

**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 May 14, 2018, 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 Kathy Heyse, John Martin, Lynda Paxton, Deborah Romanow, and Shawna Steele.

Those absent were:

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager; Emily Hughes, Deputy Town Clerk/Communications Specialist; Chief Minor Plyler; Lynne Hair, Town Planner; Max Hsiang, Planning Technician; Chris Easterly, Town Engineer; Kevin Parker, Assistant Town Engineer; and Marsha Gross, Finance Officer.

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 one was present to give public comment.

1. Approval of Consent Agenda Items

A. Minutes of the following meetings:

- (1) 03-26-18
- (2) 04-09-18
- (3) 04-16-18 – special meeting 1
- (4) 04-16-18 – special meeting 2
- (5) 04-23-18
- (6) 04-30-18 – special meeting

B. Ordinance Adopting Code of Ordinance Supplemental 8

C. Resolution for Deannexation/Annexation for Blair Mill Park Property

D. Parks Special Events Coordinator Job Classification

Council Member Romanow made the motion to approve the Consent Agenda Items as presented. The motion was seconded by Council Member Steele which passed unanimously by Council. The Ordinance Adopting Code of Ordinance Supplemental 8 and the Resolution for Deannexation/Annexation for Blair Mill Park Property is attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

Mayor Dunn reported that he had been in conversation with Senator Tucker about the Stallings Hotel Tax. He would keep the Council updated as that topic progressed.

B. Reports from Council Members/Town Committees

Council Member Heyse reported that the Council would consider new applications for the Historical Committee and that the committee was off to a good start.

Council Member Steele reported that the Transportation Advisory Committee met where potential funding for roads was discussed. Some residents had also thanked her lately for the Stallings Police Department.

Council Member Scholl did not have anything to report for Town business.

Council Member Romanow did not have anything to report.

Council Member Martin thanked the Stallings Police Department, specifically Sgt. Davis and his work with Stallings Elementary. He had also reported that he had received complaints about odors from the sewage plant. The Code Officer was engaged in the situation and doing what was possible.

Council Member Paxton thanked the Council for supporting the Transportation Advisory Committee for funding special transportation projects. She also noted that she would be attending an all-day transit summit at UNC-Charlotte that week.

C. Report from Town Manager/Town Departments

Town Manager Sewell submitted the staff report to the Council for the record. The Staff Report is attached to these minutes and therefore incorporated herein.

Mayor Dunn then read the 2018 National Police Week Proclamation into the record. Council Member Romanow made the motion to adopt the 2018 National Police Week Proclamation and Council

Member Scholl seconded it. The motion passed unanimously. The 2018 National Police Week Proclamation is attached to these minutes and therefore incorporated herein.

3. Agenda Approval

Mayor Dunn requested that Agenda Item 10, *Indian Trail 5K*, be moved to Agenda Item 3.A. Council Member Romanow made the motion to approve the Agenda with the above noted changed. The motion was seconded by Council Member Paxton and passed unanimously.

3.A. Indian Trail 5K

This item was original Agenda Item 10.

Hayden Framer, Indian Trail Parks and Recreation Department, explained that the Town of Indian Trail would be hosting a 5K as a fundraiser for Fire Fighters for the Cure on October 13, 2018 with all raised funds staying local. Part of the proposed route for the 5K was in the Town of Stallings. It was estimated there would be approximately 250 runners at the event. The Town of Indian Trail was requesting the Town of Stallings allow some Stallings Roads be closed during the 5K for approximately 90 minutes:

- Matthews-Indian Trail Road/Stallings (in Stallings)
- Flowe Drive
- Smith Farm Road

The Town of Stallings proposed a list of conditions in an indemnity agreement resolution to which the Town of Indian Trail had agreed. This indemnity agreement is attached to these minutes and therefore incorporated herein.

Council Member Paxton made a motion to approve the Indian Trail 5K Resolution which was seconded by Council Member Romanow. The motion received Council's unanimous support. The Indian Trail 5K Resolution is attached to these minutes and therefore incorporated herein.

4. CZ18.03.01 – Terkheurst Foundation

Mayor Dunn opened the public hearing. Town Planner Hair explained the applicant was the Terkheurst Foundation which was requesting a conditional zoning for the 9.46-acre property located at 1000 Chestnut Lane, on parcels #'s 07132004 and 07132007, for the development of an approximately 6,000 sq. ft retreat center and associated cabins. The majority of the property was zoned MU2 with a small portion zoned

PRD and all the property was vacant with an existing pond. The majority of the property would remain in its natural state. There would be two phases: 1) the retreat center; and 2) cabins.

The application met all the minimum requirements and was recommended approval by the staff and Planning Board with the following four 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.
2. Entrance to the development will be provided off Chestnut Lane.
3. The applicant will attempt to provide for access into the parking area of The Grove to provide for inter-parcel access and shared parking.
4. The applicant will provide walking trails with connectivity to adjacent properties where feasible.

No one was present to comment on this item.

Applicant Lisa Terkheurst, Proverbs 31 Ministries, explained to the Council that her application would be for a retreat center for the Family Foundation ran by Proverbs 31 Ministries. The size of events would range from 10-200 people based on the type event. During the first year, approximately 25 events were scheduled.

Ms. Terkheurst was also joined by the civil engineer and architect for the project who reviewed the project development in terms of stormwater and aesthetics.

Larry Falcone, Stallings resident, questioned if the Town would require financial statements of the applicant. He also wanted to know if the facilities would be restricted to weddings.

The Zoning Staff Report for CZ18.03.01 – Terkheurst Foundation is attached to these minutes and therefore incorporated herein.

Mayor Dunn then closed the public hearing. Council Member Romanow made the motion to approve CZ18.03.01 – Terkheurst Foundation with the four conditions as listed above. The motion was approved unanimously and seconded by Council Member Heyse.

Mayor Dunn read the Statement of Reasonableness and Consistency into the record. Council Member Romanow seconded the motion to approve the Statement of Reasonableness and Consistency for CZ18.03.01 – Terkheurst Foundation. The motion was passed unanimously. The Statement of Reasonableness and Consistency for CZ18.03.01 – Terkheurst Foundation is attached to these minutes and therefore incorporated herein.

5. TX18.04.01 – Mendez Text Amendment

Mayor Dunn opened the public hearing and Town Planner Hair presented Information to the Council. This item was a text amendment to the Stallings Development Ordinance Table of Uses, Table 8.1 (Districts) to allow medical, dental, and surgical equipment as a permitted use in the VSR (Vehicle Service and Repair) district. The request was initiated from a property owner, Edgar and Teresa Moya-Mendez, at 645-A Stallings Road. The Planning Board recommended unanimous approval of this request.

Ms. Moya-Mendez explained that 2000 sq. ft. of the 6000 sq. ft. building would be used for the medical, dental, and surgical equipment. The business owner or OrthoPro Fabrications, Andre Jones, informed the Council that he would like to open an orthotic/prosthetic business.

Council Member Romanow read into the record the Ordinance Amending the Stallings Development Ordinance allowing TX18.04.01 – Mendez Text Amendment and made the motion to adopt the ordinance. The motion was seconded by Council Member Steele and passed unanimously. The Ordinance Amending the Stallings Development Ordinance allowing TX18.04.01 – Mendez Text Amendment is attached to these minutes and therefore incorporated herein.

Mayor Dunn then read the Statement of Reasonableness and Consistency for TX18.04.01 – Mendez Text Amendment into the record. Council Member Paxton seconded the Statement of Reasonableness and Consistency for TX18.04.01 – Mendez Text Amendment which was passed unanimously by Council. The Statement of Reasonableness and Consistency for TX18.04.01 – Mendez Text Amendment is attached to these minutes and therefore incorporated herein.

6. TX18.04.02 – Development Agreement Text Amendment

Town Planner Hair explained this was a request by staff to add language to the Stallings Development Ordinance Article 7 (Permits and Procedures) requiring a development agreement as a part of the major subdivision review process. Planning Board recommended approval of the request.

Mayor Dunn closed the public hearing. Council Member Paxton read into the record the Ordinance Amending the Stallings Development Ordinance allowing TX18.04.02 – Development Agreement Text Amendment. Council Member Romanow made the motion to adopt the Ordinance Amending the Stallings Development Ordinance allowing TX18.04.02 – Development Agreement Text Amendment. The motion was passed unanimously after a second from Council Member Steele. The Ordinance Amending the Stallings Development Ordinance allowing TX18.04.02 – Development Agreement Text Amendment is attached to these minutes and therefore incorporated herein.

Mayor Dunn read the Statement of Reasonableness and Consistency for TX18.04.02 – Development Agreement Text Amendment into the record. The motion was made by Council Member Scholl to adopt the Statement of Reasonableness and Consistency for TX18.04.02 – Development Agreement Text Amendment which was seconded by Council Member Scholl. The Council supported the motion unanimously. The Statement of Reasonableness and Consistency for TX18.04.02 – Development Agreement Text Amendment is attached to these minutes and therefore incorporated herein.

7. TX18.04.03 – Density Text Amendment

Mayor Dunn opened the public hearing and Town Planner Hair explained staff was seeking this text amendment to the Stallings Development Ordinance Article 8 (Districts) increasing the allowable density for multifamily housing in the Mixed-Use District from 14.5 units an acre to 28 units an acre.

Mayor Dunn then closed the public hearing. Council Member Martin read into the record the Ordinance Amending the Stallings Development Ordinance allowing TX18.04.03 – Density Text Amendment.

The motion was made by Council Member Romanow to adopt the Ordinance Amending the Stallings Development Ordinance allowing TX18.04.03 – Density Text Amendment. Council Member Martin seconded the motion. The motion passed by a 5 to 1 vote with Council Member Paxton opposing.

Mayor Dunn read into the record the Statement of Reasonableness and Consistency for TX18.04.03 – Density Text Amendment. Council Member Romanow seconded. The motion passed by a 5 to 1 vote with Council Member Paxton opposing. The Statement of Reasonableness and Consistency for TX18.04.03 – Density Text Amendment is attached to these minutes and therefore incorporated herein.

8. TX18.04.04 – Height Text Amendment

Mayor Dunn opened the public hearing. Town Planner Hair explained this requested was seeking an amendment to the Stallings Development Ordinance Article 7 (Building and Lot Type Standards) increasing the building height for; Multi Family building type from 36' to 50' for structures located within developments adjacent to Hwy 74; Shop Front Building Type up to 70' for structures located within developments adjacent to Hwy 74; and, Highway Building Type from 50' to 70' within development adjacent to Hwy 74. The Planning Board recommended approval of the amendment.

Chief Blythe, Fire Chief for Hemby Bridge VFD, had concerns with the height allowance proposed due to the lack of personnel. Mayor Dunn then closed the public hearing.

Council Member Scholl made the motion to approve the Ordinance Amending the Stallings Development Ordinance allowing TX18.04.04 – Height Text Amendment. Council Member Romanow read the ordinance into the record and then seconded the motion. The motion passed by a 5 to 1 vote with Council Member Paxton opposing. The Ordinance Amending the Stallings Development Ordinance allowing TX18.04.04 – Height Text Amendment is attached to these minutes and therefore incorporated herein.

Mayor Dunn read the Statement of Reasonableness and Consistency for TX18.04.04 – Height Text Amendment into the record. Council Member Steele seconded the motion. The motion passed by a 5 to 1 vote with Council Member Paxton opposing. The Statement of Reasonableness and Consistency for TX18.04.04 – Height Text Amendment is attached to these minutes and therefore incorporated herein.

9. RZ18.04.01 – Underlying Zoning Map Amendment

Mayor Dunn opened the public hearing and Town Planner Hair explained the purpose of this map amendment is to add the underlying zoning where approved CUP's exist, to add MFT zoning (Multi-Family Transitional) to the neighborhoods of Callonwood, Chestnut Oaks, Wendover at Curry Place, Fairhaven, and Woodbridge where approved CUP's exist; and to combine CUGR, CUOLR and CUNRD into one CUP district. Mayor Dunn then closed the public hearing.

Mayor Dunn read the Ordinance Amending the Stallings Development Ordinance allowing RZ18.04.01 – Underlying Zoning Map Amendment into the record. Council Member Romanow made the motion to approve the ordinance and Council Member Paxton seconded the motion. Council passed the motion unanimously. The Ordinance Amending the Stallings Development Ordinance allowing RZ18.04.01 – Underlying Zoning Map Amendment is attached to these minutes and therefore incorporated herein.

Mayor Dunn read the Statement of Reasonableness and Consistency for RZ18.04.01 – Underlying Zoning Map Amendment into the record which was seconded by Council Member Steele. The motion was passed unanimously. The Statement of Reasonableness and Consistency for RZ18.04.01 – Underlying Zoning Map Amendment is attached to this minutes and therefore incorporated herein.

10. Indian Trail 5K

This item was moved to Agenda Item 3.A.

11. Committee Applications

A. Historical Committee

Deputy Town Manager/Town Clerk Nichols explained there were three applications submitted to serve on the Historical Committee: Marie Garris, Heath Guion, and Sandra Adcock. These applications had a recommended term expiration of March 31, 2019.

Council Member Heyse made the motion to appoint Marie Garris, Heath Guion, and Sandra Adcock to the Historical Committee with terms ending March 31, 2019. The motion received Council's unanimous support after a second from Council Member Steele.

B. Transportation Advisory Committee

Council Member Paxton explained there were two applicants for one position on the Transportation Advisory Committee: Helena Connors and Raul Gonzalez.

Council Member Paxton made the motion to appoint Helena Connors to the Transportation Advisory Committee with a term ending March 31, 2019. Council Member Heyse seconded the motion. The motion failed by a 2 to 4 vote with Council Members Martin, Romanow, Scholl, and Steele.

Council Member Steele made the motion to appoint Raul Gonzalez to the Transportation Advisory Committee with a term ending March 31, 2019. Council Member Scholl seconded the motion. The motion tied by a 3 to 3 vote with Council Members Heyse, Martin, and Paxton opposing. The motion failed after Mayor Dunn broke tie opposing the motion.

Council decided to invite both candidates to the next Council Meeting to discuss their experience and desire to serve on the committee. Staff was also asked to research other municipalities procedures on allowing the same person to serve on more than one committee.

12. Adjournment

Council Member Steele moved to adjourn the meeting, seconded by Council Member Romanow, and the motion received unanimous support. The meeting was adjourned at 9:12 p.m.

Approved on June 11, 2018.

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