

**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 23, 2024, at 7:00 p.m. at the Stallings Government Center, 321 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore David Scholl; Council Members Steven Ayers, Graham Hall, Brad Richardson and Laurie Wojtowicz.

Those absent were: Council Member Taylor-Rae Drake.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Max Hsiang, Planning Director; Matt Dillard, Code Enforcement Officer; Katie King, Planning Associate; Kevin Parker, Town Engineer; Jessie Williams, 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

No person was present to give public comment.

Mayor Dunn announced that he had visited the Armor Cow Brewery and was pleased with the visit and the possibility of bringing the business to Stallings. He also reminded the public of the Occupancy Tax Referendum on the ballot.

1. Agenda Approval

Council Member Richardson requested moving Agenda Item 7, *Twin Pines Stream*, to Agenda Item 3.C. Council Member Richardson made the motion to approve the Agenda with the change above. The motion was seconded by Council Ayers and passed unanimously.

2. Monroe Union County Economic Development Commission (MUEDC) Annual Report

Ron Mahle with the MUEDC presented the Council with its annual report for Stallings. That reported is attached to these minutes and therefore incorporated herein.

### 3. Civic Penalties Reduction Requests

#### A. 3730 Birchdale Lane

Code Enforcement Officer Matt Dillard explained the civil penalties associated with 3730 Birchdale Lane. A list of the violations as well as the timeline of the communication with owner is included in the Staff's Memo on this item which is attached to these minutes and therefore incorporated herein. The civil penalties to date totaled \$137,900 and staff resourced hours were 62.5 hours on the case. Staff recommended an 85% reduction in fines to \$20,685 per the Town's Civil Policy for the Voiding or Reducing Accessed Civil Penalties.

Property Owner Yu Lee Phillips said they never received letters from the Town stating that if she knew there was a problem with tenant, she would have solved the problem. She said she did not have the money to pay the fine. Ms. Phillips said she received the attorney's letter but not the Town's.

Property Owner Richard Phillips said that he never received any letters from the Town and the Code Enforcement Officer (at the time) did not return his phone calls.

Kelly Benson, property manager for the Phillips since January 2023, stated she also managed sales of real estate for the Phillips. The properties she had managed never had complaints and never saw anything happening against regulation at the property in question.

After Council discussion, Council Member Scholl made the motion to suspend the Town's Civil Policy for the Voiding or Reducing Accessed Civil Penalties. Council Member Ayers seconded the motion to which the Council approved unanimously.

Council Member Richardson made the motion to authorize the Town Manager and the Town Attorney negotiate a fair settlement with owner and tenant and report back to Council in 60 days. Council Member Ayers seconded the motion. The motion passed by a 4 to 1 vote with Council Member Scholl opposing.

#### B. 100 Sherin Lane

Code Enforcement Officer Matt Dillard explained the civil penalties associated with 100 Sherin Lane. A list of the violations as well as the timeline of the communication with owner is included in the Staff's Memo on this item which is attached to these minutes and therefore incorporated herein. The civil penalties to date totaled \$7900 and staff resourced hours were 20.5 hours on the case. Staff recommended the owner should be responsible for the full amount \$7900. The Town's Civil Policy for the Voiding or Reducing Accessed Civil Penalties would allow for a 50% reduction if Council choose.

Tom Crouch, Moser Group management for the property, stated property was purchased and there was a rezoning approved that helped for first part of compliance. The second rezoning was approved for industrial used which was approved. The tenant at that time was in the process of moving out. Mr. Crouch was concerned that that violations were not the same ones that the penalties fees were charged. Violation for the fence penalty was on a site plan was shared with Planning Director. He requested the fines to be eliminated because the fines were not clearly identified.

Planning Director Hsiang shared with the Council that he authored the timeline on which Council was reviewing that evening. He shared that the first conditional zoning on the property has lapsed. The second rezoning was necessary to bring the property into compliance which required a fence. The property owner did not apply for a use permit or install the required fence which led to the fines beginning to be accessed. Fees ceased when received when the property owner obtained a use permit and fence was no longer required due to the tenant needing outdoor storage moved out of the space.

After Council discussion, Council Member Ayers made the motion to reduce the fine by 50% to total \$3950 to which Council Member Scholl seconded. The motion received a 4 to 1 vote with Council Member Hall opposing.

### C. Twin Pines Stream

#### *Original Agenda Item 7*

Engineering Director Kevin Parker explained the Twin Pines Stream Project had been an ongoing, complex initiative aimed at addressing severe erosion, flooding, and streambank instability in the Twin Pines neighborhood. The project originated in response to increasing resident concerns about property damage caused by significant flooding and severe stream erosion.

The project had undergone several phases, with different components targeting specific objectives. The project's timeline and detailed breakdown of each phase of the project, what was sought to be accomplished, and the associated costs are in the Staff's Memo on this issue is attached to these minutes and therefore incorporated herein.

Legally, the Town did not have to provide any additional mitigation to the stream and had met all permits. However, Council had three options it could consider for the stream issue:

#### 1. Pursue the Full Stream Restoration Project

Involved moving forward with the complete restoration as originally designed and permitted, including bank stabilization, erosion control, and regrading. Minimally addressed long-term erosion and flooding concerns comprehensively.

Estimated Cost: \$250,000.

2. Undertake USACE-Suggested Clean-Up and Erosion Control Work

Limited the scope of work to the minimum requirements suggested by USACE and NCDEQ which included planting herbaceous plugs for erosion control and conducting a clean-up behind 1012 Twin Pines, where sediment had accumulated.  
Estimated Cost: \$40,000.

3. Explore a Third Option

Consider alternative approaches based on a further review and discussion.

Council held discussion on the item.

Chad Foster, 1012 Twin Pines, stated that this began in 2018. He hoped more attention will be paid to waterways during construction in the future. He concurred that spending the \$250,000 was not productive and preferred bank plantings.

Monica Hunsucker, 1006 Twin Pines, moved into home in 2016. She showed video of flooding water. It did not affect her home but did affect her backyard. She wanted the Town to spend its own money and give all the True Homes money to the homeowners.

Lisa Larson, 1008 Twin Pines, agreed with giving some or all of the True Home funds to the homeowner.

Council Member Richardson made the motion to complete Option 2 - Undertake USACE-Suggested Clean-Up and Erosion Control Work as well as the Town act as a passthrough agent for a portion of the \$78,000 True Home Funds and giving to the three homeowners affected (1006, 1008, 1012 Twin Pines Drive) for long term flood mitigation, repair, and clean up; amount to each would be approximately \$10,000 after Town mitigation was complete (option 2 and other things such as plant trees, etc.) with signed release of no Town's wrong doing. Council Member Hall seconded the motion. The motion failed for a 0-5 vote to table until the next Council meeting on October 15. Engineering Director Parker noted the Town planned to always monitor the area for general maintenance.

4. Resolution in Opposition to Sales Tax Increase Legislation Light Rail

Council discussed the resolution and edited the last phrase. Council Member Scholl made a motion to approve the Resolution in Opposition to Sales Tax Increase Legislation Light Rail which received a second from Council Member Wojtowicz. The motion received Council's unanimous support. The approved *Resolution in Opposition to Sales Tax Increase Legislation Light Rail* is attached to these minutes and therefore incorporated herein.

5. Committee Appointments Consideration

A. Planning Board

*Two applicants to be considered for appointment: One (1) full member with term ending March 2027; one (1) alternate member with term ending March 2025.*

Applicants Mike Couzens and Anthony Paren introduced themselves to the Council.

Council Member Wojtowicz made the motion to appoint Anthony Paren as a full member with term ending March 2027 and Mike Couzens as an alternate member with term ending March 2025.

Council unanimously approved this motion after a second from Council Member Hall.

B. Stormwater and Infrastructure Committee

*One applicant to be considered for appointment with term ending March 2026.*

Council Member Ayers made the motion to waive to the Council's policy requiring applicants to attend one meeting of the committee to which they were applying and. The motion received Council's unanimous support after a second from Council Member Scholl.

Council Member Scholl made a motion to appoint Dawn Salley to the Stormwater and Infrastructure Committee (SIC) with term ending March 2026 due to Ms. Salley's professional background in engineering and stormwater. Council Member Ayers seconded the motion and a unanimous vote in favor of the motion was give by Council.

6. Parks and Recreation Department Items

A. Mural Design Update

Parks and Recreation Director Eunice Donnelly shared the mural design with the Council that was slated to be painted onto Shelter A in the Stallings Municipal Park by a local artist Heidi Nisbett. The money was allocated out of the FY2023-24 budget.

B. Policy for Government Agencies Booths at Parks & Recreation Events

Parks and Recreation Director Eunice Donnelly explained there was a need to establish clear guidelines and regulations for sponsorship participation for governmental agencies. The proposed policy stated:

Definitions:

Governmental Agencies: As defined by NCGS 143-318.10 (b), a "public body" includes any elected or appointed authority, board, commission, committee, council, or other body of the State of North Carolina or County of Union.

Policy Guidelines:

1. Nature of Participation:

Governmental agencies must remain nonpolitical in their participation. Their role is to provide information to citizens about various programs, services, or volunteer opportunities within the community.

2. Request Process:

Governmental agencies wishing to participate in Town of Stallings events must submit a written request 60 days prior to the event to the Parks and Recreation Director. The request must include:

- The agency's purpose for participating.
- Materials to be distributed.
- How the participation aligns with the event's goals

3. Regulations:

Governmental agencies and their vendors must comply with all terms, conditions, and regulations outlined in the Town of Stallings Event Contract.

4. Participation Limitations:

- A maximum of two (2) governmental agencies may participate in Stallings Fest, Spring Spectacle, Stalloween, and Christmas in the Park.
- If more than two governmental agencies apply, selection will be based on relevance to the event's theme, community needs, and equitable rotation among agencies to ensure diversity and representation. This selection will be made by the Parks and Recreation Director along with input from the Community Committee.

5. Fees:

The proposed fee for governmental agencies to participate in Town events is \$25 per event.

- Exemptions: Governmental agencies directly associated with the Town of Stallings

Council Member Scholl made the motion to approve the proposed Policy for Government Agencies Booths at Parks & Recreation Events. The motion received Council's unanimous support after a second from Council Member Richardson.

7. Twin Pines Stream

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

8. Balanced Scorecard Annual Report

Town Manager Sewell submitted the FY2024 Balanced Scorecard Annual Report to the Council.

The FY2024 Balanced Scorecard Annual Report is available on the Town's website for inspection.

9. Closed Session Pursuant to NCGS143-318.11(a)(3)

Council Member Wojtowicz made a motion to go into closed session pursuant to NCGS 143-318.11(a)(3) and to include Police Chief Dennis Franks to which Council Member Hall seconded. The motion received Council's unanimous support.

*Council recessed into closed session at 9:41 p.m. and reconvened back into open session at 9:58 p.m.*

10. Adjournment

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

Approved on October 15, 2024.

*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