

**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 12, 2019, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Pro Tempore David Scholl; Council Members Billy Birt, Jr.; John Martin, Deborah Romanow, and Shawna Steele.

Those absent were: Mayor Wyatt Dunn; Council Member Lynda Paxton.

Staff present were: Alex Sewell, Town Manager; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; Kolleen Dickinson, Code Enforcement Officer; Kim Jones, Deputy Town Clerk; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Pro Tempore Scholl welcomed everyone to the meeting. Council Member Romanow delivered the invocation. Mayor Pro Tempore Scholl then led the Pledge of Allegiance and called the meeting to order.

Public Comments

Phil Hayes, 3440 Tarringdon Way, Charlotte, was present associated with Annexation 53 – Chestnut Lane. Zoning for that property would remain similar to the zoning on the property now.

Robert Ragon, 5000 Cinnamon, stated zoning property was not a unique issue to our area. He stated he had stopped by the Town to retrieve the ethics policy but was not able to do so. Mr. Ragon was concerned about appearances and read an email exchange between Twilliger-Pappas and Council Member Romanow. Mr. Ragon had a problem with the two entities meeting for dinner and felt it was wrong.

Joe McLaughlin, 3205 Strawberry Road, wanted to know how long-ago Council Member Romanow had moved out of her house because it was under contract and there appeared to be no life in the house. He was disappointed that Council Member Romanow had not yet resigned.

Council Member Romanow stated that she was currently residing in Stallings.

Special Recognition

Mayor Pro Tem Scholl recognized Taylor Merrill for completing his Eagle Scout. His parents, Rob Merrill and Melissa Merrill, were present with Taylor. Taylor had been a Boy Scout since the first grade and was a rising senior at Piedmont High School as an honors student and cross country and track athlete. The Eagle Scout was the highest honor in the Boy Scout organization. His Eagle Scout project was renovating the courtyard at Piedmont High School. Taylor was considering the Citadel for his higher education.

1. Consent Agenda

A. Minutes of the following meetings:

- (1) 07-08-19 – special
- (2) 07-08-19
- (3) 07-08-19 – closed

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

2. Reports

A. Report from the Mayor

The Mayor was not present to give a report.

B. Reports from Council Members/Town Committees

Council Member Martin reported at the Intermunicipality Information Sharing Meeting (Stallings, Indian Trail, Wesley Chapel, Weddington, Lake Park) there was concern about the development coming along the county borders. Wesley Chapel proposed a resolution for all the towns to have a unified voice. The group also spoke about Union County sewer concerns.

Council Member Birt congratulated K9 Officer Lily on a successful showing of her skills at National Night Out. He also commended Sgt. Ben Davis on his coordination efforts for National Night Out.

Council Member Steele thanked the residents and the staff for the National Night Out events across Town the previous week.

Council Member Scholl concurred with Council Member Steele's comments about National Night Out. He was pleased to see many of Stallings Officers out at the various events. Mr. Scholl also reported that several of the Council attended the NCDOT informational meeting on the Idlewild Road widening options.

Council Member Romanow requested the Town Manager communicate with NCDOT regarding laying new asphalt and the timeline for the Potter/Pleasant Plains intersection improvement. She also clarified that she had never received a dinner or gift from any developer since she had been on Council. Council Member Romanow then read her resignation letter to the Council effective on the date of the

closing on her current Stallings residence. This resignation letter is attached to these minutes and therefore incorporated herein.

C. Report from Town Manager/Town Departments

Town Manager Sewell reported on the following:

- Union County Landuse Planning Retreat – August 28-29: Town Planner Lynne Hair would present the Town’s landuse plans to the County Commissioners and the challenges the Town was facing due to lack of sewer capacity and other planning issues facing Stallings. The Town Manager would ask for sewer capacity from the Commissioners on behalf of the Council

Town Planner Lynne Hair then presented the Council a presentation on the sewer capacity issue in Idlewild Corridor. Union County had stated that any project in Mecklenburg County would not be able to be accommodated for sewer until there was an upgrade at the Poplin Pump Station. Lack of sewer capacity would be detrimental to projects in that area as well as road connectivity and the Northeast Tool Expansion resulting in a significant loss of projected tax revenue.

The remainder of the Town Manager’s Report was moved to Agenda Item 7.B.

3. Agenda Approval

Town Manager Sewell requested that Agenda Items 8 (*Town Contract – Gateway Signage; Greenway and Park Signage; Small Area Plan Website Update*); 9 (*Pipe Installation Back of Fairway #2, Emerald Lake (Martin)*); and 10 (*Amendment to Chapter 93.01 (1)*) be moved to Agenda Items 4.E, 4.F., and 4. G. respectively. It was also suggested that the remainder of the Town Manager’s Report be moved to Agenda Item 7.B.

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

4. DA19.02.01 – Orissa Holdings, Matthews Indian Trail Road Townhomes

Mayor Pro Tem Scholl opened the public hearing. Town Planner Hair explained this was a request for a Development Agreement for a 92-unit townhome project located at 2933 Matthews Indian Trail Road in tax parcels #07102028A, #07102029, and #07102030. The subject 8.16-acre tract was zoned MU-2 and located within the Monroe Bypass Small Area Plan. Ms. Hair’s presentation to the Council is attached to these minutes and therefore incorporated herein.

TJ Matthews, Impact Development, presented the project as the applicant. Those also present on behalf of the applicant were: Larry Reed, Owner, Impact Development; John Ross, Eagle Engineering; and Steven Prophet, Eagle Engineering. Impact Development's presentation is attached to these minutes and therefore incorporated herein.

There was no one public present to give comment on this item. Mayor Pro Tem Scholl closed the public hearing. Council discussed the project.

Council Member Romanow made the motion to approve DA19.02.01, Orissa Holdings, Matthews-Indian Trail Road Townhomes. The motion was passed unanimously by Council after a second from Council Member Martin. DA19.02.01, Orissa Holdings, Matthews-Indian Trail Road Townhomes is available for inspection in the Office of the Clerk.

4.E. Town Contract – Gateway Signage; Greenway and Park Signage; Small Area Plan Website Update

Original Agenda Item 8

Town Manager Sewell reminded the Council that there were funds in the budget for Townwide signage. Gateway, Greenway and Park signage were both a part of the Townwide signage. The contract presented to Council was for the 1) construction documents for Greenway signage to share with developers; 2) conceptual design for Town monument identification signage; 3) engineering specifications for Stallings Municipal Park monument signage; and 4) website update for the Small Area Plans and Greenway and Park Master Plans.

Council Member Romanow made the motion to approve the contract with Destination by Design for signage and website needs listed above and adding that Destination by Design would train staff for website updating/editing. The motion was passed unanimously after a second by Council Member Steele.

4.F. Pipe Installation Back of Fairway #2, Emerald Lake (Martin)

Original Agenda Item 9

Town Engineer Easterly explained 3003, 3005, and 3008 Wedge Court had localized flooding in the area. During medium to heavy storm events, there was a lot of ponding. All the sediment had been removed in the existing pipes, but the flooding continued. In order to fix the area, a 30" pipe and additional catch basins would need to be installed. The new system would cost approximately \$134,000. The informal and formal bid processes were conducted but only one bid was received during either process.

Dr. Rick Widmann, 3005 Wedge Court, stated he had lived in his home since 2006 and in December 2017 flooding started occurring which was due to pipes coming off the fairway of the golf course being clogged. Dr. Widmann shared pictures of the flooding, 33 flooding events since 2017. He had to have a pump in his basement to pump the water out. The water stands for two weeks after a storm and caused bugs and awful smells. Dr. Widmann had been asking Stallings for help since February 2018. In December 2018, the Town brought in another engineering firm and showed a plan to help the flooding, but nothing happened. In March 2019, the neighborhood was told this would be fixed by the Town, but nothing happened. Dr. Widmann had mold in his basement because of this. He asked for some help.

Don Richardson, 3003 Wedge Court, said he talked to various employees at the Town. He was told that the Town would take care of it in the spring. Mr. Richardson showed pictures of his property affected by the flooding.

Council Member Steele made the motion to waive the local policy requiring a second formal advertisement for bids and move forward with the one bid received through the informal and formal processes in the amount of \$134,983.45 with Privette Enterprises. The motion was seconded by Council Member Romanow and passed unanimously by Council.

Town Engineer Easterly stated that work could begin within two weeks. Town Manager Sewell explained that the project could be paid for from the Stormwater Fund Balance which had approximately \$1.1 million balance.

Council Member Martin made the motion that the project be allowed a budget of \$150,000 to cover any contingency with the project and take the funds out of the Stormwater Fund Balance. Council Member Romanow seconded the motion with passed unanimously by the Council.

Clerk's Note: *Council choose to discuss Agenda Item 7.B., Town Manager Report (continued), at this point in the meeting.*

Town Engineer Easterly then gave an update on the New Town Hall/Public Works facilities construction. Each facility had gone vertical. In the Public Works facility, all interior and exterior walls were in place and the drywall was in. All the interior, mechanical, electrical, and plumbing was in place and the masonry crew was onsite. In the New Town Hall, all framing was complete and mechanical, electrical and plumbing was being installed currently. Drywall would follow as well as the brick veneer. The contractor was 2-3 weeks ahead of schedule putting completion at the first of November 2019. \$65,878.91 of the contingency had been used to date mainly used for soil remediation on the site. It was the hope to use the remaining contingency funds to repave the parking lot at the Town Hall.

4.G. Amendment to Chapter 93.01 (1)

Original Agenda Item 10

Code Enforcement Officer Kolleen Dickinson requested that Chapter 93.01 be amended to clarify whose was responsible for the mowing and upkeep of property line and edge of payment or curblin including sidewalks and change the ordinance language to read clearer. Ms. Dickson requested the language in Chapter 93.01 (1) to read:

(1) Any weeds or other vegetation having an overall height of more than 18 inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs, cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties, and flowers and growing and producing vegetable plants. ~~It shall be the duty of every person occupying, owning or having control of property abutting on a street or highway that utilizes a portion of the unused street or highway right-of-way as a yard or any other use to maintain said right-of-way in the same character and manner as the abutting use.~~ *Every owner, tenant, occupant, or person having control of property or lot fronting upon any street or roadway in the city shall:*

- a. Keep the right-of-way between the property line and the edge of the pavement or curblin, including sidewalk if any, maintained, clean and clear of all weeds and other vegetation, shall keep any grass thereon cut and keep street drains and street gutters open and free from obstruction.*
- b. Keep streets and sidewalks clear of overhanging limbs, bushes, shrubs, vines, and other vegetation along with any obstruction which interfere with the public use of the street or sidewalk.*
- c. It is the responsibility of the owner, tenant, occupant of property or lot fronting upon any street, roadway, or sidewalk in the city to maintain the property in conformity with the requirements of this section. Subject to the provisions of §Article 11 of the Town of Stallings Development Ordinances, the Public Works Department may cause the removal of any shrubbery and trees or other obstructions from street right-of-way including dedicated or recorded easements for sight distance and may also cause the removal of plantings, limbs and other obstructions from such right-of-way or sight easement. Actual costs associated with removal of the vegetation and/or obstruction may be assessed to the property owner or person causing or allowing the obstruction.*

Council Member Martin made the motion to approve amendment to Chapter 93.01 (1). The motion was passed unanimously after a second from Council Member Romanow.

5. Development Ordinance Improvement Process (Birt, Romanow, Martin)

Town Manager Sewell reminded the Council that it had requested further discussion on this item at the July 8, 2018 Council Meeting. Mr. Sewell's memo summarizing the Council discussion is attached to these minutes and therefore incorporated herein.

Council Member Martin reminded the Council it needed to make decisions on:

1. Using 25 acres as the trigger for a development agreement; and
2. Inability to deny a multifamily development due to the current verbiage in the ordinance; possibility of requiring multifamily to be a CZ process.

Staff would research requiring all multifamily use a conditional zoning and as well as a percentage of commercial in multifamily. Council held consensus to have all options in writing be brought back to Council at its next meeting in September.

6. Idlewild Road – DOT Concepts Recommendation

Town Manager Sewell reminded Council that NCDOT and the Town of Stallings had been engaged in an ongoing dialogue regarding the Idlewild Road Widening Project (U-4913). The Town had officially submitted a letter of concern regarding the current design options for the project and shared the concerns through CRTPO. The new proposals from NCDOT had been evaluated and the one-way pair concept was recommended by staff.

Staff requested Council solidify the position it would like to take with NCDOT with the project. It was consensus that the Council wanted a full access at Idlewild and Stevens Mill and reiterate its previous position in its letter sent on July 16, 2019.

7. Annexation 53 – Chestnut Lane - Resolution Directing the Clerk to Investigate a Petition Received under N.C.G.S. 160A-31

Council Member Steele made the motion to approve the Resolution Directing the Clerk to Investigate a Petition Received under N.C.G.S. 160A-31 for Annexation 53 – Chestnut Lane. The motion was passed unanimously after a second from Council Member Romanow.

The Resolution Directing the Clerk to Investigate a Petition Received under N.C.G.S. 160A-31 for Annexation 53 – Chestnut Lane is attached to these minutes and therefore incorporated herein.

7.A. Northeast Tool and Equipment

Town Manager Sewell explained that Northeast Tool and Equipment had requested a meeting with staff the following Wednesday and Council was invited.

7.B. Town Manager Report (continued)

This item was discussed after Agenda Item 4.E.

Town Manager Sewell had no other items to discuss.

8. Town Contract – Gateway Signage; Greenway and Park Signage; Small Area Plan Website Update

This item was moved to Agenda Item 4.E.

9. Pipe Installation Back of Fairway #2, Emerald Lake (Martin)

This item was moved to Agenda Item 4.F.

10. Amendment to Chapter 93.01 (1)

This item was moved to Agenda Item 4.G.

11. Resolution Opposing High Density Housing by Union County on Municipal Borders (Paxton)

Town Manager Sewell explained that Council Member Paxton had requested the item be on the agenda. Council had discussion on this item. Council took no action on this item.

12. Adjournment

Council Member Steele moved to adjourn the meeting, seconded by Council Member Birt, and the motion received unanimous support. The meeting was adjourned at 9:58 p.m.

Approved on September 9, 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