

**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 August 9, 2021, at 7:00 p.m. at the Stallings Government, 321 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore Lynda Paxton; Council Members Steven Ayers, Heather Grooms, Brad Richardson, and David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Matthew West, Planning Technician; Marsha Gross, Finance Officer; Brian Price, Public Works Director; Kolleen Dickinson, Code Enforcement Officer; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

Joyce Rubert, 3026 Fresia Place, thanked the Council for its efforts with bringing some homes into coding compliance. Thanked the Interim Town Engineer Bo Connerly for coming out to help. She also would like something done about the tall grass along the sidewalks near her home. Ms. Rubert said it was the worst in front of Mr. Moser's property. She wanted to know if the was Stallings or the State that was responsible for cutting the grass.

1. Approval of Consent Agenda Items

- A. Minutes of the following meetings:
  - (1) 05-10-2021
  - (2) 05-24-2021 – special
  - (3) 05-24-2021
  - (4) 05-24-2021 – closed
  - (5) 06-08-2021 – special
  - (6) 06-14-2021

Council Member Paxton made the motion to approve Agenda Item 1.A. The motion was approved unanimously by the Council after a second from Council Member Richardson.

B. NCDOT Substandard Sidewalk Curb Ramps Replacement

A motion was made by Council Member Richardson to approve Agenda Item 2.B. Council Member Scholl seconded the motion which the Council passed unanimously.

C. Name Town Manager Development Administrator until a permanent replacement is found

D. Solis Chestnut Farm Road Infrastructure Acceptance Resolution

Council Member Ayers made the motion to approve Agenda Items 1.C. and 1.D. to which Council Member Richardson seconded. The motion received Council's unanimous support. The Solis Chestnut Farm Road Infrastructure Acceptance Resolution is attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

The Mayor reported that Stallings hosted the QUAD, alliance with Mint Hill, Matthews, and Indian trail. All the Town Managers were there and spoke about coordinating solid waste service.

B. Reports from Council Members/Town Committees

Council Members Scholl and Grooms had no reports.

Council Member Ayers reported that the WUMA meeting would be hosted in Stallings in August. Town were also having problems with short-term rentals (Air BnB, etc.) and WUMA was trying to bring together state resources and law regarding these short-term rentals.

Council Member Paxton reported that she, Council Member Grooms, and Council Member Richardson met with NCDOT regarding the landscaping near Bypass and possibly using purple items and decorative stone. She also encouraged NCDOT to install irrigation and coordinate plantings with Atrium. The plants would be installed in the spring.

Council Member Richardson had no report.

C. Report from Town Manager/Town Departments

Town Manager Sewell reported on the following:

- NCLM Risk Review Assessment program passed Stallings and will be presenting the department with the Risk Review Award at the next Council Meeting.

- Filtration system was upgraded at Stallings Park and the fountain hours were extended.
- Downtown Action Plan Updates: Success in promoting the downtown area with the Farmer’s Market and activities; Staff would be identifying and suggesting purchase key properties.
- Staff spoke with NCDOT regarding landscaping around Town which NCDOT could improve upon including cutting grass along main thoroughfares.
- CATS, Silver Line – Community meetings would begin soon regarding the Silver Line section as well as a joint meeting with Town Councils of Indian Trail and Stallings possibly in January.
- ARP funds - \$2.57 million should be received soon for the Town’s first allotment. Staff would be exploring project for these funds however many transportation projects were not allowed for these funds.
- Potters/Pleasant Road Intersection – NCDOT would be implementing left turn phases by the end of September. NCDOT was also trying to get more state funding for this project.
- Roundabout at Lawyers Road – The Town has requested if NCDOT could use those funds for another project.

### 3. Agenda Approval

Council Member Ayers suggest moving Agenda Item 8, *Planning Board Reappointments*, to Agenda Item 3.A. The motion was made by Council Member Richardson to approve the Agenda with the above suggestion. Council Member Ayers seconded the motion to which Council approved unanimously.

#### 3.A. Planning Board Reappointments

The Council voted via open ballot for the expiring terms on the Planning Board. Council Member Ayers made the motion to appoint Bob Koehler and Robert Ragon as full members on the Planning Board with terms expiring 03-31-2024. The motion received a second by Council Member Richardson and Council full unanimous support.

#### 4. RZ21.06.01: Deese Rezoning from MU-2 to SFR-1

Mayor Dunn opened the public hearing. Planning Technician Matthew West explained to Council this was a rezoning request for 5908 Stevens Mill Road, 5.15 acres, to rezone from MU-2 to SFR-1 noting that the request was consistent with the long-range Land Use Plan. The Staff presentation for RZ21.06.01 is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval of the request.

Mayor Dunn then closed the public hearing. Council Member Scholl made the motion to approve RZ21.06.01. The motion received Council Member Grooms second and Council’s unanimous support.

Mayor Dunn then read the Statement of the Reasonableness and Consistency for RZ21.06.01 into the record. Council Member Scholl made the motion to approve Statement of the Reasonableness and Consistency for RZ21.06.01 to which Council Member Paxton seconded. The motion was passed unanimously by the Council. The Statement of the Reasonableness and Consistency for RZ21.06.01 is attached to these minutes and therefore incorporated herein.

5. MSP21.06.01: Atrium Master Sign Plan

Mayor Dunn opened the public hearing. Planning Technician Matthew West explained to Council this was a request from Atrium Health for the Union West Hospital signage. James Nealy, RP Signs, signs contractor for Atrium Health. Mr. Nealy presented the Council with the sign proposal from Atrium. This presentation is attached to these minutes and therefore incorporated herein. The Planning Board recommended approval of the request.

Mayor closed the public hearing. Council Member Paxton made the motion to approve MSP21.06.01: Atrium Master Sign Plan as presented. The motion received Council's unanimous support after a second from Council Member Scholl.

6. CZ21.04.01: CZ-Ag

Mayor Dunn opened the public hearing. Planning Technician Matthew West explained to Council this was a request from the property owner at 4416 Stevens Mill Road to allow landscaping business on the property. It was noted that the community meeting was held on this item on 05-25-2021. The Staff presentation for CZ21.04.01 is attached to these minutes and therefore incorporated herein. Staff felt the request was inconsistent with the Comprehensive Land Use plan and the Planning Board had recommended denial of the request.

If the Council choose to approve, staff recommend the following conditions:

1. Any necessary permits must be acquired from the State, County, and Town as applicable.
2. Additional Agricultural uses, separate from the landscaping business, should be re-applied for through the conditional zoning process with a site plan provided.
3. Limit commercial impacts from the mulch processing.
  - a) Provide a site plan designating a specific area for mulch storage and processing to be located.
  - b) Hours of operation be limited to 8am – 8pm, Monday through Friday
4. Provide a Type A planted buffer along all sides of the property as appropriate.
5. Provide a Berm with plantings along the Steven's Mill Road frontage and the east side of the property where adjacent to the Fairhaven neighborhood. The berm would be inclusive of the 40' buffer, not in addition too.

Chris Duggan, Attorney representing the applicants and property owners, presented the applicants case for approving the application and allowing the request based on the fact that the Stallings Land Use Plan calls for preserving open which the applicant and landowner felt the business in question did.

Erik Wilson, applicant, stated he grew up in Stallings and only wanted to own a piece of property. He stated that his father saved and bought the property and cleared it waiting to farm it. Mr. Wilson did not want the neighborhoods around him but kept the sidewalks and property looking nice anyway. Mr. Wilson was willing to have a condition of fewer trucks because he just wanted to work on the property. He wanted to build a house on top of the hill and planting trees and crops. Mr. Wilson stated that he was moving the pile of mulch as quickly as possible. He was having trouble with the neighbors throwing landscaping trash on his property, but he was handling those situations himself. He almost had the property paid for and did not want to leave.

Council Member Ayers made the motion to excuse himself due to work to which Council Member Scholl seconded. The motion passed by a 4 to 1 vote with Council Member Richardson opposing.

*Council Member Ayers left the Council Meeting at 8:29 p.m.*

Lauren Wilson, wife of Erik Wilson, stated mulch came out of necessity of helping a local landscaping supplier. They worked with Duke Power in taking their woodchips and supply the community with mulch. The company was not interested in doing retail.

Bob Porter, 1835 Yellow Daisy Drive, Fairhaven, moved there a few years ago and put a lot of money into his house. He built a screened porch in the back and heard trucks and sees piles of raw mulch. Mr. Porter met with neighbors and all they could see was a mountain of mulch and hear a lot of trucks. He learned it was a landscaping company. Mr. Porter concerned about his home and the value and stated the properties that back up to the property were valued over \$2 million.

Chris Daniels, 2549 Oak Spring Road, thought his property has the most to lose because he was right behind the property in question but he didn't see it as a problem at all. He walked the road every day and there was zero noise from the equipment running. Mr. Daniels heard zero from his house and from walking on the sidewalk and did not understand why it was being discussed and not being able to be allowed. Mr. Daniels wanted someone like Mr. Wilson on the property and did not want to see this acreage turn into houses. He struggled as to why this was not adopted by the Planning Board and urged the Council to approve the request.

Bradley Tobias, 2455 Oak Springs Road, was a few 100 yards from where Mr. Wilson did the mulch. He comes from work at 2 p.m. to sleep and never hears any noise. Mr. Tobias' bedroom was about 200 yards from where the mulch was done, and he never hears anything about the business. He felt Mr. Wilson should be able to continue to do what he does.

Mayor Dunn closed the public hearing.

Council held discussion on the item. Mayor Dunn then reopened the public hearing. Council Member Richardson made the motion to recess the public hearing and item until the Council's second regular meeting in September. The motion passed unanimously by the Council after a second from Council Member Paxton.

7. Destination by Design – Atrium Roundabout Sign Presentation

Assistant Town Manager Nichols reminded the Council that it has approved a contract in November 2020 with Destination by Design for the engineering and design of a Town monument sign at the roundabout on Stallings Road at Atrium Union West.

The floor was then turned over to Eric Woolridge with Destination by Design who presented the monument sign specifics to the Council. This presentation is attached to these minutes and therefore incorporated herein.

Council Member Paxton made the motion to have Destination by Design draw up the bid documents and go out to bid for the Town Monument Sign at the roundabout on Stallings Road at Atrium Union West. The motion received Council's unanimous support after a second from Council Member Richardson.

8. Planning Board Reappointments

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

9. National Day of Prayer (Dunn)

Mayor Dunn stated that he would be renting the band shell at Stallings Municipal Park on May 5 to hold a National Day of Prayer event.

10. Closed Session pursuant to NCGS 143-318.11(a)(6)

Council Member Scholl made the motion to go into closed session pursuant to NCGS 143-318.11(a)(6). The motion received Council's unanimous support after a second from Council Member Grooms.

*Council went into closed session at 9:23 p.m. and reconvened in open session at 10:16 p.m.*

11. 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 10:17 p.m.

Approved on September 13, 2021.

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