

**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 October 14, 2019, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

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

Staff present were: Alex Sewell, Town Manager; Mary McCall, Assistant Town Clerk; Chief Minor Plyler; Lynne Hair, Town Planner; Karen Williams, Human Resources Director; Chris Easterly, Town Engineer; Marsha Gross, Finance Officer; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

Philips Hayes, 3440 Toringdon Way, was the applicant for CZ19.08.01 on the agenda that evening and requested the item be deferred until the next meeting.

Margaret Henderson, 137 Dunraven Court, believed that the humans should pay more attention to mother nature's laws and the eco system. She stated that the land use plan was terrible and due to it, the Town was losing all its barren land. Ms. Henderson stated there were models of land use that included clean water and forest. She would like to see Stallings plan like Switzerland. Ms. Henderson said no one was in favor of knocking down trees to build.

Elena Aquino, 1009 Desborough Drive, had no negative comments about the proposed Epcon Community. She was saddened to see that tree retention had decreased from 10% to 6% in the land use plan. Ms. Aquino would like to understand the required buffer requirements and if the existing pond on the property would be filled. She wanted to understand how the development had all necessary floodplain permits. Ms. Aquino was concern about potential flooding since there was already flooding on the empty property and did not understand how some of the homes were being permitted to be built in the floodplain.

Patricia Pflug, 1011 Desborough Drive, was one of the neighbors to the back of the Epcon Community near the flooding line. She said the floodplain was wetlands when it rained, and the new homes would be sitting in wetlands. Ms. Pflug was concerned it would increase flooding to her lots and wanted to see the buffer requirements. She wanted to know what the builder was going to do to protect Brookhaven. Ms. Pflug was also concerned about traffic on Chestnut Lane. She stated that the Council's decision directly affected residents.

1. Approval of Consent Agenda Items

A. Minutes of the following meetings:

- (1) 08-26-19 – closed
- (2) 09-09-19
- (3) 09-09-19 - closed

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

2. Reports

A. Report from the Mayor

Mayor Dunn had no report.

B. Reports from Council Members/Town Committees

Council Member Steele was excited about Stallings Fest that weekend from 1 – 9 p.m. on Saturday. She invited all to attend.

Council Member Scholl reported that he, Council Member Paxton, Town Manager Sewell, and Union County Commission Frank Helms went on a CATS tour from University Area to the South End. He was impressed that CATS had improved all the areas it touched.

Council Member Martin invited citizens to reach out to him if they had questions or comments about Brookhaven and flooding.

Council Member Paxton stated that NCDOT reported that Union County had more projects (74 funded projects) and funding than any other area in the Division. She stated that it may be time to relook at the Town's transportation plan. Ms. Paxton also reported that 2.8 million transactions were recorded on the Bypass in May and most of the cars were getting billed by mail. She then reported that CRTPO staff was the smallest in the state and Ms. Paxton would be serving on the subcommittee for CRTPO about staffing.

C. Report from Town Manager/Town Departments

Town Manager Sewell reported on the following:

- Stallings Fest was the following Saturday. He gave kudos to the Parks and Recreation and Public Works Staff for all their work for that event.
- QUAD – The Stallings citizen member was vacant for that board.
- Special meeting on October 24 regarding the Development Agreement Process.

3. Agenda Approval

Council Member Birt requested adding *Rezoning Ordinance* as 11.A. Council Member Birt made the motion to approve the Agenda with the above addition. The motion was passed unanimously after a second from Council Member Steele.

4. District 6 Candidate Appointment

Council Member Paxton nominated Brad Richardson to the District 6 Seat. The nomination was unanimously accepted.

5. Annexation 53 – Chestnut Lane

Mayor Dunn opened the public hearing for Annexation 53 – Chestnut Lane. The hearing was recessed until October 28, 2019.

6. CZ19.08.01

Mayor Dunn opened the public hearing for CZ19.08.01. The hearing was recessed until October 28, 2019.

7. Text Amendment Regarding Development Agreements and Acreage Requirements

Town Planner Lynne Hair explained the Council had requested staff bring back to Council text amendments to the Development Agreements (DA) regarding acreage. The current ordinance required a DA for any project in the MU1 or MU2 districts. There had been discussion about applying a 25-acre limit to trigger a Development Agreement.

Council held consensus to discuss the item further at the October 24 special meeting.

8. Ordinance Amending Code of Ordinances

Town Manager Sewell explained that this amended to Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life, Paragraph (E) allowed for golf course to run turf fans as needed without hour constraints.

Council Member Scholl made the motion to approve the *Ordinance Amendment to Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life, Paragraph (E) – Golf Course Turf Fans*. The motion received Council's unanimous support after a second from Council Member Birt. The *Ordinance Amendment to Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life, Paragraph (E) – Golf Course Turf Fans* is attached to these minutes and therefore incorporated herein.

9. Hwy. 74/Stallings Road Landscaping/Irrigation

Town Engineer Easterly explained NCDOT Aesthetic Engineering Unit was implementing landscaping and irrigation infrastructure along the US 74/Stallings Road corridor. NCDOT would install and maintain the area for a one year. After one year, the Town would assume responsibility for the maintenance. Staff recommended \$26,000/year be allocated for maintenance, water usage, and potential repairs. Council would consider the cost at budget time.

10. Fall 2019 Road Surfacing Contract

Town Engineer Easterly explained that the Town had advertised for the Fall 2019 Road Resurfacing Contract. The project involved 12 roads in Stallings. Five companies submitted bids with the lowest responsible bidder being Red Clay Industries. Staff recommended going into contract with Red Clay Industries at a cost of \$356,767.69.

Council Member Steele made the motion to authorize the Town Manager to execute the 2019 road resurfacing contract with Red Clay Industries for the amount of \$356,767.69. The motion received Council's unanimous support after a second from Council Member Scholl. The bid tabulation for the 2019 Fall Resurfacing Contract is attached to these minutes and therefore incorporated herein.

11. Annexation 54 – Boyd Funderburk Drive

Mayor Dunn explained this was the first step in the annexation process for Annexation 54 – Boyd Funderburk Drive. Council Member Steele made the motion to approve the Resolution to Investigate – Annexation 54 – Boyd Funderburk Drive. Council Member Scholl seconded the motion to which the Council unanimously approved.

The Resolution to Investigate – Annexation 54 – Boyd Funderburk Drive is attached to these minutes and therefore incorporated herein.

12. Closed Session Pursuant to NCGS 143-318.11(a)(3) and (4)

Council Member Martin made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3) and (4) inviting Brad Richardson, District 6 nominee, and Chris Plate, Union County Economic Development, into the session. The motion was passed unanimously after a second from Council Member Birt.

Before going into closed session, Council paused briefly in order to swear in Brad Richardson, District 6 nominee, into the District 6 Seat. Deputy Town Clerk Mary McCall swore in Mr. Richardson. Council Member Richardson's Oath of Office is attached to these minutes and therefore incorporated

herein. Council then went into closed session at approximately 7:57 p.m. and reconvened back into open session at approximately 8:30 p.m.

13. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Paxton, and the motion received unanimous support. The meeting was adjourned at approximately 8:30 p.m.

Approved on November 12, 2019.

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