

**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 28, 2015, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Pro Tempore Regis Griffin; Council Members Rocky Crenshaw, Tony Linhares, Deborah Romanow, David Scholl, and Shawna Steele.

Those absent were: Mayor Wyatt Dunn.

Staff present were: Kevin Woods, Town Manager; Melanie Cox, Town Attorney; Minor Plyler, Police Chief; Erinn Nichols, Town Clerk; Chris Easterly, Town Engineer; Kirk Medlin, Finance Officer; Richard Tanner, Town Services; and Lynne Hair, Town Planner.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Pro Tem Griffin welcomed everyone to the meeting and introduced the newest Council Member David Scholl who had been appointed September 14 and sworn in the previous week. Council Member Scholl was appointed to fill the vacant seat in District 3 with term ending December 2017. Town Clerk Nichols then called the roll for attendance:

- Council Member Linhares – present
- Council Member Crenshaw – present
- Council Member Romanow – present
- Council Member Griffin – present
- Mayor Dunn – absent
- Council Member Steele – present
- Council Member Scholl - present

Council Member Crenshaw then delivered the invocation. Mayor Pro Tem Griffin led the Pledge of Allegiance and called the meeting to order.

Public Comment

Todd Smith, 5051 Scaleybark Court, stated that in May 2011, David Wright passed away who was accused of molesting a child. Two months later, Mr. Smith was accused of molesting his children by the same woman whom both men had married. No charges were ever filed. In 2012, Mr. Smith spoke to the Union County Commissioners several times exposing the lawyers, the Tree House, DSS, and social workers who had accused him of molesting his son. He stated he had also told the state, schools, the

Governor and the Attorney General about the situation. Mr. Smith said he was set up and slandered. He had given the DSS report to Chief Plyler who stated the Stallings Police Department had no jurisdiction of the matter. Mr. Smith stated he had jurisdiction over the situation because he had served his country. He said this was a cover-up in Union County and there had been many conflicts of interest in the case. Mr. Smith cautioned the residents to keep their children away from Lee Hasty as he was a danger. Mr. Smith wanted a proper investigation and asked the Council to make phone calls on his behalf.

1. Reports

A. Report from the Mayor

Mayor Dunn was not present to give a report.

B. Reports from Council Members/Town Committees

Council Member Linhares stated he had attended Stallings Fest which was a great success.

Council Member Crenshaw stated that he had attended Stallings Fest which was a good time and good weather. He also reminded all of the Blues, Brews, and BBQ event on October 17 from 3-9 p.m. in Stallings Park which would have a BBQ competition, bluegrass music, and a beer garden.

Council Member Romanow had no report.

Council Member Steele had no report.

Council Member Scholl stated he had enjoyed his first week of orientation with the Town Staff.

Council Member Griffin stated that Stallings Fest was a great event which was extremely well organized and staffed. The Finance and Administration Committee (FAC) was working on the Personnel Policy and providing feedback to the staff. The FAC's last meeting was September 18 and the next meeting was on October 7 at 7 p.m. The Public Safety Advisory Committee continued to work on the Emergency Management Plan at its last meeting with the next scheduled meeting on October 26 and a possible work session prior to that date.

Nancy Franza, Parks and Recreation Committee Chair, complimented the Town Council for their presence and help at Stallings Fest. She also recognized the park staff for their long hours to help coordinate Stallings Fest. Ms. Franza also asked Mr. Woods and Ms. Nichols to pass along thanks to the Town Hall Staff for their help as well.

### C. Report from Town Manager/Town Departments

Town Manager Woods reported on the following:

- Mario's Pizza Update: Staff had met with Mario's management at the beginning of September to determine the timeline for Mario's to finish the construction on their site (drainage work, berm work, stormwater connections) as there had been no movement since spring 2015. The deadline of October 1 was set for beginning the final work or the Town would consider closure of the business. To date, no work had begun on the site to address the final work. On Monday, October 6, legal paperwork would be initiated to begin the process of closing the business.
- There would be six potential special meetings between October – February: October 26 – review of the land use plan; November 2 and 16 – Town Hall Phase Two; Employee Pay Plan, Branding Discussion, Committee Restructuring, Council Class on Media – January – February.
- Stormwater Update: Erosion issues and additional downstream clearance would take place at and near 4510 Shannamara Drive. Discussions would also be held with the Divide Golf Course concerning the possibility of constructing a footbridge for the golf cart path further downstream. The work would take place in the spring 2016.

### 2. Agenda Approval

Council Member Griffin requested removing Agenda Item 9, Ordinance Prohibiting Parking on Town Sidewalks, in order for staff to review. He also requested removing Agenda Item 6, Transportation Advisory Committee Applications, as Council would consider the possible restructuring of Town boards and committees.

Council Member Steele made the motion to approve the Agenda with the above listed changes. The motion was seconded by Council Member Romanow which was supported unanimously by Council.

### 3. RZ15.06.01 – Ryland Homes

Mayor Pro Tem Griffin re-opened the public hearing for RZ15.06.01 – Ryland Homes which was recessed on September 14, 2015.

Town Planner Hair reminded the Council that at its last meeting it heard a request to rezone a 48 acre parcel of land located off of Stevens Mill Road. A portion of this property was annexed on September 14, 2015. The applicant was requesting the 48 acres be zoned R-15. Council tabled the rezoning hearing on September 14, 2015 in order to obtain more information about stormwater requirements and impact to the area as well as density.

Ms. Hair explained the density to the Council and difference between R-15 and R-20 zoning:

- R-15: minimum lot size 15,000 sq. ft. (~1/3 of an acre); maximum of 140 lots
- R-20: minimum lot size 20,000 sq. ft.; maximum of 104 lots

The applicant was requesting 69 lots.

Town Engineer Easterly discussed with Council the stormwater requirements for the site. The Town had a Post-Construction Stormwater Ordinance which mandated water quality, channel protection, and discharge stormwater retention policies. Mr. Easterly would review the development plans to ensure they adhered to all the requirements. NCDENR would also have to review the plans for a permit since it called for sending water into the Crooked Creek Water Shed.

Teresa Moya-Mendez, 5035 Stevens Mill Road, stated that she did not have a problem with the project itself but requested strict enforcement of all stormwater regulations.

Mayor Pro Tem Griffin then closed the public hearing. Council discussed the application.

Council Member Romanow made the motion to approve RZ15.06.01 – Ryland Homes. The motion died for lack of a second.

Council Member Steele made the motion to deny RZ15.06.01 – Ryland Homes and zone the land R-20. The motion was seconded by Council Member Crenshaw. The Town Clerk was then requested to conduct a roll call for the vote which passed unanimously:

Council Member Linhares – Aye  
Council Member Crenshaw – Aye  
Council Member Romanow – Aye  
Council Member Griffin – Aye  
Council Member Steele – Aye  
Council Member Scholl – Aye

#### 4. Annexation 46 – Hawthorne

Mayor Pro Temp Griffin opened the public hearing for Annexation 46-Hawthorne. Deputy Town Manager Nichols explained this request was to annex 55.5 acres off of Hawthorne Drive near the intersection of Lawyers Road and Stevens Mill behind Country Woods.

Paul Trotter, 1515 Mockingbird Lane, with Trotter Properties, stated this land was purchased by his father in the 1970's-1980's and would be included in the zoning request under the next agenda item in addition to other land that was currently in Stallings. He had completed land developing plans for the area and worked with MI Homes on developing the site. By bringing the parcels involved in the annexation into the Town, there could be one uniform jurisdiction and planning for the development.

Mayor Pro Tem Griffin closed the public hearing. Council Member Steele then made the motion to adopt the Ordinance to Extend the Corporate Limits of Stallings, Annexation 46 – Hawthorne Drive. The motion was seconded by Council Member Romanow. The Town Clerk was requested to conduct a roll call for the vote which passed unanimously:

Council Member Linhares – Aye  
Council Member Crenshaw – Aye  
Council Member Romanow – Aye  
Council Member Griffin – Aye  
Council Member Steele – Aye  
Council Member Scholl – Aye

The Ordinance to Extend the Corporate Limits of Stallings, Annexation 46 – Hawthorne Drive is attached to these minutes and therefore incorporated herein.

5. CZ15.06.01 – Trotter/MI Homes

Mayor Pro Tem Griffin explained this item was a conditional zoning request for 88 acres located in the area of the Stevens Mill/Lawyers Road intersection. He then opened the public hearing on the item.

Town Planner Hair continued to explain the property was located directly behind the Stevens Mills Crossing Shopping Center and the Fairfield Plantation Subdivision. The property was currently vacant. The applicant was requesting conditional zoning which would allow a 174 lot single family subdivision. The surrounding areas were zoned: neighborhood/retail; R-10; R-20; and R-15. The Land Use Plan showed two separate land uses on the site: office center and traditional residential. The applicant held a community meeting on June 23, 2015 where there was large attendance to express concerns with the ingress and egress points; connectivity; traffic; construction time frame; water and sewer; and amenities. Ms. Hair then showed the Council a site plan of the area and noted the developer was requesting two units per acre. The applicant would be providing the Town fees in lieu of parkland at approximately \$45,000. The buffer between developments would be 10'. The complete Zoning Report for CZ15.06.01 – Trotter/MI Homes is attached to these minutes and therefore incorporated herein.

Scott Herr, Applicant with MI Homes, presented the Council an overview of the project; the community feedback received and how the plan was adjusted accordingly; and the vision for the neighborhood including examples of homes and materials to be used.

Ms. Hair also informed the Council that the Town had received a protest petition for this application from residents in Fairfield Plantation; however, the petition was withdrawn by the people who submitted it. There was also a cell tower located adjacent to the rear of the property where homes could not be closer than 300 ft. to the tower. Ms. Hair reported that the Planning Board and staff recommended approval of the request subject to the following conditions:

1. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations. The submitted sketch plan must meet all requirements as established by permitting agencies. If meeting permitting requirements requires significant changes to the plan as defined by UDO Article 10.10.7, the plan will require approval of the Planning Board and Town Council.
2. Use of the property will be limited to a maximum density of 2.00 units an acre not to exceed 174 lots.
3. Interior Lot Setbacks for the project will be 25' – front; 7' side; 10' on corner lots; 25' rear. A maximum of 108 lots will be 65' in width; all remaining lots will be 75' in width for a total of 174 lots.
4. The minimum square footage for homes within the development will be 2,400 heated square feet for a two story house, and 2,000 heated square feet for a one story house.
5. All streets within the development will be built to Town of Stallings minimum design standards.
6. Due to the lack of accessibility to the Common Open Space area; Staff would recommend the Fee In Lieu of Park Land be accepted for the project as defined in Article 10 of the Stallings UDO.
7. All foundations will have a minimum 18 inches of exposed brick on all four sides of the house. No vinyl siding will be permitted on homes.
8. A minimum of 25% open space will be provided on the site. Open space calculations must be provided as a part of the plan review permitting process.
9. A project boundary buffer as shown on the concept plan to be planted at a .2 opacity where vegetation is sparse or non-existent will be required where adjacent to existing single family residential property as per the Stallings UDO Article 7.7.9. Existing vegetation will be maintained in this area. Clearing to the property line will not be permitted.
10. All improvements as required by NCDOT for the project will be installed at the developer's expense.
11. Amenities will be provided for the proposed project by the developer that will include a pool, cabana, playground, parking areas and landscaping.
12. Planning Board approval of all proposed elevations is required prior to preliminary plan approval. Approval of the proposed elevations shall be based upon the elevations' compliance with item 13 of the Rezoning Petition Development Standards (Architectural Standards) and condition #7 of this zoning approval.
13. Connectivity will be limited to a single connection between the MI/Trotter project and Fairfield Plantation; the connection will be located at April Lane. The stub street currently shown at Brookgreen Terrace can be eliminated.
14. During construction of the MI/Trotter development, a barrier prohibiting traffic, will be provided at all connections to the Fairfield Plantation neighborhood and will not be removed until all homes within the new development have been completed.
15. Speed hump will be installed by MI Homes on April Lane at the connection with the proposed development on the Southstone side of the boundary line between the two communities.

Mayor Pro Tem Griffin then opened up the podium to public comments on the issue:

Jeff Kissinger, 1222 Hawthorne Drive, was concerned with there being only one entrance and exit while the neighborhood was being built. He thought that violated Town policy. Mr. Kissinger stated a buffer was never addressed next to Country Woods and wanted to know what that buffer was. He also wanted to know why the Council would allow this development when it rejected the R-15 request on the previous agenda item. Mr. Kissinger also stated it was not two houses per acre because that wasn't taking into account the open space.

The applicant noted there was a minimum 10' buffer around the entire property of the development.

Tony Tobias, 7616 Stevens Mill Road, stated there were about eight to ten acres with households behind the Harris Teeter and the development. He wanted to know the plan for the people who lived in that area. Mr. Tobias said there were elderly people in that area who needed to know what was going to happen to their property.

Willie James Tobias, 7716 Stevens Mill Road, was concerned about the land between Fairfield (Plantation) and the Harris Teeter.

Tommy Bullard, 14823 Lawyers Road, stated that Union County said he could not build on the back of his property because it was a flood plain. He was concerned about all the water from the land flooding the creek. Mr. Bullard also stated that there was a sewer line which ran through the development and that there was a proposed road going right over top of it. He wanted the whole Council to come to his driveway and try to get out (of his driveway) from 3:00 – 5:00 p.m. Mr. Bullard said that Lawyers Road had only been widened six inches in 40 years and it was a death trap. He did not think an entrance to a neighborhood should be put there as it would be a mess. Mr. Bullard said that the developments were taking up a lot of wildlife land. He wanted to know how much was enough and where all the animals were going to go. The Town was not going to have any woodland left and just wanted to get more revenue.

Alex Dowds, 6510 Brookgreen Terrace, stated he was at the Planning Board meeting on this topic and MI Homes had been good to work with. The Brookgreen Terrace and April Lane connections were the primary topic on the minds of most Fairfield (Plantation) residents. He understood the UDO called for two entrances and he understood the Council could override the UDO and reduce the connection to one. The Fairfield Plantation Residents did not want the connectivity and urged the Council to close off Fairfield Plantation completely from the new development. Mr. Dowds felt that any connectivity to the new neighborhood allowed the potential for more cars to come into Fairfield Plantation. He felt a lot of things in the county were done for future and potential residents while ignoring the current residents.

Manuel Rios, 200 Hillcrest Court, stated he lived in the cul-de-sac beside the proposed connection to the new neighborhood on April Lane. He had a taste of the potential increase in traffic due to construction traffic through Fairfield Plantation now. The traffic was dangerous. The cul-de-sac he lived on was a great hub for the children to play. If April Lane was opened to the new development, he requested two speed bumps instead of just one. However, Mr. Rios said there were a lot of children who played there and residents did not want the connectivity. He also felt he would not have the buffer that others would have against the new neighborhood.

Andrew Lee, 204 Hillcrest Court, stated his family moved in about a year ago. About 35-40 families in the neighborhood had young children and moved there because they wanted the small town atmosphere and sense of community. On behalf of him and other families, Mr. Lee requested the Town Council make an exception to the UDO and not connect the two developments with the stubstreets. All families of both developments would benefit.

Wayne Marsh, 7105 Edgefield Court, lived in Fairfield Plantation for 40 years and collected a petition signed by 298 residents. *He then read the petition aloud to the Council which opposed street connectivity from Fairfield Plantation to the new subdivision and requested a 20' wide natural buffer between the neighborhoods.* Mr. Marsh did not understand why the developer and land owner wanted to come in and destroy a quiet neighborhood. He stated the petition signers did not object to the project, just the connectivity. He clarified that there were approximately 240 homes in Fairfield Plantation.

Ryan Carpenter, 2010 Millbrook Lane, asked for the exact location of construction traffic.

Applicant Herr clarified the following items for the residents who spoke:

- The connectivity that residents had to the Harris Teeter shopping center would remain.
- Access to the new development from Lawyers Road was not possible because the developer did not own the land at that area.
- Construction traffic from the new development would not be able to access Fairfield Plantation on April Lane. The developer was also open to speed humps on its roads.
- All buffers would be a 10' minimum and existing lots would abut other single family homes.

Mayor Pro Tem Griffin closed the public hearing. Council then discussed the issue of connectivity between the new development and Fairfield Plantation. It received clarification that the Planning Board recommended closing the Brookgreen Terrace connectivity as it felt it would bring more traffic to both neighborhoods but the April Lane stub-street should not bring as much traffic.

Council Member Scholl made the motion to approve CZ15.06.01 – Trotter/MI Homes as recommended (*conditions*) by the Planning Board (*listed above*). The motion was seconded by Council Member Romanow. The Town Clerk was then requested to conduct a roll call for the vote:

Council Member Linhares – Aye  
Council Member Crenshaw – Nay  
Council Member Romanow – Aye  
Council Member Griffin – Aye  
Council Member Steele – Nay  
Council Member Scholl – Aye

The motion passed by a 4 to 2 vote with Council Member Crenshaw and Steele opposing. Applicant Herr stated that MI Homes agreed to the 15 conditions as recommended by the Planning Board.



Council Member Romanow made the motion to take a five minute break. The motion passed unanimously after a second by Council Member Steele.

*The Council took a brief recess at 8:55 p.m. and reconvened into open session at 9:04 p.m.*

6. Transportation Advisory Committee Applications

*This item was removed during the Agenda approval process.*

7. Financial Brief

Finance Officer Medlin gave the Council an update on the 2015-2016 budget after the first quarter of the fiscal year. He highlighted that the first quarter of the year usually resulted in slight debt as the Town did not receive the bulk of its revenues until the second quarter of the fiscal year. All areas of the budget were developing as expected and were on track for a balanced fiscal year. It was also noted that the audit had gone well and the final report was expected to be delivered to the Council in early December.

8. Southern Software

Finance Officer Medlin explained to the Council that the staff was advocating switching financial software due to the inconsistencies, data errors, poor functionality, lack of customer service, and the expense of the current software. The new proposed provider would be Southern Software. Installation for the software would be \$50,280 (including onsite training and full data transfer) and the yearly service fee would be \$6300 compared to the annual service fee of \$18,790 with the current provider. Staff confirmed no new hardware would be needed for the new software implementation. The Town would be able to absorb the unbudgeted installation fee of the new software through an unexpected windfall from the natural gas utilities distribution tax of \$64,771.

Council Member Romanow made the motion to approve the contract with Southern Software. The motion passed unanimously after a second from Council Member Scholl.

9. Ordinance Prohibiting Parking on Town Sidewalks

*This item was removed during the Agenda approval process.*

10. Council Committee Liaison Appointments

(A) Finance and Administration Committee

Council Member Romanow made the motion to appoint Council Member Scholl to the Finance and Administration Committee with term ending 2016. The motion passed unanimously after a second from Council Member Steele.

(B) Transportation Advisory Committee

Council Member Romanow made the motion to appoint Council Member Steele as the Council Liaison to the Transportation Advisory Committee. The motion received Council's unanimous support after a second from Council Member Linhares.

11. Domestic Violence Awareness Month Proclamation

Mayor Pro Tem Griffin read the Domestic Violence Awareness Month Proclamation into the record. The Domestic Violence Awareness Month Proclamation is attached to these minutes and therefore incorporated herein.

12. Adjournment

Council Member Romanow moved to adjourn the meeting, seconded by Council Member Linhares, and the motion received unanimous support. The meeting was adjourned at 9:48 p.m.

Approved on October 12, 2015.

*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