

**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 9, 2019, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

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

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/Town Clerk; Chief Minor Plyler; Lynne Hair, Town Planner; Ashley Platts, Director of Parks and Recreation; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Special Recognition

Deborah Romanow, Council Member

Mayor Dunn presented Mrs. Romanow a proclamation honoring her service to the Town of Stallings as well as a small gift for her service. The Proclamation Honoring the Service of Council Member Deborah Romanow is attached to these minutes and therefore incorporated herein.

Public Comments

Boyd Everling, 6803 Stevens Mills Road, 2209 Shemar Circle, general manager of the Divine Golf Club, was present to appeal the noise ordinance violation received from the Town restricting mowers and equipment until after 7 a.m. at the facility. Mr. Everling explained the course was in operations prior to being annexed into the Town of Stallings. The maintenance and operations of the course prior to 7 a.m. was essential to course's financial health and profitability. The maintenance and operations had not changed in 25 years and it had never received a violation. Loss of revenue would also have a negative impact to the homes on the course. Mr. Everling provided a letter to the Council stating the course's position. This letter is attached to these minutes and therefore incorporated herein.

Bob Ragon, 5000 Cinnamon Drive, stated that he wanted to speak on history and cited Mark Twain about lies and statistics. Mr. Ragon discussed the comprehensive land use where it stated that single family detached homes served 35% of the population profile. Mr. Ragon disagreed with that statistic stating that everyone he knew disagreed with that statistic based on a survey he conducted. Therefore, he stated that was not a true statement in the comprehensive land use plan. Mr. Ragon did not understand why the Town would allow garden apartments or any apartments near single family homes. Mr. Ragon cited the

meeting he had on June 20 with Town Manager Alex Sewell where Mr. Sewell told him that the corner parcel had been illegally rezoned, and the zoning had been rolled back. However, there was no documentation on that parcel and that the zoning on that parcel had not been rolled back. Mr. Ragon wanted to know if that was another lie or a mistake. He stated that the Council needed to make sure that it had all the facts and that it wasn't lying to people.

1. Approval of Consent Agenda Items

Council voted on each item on the Consent Agenda individually.

A. Minutes from the following meetings:

(1) 08-12-19

Council Member Paxton made the motion to approve the Minutes from 08-12-19 to which Council Member Steele seconded. The motion received Council's unanimous support.

B. Constitution Week Proclamation

Mayor Dunn read the Constitution Week Proclamation into the record. Council Member Scholl made the motion to adopt the Constitution Week Proclamation which was seconded by Council Member Martin and passed unanimously by Council. The Constitution Week Proclamation is attached to these minutes and therefore incorporated herein.

C. Domestic Violence Awareness Month Proclamation

Council Member Scholl made the motion to adopt the Domestic Violence Awareness Month Proclamation. The motion received Council's unanimous support after a second from Council Member Paxton. The Domestic Violence Awareness Month Proclamation is attached to these minutes and therefore incorporated herein.

D. TX19.07.01: Statement of Reasonableness and Consistency

Council Member Scholl made the motion to approve TX19.07.01: Statement of Reasonableness and Consistency with changing the date in the last paragraph from September 9, 2019 to August 26, 2019. The motion received Council's unanimous support after a second from Council Member Steele. The TX19.07.01: Statement of Reasonableness and Consistency is attached to these minutes and therefore incorporated herein.

E. Ordinance Amending Chapter 93.01 – Abatement of Unsanitary and Unsafe Conditions

Council Member Birt made the motion to adopt the Ordinance Amending Chapter 93.01 – Abatement of Unsanitary and Unsafe Conditions. Council Member Martin seconded the motion which

received Council's unanimous support. The Ordinance Amending Chapter 93.01 – Abatement of Unsanitary and Unsafe Conditions is attached to these minutes and therefore incorporated herein.

F. Order of Collection and Settlement Report, Union County

Council Member Steele made the motion to accept the Order of Collection and Settlement Report from Union County. The motion was passed unanimously after a second from Council Member Birt. The Order of Collection and Settlement Report, Union County is attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

Mayor Dunn reported that Senator Tucker stated that the Hotel Tax Bill was stuck in committee. He also stated that he heard that Vice President Pence was at the Rock Store.

B. Reports from Council Members/Town Committees

Council Member Paxton reported on the following:

- At CRTPO - Repeal of MAP Act – allowed NCDOT to reserve right-of-way of future road projects. The MAP Act was repealed 2016. Therefore, project funding would be impacted and there would be delay in all projects due to the fact that repayment of right-of-way was required due to the MAP Act repeal.
- Council Member Paxton, Town Manager Sewell, Town Planner Hair and Transportation Advisory Committee Member Helena Connors met at Light Rail Line for an educational tour. The stations were impressive, and Ms. Paxton would like to have another tour with the entire Council and County Commissioners.
- Scott Cole had retired as Division 10 Engineer from NCDOT.
- She attended the Union County Planning Retreat and thanked the commissioners for doing that session. The County was interested in controlling growth and redirecting growth to other areas that had not seen growth. Commissioners would like to get water and sewer to eastern part of the county. There was discussion on fire service and possible bond for road improvements. Commissioners would like to have municipalities “pay to play” in regard to the economic development arm. The County planned to control growth through water and sewer access throughout the County.

Council Member Martin stated he was pleased with the law enforcement and communication response to the traffic crisis at Lawyers Road the previous week. He also stated that that issue brought light to the fact that there was need for proper planning for new subdivisions in regard to traffic and connectivity.

Council Member Scholl stated he had attended the CCOG meeting where it discussed and updated its vision and mission. He also commended Town staff on the presentation at the County planning retreat.

Council Member Steele stated she had attended the Union County Planning Retreat and thought the Stallings Staff presented very well and confirmed that Stallings standards were very high. She also thanked the County Manager for hosting that event.

Council Member Birt inquired when the Potters Road repaving would be completed. He found that Oct. 15 was the date in the contract.

C. Report from Town Manager/Town Departments

Town Manager Sewell thanked the Council for the comments on the County presentation stating that Town Planner Hair did a great job at the conference. He also commended Parks and Recreation Staff for the concert the previous weekend in Stallings Park. Mr. Sewell then reminded all about the Police Department Annual Car Show on Sept. 14 and requested Council be conscious of speaking into the microphones so that the video audio was as clear as possible until the updated equipment could be used in the new building.

3. Agenda Approval

Council Member Scholl and Birt requested adding Agenda Item 14.A. as *Golf Courses/Divide Golf Course Request*. Council Member Paxton requested removing Agenda Item 13, *Townhome Lot Size and Alleys (Paxton)*. The Mayor requested also adding two statutes to go into closed session with Agenda Item 15 pursuant to *NCGS 143-318.11(a)(4) and (6)*.

Council Member Birt made the motion to approve the Agenda with the above noted changes. The motion was passed unanimously by Council after a second from Council Members Steele.

4. TX19.08.01

Town Planner Hair explain this item was a text amendment request to Development Ordinance article 8.4-6 (F)(2) to clarify the minimum lot size requirement of 6,000 square feet applied to single family detached housing type. The presentation by Ms. Hair is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval of this amendment.

Mayor Dunn opened the public hearing. There was no one present to give public comment on the issue. Council discussed the topic and requested the table be made clearer and visual examples of the setbacks be provided in the language.

Council held consensus to the recess the public hearing until September 23, 2019.

5. TX19.08.02

Mayor Dunn opened the public hearing. Town Planner Hair explained that this text amendment request to Development Ordinance Article 5.4 amended the application procedures for conditional zoning request. The presentation by Ms. Hair is attached to these minutes and therefore incorporated herein.

Council discussed the text amendment and held consensus to give notice to all property owners within 500 ft. of the parcel being rezoned. Council chose to recess the hearing for TX19.08.02 until September 23, 2019.

6. Text Amendment Consideration, Section 9.8-2.b.2

Town Planner Hair explained that the applicant requested more time and asked to table this item until the next meeting on September 23, 2019. Council held consensus to table this item until September 23, 2019.

7. Council Member Vacancy (Scholl)

Council Member Scholl explained that he would like to suspend Rule 31 which required advertisement in the newspaper for a vacant Council seat.

Council Member Scholl made the motion to advertise the vacancy beginning September 10, 2019 on social media and website with letters of interest due on Monday, September 16, 2019. The applicants would speak to the Council at the September 23 Council Meeting. Council Member Birt seconded the motion. The motion failed 0-5 with all Council Members opposing.

Council Member Scholl made the motion to advertise the vacancy beginning September 10, 2019 on social media and website with letters of interest due by the close of business on Tuesday, September 17, 2019. The applicants would speak to the Council at the September 23 Council Meeting. Council Member Steele seconded the motion. The motion passed 4 to 1 with Council Member Paxton opposing.

8. Development Agreement Process Draft Text Amendments

Town Planner Hair reminded the Council that at its August 12 meeting, it has asked staff to put together draft language amending the Development Agreement Process and multifamily housing. The

first issue was the size of property to which a Development Agreement would apply. The current process applied to any property in MU1, MU2, or any project where new streets were being created. Council had initially requested that process be amended to only include those projects in those areas which were 25 acres or more in size (Article 17.15-1 and Article 8.4-6). Council requested that language prohibiting subdividing be added to the acreage requirement.

On the second issue, multifamily housing, Council had requested staff draft language which would provide Council an avenue to weigh in on allowing multifamily as a use by right or requiring multifamily projects to be approved through the conditional zoning process. Ms. Hair presented two options:

1. Add multifamily as conditional zoning in TNDO, TC, CIV, MU-1, and MU-2.
2. Allow standalone multifamily projects when approved through the conditional zoning process; in conjunction with, allowing multifamily as a use by right in the MU-1, MU-2 and TC districts when accompanied by 25% of commercial square feet OR commercial on the first floor of all buildings fronting a main street.

Council held consensus to send Option 1 to the Planning Board as a change for a short term solution and continue to evaluate Option 2 for long term changes.

Council then discussed mail notifications requirements for public hearing notification procedures and requested that all property owners within 500' of the subject parcel or rezoning for a conditional zoning should be notified, not just the abutting property owners (Articles 5.3-3(B)(2)(a); 7.8-8; 7.14-2; and 10.1-14). Council would also like the notices to be given at least 10 days prior to the application being considered.

These potential changes to the Development Agreement process would be taken to the Planning Board on September 17, 2019, coming back to Council on September 23, 2019.

Council took a brief recess at 8:54 p.m. and reconvened in open session at 9:03 p.m.

9. Resolution Opposing High Density Housing by Union County on Municipal Borders (Dunn)

Council discussed the resolution as presented by Wesley Chapel. Council took no action on this item at that time.

10. Annexation 53 – Chestnut Lane

A. Certificate of Sufficiency

Town Clerk Nichols presented the Council with the Certificate of Sufficiency for Annexation 53 – Chestnut Lane. The Certificate of Sufficiency for Annexation 53 – Chestnut Lane is attached to the minutes and therefore incorporated herein.

B. Resolution Setting the Public Hearing Date

Council Member Scholl made the motion to approve the Resolution Setting the Public Hearing Date for Annexation 53 – Chestnut Lane. The motion was passed unanimously after a second from Council Member Martin. The Resolution Setting the Public Hearing Date for Annexation 53 – Chestnut Lane is attached to these minutes and therefore incorporated herein.

11. Town Christmas Lights – Addition Lighting Options

Parks and Recreation Director Ashley Platts thanked the Council for their support with the Summer Concert Series. She then presented a Christmas lighting plan for Stallings Municipal Park and the possibility of expanding the Christmas in the Park event.

Council Member Scholl made the motion to approve the Christmas lighting contract for \$22,703.80 plus tax as presented. The motion was passed unanimously by Council after a second from Council Member Birt.

The Council held consensus to have Ms. Platts bring back any additional decorations for the park to the Council during budget discussions.

12. Idlewild One-Way Paired Concept (Paxton)

Council Member Paxton updated the Council on this topic stating the cost for the project would 100% be on NCDOT. NCDOT's Sean Epperson informed Council Member Paxton that NCDOT had an in-depth study of the project, would be reviewing in the next few weeks, and bringing back cost comparisons to the Town for this design and other concepts.

13. Townhome Lot Size and Alleys (Paxton)

This item was removed during Agenda Approval.

14. Waste Connections Contract Amendment

Assistant Town Manager Nichols explained that after several months of negotiations regarding additional recycling costs, agreeable terms to both parties had been met. She asked that Council consider the Waste Connections Contract Amendment which included:

1. Section 13.00 Basis and Method of Payment
13.2 Modification to Rates of the Contract is hereby amended and the Town will pay \$49,480.00 for recycling fees for the 2019-2020 contract and there will be no CPI increase for 2019-2020.
2. The Company will design, provide, and distribute educational materials demonstrating what items are and are not recyclable, including a Town approved sticker to place on existing and new recycling carts noting that glass is not an approved material for recycling in Town carts.
3. The Company will provide monthly reports to include recycling tons and participation rates for Stallings, to the Town beginning on October 1, 2019.
4. The Company agrees that there will be no further recycling fee increases for the remainder of the Contract.
5. Except as hereby modified or amended, the Contract shall continue in full force and effect.

Assistant Town Manager Nichols was commended for the negotiations. Council Member Scholl made the motion to approve the contract amendment with Waste Connections. The motion was seconded by Council Member Steele and unanimously approved.

14.A. Golf Courses/Divide Gold Course Request (Scholl, Birt)

Council discussed the current resident complaints about golf course maintenance noise and the needs/appeals of the golf courses. Council reached consensus to do a text amendment to the noise ordinance to allow golf maintenance and operations equipment during the hours of 5:30 a.m. – 9 p.m.

Council held consensus to suspend any action against the golf courses for noise violations until the noise ordinance could be amended. Staff would bring an ordinance amendment back to Council for adoption at its next meeting.

15. Closed Session Pursuant to NCGS 143-318.11(a)(3), (4), and (6)

Council Member Birt made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3), (4), and (6). The motion was seconded by Council Member Martin and passed unanimously by Council.

Council went into closed session at 9:49 p.m. and reconvened in open session at 10:17 p.m.

Council Member Scholl made the motion to suspend the rules to add an item to the Agenda. The motion passed unanimously by Council after a second from Council Member Steele.

Council Member Scholl made the motion to waive the internal policy that requires the formal bidding process for construction and repairs contracts costing \$100,000 or more, and use the informal bid policy to obtain three bids for the Town Hall second floor renovations, according to NCGS construction and repairs contracts. The motion received Council's unanimous support after a second from Council Member Steele.

16. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Steele, and the motion received unanimous support. The meeting was adjourned at 10:18 p.m.

Approved on October 14, 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