaries, street alignments, natural stream alignments, etc. shall not be considered amendments;
2. Edits to the text of this Ordinance and/or the Official Zoning Map to update a table of amendments, add information to the legend of the Official Zoning Map, correct typographical errors, add and/or correct geographical information, and/or insert notations representing amended text in an article, section, subsection, or provision.

Amendment 2: Article 16.1-7 is hereby amended to delete the following language from the Article, said language is the second sentence of the enumerated paragraph:

16.1-7 Violations.

Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance. ~~In addition to being subject to the provisions for enforcement in Article 23 of the Ordinance, any person who, being the owner or agent of the owner of any land located within the Town's jurisdiction, subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat~~

~~showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate Register of Deeds, shall be guilty of a Class 1 misdemeanor.~~ The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance. Building permits required pursuant to G.S. §§ 160D-1110; 1108; -807 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct per G.S. § 160D-807.

Amendment 3: Article 18.3(Section H) is hereby amended to read as follows:

~~Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500) dollars or imprisoned for not more than thirty (30) days, or both as per Article 23 of this Ordinance. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Stallings from taking such other lawful action as is necessary to prevent or remedy any violation.~~

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this Ordinance. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Stallings from taking such other lawful action as is necessary to prevent or remedy any violation.

Amendment 4: Article 18.4(Section C)(16) is hereby amended by rewriting the last sentence as follows:

Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. ~~Violation of a stop-work order constitutes a misdemeanor.~~ Violation of a stop-work order constitutes a violation of this Ordinance.

Amendment 5: Article 18.4(Section D)(5) is hereby amended to read as follows:

Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a ~~misdemeanor and shall be punished at the discretion of the court~~ violation of this Ordinance.

Amendment 6: Article 19.34-3 is repealed in its entirety.

~~Criminal Penalties. Violation of this ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.~~

Amendment 7: Article 23.6-5, Stop Work Orders, is hereby amended to add the following sentence at the end of the present section:

Stop Work Orders. Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Development Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S. § 160D - 404 (b); or the NC Building Code. **Violation of a stop-work order regarding any building deemed unsafe shall constitute a Class 1 misdemeanor.**



MEMO

To: Town Council
From: Max Hsiang, Planning Director
Date: 05-23-2022
Re: Code of Ordinances 32.10 Amendment

An ordinance to amend and update the duties and responsibilities of the Planning Board was brought before the Town Council on February 28, 2022.

The Town Council directed Planning Board to review and comment on the Code of Ordinance 32.10 Amendment before Council consideration.

Section 1. §32.10(A) is rewritten to read:

§ 32.10 BOARDS ~~REQUIRED~~ ~~DEFINED~~ BY STATUTE.

(A) *Planning Board.*

- (1) *Membership.* Seven members and two alternate members.
- (2) *Membership term.* Three years; no term limit.
- (3) *Officers.* The members of the Planning Board shall elect a Chairman and Vice-Chairman during the Board's first regular meeting of a new calendar year or at the next regular meeting following the vacancy of the Chairman or Vice-Chairman.
- (4) *Purpose/objective.* In accordance with state law, the Planning Board ~~shall~~ **may, at the request of the Town Council:**
 - ~~(a) Make studies of the area within its jurisdiction and surrounding areas;~~
 - ~~(b) Determine objectives to be sought in the development of the study area;~~
 - ~~(c) Prepare and adopt plans for achieving these objectives;~~
 - (a) Prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;
 - (b) Facilitate and coordinate citizen engagement and participation in the planning process;
 - (c) ~~(d)~~ Develop and recommend policies, ordinances, **development regulations**, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

- (d) ~~(e)~~ Advise the Council concerning the ~~use and amendment of means for carrying out implementation of~~ plans, including but limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604;
- (e) ~~(f)~~ Exercise any functions in the administration and enforcement of various means for carrying out plans that the Council may direct;
- (f) ~~(g)~~ Perform any other related duties that the Council may direct.

Section 2. The provisions of §32.10(A) shall control over any inconsistent provisions contained in the Stallings Development Ordinance.

Section 3. This Ordinance is effective upon adoption.



MEMO

To: Stallings Town Council
From: Eunice McSwain, Stallings Parks & Recreation - Event Coordinator
Via: Alex Sewell, Town Manager
Date: May 12th, 2022
RE: **Special Event Request: Exception to allow alcohol sales at 2022 Summer Concert Series**

Background/Issue:

The Parks & Recreation Department would like to contract with craft-beer and wine providers to sell alcohol at our Concert Series this Summer.

Town Ordinance 130.02 prohibits the consumption and possession of alcoholic beverages at Town sponsored special events but allows for exceptions to be made by the Town Council on a case-by-case basis. Specifically, the ordinance states "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."

Proposal/Solution:

We are requesting an exception be made to Town Ordinance 130.02 by the Town Council for the Annual Concert Series.

The Department will consult with the Town's liability insurance provider to ensure proper coverage is attained, contract with reputable providers to manage sales, and provide controls (Officers on-site, Beer Garden Barriers, appropriate signage) to ensure a safe environment is maintained.

Requested Actions:

- 1) Approve the exception to Town Ordinance 130.02 to allow alcohol sales at the 2022 Summer Concert Series.



Resolution Directing the Clerk to Investigate a Petition Received under N.C.G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition (Parcel Nos.: 07033003, 07033004, and 07033005) on Lawyers Road was received on May 5, 2022 by the Town of Stallings; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Stallings deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Stallings that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

Approved this the 23th day of May, 2022.

Wyatt Dunn, Mayor

Attest:

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC



MEMO

To: Mayor and Council
From: Erinn Nichols, Asst. Town Manager
Via: Alex Sewell, Town Manager
Date: 05-17-2022
RE: **Advertisement of Greenway Request for Proposals**

As you are aware, the Town is requesting proposals for the construction of the Stallings Greenway adjacent to Blair Mill Park on Stevens Mill Road. In addition to the Town's Bid Policy, the Town must also adhere to the NC Statutes requirements for advertising such a project.

NCGS 143-129(b) allows for the Town to advertise such a project electronically as long as the governing board approves.¹ For several reasons, staff is requesting the Town be allowed to advertise this project electronically:

- Newspaper ads may not reach the intended audience.
- Saves on the cost of a lengthy a print ad in a newspaper
- Advertisement for the project will be:
 - On the Town's website
 - Sent to the Town's sunshine list
 - Advertised on the Town's social media
 - On the NC State's Bidding site
 - Sent to qualified contractors
 - Construct Connect

¹NCGS 143-129(b): Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board.