

**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 July 9, 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 John Martin, Lynda Paxton, Deborah Romanow, and Shawna Steele.

Those absent were: Council Member Kathy Heyse.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager; Minor Plyler, Police Chief; Max Hsiang, Planning Technician; Melanie Cox, Town Attorney; 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. He then led the Pledge of Allegiance and called the meeting to order.

Public Comments

No one was present to give public comment.

1. Reports

A. Report from the Mayor

The Mayor had no report.

B. Reports from Council Members/Town Committees

Council Member Paxton reported that Union County will hear the fire study report at the Union County Commissioners Meeting on August 6.

Council Member Martin reported he was invited to attend the Indian Trail ABC Board Annual Meeting. It was a profitable enterprise and was looking to expand in the future.

Council Members Romanow, Scholl, and Steele had no reports.

C. Report from Town Manager/Town Departments

Town Manager Sewell reported on the following:

- Staff Update was submitted for the record

- NCDOT would not allow the Town to begin the mast arm painting on the Monroe Expressway until after the contractor has completed work in November; bidding for that project would let in August.
- The Town was awarded \$50,000 for small area plans from the state. Representative Dean Arp was instrumental in obtaining those funds.
- Staff completed supervisory training in Waxhaw. Departments would be following up on that training by setting departmental purposes and goals based on the Town's vision and priorities.

Marsha Gross, Finance Officer, presented the Council a Financial Update as of June 30, 2018 for the 2017-2018 fiscal year. That presentation is attached to minutes and therefore incorporated herein.

2. Agenda Approval

Town Manager Sewell requested adding a closed session pursuant to NCGS 143-318.11(a)(3) to Agenda Item 10.

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

3. CZ18.04.01 - CapRock Conditional Zoning Amendment

Mayor Dunn opened the public hearing. Max Hsiang, Planning Technician, explained that CapRock was requesting an amendment to conditional zoning CZ13.03.01 that if approved would allow changes to the site plan and elevations on subject property, tax parcel ID 07132006, that was approved for an age restricted 55+ community. The changes were:

1. Elevations

Condition #2 of the originally approved conditional rezoning required all buildings to be brick with stone accents to match quality of development at Austin Village and The Grove. The applicant was requesting an amendment to this condition that would allow hardiplank to be used as the main building material, utilizing stone and brick as accent materials.

2. Site Plan

The applicant was proposing a change to the approved site plan. The two-story building footprint had been reduced and would be oriented towards the west side of the property and would be three-stories. Instead of the original four (4) quad buildings, the new site plan had eight (8) duplex buildings located on the east side. Parking and circulation would be located in the center of the site. The open space area would be located on the west side, within the floodplain.

There was no one present to give public comment during this public hearing. Mr. Hsiang reviewed the conditions with the Council:

1. The project is subject to approval from NCDOT, Union County Public Works, DENR and Town Engineer.
2. Building elevations will include hardiplank with 20% brick and/or stone accents and will be built as shown in elevations provided as a part of this application. No vinyl or siding is permitted. Shake shingles are acceptable. Architectural review and approval by the Planning Board to include materials and colors will be required.
3. Walking trails and other passive recreational amenities will be included within the proposed open space on the property, as well as compliance with Article 21 of the Stallings Development Ordinance.
4. Right of way on Chestnut Lane for future widening will be dedicated to the Town of Stallings.
5. The site plan will need to be adjusted to ensure that detention and parking are not located within the project boundary buffers.
6. The density of the project shall not exceed 9.5 units per acre.
7. Parking will be limited to a total of 110 spaces.
8. Applicant will comply with requirements of the Housing for Older Person Act of 1995 (amended 1999) and provide the Town with the verification of occupancy required under federal law.
9. Applicant agrees to install curb and gutter and sidewalk on the property and any required road improvements.
10. The Town will obtain the necessary right-of-way for a sidewalk on the adjacent property (parcels 07132007 and 07132004B), and the applicant will construct the sidewalk, providing pedestrian connectivity to The Grove.
11. The applicant will provide pedestrian connectivity to adjacent property to the north (parcel 07132004).

Applicant Scott Vickery, Austin Properties, agreed to all the condition set forth by the staff and Planning Board. The Zoning Staff Report for CZ18.04.01 - CapRock Conditional Zoning Amendment is attached to these minutes and therefore incorporated herein.

Mayor Dunn closed the public hearing. The Planning Board unanimously recommended approval of the request.

Mayor Dunn read the Statement of Reasonableness and Consistency CZ18.04.01 - CapRock Conditional Zoning Amendment for into the record. Council Member Romanow made the motion to approve the Statement of Reasonableness and Consistency CZ18.04.01 - CapRock Conditional Zoning Amendment. The motion was seconded by Council Member Martin which passed unanimously. The Statement of Reasonableness and Consistency CZ18.04.01 - CapRock Conditional Zoning Amendment is attached to these minutes and therefore incorporated herein.

Council Member Romanow made the motion to approve CZ18.04.01 - CapRock Conditional Zoning Amendment with the addition of "20% of brick and/or stone" to Condition #2. The motion received Council's unanimous support after a second from Council Member Scholl.

4. CZ18.05.01 - East Coast Granite Amendment

Mayor Dunn opened the public hearing. Max Hsiang, Planning Technician, explained that East Coast Granite had submitted a conditional zoning amendment application to the Town of Stallings that, would allow for the property at 13606 E. Independence Blvd, parcel 07105006A, to amend the conditional zoning CZ17.08.01 to build a 50 ft. x 125 ft. outdoor granite showroom.

Condition #3 of the original conditional zoning stated that all outside storage areas would be in the rear of the building and would be screened using an opaque fence. Under this condition, East Coast Granite could not display granite unless in the rear and screened. The amendment would allow the showroom to be built on the side of the building where granite would be visible from the road.

Staff recommended that the conditional zoning amendment be approved with the following conditions:

1. The applicant or responsible party shall obtain all permits required through the Town and outside agencies in compliance with applicable regulations.
2. The applicant receives a Zoning Compliance Certificate from the Town before use of the 50 ft x 125 ft showroom.
3. All materials contained in the outdoor showroom be kept in presentable conditions.
4. The property be kept in compliance with the Town's Code of Ordinances as verified by the Stallings Code Enforcement Officer.
5. A 20' planted street buffer be installed that meets requirements of Article 7.7.8 (B) of the 2017 Stallings UDO.
6. Any dumpster located on the property will be screened using an opaque fence with a gate and landscape material where appropriate.
7. All outside storage areas (other than inside the outdoor showroom) will be in the rear of the building and will be screened using an opaque fence.
8. All ground and wall signage will be brought up to standards established by Article 17 of the 2018 Stallings DO.
9. Any code violations present on site will be mitigated prior to the issuance of a zoning permit for construction of the outside storage area.

The applicant agreed to all the conditions. The Planning Board unanimously recommended approval of the request.

There was no one present to give public comment during this public hearing. Council Member Romanow made the motion to approve CZ18.05.01 - East Coast Granite Amendment, changing the

conditions as presented above. Council Member Steele seconded the motion. The motion passed by a 4 to 1 vote opposed by Council Member Paxton.

Mayor Dunn read the Statement of Consistency and Reasonableness for CZ18.05.01 - East Coast Granite Amendment into the record. Council Member Romanow made the motion to approve the Statement of Consistency and Reasonableness for CZ18.05.01 - East Coast Granite Amendment which was seconded by Council Member Steele. The motion passed by a 4 to 1 vote with Council Member Paxton opposing. The Statement of Consistency and Reasonableness for CZ18.05.01 - East Coast Granite Amendment is attached to these minutes and therefore incorporated herein.

5. TX18.06.01 - Development Agreement Process

Mayor Dunn opened the public hearing. Town Manager Sewell explained that TX18.06.01 - Development Agreement Process was a consideration of a text amendment, to Article 7.15-3 Procedures for Entering into Development Agreements, to provide steps to begin and navigate the negotiation process for development agreements. The Planning Board approved of the text amendment and the Council had approved the fee as a part of the budget process.

There was no one present to give public comment during this public hearing. Mayor Dunn closed the public hearing. Council Member Paxton made the motion to approve TX18.06.01 - Development Agreement Process with a development agreement fee of \$6750. The motion was seconded by Council Member Romanow and received unanimous support by Council. The Ordinance Amending the "Stallings Development Ordinance" of the Town of Stallings is attached to these minutes and therefore incorporated herein.

Mayor Dunn read the Statement of Reasonableness and Consistency for TX18.06.01 - Development Agreement Process into the record. Council Member Romanow made the motion to approve the Statement of Reasonableness and Consistency for TX18.06.01 - Development Agreement Process with was seconded by Council Member Steele. The motion was passed unanimously by Council. The Statement of Reasonableness and Consistency for TX18.06.01 - Development Agreement Process is attached to these minutes and therefore incorporated herein.

6. Old Monroe Road Design Priorities for NCDOT

At the special meeting previously held that evening, Council and the Transportation Advisory Committee (TAC) held consensus on the requests it would ask of NCDOT for the Old Monroe Road design at Stallings Road. The Resolution for NCDOT Regarding Design Standards for U-4714 (Old Monroe Road)

was a product of those requests. Deputy Town Manager Nichols read the requests on the resolution into the record:

1. Through movement across Old Monroe Road from both directions of Stallings/Potters Road;
2. Left turn movement onto Old Monroe Road from both directions of Stallings/Potters Road;
3. Slip Streets and on street parking on either side of Monroe Road within "Downtown Zone," provided through the reduction of the center median (keep 3' wide raised planting strip);
4. No bulb outs within the Monroe Road Section between Friendship Drive and Sweetbriar Drive;
5. Provide for 7' sidewalks and extend multi-use path south along Potters Road to the end of the project area; and
6. Explore a safer option for multi-use crossing or keep path on either the north or south side through the Town.

Council Member Steele made a motion to approve the Resolution for NCDOT Regarding Design Standards for U-4714 (Old Monroe Road) which was seconded by Council Member Romanow. The motion received Council's unanimous support. The Resolution for NCDOT Regarding Design Standards for U-4714 (Old Monroe Road) is attached to these minutes and therefore incorporated herein.

7. Pay Classification Study Contract

Town Manager Sewell explained that this contract was a product of discussions during the budget meetings. Council discussed the item and held consensus to put this topic on the agenda in August or September and requested Town Manager Sewell collect information regarding current employee salary histories and turnover report in addition to other salary study survey companies.

8. FTA Transit Overlay District Grant Letter

Council Member Paxton explained that John Lewis, Charlotte-Mecklenburg Transit Authority, met with Stallings staff to discuss extending the light rail line from Central Piedmont Community College -Levine into Stallings. Stallings was offered the opportunity to participate in a no-match grant which would bring the light rail into Stallings.

Council Member Steele made the motion to authorize the Town Manager to authorize a letter of interest, participate in the grant, and authorize staff to take the necessary action to implement the grant and participate in the planning process and related activities. Council Member Paxton seconded the motion which passed unanimously by Council.

9. Town Manager Contract Update

Mayor Dunn explained this was a request to authorize the Town Manager Sewell to settle legal claims up to the insurance deductible amount.

After discussion, Council Member Romanow made the motion to approve the First Amendment to the Town of Stallings Employment Agreement with Alex Sewell, Town Manager with the change “but will notify the Council prior to executing any settlement.” The motion was passed unanimously after a second from Council Member Steele. The First Amendment to the Town of Stallings Employment Agreement with Alex Sewell, Town Manager allowing this action is attached to these minutes and therefore incorporated herein.

10. Closed Session in Pursuant to NCGS 143-318.11(a)(6) and (3)

Council Member Romanow made the motion to go into closed session pursuant to NCGS 143-318.11(a)(6) and (3). The motion was passed unanimously after a second from Council Member Paxton.

Council went into closed session at 9:03 p.m. and reconvened in open session at 9:28 p.m.

Council Member Scholl made a motion to authorize the Town Attorney to file a lawsuit against Phoenix Land Surveying, Inc. The motion was seconded by Council Member Steele and received Council’s unanimous support.

11. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Martin, and the motion received unanimous support. The meeting was adjourned at 9:28 p.m.

Approved on August 13, 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