

**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 28, 2019, 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 Billy Birt, Jr., John Martin, Lynda Paxton, Deborah Romanow, and Shawna Steele.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/Town Clerk; Chief Minor Plyler; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; Karen Williams, Director of Administration; Ashley Platts, Parks and Recreation Director; 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

Robert Ragon, 5000 Cinnamon Drive, was present to talk about the work Stallings had not done. There were no signs about any work being done in the Chestnut area. He felt there would be good involvement if there was good communication from the Town. Mr. Ragon said that he nor his neighbors had received any notification of zoning changes in the Chestnut area and said that communication was not done and in violation on NC State Statutes. He asked Council to delay any decisions in the Chestnut area until public was notified, and citizen involvement was obtained.

Joe Morrealz, 1020 Elsmore Drive, Matthews, was a member of Board of Election for Union County, and as a resident was present to express concerns on the impact of the schools in the Chestnut Area. He asked the Council take all information, including schools, into consideration when trying to make important decisions.

1. Agenda Approval

Mayor Dunn suggested the following:

- Adding Agenda 10.A., *Stallings Park Splash Pad Repairs*
- Move Agenda Item 10, *School Impact Study (Paxton)*, to Agenda Item 4.A.
- Move Agenda Item 9, *Traffic Impact Analysis Ordinance (Paxton)*, to Agenda Item 4.B.

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

2. Police Chief Public Input

Bonnie Call, 7605 Kidwelly Lane, stated Stallings needed another chief like the current chief. She did not feel things were broken and therefore did not need fixing. The Town needed someone who wanted to know the city and was interested in community involvement. She wanted the Town to stay in the safe zone.

3. DA19.03.02 – Solis at Chestnut

Mayor Dunn opened the public hearing. Town Planner Hair presented information to the Council regarding DA19.03.02 – Solis at Chestnut. The property was location at Chestnut Lane and Matthews-Weddington Road and the project was multi-family. The project was 38 acres in size with a proposed 302 units. The DA19.03.02 – Solis at Chestnut presentation from Ms. Hair is attached to these minutes and therefore incorporated herein.

Council discussed the development agreement on this project.

Jeff Smith, Terwillinger-Pappas, and Susan Irving, Zoning Attorney for Terwillinger-Pappas, were present to speak to the Council. Ms. Irving reviewed the Town approval timeline for the project. Logan Lousetter, architect for the project, was also present showing proposed materials for the project. The presentation by Terwillinger-Pappas is attached to these minutes and therefore incorporated herein. Laura Reid, with Kimley-Horn, fielded questions concerning the Transportation Impact Analysis (TIA) which was conducted on behalf of the Town.

Melissa Merrill, Union County School Board Chairman, 2603 Albatross Lane, was present with Don Ogram, Planning and Construction Manager for Union County Public Schools. She stated that the population was not declining in the Chestnut and Antioch locations which were at 97% capacity and were projected to be at 101% capacity next year. Any new people moving into the area of the Weddington cluster would not go to their cluster. The Impact Statement from Union County Public Schools showed 6050 units approved the school cluster areas without the proposed project. That would put a need for mobile classrooms, larger lunchroom capacities, and parking. Ms. Merrill stated that apartments did bring students to the classroom. A new elementary school cost approximately \$24 million and middle and high schools would exceed \$100 million in construction costs.

Michael Kinitsky, Longwood Court in Brookhaven, moved here from NYC to avoid trailers and traffic. He felt the Council was going in the wrong direction and would be willing to pay more tax if that was necessary. Mr. Kinitsky wanted to know what the investment was in the long term and where was the retail. He felt that the Council was given misinformation and that the traffic was horrible.

Jeannie Lindsay, 5639 Anglesey Court, lived in Baltimore and moved back and now felt development was getting out of control. She said she did not not hear any evidence of prejudice. Ms.

Lindsay was not against apartments, just schools and roads capacity. She did not feel the Town was looking at stormwater enough and preparing for it well. Ms. Lindsay felt the developers should be asked to use all known rainwater deflection systems.

Matthew Berry, 3009 Strawberry Road, moved here about 1.5 years ago to get away from urbanization. He had not received any notification, yet his parcel backed up to the rezoning. Mr. Berry would like mixed use development with stores and grocery, but this complex only had apartments.

Daniel Sensinger, 5004 Cinnamon Drive, wanted to know why the ordinance was changed so it was not required that notices be done. He felt it appeared that steps were taken not to make residents aware of this project and it appeared that no notice was given by the Town. Mr. Sensinger challenged the Council to not building Stallings just as a property, but as a community. If Council was not taking citizen opinion, then it was not building community and was shattering trust.

Shravan Sudigala, 1228 Yarrow street, said he came from a new neighborhood and was pleased that other residents were speaking. Mr. Sudigala was concerned about education and traffic. He asked the Council make a good decision on the project.

Joe McLaughlin, 3205 Strawberry Road, Chestnut, thanked the elected officials for their service. He was very concerned about the project and was asking Council to delay the vote to look into community concerns. The community had spoken, and the message was clear about development being built. Mr. McLaughlin questioned what was the Council's rush. Interest rates were low, and the Council had time. He felt the communication was poor and had asked Council Member Romanow to recuse herself on the vote because she was moving.

Sri Nagarajan, 3006 Camroos Crossing Lane, lived .04 miles where this complex was being built. The issue mattered to him because his family and neighborhood would be impacted in an adverse manner. He highlighted concerns with TIA: 1. Page 15 – projected growth rate was 3.5 percent. Mr. Nagarajan asked why the percentage was used from the recession era; 2. Page 9 - why was traffic impact done a week before Thanksgiving; 3. All intersections had grades that would fail after the improvements had been done. He felt that \$700,000 was a very small percentage of the project of the developer. The traffic impact outside of Town affected your neighbors. Mr. Nagarajan reminded the Mayor that he prayed in the beginning for wisdom and courage. He asked the Council for the wisdom to consider the facts and the courage to make the right decision.

Richard Hutchinson, 2008 Forbshire Drive, president of HOA for Brookhaven, stated that during the hurricane, Chestnut Lane washed out and people were routed into his neighborhood. While Union County Sheriff deputies and Stallings Police tried to help direct traffic when someone was available, it was a very dangerous situation and traffic was at a gridlock. The site was right in the middle of some of the worst traffic in the area and impacted many other Towns.

Tyler Grace, 3113 Delamere Drive, Brookhaven, stated that the Town motto was how home should feel. But Stallings was getting ready to change how his home felt. He asked if the Town believed in its motto. Mr. Grace added that traffic was bad but adding 600 people to that traffic would not allow him to get home from school until 6 p.m. More people would mean more traffic accidents. Mr. Grace

wondered if Council Member Romanow had her home on the market to move further away from the apartments.

Emerson Douds, 3600 Delemere Drive, was getting ready to graduate from Weddington High School and was going to the University of Pennsylvania. But he was present to support his neighbors stating that the traffic was horrible and would be worse with the project.

Robb Lindholm, 3015 Shelford Lane, stated that he had heard a lot of persuasive terms but encouraged the Council to slow down. There were 1400 people in the community who signed a petition against the project and asking the Council to delay the vote. Mr. Lindholm stated that Council Member Romanow said at a community meeting that the Council had to vote for the project because it would be worse if they did not. The developer's attorney said that it had to be approved. He encouraged the Council to wake up. Everyone wanted amenities but not in exchange for 300 apartments. Council needed to listen to valid concerns about schools and traffic.

Christopher Grace, 3113 Delamere Drive, Brookhaven, pointed out that the rent for the apartments were average \$1500 and up. Mr. Grace felt the area had plenty of grocery stores and restaurants in the area. He would like to know if Strawberry Lane was a part of the traffic study. He brought his family to the meeting to see how government worked and show them that government listened to the community. He challenged the Council to do what was best for the community.

Steven Sacks, 3109 Lakehurst Crossing, requested the Council delay the vote. All concerns were valid with the biggest issue as traffic. The project affected the whole area and was irrevocable. There was a need for two lanes going north and south and needed to fix traffic first.

Jane Brunson, 1216 Yarrow, lived in Stallings since 2006 and had seen a huge amount of growth stating that Chestnut Lane had always been a problem with cut throughs on Strawberry because Union Day School did not offer school buses. Therefore, the increased volume during school hours caused 14 minutes to drive 1.3 miles. Ms. Brunson learned about Solis a few weeks ago but this project appeared to be kept under wraps. She had trouble finding information on the website. Ms. Brunson asked for this vote to be delay.

Ed Haskey, 1007 Westbury Drive, had nothing new or different to say but felt it came down to quality of living. Stallings' identity was the place that was a choking place in traffic. The Council needed to assess it and figure where it could build in a thoughtful respectful manner. Although the apartments intent was to attract empty nesters, it would attract families and children.

Christopher Grace, 3113 Delamere Drive, Brookhaven, asked the Council if it was intending to help the economy or harm it? It would have too much traffic. It was the wrong place for apartments. On the Stallings Way Poster, it said the Council would be flexible. If that's true, then move the complex. It also said the Council supported each other but the Council was not supporting the citizens with building this complex.

Wendy Grace, 3113 Delamere Drive, Brookhaven, stated she was an educator and that the schools were overcrowded. She asked what team the Council was on and how they wanted their home

to feel. Mrs. Grace stated that apartments were not in the spirit of the community. She stated her second grader wanted her to ask the Council if it wanted its people to be happy or sad.

Ashishek Gupta, 308 Hidden Cove Lane, stated that Solis was a very good builder with very nice products. But all of those projects were near interstate highway and had proper infrastructure to support the complex. There was no rezoning on the land. The location was the wrong canvas. The traffic impact would be very bad and just getting onto the main road would be difficult. He stated there were two schools in the area that did not provide transportation for the students and no right of way. Mr. Gupta wanted the Council to fight the bad intent and vote in the favor of the citizens.

It was the consensus of the Council to call Stallings residents to speak first from that point forward.

Iyad Asaad, 320 Hidden Cove Lane, was concerned about the transportation and traffic. He felt the development would make it worse.

David Marcelly, 1107 Waypoint Court, stated that Courtyards was common boarder on this property. There was no notification in anyway with residents or the HOA for Courtyards. He felt that 1.5 parking spaces per unit was not acceptable. There were very large and old trees on the property and felt they should remain in place as it did not interfere with the building. Mr. Marcelly felt it was appalling that the TIA was conducted for only one day. Schools impact was not considered as the traffic was from Mecklenburg County Schools in that area. He also said there was a misstatement on Page 30 about the Solis contribution. In the TIA, on the northbound approach, it would increase 650 vehicles per hour and felt that the traffic circle would not be able to function in that matter. Mr. Marcelly asked the Council to delay the vote.

Janelle Birth, 3101 Pine Pointe Street, requested the Council delay the vote. She lived in Stallings and besides the travel, the impact on family and home life was tremendous. The children have already redistricted too many times.

Consensus was then held by Council to allow the non-Stallings residents to speak for one minute.

Trisha Curtis, 1017 Mundan Drive, asked if Papas owned the site.

Mark and Beth Theobald, 6003 Stanborg Drive, had two high school students and were older than the demographic said she should be and felt the data on the educational affect was incorrect. She requested the Council delay its vote.

Eric Shultz, 3003 Ainsdale Drive, Brookhaven, asked the Council to delay the vote. He did not feel there was any rush. Mr. Shultz felt that people were feeling betrayed. He moved to Stallings to get away from the over crowdedness and for better schools.

Bonnie Kaul, 7056 Kilwelly Lane, Shannamara, felt it was an interesting function that evening and there were a lot of pieces. She asked the Council to consider everything before it made its decision.

Tim Smith, 1108 Waypoint Court, Courtyards at Weddington, was concerned that Stallings didn't have big enough "pipes" for any of this development. It appeared things were not considered in TIA and that the Council needed to gather more facts. Mr. Smith asked the Council to delay the vote.

Mayor Dunn closed the public hearing.

Town Attorney Cox explained there were no legal grounds to recuse Council Member Romanow and that she had a duty to vote on the issue based on the state statutes.

Council discussed the project. Council Member Paxton made the motion to have the Development Agreement for the Solis Project to go back to the Development Agreement Subcommittee to review all the issues and limitations of the TIA and school impact information and delay the decision. Council Member Birt seconded the motion.

Council held further discussion on the issue. Town Clerk Nichols was then requested to perform a roll call on the vote:

- Council Member Birt - Aye
- Council Member Steele – Aye
- Council Member Scholl – Aye
- Council Member Romanow – Aye
- Council Member Martin – Aye
- Council Member Paxton – Aye

The vote was unanimous, and the motion passed.

Council took a recess at 9:34 p.m. and reconvened in open session at 9:41 p.m.

Council Member Romanow made the motion to excuse Council Member Romanow for the remainder of the meeting. The motion was passed unanimously after a second from Council Member Martin.

Council Member Romanow left the meeting at 9:42 p.m.

4. Pay and Classification Study

Town Manager Sewell reminded the Council that it approved conducting a Pay and Classification Study orchestrated by the MAPS Group and that the study had been presented to the Council on April 12820

May 28, 2019

23. Cheryl Brown, MAPS Group, agreed with the Pay and Classification Study. It was noted that Option 4 was recommended which would cost a total of \$70,000.

Council discussed the options and the study. Council Member Steele made the motion to approve and implement Option 4 of the Pay and Classification Study. Council Member Martin seconded the motion. The motion passed by a 4 to 1 vote with Council Member Paxton opposing.

4.A. School Impact Study (Paxton)

Original Agenda Item 10

Council Member Paxton requested that a school impact study be included with any Development Agreement the Town received and include it prior to any meetings concerning a proposal.

Council held consensus to hold a work session regarding the possibility of adding the School Impact Study and expanded school information to the Development Agreement Process.

4.B. Traffic Impact Analysis Ordinance (Paxton)

Original Agenda Item 9

Council Member Paxton requested Council address revisions to the TIA Ordinance. Steve Blakely, Kimley-Horn, noted that one of the most notable areas of debate was trip generation in regard to local norms.

Council held consensus to hold a work session at a later date, possibly with the Transportation Advisory Committee (TAC), to discuss any amendments.

Council Member Paxton made the motion to suspend the rules to change the order of the Agenda to discussion Agenda Item 6, *Town Hall Second Floor Renovations – Layout and Structural Engineering*, prior to Agenda Item 5, *Greenway: Request for Qualification RFQ Results – Engineering and Contract*. The motion passed unanimously after a second from Council Member Steele.

5. Greenway: Request for Qualification RFQ Results – Engineering and Contract

Town Manager Sewell explained this portion of the Greenway was from the Vickery property to develop a Town trail in that area. Destination by Design was chosen through the RFQ process for the engineering of the Greenway Trail.

Council Member Steele made the motion to approve the Greenway engineering contract with Destination by Design for \$63,000. The motion failed for lack of a second.

Council requested more data on the design and contact. More data would be brought back to Council at a later date.

6. Town Hall Second Floor Renovations – Layout and Structural Engineering

This item was heard prior to Agenda Item 5.

Deputy Town Manager Nichols presented the information and the need for the existing Town Hall Second Floor Renovations. This presentation is attached to these minutes and therefore incorporated herein.

Council Member Steele made the motion to approve the design and \$3300 for structural engineering costs for the planning and design of the Town Hall Second Floor Renovations. Council Member Scholl seconded the motion which passed unanimously by Council.

7. Employee Safety Bonus (Martin)

Council Member Martin recommended the Police Department Staff receive an additional employee safety bonus as was awarded the previous year. He was not opposed to giving the bonus staff wide. Council took no action on this item.

8. ETJ Legal Research (Martin)

Council Member Martin reported he had had conversations with other local municipalities about this topic and how to best promote partnerships in growing development.

Council Member Martin made the motion to have the Town Attorney look into the perimeters of Memorandum of Understanding (MOU) with ETJs with the neighboring municipalities and border properties and provide framework for possible ETJs with neighboring municipalities. The motion received Council's unanimous support after a second from Council Member Steele.

9. Traffic Impact Analysis Ordinance (Paxton)

See Agenda Item 4.B.

10. School Impact Study (Paxton)

See Agenda Item 4.A.

10.A. Stallings Park Splash Pad Repairs

Town Manager Sewell explained that the Stallings Park Splash Pad was in need of major repairs in order to be functional and address safety issues. A memo detailing the needed repairs and options is attached to these minutes and therefore incorporated herein.

Council Member Paxton made the motion to approve the Stallings Park Splash Pad repairs at a cost of \$55,795 for the operations and safety controls. The motion received Council's unanimous support after a second by Council Member Scholl.

11. Closed Session Pursuant to NCGS143.318-11(a)(6)

This item was tabled.

12. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Steele, and the motion received unanimous support. The meeting was adjourned at 11:02 p.m.

Approved on July 8, 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