



**Access for the Electronic Meeting**

**Via phone:** 1-646-558-8656

**Via web:**

<https://zoom.us/j/97496748872?pwd=cDBP0GNkY2Z5YzVXbEtwM01sUzhCdz09>

**Via Zoom App:**

**Meeting ID:** 974 9674 8872

**Password:** 594554

**July 13, 2020**

Stallings Town Hall

315 Stallings Road

Stallings, NC 28104

704-821-8557

[www.stallingsnc.org](http://www.stallingsnc.org)

**Town Council Agenda**

	Time	Item	Presenter	Action Requested/Next Step
	7:00 p.m.	Invocation Pledge of Allegiance Meeting ID: Password: Call the Meeting to Order	Wyatt Dunn, Mayor	NA
	7:05 p.m.	Public Comment	Wyatt Dunn, Mayor	NA
1.	7:15 p.m.	Consent Agenda Approval A. Minutes from the following meetings: (1) 05-04-2020 – special (2) 05-11-2020 – special (3) 05-11-2020 (4) 05-26-2020 (5) 06-08-2020	Wyatt Dunn, Mayor	Approve Consent Agenda <i>(All items on the Consent Agenda are considered routine, to be enacted by one motion. If a member of the governing body requests discussion on of an item, the item will be removed from the Consent Agenda and considered separately.)</i>  <b>Motion:</b> I make the motion to: 1) Approve the Consent Agenda as presented; or 2) Approve the Consent Agenda with the following changes: _____.
2.	7:17 p.m.	Reports A. Report from Mayor B. Report from Council Members/Town Committees C. Report from Town Manager/Town Departments	Council and Staff	NA
3.	7:40 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve agenda as written. <i>(ADD, IF APPLICABLE: with changes as described by Mayor Dunn)</i>  <b>Motion:</b> I make the motion to: 1) Approve the Agenda as presented; or 2) Approve the Agenda with the following changes: _____.
4.	7:45 p.m.	<b>CZ20.02.01 - Courtyards at Weddington Road</b> Request to amend condition #8 of the original zoning approval requiring an alternate emergency exit for the project. A. Open Public Hearing B. Information from Staff C. Close Public Hearing D. Council Vote	Lynne Hair, Town Planner	Approve/Deny CZ  <b>Motion:</b> I make the motion to approve CZ20.02.01 - Courtyards at Weddington Road.

5.	8:00 p.m.	<p><b>DA19.03.03 - Broadstreet Homes, Inc./Stallings Elementary Subdivision.</b></p> <p>Approval of the Development Agreement for a 54-lot single family subdivision located on Stallings Road in parcels #07099049, 07099050, 07099051, 07099052, 07099053, 07099054.</p> <p>A. Open Public Hearing B. Information from Staff C. Close Public Hearing D. Council Vote</p>	Lynne Hair, Town Planner	<p>Approve/Deny the development agreement.</p> <p><i><b>Motion:</b> I make the motion to approve DA19.03.03 - Broadstreet Homes, Inc./Stallings Elementary Subdivision.</i></p>
6.	8:15 p.m.	<p><b>Stallings Noise Ordinance Amendment</b></p>	Alex Sewell, Town Manager	<p>Approve/Deny the ordinance amendment.</p> <p><i><b>Motion:</b> I make the motion to approve the Stallings Noise Ordinance Amendment.</i></p>
7.	8:20 p.m.	<p><b>Development Ordinance Amendments</b></p> <p>Amendments to the Development Ordinance as recommended by the Small Area Plan sub committees addressing issues with density, the small area plans being tied to the development ordinance, and protection of existing single family residential.</p>	Lynne Hair, Town Planner	<p>Approve/Deny the development ordinance amendment.</p> <p><i><b>Motion:</b> I make the motion that the proposed ordinance amendments be forwarded to the Planning Board for consideration.</i></p>
8.	8:35 p.m.	<p><b>Police Department Items (Franks):</b></p> <p>A. Reorganization Department B. Capt. Harrington Ceremonial Sale of Service Weapon</p>	Dennis Franks, Police Chief	<p>Approve/Deny the Police Department requests.</p> <p><i><b>Motion:</b> I make the motion to:</i> A. Approve the Police Department reorganization. B. Approve the Capt. Harrington Ceremonial Sale of Service Weapon for \$1.</p>
9.	8:45 p.m.	<p><b>Union County 2050 Planning Summit Council Delegate</b></p>	Alex Sewell, Town Manager	<p>Select a Council Delegate</p>
10.	8:50 p.m.	<p><b>Amended Budget Ordinance 1 – Monument Signage</b></p>	Marsha Gross, Finance Officer	<p>Approve/Deny the budget ordinance amendment.</p> <p><i><b>Motion:</b> I make the motion to approve ABO 1 – Monument Signage.</i></p>
11.	8:55 p.m.	<p><b>Adjournment</b></p>	Wyatt Dunn, Mayor	<p>Motion to adjourn</p>

**MINUTES OF TOWN COUNCIL SPECIAL MEETING  
OF THE  
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for a special meeting on May 4, 2020, at 5:30 p.m. via Zoom, a virtual electronic platform, due to the North Carolina declared state of emergency because of COVID-19. Public could access the meeting via phone (1-646-558-8656), web link (<https://zoom.us/j/98385701501?pwd=MStjVjhucSt3b1lmczAzTktvZ2RaZz09>), or the Zoom app (Meeting ID: 983 8570 1501; Password: 014629).

Those present and visible on camera were: Mayor Wyatt Dunn; Mayor Pro Tempore Lynda Paxton; Council Members Steven Ayers, Heather Grooms, John Martin, Brad Richardson, and David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Marsha Gross, Finance Officer; Lynne Hair, Town Planner; Ashley Platts, Director of Parks and Recreation; Brian Price, Director of Public Works; Karen Williams, Human Resources Director; and Chris Easterly, Town Engineer.

1. Call the Meeting to Order

Mayor Dunn called the meeting to order.

2. Budget Discussions for the 2020-2021 Fiscal Year

Council continued the 2020-2021 Fiscal Year Proposed Budget review. Assistant Town Manager Nichols reviewed the Sanitation Department projected budget. The department was anticipating a 2.04% increase based on CPI increase per the contract and a slight increase on house count.

Chief Franks reviewed the proposed Police Department budget noting a 3.4% increase mainly due to three potential projects: 1) ICMA Workload Analysis; 2) CALEA Accreditation; and 3) a new policy manual system. Chief Franks reviews those projects with the Council.

Finance Officer Marsha Gross and Human Resource Officer Karen Williams reviewed the Employee Pay Plan Policy based on the Pay Classification Study with the Council and explained its three components: 1) CPI; 2) Pay Step; and 3) Bonus.

Parks and Recreation Director Ashley Platts shared information with the Council regarding follow-up items from the previous Council Budget Meeting: 1) staffing trends; 2) incorporating a farmer's market as well as a slight reduction in events; and 3) Blair Mill Site Specific Master Plan PART F.

Public Works Director Brian Price followed-up with some departmental items as well: 1) bush hogging near the Rock Store would be discontinued with the local residents being notified via letter and future maintenance being handled by NCDOT; 2) additional staff may be needed in a future budget year; 3) the purchase of used equipment was investigated and not recommended by staff; and 4) staff proposed the purchase of the mini-excavator and waiting on other equipment and non-local training until future years.

These presentations and proposed budgets are attached to these minutes and therefore incorporated herein.

*Clerk's Note: Council took a brief recess at 7:13 p.m. and reconvened at approximately 7:15 p.m.*

Town Manager Sewell reviewed the notable items list with the Council and specifically how the Council's annual priorities coincided with the budget. This notable items list is attached to these minutes and therefore incorporated herein.

*Clerk's Note: Council Member Brad Richardson left the meeting at 7:27 p.m.*

Council continued to discuss optional items for the budget. Council requested like items be lumped together instead of separated by department. Council would discuss the CMIIP at the next budget meeting.

### 3. Adjournment

Council Member Martin moved to adjourn the meeting, seconded by Council Member Ayers, and the motion received unanimous support. The meeting was adjourned at 7:37 p.m.

Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

DRAFT

**MINUTES OF TOWN COUNCIL SPECIAL MEETING  
OF THE  
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for a special meeting on May 11, 2020, at 5:00 p.m. via Zoom, a virtual electronic platform, due to the North Carolina declared state of emergency because of COVID-19. Public could access the meeting via phone (1-646-558-8656), web link (<https://zoom.us/j/91155561494?pwd=dFl2amFCU2U0Mk9lTTkyQTl5VndiUT09>), or the Zoom app (Meeting ID: 911 5556 1494; Password: 023993).

Those present and visible on camera were: Mayor Wyatt Dunn; Mayor Pro Tempore Lynda Paxton; Council Members Steven Ayers, Heather Grooms, John Martin, Brad Richardson, and David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Marsha Gross, Finance Officer; Lynne Hair, Town Planner; Ashley Platts, Director of Parks and Recreation; Brian Price, Director of Public Works; Karen Williams, Human Resources Director; and Chris Easterly, Town Engineer.

1. Call the Meeting to Order

Mayor Dunn called the meeting to order.

2. Budget Discussions for the 2020-2021 Fiscal Year

Council discussed the outstanding items for the 2020-2021 proposed budget.

Council Member Richardson made the motion to approve the COLA of 2.3% for staff effective July 1, 2020; 2% step pay increase to be effective January 1, 2021; and defer the 1% performance bonus to be decided by Council at the second meeting in November 2020. Council Member Ayers seconded the motion. The motion passed by a 4 to 2 vote with Council Member Paxton and Scholl opposing.

Council had no comments or changes to the General Government Budget.

The motion was made by Council Member Paxton to approve the Public Safety Budget as presented with removing the ICMA workload study (\$38,000). Council Member Martin seconded the motion which was passed unanimously by the Council.

Council Member Richardson made the motion to include the Transportation Budget in the Manager's Recommended Budget and have the Transportation Budget be reflective of the earlier

decision to delay the pay step. Council Member Scholl seconded the motion and the motion was passed unanimously.

The motion was made by Council Member Scholl to add \$50,000 in the Transportation Budget for monumental signage. Council Member Paxton seconded the motion and the Council supported the motion unanimously.

Council Member Scholl made the motion to include the Environmental Services Budget in the Manager's Recommended Budget. The motion was seconded by Council Member Martin and passed unanimously.

Council held consensus to not change the Economic and Physical Development Budget and leave as presented.

The motion was made by Council Member Richardson to include Debt Service Manager's Recommended Budget. The motion passed unanimously after a second by Council Member Scholl.

Council Member Richardson made the motion to include the Public Works Budget in the Manager's Recommended Budget as presented and have the Public Works Budget be reflective of the earlier decision to delay the pay step. Council Member Grooms seconded the motion and the motion was passed unanimously.

Council Member Paxton made the motion to remove \$57,000 from the Parks and Recreation Budget, placing in the FY21-22 budget, reducing that figure to \$20,000 to repair and enhance Blair Mill Park. The motion was seconded by Council Member Scholl and passed unanimously.

The motion was made by Council Member Paxton to approve the transitioning of the Parks and Recreation part-time position to a full-time position. Council Member Richardson seconded the motion which was supported unanimously by Council.

It was noted that the budget public hearing had been advertised and would be held on Monday, June 8, 2020 at 7 p.m.

### 3. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Richardson, and the motion received unanimous support. The meeting was adjourned at 6:45 p.m.

Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC

DRAFT



**MINUTES OF THE TOWN COUNCIL MEETING  
OF THE  
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for a meeting on May 11, 2020, at 7:00 p.m. via Zoom, a virtual electronic platform, due to the North Carolina declared state of emergency because of COVID-19. Public could access the meeting via phone (1-646-558-8656), web link (<https://zoom.us/j/91155561494?pwd=dFl2amFCU2U0Mk9lTTkyQTl5VndiUT09>), or the Zoom app (Meeting ID: 911 5556 1494; Password: 023993).

Those present and visible on camera were: Mayor Wyatt Dunn; Mayor Pro Tempore Lynda Paxton; Council Members Steven Ayers, Heather Grooms, John Martin, Brad Richardson, and David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Lynne Hair, Town Planner; and Chris Easterly, Town Engineer.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Wyatt Dunn welcomed everyone to the meeting and delivered the invocation. Mayor Wyatt Dunn then led the Pledge of Allegiance and called the meeting to order.

Public Comments

No one joined the electronic meeting who wanted to give public comment.

1. Consent Agenda Approval

A. Minutes from the following meetings:

- (1) 03-09-2020
- (2) 03-09-2020 – closed
- (3) 03-30-2020 – special
- (4) 04-14-2020
- (5) 04-20-2020 – special

Council Member Grooms made the motion to approve the Consent Agenda as presented. The motion was seconded by Council Member Ayers and passed unanimously.

2. Reports

A. Report from Mayor

Mayor Dunn had no report

B. Report from Council Members/Town Committees

Council Member Ayers thanked the engineering staff for handling some issues with stormwater and walking the areas in question with him.

No other Council Members had reports.

C. Report from Town Manager/Town Departments

Town Manager Sewell reported the following:

- NCDOT was experiencing cash flow issues and projected revenue losses. The Chestnut Lane Roundabout project had already been awarded and executed and would move forward as projected. However, the other projects in Stallings had been halted per state statutes regarding funds minimums.
- He requested that the Council's open space goals be sent to Town Planner Hair.
- Assistant Town Manager Nichols reported that Waste Connections had agreed to pick-up yard waste via the recycling carts or the regular method of placing the yard waste by the curb.

3. Agenda Approval

Mayor Dunn requested Agenda Item 7, Electronic Meetings Policy, be moved to Agenda Item 4.A.; removing Agenda Item 8, *Divide Golf Course Maintenance*; and adding Agenda Item 7.A. as *Continued 2020-21 Budget Discussions*.

Council Member Richardson made the motion to approve the Agenda as amended above. The motion was passed unanimously after a second from Council Member Paxton.

4. DA19.11.01 – Union Park Towns/Exeter Development

Council Member Paxton reminded all that she had been recused from this item at the last meeting as her family owned some of the land that was a part of this project. Mayor Dunn then reopened the public hearing.

Town Planner Hair reminded the Council that on April 27, 2020, this project was introduced to the Council. This was a Development Agreement for a 217-unit townhome project, mainly alley fed, on 25.72 acres located on Stallings Road. The property was zoned MU2 where townhomes were a permitted use. The project was compromised of four properties near the Monroe Bypass. There were two entrances into the project from Stallings Road. The development agreement subcommittee and the Planning Board recommended unanimous approval of the project. No public was present at the April 27,

2020 meeting to address the Council about this project. Council held questions about open space and the applicant was present to give more information about the open space issue on the project.

Jeff Smerko (Exeter Development), John Holcomb (Kimley-Horn), Jonathan Hess (NVR/Rylan Homes) joined the meeting with Susan Irving, attorney for the project, who presented to Council. This presentation is attached to these minutes and therefore incorporated herein.

Council discussed neighborhood connectivity in the agreement. Exeter Development agreed to add language to the site plan exhibit that stub connections would be built to the property line as well as add language to the Development Agreement which would mirror that information in the declaration and covenants, and add neighborhood signage noting future connectivity.

Laura Wojtoicz gave a public comment and stated that she wanted to the streets to become public streets. Mayor Dunn then closed the public hearing.

Council Member Scholl made a motion to approve DA19.11.01 – Union Park Towns/Exeter Development as amended in the discussion above regarding street connectivity. Council Member Martin seconded the motion. The motion passed with a 4 to 1 vote with Council Member Grooms opposing. (Council Member Paxton was recused.)

#### 4.A. Electronic Meetings Policy *Original Agenda Item 7*

Town Attorney Cox explained that there were a few changes to the Electronic Meetings Policy including: 1) electronic meetings were only allowed by the Governor or the Legislature; 2) being seen on electronic meeting; 3) roll call voting; 4) voting requirements if present; and 5) making efforts to show all documents.

Council Member Paxton made the motion to adopt the Electronics Meetings Policy as presented. The motion passed unanimously after a second from Council Member Martin. The Electronic Meetings Policy is attached to these minutes and therefore incorporated herein.

#### 5. Potter Road/Stallings Road Intersection Design

NCDOT Division Brett Canipe and Alex Foster presented the Council with the design of the Potter Road/Stallings Road Intersection. The project began initial discussions in 2017. The presentation by NCDOT is attached to these minutes and therefore incorporated herein.

Council decided not to hold further discussion on this item waiting until it was able to meet back in person so that it could more closely look at the design documents. NCDOT would also investigate on-street parking options.

6. NCDOT Road Abandonment Request Quarter Horse Drive

Town Engineer Chris Easterly explained this was a request from NCDOT to abandon a portion of the subject road from the State Maintained Road System. The road could be recommended for abandonment upon receipt of a resolution from the Town Council. The 0.2 miles NCDOT was requesting to abandon were never abandoned and there was currently a subdivision in its place instead of the roadway. There was a remaining 0.17 miles of Quarter Horse Drive that was to remain in the system.

Mayor Dunn read the Resolution for Abandonment Request Quarter Horse Drive into the record. Council Member Richardson made the motion to approve the Resolution for Abandonment Request Quarter Horse Drive. The motion was seconded by Council Member Grooms and passed unanimously. The Resolution for Abandonment Request Quarter Horse Drive is attached to these minutes and therefore incorporated herein.

7. Electronic Meetings Policy

*This Agenda Item was moved to Agenda Item 4.*

7.A. Continued 2020-21 Budget Discussions

Council continued the 2020-21 Budget Discussions from the special budget meeting prior that evening. Council held consensus to include in the Town Manager's Recommended Budget the shades for Stallings Municipal Park (\$20,000) and the two expenses for the Farmer's Market (start up and infrastructure - \$33,000). Council also held consensus to reduce Parks and Recreation Events and increase Programming.

The consensus was also held by the Council to delay the Stallings Road demolition on the home owned by the Town.

Assistant Town Manager Nichols explained to the Council the options for the lobbies refresh in the existing Town Hall as the renovations were currently taking place on the second floor. Council held consensus in general on approving the lobbies refresh with staff bringing back flooring options and holding off on the front outside doors/key fob system replacement.

The Council held consensus to use laptop replacement for staff teleworking capabilities and to fund historical signs and economic development needs.

8. Divide Golf Course Maintenance

*This Agenda Item was removed during Agenda Approval.*

9. Adjournment

Council Member Ayers moved to adjourn the meeting, seconded by Council Member Grooms, and the motion received unanimous support. The meeting was adjourned at 9:38 p.m.

Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC

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**MINUTES OF THE TOWN COUNCIL MEETING  
OF THE  
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for a meeting on May 26, 2020, at 7:00 p.m. via Zoom, a virtual electronic platform, due to the North Carolina declared state of emergency because of COVID-19. Public could access the meeting via phone (1-646-558-8656), web link (<https://zoom.us/j/99240794764?pwd=OUJocmEwcXhoaG1tS2Rzb1o3YmVldz09>), or the Zoom app (Meeting ID: 992 4079 4764; Password: 447629).

Those present and visible on camera were: Mayor Wyatt Dunn; Mayor Pro Tempore Lynda Paxton; Council Members Steven Ayers, Heather Grooms, John Martin, Brad Richardson, and David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Marsha Gross, Finance Officer; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; and Mac McCarley, Planning Attorney.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Wyatt Dunn welcomed everyone to the meeting and Council Member Grooms delivered the invocation. Mayor Wyatt Dunn then led the Pledge of Allegiance and called the meeting to order.

Public Comments

No one joined the electronic meeting who wanted to give public comment.

1. Agenda Approval

Town Manager Sewell requested *LVT Flooring* be added as Agenda Item 5.A.; and *Phase Two Transitions* as Agenda Item. 5.B.

Council Member Martin made the motion to approve the Agenda as amended above. The motion was passed unanimously after a second from Council Member Ayers.

2. Stevens Mill/Lawyers Road Intersection Design

Town Engineer Chris Easterly reminded the Council that Union County had entered into an agreement with RS&H to determine design alternatives for six intersections in Union County Phase 1 of intersection improvements. One of those intersections was the Stevens Mill/Lawyers Road Intersection.

Mr. Easterly introduced Scott Cole and Allison Drake with RS&H who would present two design alternatives for the Stevens Mill/Lawyers Road Intersection.

Ms. Drake walked the Council through the two design alternatives for the intersection in question. The public had already seen the alternatives and allowed to comment on the designs. Forty-two responses were received for the Stevens Mill/Lawyers Road Intersection alternatives. That presentation is attached to these minutes and therefore incorporated herein.

Peggy Booth, 8125 Stevens Mill Road, did not feel the current design was acceptable due to the turn lanes and felt the Town was in a constant battle with Stallings and she had only lived here less than two years.

Council Member Paxton made the motion to have the Council go on record as approving the Alternative 1 Design for the Stevens Mill/Lawyers Road Intersection Design. The motion was passed unanimously by Council after a second from Council Member Scholl.

## 2. 2019-2020 Amended Budget Ordinances

Finance Officer Marsha Gross briefly walked the Council through Amended Budget Ordinances 8-10 explaining these were needed to adjust funds for previously approved items for the book's year end records.

### (A) ABO#8 – Part time Maintenance Staff

Council Member Ayers made the motion to approve Amended Budget Ordinance 8 with Council Member Grooms seconding the motion. The motion was passed unanimously. The *Amended Budget Ordinance 8 - Part time Maintenance Staff* is attached to these minutes and therefore incorporated herein.

### (B) ABO#9 – Capital Project Fund/General Fund for New Facilities

Council Member Richardson moved to approve the Amended Budget Ordinance 9. The motion was passed unanimously after a second by Council Member Scholl. The *Amended Budget Ordinance 9 - Capital Project Fund/General Fund for New Facilities* is attached to these minutes and therefore incorporated herein.

### (C) ABO#10 – Capital Fund Interest Expense

The motion was made by Council Member Paxton to approved Amended Budget Ordinance 10. Council Member Ayers seconded the motion. Council passed the motion unanimously. The *Amended*

*Budget Ordinance 10 - Capital Fund Interest Expense* is attached to these minutes and therefore incorporated herein.

4. Regional Cabarrus Stanly Union Hazard Mitigation Plan Resolution

Town Manager Sewell explained this was a regional plan that was developed to minimized harm as much as possible during natural and manmade disasters. Having an up to date plan ensured state and federal compliance and allowed for the regional to be eligible for certain grants. The plan was complete and met all state and federal guidelines.

Council Member Richardson made the motion to approve the Regional Cabarrus Stanly Union Hazard Mitigation Plan Resolution to which Council Member Scholl seconded. The motion received Council's unanimous support. *The Regional Cabarrus Stanly Union Hazard Mitigation Plan Resolution* is attached to these minutes and therefore incorporated herein.

5. Holding Required Community Meetings Remotely

Town Planner Hair explained staff was requesting that Council add community meetings to the virtual meetings policy. The community meetings were a part of the conditional zoning process necessary in order to bring the request for Council consideration.

The motion was made by Council Member Richardson to allow community meetings to be held remotely. The motion was passed unanimously after a second by Council Member Martin.

5.A. LVT Flooring Option

Assistant Town Manager Nichols explained that installing LVT floors in the lobbies of the existing Town Hall was a more cost effective option than redoing the hardwood floors and replacing the carpet - a \$5000 savings. Staff advised Council to use the LVT for these areas.

Council Member Martin made the motion to approve the LVT Flooring costs for refreshing both lobbies in the existing Town Hall. The motion received Council's unanimous support after a second from Council Member Ayers.

5.B. Phase 2 Transitions

Town Manager Sewell explained the Town Staff's working scenarios due to North Carolina's move to Phase Two of the COVID-19 Crisis.



- Workforce: perform essential town services while ensuring the safety of public and employees; range of approaches based on different departments.
- Citizen Inquiries: available by phone; call ahead for an in-person visit due to construction
- Park Amenities: Everything will be open except for playgrounds, splash pad, shelter rentals, water fountains, and no mass gatherings.

Council Member Scholl made the motion to approve the Staff's Phase Two working scenarios as presented. Council Member Richardson seconded the motion. The motion was passed 5 to 1 with Council Member Grooms opposing.

It was noted that Council Member Richardson would like the Parks and Recreation Department to begin thinking about the Town's 50-year incorporation anniversary celebration.

#### 6. 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 8:18 p.m.

Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC

**MINUTES OF THE TOWN COUNCIL MEETING  
OF THE  
TOWN OF STALLINGS, NORTH CAROLINA**

The Town Council of the Town of Stallings met for a meeting on June 8, 2020, at 7:00 p.m. via Zoom, a virtual electronic platform, due to the North Carolina declared state of emergency because of COVID-19. Public could access the meeting via phone (1-646-558-8656), web link (<https://zoom.us/j/94244744516?pwd=bGZQaTN1amFyUXRiRWFKQUtPUzdxdz09>), or the Zoom app (Meeting ID: 942 4474 4516; Password: 220911).

Those present and visible on camera were: Mayor Wyatt Dunn; Mayor Pro Tempore Lynda Paxton; Council Members Steven Ayers, Heather Grooms, John Martin, Brad Richardson, and David Scholl.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Marsha Gross, Finance Officer; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; Police Chief Dennis Franks; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Wyatt Dunn welcomed everyone to the meeting and Council Member Ayers delivered the invocation. Mayor Wyatt Dunn then led the Pledge of Allegiance and called the meeting to order.

Public Comments

Jim Huben, Parkside, requested an update on the Potter Road/Pleasant Plains Intersection. Mr. Huben also requested to know who his Council Member representative was. He complimented the Town on the well-maintained Stallings Park. Mr. Huben also stated that he supported the Stallings Police Department as his father and grandfather were New York City Police Officers.

Boyd Everling, representative of the Divide Golf Course at 6803 Stevens Mill Road, was present to speak with the Council on the Stallings Noise Ordinance. He stated he had spoken with the Shannamara HOA Board and had given them the information regarding the issue. Mr. Everling stated that the HOA Board had taken a neutral position and that most neighbors were on the side of the golf course management.

1. Consent Agenda

- A. Minutes from the following meetings:
  - (1) 04-27-2020 – special
  - (2) 04-27-2020

Council Member Scholl made the motion to approve the Consent Agenda as presented. The motion was seconded by Council Member Richardson and passed unanimously.

## 2. Reports

### A. Report from Mayor

Mayor Dunn had no report.

### B. Report from Council Members/Town Committees

Council Member Martin reported that a proposal would be presented later in the meeting about how to rectify some stormwater issues.

Council Member Scholl deferred his report to Council Member Richardson regarding the Economic Development Working Group Meeting.

Council Members Paxton and Grooms had no reports.

Council Member Ayers reported that Union County Schools posted an updated regarding the 2021 school year in regard to the Corona virus. He also reminded all that two of the wooded picnic areas were wheelchair accessible areas in the park.

Council Member Richardson reported that he, Council Member Scholl, Union County's Chris Plate, Town Manager Alex Sewell, Assistant Town Manager Erinn Nichols and Town Planner Lynne Hair virtually met to begin discussing economic development for the Town of Stallings. The group would begin to craft an economic development plan for the Town. He also noted that the Town was seeking citizens to serve on the Economic Advisory Committee.

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

Town Manager Sewell reported the following:

- Bulk Pickup had been rescheduled the week of June 29.
- Potter Road/Pleasant Plain Intersection Improvement construction phase had been delayed due to the NCDOT's lack of funding due to the COVID-19 pandemic.
- The property in between Old Monroe Road and Potters Road (behind the McDonalds) would be cleaned up. Any remaining properties would be taken by the Old Monroe Road widening.
- Small Area Plans Meetings – Consensus from those meetings were to allow staff to bring SAP recommended changes to the Council.
- Police Chief Franks reported that all BLM protests in the area had been peaceful.

### 3. Agenda Approval

Mayor Dunn requested moving Agenda Item 5, *Divide Golf Course Maintenance*, to Agenda Item 3.A.; and Council Member Martin requested moving Agenda Item 6, *Chestnut Place Subdivision Stormwater (Martin)*, to Agenda Item 3.B.

Council Member Richardson made the motion to approve the Agenda as amended above. The motion was passed unanimously after a second from Council Member Scholl.

#### 3.A. Divide Golf Course Maintenance

##### *Original Agenda Item 5*

Mayor Dunn explained the Golf Course Management had requested to be allowed to have a 5:30 a.m. start time for golf course maintenance. The Council approved such and changed the noise ordinance accordingly. Shannamara HOA then stated that it did not want the early start. Shannamara then met with the golf course, decided to take a neutral stance on the issue, and stated that there were more who were not concerned with the early maintenance start time than those that were. Council was now readdressing the issue.

Mr. Boyd with the Divide Golf Course stated that the golf course ownership did not feel it should change the start time on the golf maintenance. David Taylor, Pinnacle Golf Group and owner of the course, stated that all the facilities managed by the Pinnacle Golf Course had maintenance start times of 5:30 a.m. – 6 a.m. in order to maintain the course functioning and have the golf course maintenance safety maintained.

Council discussed the item. Council Member Richardson made the motion to recess a decision on this on item until June 22 and directed staff to reach out to the HOA and the residents that this item would be decided at the June 22 meeting. The motion was seconded by Council Member Ayers. The motion passed by a 3 to 3 vote (Council Members Martin, Paxton and Scholl opposing) with the Mayor breaking the tie in the favor of the motion.

#### 3.B. Chestnut Place Subdivision Stormwater (Martin)

Town Manager Sewell explained Town Engineers had been working on a project in that community and some of the residents expressed dissatisfaction. Lots 34 and 35 had ongoing Town stormwater projects in order to maintain one of the channels and add capacity. Town Engineer Easterly further explained flooding was occurring on the rear of the properties making it necessary for the improvements.

Council Member Martin requested a third-party engineering firm be hired to do a hydraulic analysis to identify the causes of the issues and if the issues' mitigations were on public or private property. Council Member Paxton made the motion to authorize staff to seek a third-party hydraulic analysis up to an amount of \$20,000. The motion was seconded by Council Member Martin and passed unanimously by the Council.

4. 2020-2021 Proposed Budget Public Hearing

Mayor Dunn opened the public hearing. There was no public joining the meeting to give public comment.

Town Manager Sewell presented the Council the 2020-2021 Proposed Budget. Mr. Sewell's presentation is attached to these minutes and therefore incorporated herein. It was noted that the 2020-2021 Proposed Budget would be voted on by the Council at the June 22, 2020 meeting.

Mayor Dunn then closed the public hearing.

5. Divide Golf Course Maintenance

*This Agenda Item was moved to Agenda Item 3.A.*

6. Chestnut Place Subdivision Stormwater (Martin)

*This Agenda Item was moved to Agenda Item 3.A.*

7. Adjournment

Council Member Grooms moved to adjourn the meeting, seconded by Council Member Scholl, and the motion received unanimous support. The meeting was adjourned at 8:55 p.m.

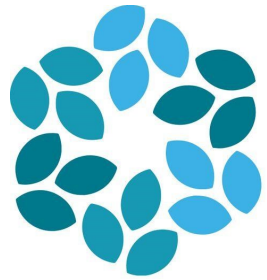
Approved on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC



**PLANNING  
& ZONING**  
TOWN of STALLINGS

# APPLICATION *CZ20.02.01*

COURTYARDS at WEDDINGTON  
ROAD HOA

Amendment to Condition #8

Pre-Public Hearing Staff Analysis + February 2020

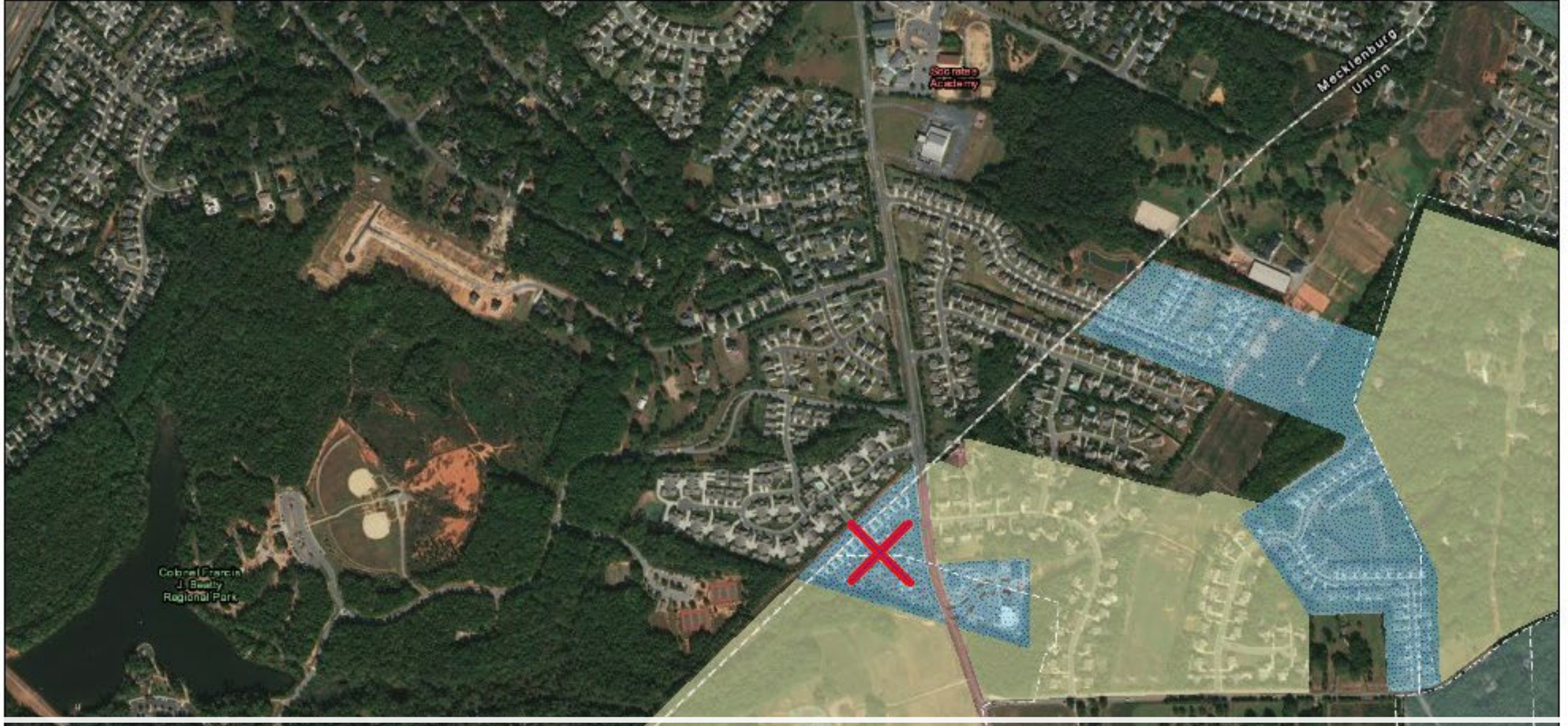
# Request

- Remove condition #8 from the approved conditions of approval for CZ11.10.10, Courtyards at Weddington Road
  - *Condition #8: Installation of an alternate emergency entrance off of Matthews Weddington Road.*

# Background

- 01/09/12 - Courtyards at Weddington Road CZ11.10.10 approved.
  - 34-lot Age Restricted Single-Family Subdivision
  - All conditions of original approval were met by the developer, including the installation of an emergency break away gate.
  - Condition #8 was recommended in lieu of providing the required connectivity to the existing neighborhood (Polo Club) to the east.
- 02/05/2020 Application to amend condition #8 of CZ11.10.10 received.
- Community Meeting Held 02/05/2020





PROJECT AREA





Gate Location

Gate



# Planning Board

- Recommendation – Approve (Unanimous 6.16.2020)



CZ20.02.01

AN ORDINANCE AMENDING THE “STALLINGS DEVELOPMENT ORDINANCE”  
OF THE TOWN OF STALLINGS, NORTH CAROLINA

WHEREAS, on February 26, 2018 the Town Council adopted the new Stallings Development Ordinance; and,

WHEREAS, approval of the requested conditional zoning to allow the property located on Matthews Weddington Road and known as The Courtyards at Weddington Road, was developed for 34 age restricted detached residential units is consistent with the 2017 Stallings Land Use Plan; and,

WHEREAS, the amendment removing condition #8 requiring an emergency breakaway gate will promote the desired consistent streetscape and help to reduce noise pollution desired by residents of the neighborhood; and,

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF STALLINGS DO  
ORDAIN AMENDING THE APPROVED LIST OF CONDITIONS FOR CZ11.10.01 to  
reflect the removal of condition #8.

This ordinance shall be effective immediately upon its adoption.

ADOPTED this the \_th day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Wyatt Dunn  
Mayor

\_\_\_\_\_  
Erinn Nichols  
Town Clerk



## Statement of Consistency and Reasonableness

(As per NC General Statute 160-383)

*Prior to adopting or rejecting any zoning amendment, the governing body shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing body that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing body.*

ZONING AMENDMENT: CZ20.02.01

REQUEST:

To amend CZ11.10.01 by removing condition #8 of the original approval of zoning for The Courtyards at Weddinton Road, a 34-lot age restricted subdivision, requiring an emergency breakaway gate on Weddington Road.

STATEMENT OF CONSISTENCY AND REASONABLENESS:

The Stallings Town Council hereby finds that the proposed zoning amendment is consistent with the 2017 Stallings Comprehensive Land Use Plan adopted November 27, 2017 based on consistency with goals and objectives set forth in the document. At their July 13, 2020 meeting the Stallings Town Council voted to recommend APPROVAL of the proposed amendment and stated that the Town Council finds and determines that the zoning amendment is consistent with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan and hereby recommends its approval.

The statement and motion was seconded and passed \_\_\_\_\_.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn Nichols, Town Clerk



# MEMO

To: Town Council  
From: Lynne Hair, Planning Director  
Date: July 6, 2020  
RE: DA19.03.03 – Stallings Elementary Development/Broadstreet Homes, Inc. Review and recommendation of a Development Agreement for a 54-lot single family subdivision project on 9.33 acres located on Stallings Road directly adjacent to Stallings Elementary School on the west.

Attached please find a copy of the final Development Agreement document for Broadstreet Homes, Inc. located on Stallings Road in PID# 070990049, 07099050, 07099051, 07099052, 07099053, and 07099054 and owned by Jean S. Davis.

PROJECT OVERVIEW	
Use	Single Family Detached
Acreage	9.33 acres
Units	54
Density	5.78 units/acre
Open Space	.75 acres or 7.5%
SAP	Stallings Elementary
TIA	No
Greenway	No. No greenway trails as identified by the Stallings Parks and Greenway Master Plan are shown on the subject property.
Fee in Lieu of Parkland	Yes. Amount TBD.
Architectural Standards	Yes. Attached to DA Exhibit D

State statutes require a recommendation of the document be made and forwarded to council for final decision. A development agreement cannot be denied because of use or density.

**DA Subcommittee Recommendation:** Approval 02/10/2020 – (unanimous)

**Planning Board Recommendation:** Approval 06/16/2020 – (unanimous)

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF UNION )

**DEVELOPMENT AGREEMENT**

This Development Agreement ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2020 (the "Effective Date") by and between Broadstreet Homes, Inc., a North Carolina corporation ("Developer"), and the Town of Stallings, a North Carolina municipal corporation (the "Town").\*

**STATEMENT OF PURPOSE**

Section 160A-400.20(a)(1) of the North Carolina General Statutes provides that "large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources."

Section 160A-400.20(a)(3) of the North Carolina General Statutes provides that "because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development."

Section 160A-400.20(a)(4) of the North Carolina General Statutes provides that "because of their scale and duration, such large-scale projects involve substantial commitments of private capital by developers, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of development."

Section 160A-400.20(a)(5) of the North Carolina General Statutes provides that "because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas."

Section 160A-400.20(a)(6) of the North Carolina General Statutes provides that "to better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments."

In view of the foregoing, Sections 160A-400.20(b) and 160A-400.22 of the North Carolina General Statutes expressly authorize local governments and agencies to enter into development agreements with developers pursuant to the procedures and requirements of Sections 160A-400.20 through 160A-400.32 of the North Carolina General Statutes, which procedures and requirements include approval of the development agreement by the governing body of the local government by ordinance after a duly noticed public hearing.

Section 160A-400.23 of the North Carolina General Statutes provides that development agreements may be used "for developable property of any size." Section 160A-400.23 further provides that "development agreements shall be of a reasonable term specified in the agreement."



At such time as this Agreement is recorded, Developer shall be the owner of that certain parcel of land located in the Town of Stallings in Union County, North Carolina, Tax Parcels 07099049, 07099050, 07099051, 07099052, 07099053, and 07099054, as more fully described on Exhibit A attached hereto and incorporated herein by reference (the “Property”)

Developer desires to develop the Property (the “Project”) generally in accordance with the concept plans attached as Exhibit B and incorporated herein for all purposes (the “Plan”) and pursuant to the terms of this Agreement. Developer’s preliminary potential renderings are attached as Exhibit C solely to illustrate the possible “craftsman” design of the residence in the Project. The Town desires that Developer develop the Property as set forth herein and has determined that the Project is consistent with the intent, function, and requirements of the applicable provisions of The Town of Stallings Development Ordinance (the “Zoning Ordinance”); that the Project is visually and functionally compatible with the existing and/or permissible future uses of adjacent property; that the Project will not materially endanger the public health or safety and will not substantially injure the value of the adjoining property if located where proposed; that adequate provisions and design have been made or will be made to ensure automotive and pedestrian safety and convenience, street connectivity, traffic flow and control, emergency vehicle access and adequate ingress and egress; that the proposed Project will not adversely impair or substantially overburden the public facilities and infrastructure within the Town and adequate provisions have or will be made to reasonably address such impacts.

Accordingly, Developer and the Town desire to enter into this Agreement for the purposes of coordinating the construction of infrastructure that will serve the Project and the community at large and providing assurances to Developer that it may proceed with the development of the Project in accordance with the approvals set forth herein and that development standards applicable to the Project shall remain stable throughout the period of development.

## TERMS

NOW, THEREFORE, based upon the terms and conditions set forth herein and in consideration of the mutual promises and assurances provided herein, the parties do hereby agree as follows:

1. Public Hearing. Pursuant to Section 160A-400.24 of the North Carolina General Statutes, the Town Council conducted a public hearing on \_\_\_\_\_, 20\_\_\_\_ and approved the subsequent execution of this Agreement in accordance with the procedures set out in G.S. 160A-364. The notice of public hearing specified, among other things, the location of the Property subject to this Agreement, the development uses proposed on the Property, a place where a copy of the Agreement can be obtained, and approximate delivery dates for public facilities, if any.
2. Permitted Uses/Maximum Density. The Property may be devoted to the uses described on the Plan and permitted for MU-1 zoned properties.
3. Development of the Property. The Property may be developed in accordance with the Plan, the associated permits, the applicable provisions of the Zoning Ordinance, and the terms of this Agreement. The parties understand and agree that the Plan is conceptual in nature and that changes to building size and location and footprint as well as infrastructure design and location, may be made by Developer during the construction phase of the Project.
4. Transportation Improvements. The development of the Property shall comply with the following transportation requirements. Vehicular access shall be as generally depicted on the Concept Plan. The placement and configuration of the access points are subject to any minor modifications

required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Town and/or the North Carolina Department of Transportation.

As depicted on the Concept Plan, the Property will be served by internal public streets, and adjustments to the locations of the internal public streets be allowed during the construction permitting process upon the approval of the Development Administrator and the Town Engineer. Internal Streets will comply with requirements of the "Public Street A" and "Public Street B" cross sections and as identified on the Plan.

5. Architectural Elements. Height, lot dimensions, and densities are established by this Agreement and the Ordinance. Crawl space and raised slab construction techniques shall be permitted for the Project. Additional architectural requirements for the buildings containing single family detached dwelling units will meet the minimum standards established by Article 9.2 of the Development Ordinance and the Developer agrees to the following additional standards:

- (a) Exterior walls shall be finished in cementitious siding, stucco, brick or stone or combinations of the foregoing;
- (b) Only one type of lot fencing to be allowed;
- (c) Carriage style low maintenance garage door with decorative hardware; and
- (d) Architectural shingles shall be used for roofing.

6. Landscaping and Streetscape; HOA. Developer shall install enhanced landscaping along Stallings Road at the entrance to the Project, as shown in the attached preliminary sketch attached as Exhibit D hereto. Decorative streetlights will be installed on the public streets on the Property. The decorative streetlights to be installed on the public streets on the Property shall be as depicted on Exhibit E attached hereto or another type of decorative streetlight approved by the Development Administration.

Developer shall cause the Project to be subject to a declaration of covenants, conditions, and restrictions (the "Declaration") and shall establish a homeowners association (the "HOA") to maintain the common areas of the Project. The Declaration shall: (a) require that the HOA shall be responsible for mowing the right of way along Stallings Road in front of the Project and (b) permit only one style of fencing on all lots in the Project, as noted above.

7. Law in Effect on the Effective Date Governs the Development of the Project. Developer shall have a vested right to develop the Project in accordance with the development standards in effect on the Effective Date (the "Current Standards") during the entire term of this Agreement. Pursuant to G.S. 160A-400.26, and except as provided in G.S. 160A-385.1, the Town may not apply subsequently adopted ordinances or development policies, fees, or costs to the Project during the term of this Agreement without the prior written consent of Developer, which may be granted or withheld in Developer's sole discretion. Additionally, no future development impact fees, including any fees related to the adequate public facilities or other development impact fees, shall apply to the Project without the prior written consent of Developer, which may be granted or withheld in Developer's sole discretion. This Agreement does not abrogate any rights preserved by G.S. 160A-385 or G.S. 160A-385.1 or that may vest pursuant to common law or otherwise in the absence of this Agreement.

8. Term. The term of this Agreement shall commence on the Effective Date and shall expire fifteen (15) years thereafter on \_\_\_\_\_, 20\_\_ unless sooner terminated by the mutual consent of the parties hereto or their successors in interest, or unless extended by the mutual consent of the parties hereto or their successors in interest. Provided, however, the covenants and restrictions contained herein shall continue to run with the land.

9. Local Development Permits. In accordance with G.S. 160A-400.25(6), the following is a description or list of the local development permits approved or needed to be approved for the development of the Project:

- (a) Erosion and Sediment Control Permit (NCDEMLR & NCDEQ);
- (b) Wetlands (Army Corp of Engineers);
- (c) Water Extension Permit (Union County);
- (d) Sewer Extension Permit (Union County);
- (e) NCDOT Encroachment Permit;
- (f) NCDOT Entrance Permit;
- (g) Building Permits; and
- (h) All other local, state, or federal permits required for the Project.

The failure of this Agreement to address a particular permit, condition, term, or restriction does not relieve Developer of the necessity of complying with the law governing the local permitting requirements, conditions, terms, or restrictions.

10. Public Facilities. The following public facilities will serve the Project: public sewer and public water, to be provided by Union County Public Works.

11. Sewer and Water Lines. Developer, at its sole cost and expense, shall engineer, design, permit, construct, and install the water and sewer lines to be located within the Project (the "Internal Water and Sewer Lines"). The Internal Water and Sewer Lines shall be engineered, designed, constructed, and installed in accordance with all applicable federal, state, and local laws, regulations, ordinances, and policies. The Internal Water and Sewer Lines shall be transferred to Union County for ownership and maintenance after they have been constructed and installed.

12. Amendment. The terms of this Agreement may be amended by the mutual consent of the parties hereto or their successors in interest. A major modification of the terms of this Agreement shall follow the same procedures as required for the initial approval of this Agreement. An amendment to the zoning or conditional use permit for the Project pursuant to the Zoning Ordinance shall not require an amendment to this Agreement.

13. Recordation/Binding Effect. Within ten (10) days after the later of: (a) the Town enters into this Agreement and (b) the Developer has acquired title to the Property, Developer shall record this Agreement in the Union County Public Registry. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties hereto.

14. Periodic Review.

(a) Pursuant to G.S. 160A-400.27, the Zoning Administrator or other Town Manager designee shall conduct a periodic review (the "Periodic Review") at least every twelve (12) months during the term of this Agreement, at which time Developer shall be required to demonstrate good faith compliance with the terms of this Agreement.

(b) If, as a result of any Periodic Review, the Town finds and determines that Developer has committed a material breach of the terms or conditions of this Agreement, the Town shall serve notice in writing, within a reasonable time after the Periodic Review, upon Developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing Developer a reasonable time in which to cure the material breach.

(c) If Developer fails to cure the material breach within the time given, then the Town unilaterally may terminate or modify the Agreement; provided, the notice of termination or modification may be appealed to the Town Board of Adjustment in the manner provided by G.S. 160A-388(b).

15. Default. The failure of Developer or the Town to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as allowed under applicable law, provided, however, that no termination of this Agreement may be declared by the Town absent its according to Developer the notice and opportunity to cure set out in G.S. 160A-400.27. The parties to this Agreement recognize that, in addition to other remedies that may be available, the Town has the right to enforce the terms of this Agreement by seeking an injunction to compel compliance with the terms of this Agreement. Subject to the terms of this Agreement, in the event that Developer or any user on the Property violates the terms of this Agreement in any material respect, the Town may, without seeking an injunction and after ten (10) days' notice to correct the violation, take such actions as shall be deemed appropriate under law until such conditions have been honored by Developer. In addition to any other rights or remedies, either party may institute legal action to cure, correct, or remedy any default or breach, to specifically enforce any covenants or agreements set forth in this Agreement or to enjoin any threatened or attempted violation of the Agreement, or to obtain any remedies consistent with the purpose of this Agreement. Legal actions shall be instituted in the Superior Court of the County of Union, State of North Carolina, or in the Federal District Court in the Western District, and the parties hereto submit to the personal jurisdiction of such courts without application of any conflicts of laws provisions of any jurisdiction.

16. Notices. Any notice, demand, request, consent, approval, or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided. All notices, demands, requests, consents, approvals, or communications to the Town shall be addressed to:

The Town at: Alex Sewell, Town Manager  
Town of Stallings  
315 Stallings Road  
Stallings, NC 28104

Developer at: Broadstreet Homes, Inc.  
Attn: Brian Iagnemma  
1312 Camp Creek Road  
Lancaster, SC 29720

17. Entire Agreement. This Agreement sets forth, and incorporates by reference all of the agreements, conditions, and understandings between the Town and Developer relative to the Property and the Project and there are no promises, agreements, conditions, or understandings, oral or written, express or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

18. Construction. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits

hereto.

19. Assignment. After notice to the Town, Developer may assign its rights and responsibilities hereunder to subsequent land owners of all or any portion of the Property, provided that no assignment as to a portion of the Property will relieve Developer of responsibility with respect to the remaining portion of the Property owned by Developer without the written consent of the Town.

20. Governing Law. This Agreement shall be governed by the laws of the State of North Carolina.

21. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.

22. Agreement to Cooperate. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

23. Agreements to Run with the Land. This Agreement shall be recorded in the Union County Registry. The Agreements contained herein shall be deemed to be a lien upon, binding upon and run with the land and shall be binding upon and an obligation of all successors in the ownership of the Property, beyond the term hereof in perpetuity.

24. Exhibits. The following Exhibits have been attached to this Agreement and incorporated herein by reference:

Exhibit A	Legal Description
Exhibit B	Concept Plan
Exhibit C	Sample Elevations
Exhibit D	Enhanced Landscaping
Exhibit E	Decorative Streetlights

[Signatures follow.]

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

DEVELOPER:

**BROADSTREET HOMES, INC.,**  
a North Carolina corporation

By: \_\_\_\_\_  
Name: Brian Iagnemma  
Title: President

\_\_\_\_\_ **CAROLINA**

\_\_\_\_\_ **COUNTY**

I, a Notary Public of the County and State aforesaid, certify that Brian Iagnemma, personally came before me this day and acknowledged that he is the President of Broadstreet Homes, Inc., a North Carolina corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

[AFFIX NOTARY SEAL]

\* The parties acknowledge that Developer shall create a single-purpose limited liability company to hold title to the Property at the time Developer closes on the purchase of the Property and it is contemplated that this Agreement shall be revised to reflect that such entity is Developer and shall be recorded after the deed into such entity is recorded.

TOWN:

**TOWN OF STALLINGS,**

a North Carolina municipal corporation

By: \_\_\_\_\_

Name: Alex Sewell

Title: Town Manager

**NORTH CAROLINA**

**UNION COUNTY**

I, a Notary Public of the County and State aforesaid, certify that Alex Sewell, personally came before me this day and acknowledged that he is the Town Manager of the Town of Stallings, and that he, as Town Manager, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_

[AFFIX NOTARY SEAL]

## Exhibit A

### Legal description

BEGINNING AT A POINT IN THE CENTER OF THE RIGHT OF WAY OF SR 1365 (KNOWN AS STALLINGS ROAD), SAID POINT BEING A CORNER OF THE PROPERTY OF NORMAN LOVE, NOW OR FORMERLY (BOOK 111, PAGE 278, UNION COUNTY REGISTRY). AND RUNNING FROM SAID BEGINNING POINT WITH THE PROPERTY OF NORMAN LOVE AS FOLLOWS; (1) SOUTH 76 DEGREES 09 MINUTES 41 SECONDS WEST ( CROSS ING AN IRON PIN SET ON THE WESTERN BOUNDARY OF THE RIGHT OF WAY OF SR 1365 AT 3 5.61 FEET) A TOTAL DISTANCE OF 278.36 FEET TO A FOUND IRON ROD; (2) NORTH 23 DEGREES 50 MINUTES 02 SECONDS WEST 813.88 FEET TO AN IRON PIN FOUND IN THE SOUTHERN BOUNDARY LINE OF LOT 116 OF MADISON RIDGE SUBDIVISION, PHASE 1 ( PLAT CABINET F, FILE 348, UNION COUNTY REGISTRY); THENCE WITH LOT 116, LOT 117, LOT 118 AND LOT 119 OF MADISON RIDGE SUBDIVISION, PHASE 1, NORTH 57 DEGREES 49 MINUTES 15 SECONDS EAST 331.61 FEET TO AN IRON PIN FOUND AT THE COMMON CORNER OF LOT 119 AND LOT 122 OF MADISON RIDGE SUBDIVISION, PHASE 1; THENCE WITH LOT 122 OF MADISON RIDGE SUBDIVISION, PHASE 1, NORTH 23 DEGREES 33 MINUTES 22 SECONDS EAST 157.74 FEET TO AN IRON PIN FOUND AT THE COMMON CORNER OF LOT 122 AND LOT 123 OF SAID SUBDIVISION; THENCE WITH LOT 123 AND LOT 124 OF MADISON RIDGE SUBDIVISION, PHASE 1, NORTH 80 DEGREES 26 MINUTES 34 SECONDS EAST 156.67 FEET TO A CORNER OF LOT 124 OF SAID SUBDIVISION; CONTINUING WITH TWO BOUNDARY LINES OF LOT 124 OF SAID SUBDIVISION AS FOLLOWS: (1) SOUTH 04 DEGREES 45 MINUTES 38 SECONDS EAST 30.45 FEET TO A FOUND IRON PIN; (2) NORTH 87 DEGREES 53 MINUTES 16 SECONDS EAST (CROSSING AN IRON PIN FOUND ON THE WESTERN BOUNDARY OF THE RIGHT OF WAY OF SR 1365 AT 30.37 FEET) A TOTAL DISTANCE OF 60.40 FEET TO A POINT IN THE CENTER OF THE RIGHT OF WAY OF SR 1365: THENCE WITH THE CENTER OF THE RIGHT OF WAY OF SR 1365 AS FOLLOWS: (1) SOUTH 04 DEGREES 52 MINUTES 05 SECONDS EAST 131.89 FEET; (2) SOUTH 04 DEGREES 44 MINUTES 17 SECONDS EAST 120.00 FEET: (3) SOUTH 04 DEGREES 38 MINUTES 42 SECONDS EAST 120.00 FEET: (4) SOUTH 04 DEGREES 30 MINUTES 27 SECONDS EAST 120.00 FEET: (5) SOUTH 04 DEGREES 08 MINUTES 42 SECONDS EAST 120.00 FEET: (6) SOUTH 03 DEGREES 30 MINUTES 48 SECONDS EAST 118.87 FEET; (7) SOUTH 00 DEGREES 25 MINUTES 58 SECONDS EAST 147.48 FEET; (8) SOUTH 09 DEGREES 02 MINUTES 57 SECONDS WEST 122.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.03 ACRES, MORE OR LESS, AS SHOWN ON COPY OF UNRECORDED MAP OF SURVEY PREPARED BY EDWARD L. KILLOUGH, NCPLS, DATED MAY 13, 2004, AND BEING THE REMAINDER OF AN 11.14 ACRE TRACT CONVEYED TO HELEN C. ORR BY DEED RECORDED IN BOOK 886, PAGE 574, UNION COUNTY REGISTRY. THE ABOVE DESCRIBED 10.03 ACRE TRACT INCLUDES WITHIN ITS BOUNDARIES ALL OF LOT 1 THROUGH LOT 5 OF THE PROPERTY SHOWN ON MAP RECORDED IN PLAT CABINET C, FILE 29, UNION COUNTY REGISTRY.



**Exhibit B**

Concept Plan

## **Exhibit C**

### Sample Elevations

**Exhibit D**

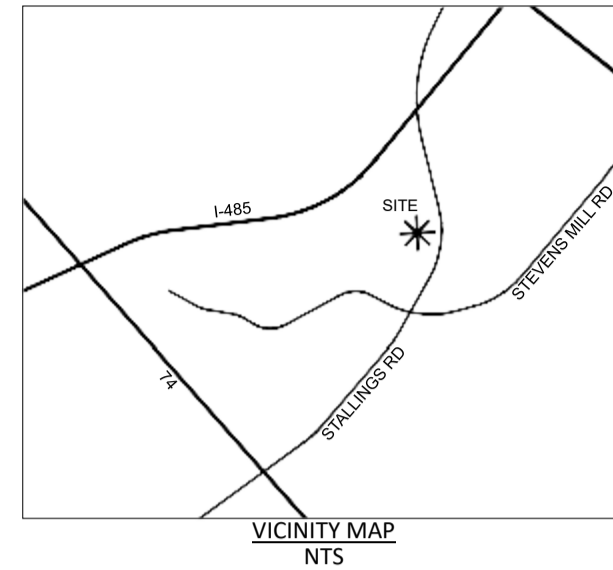
Enhanced Landscaping

## **Exhibit E**

### Decorative Streetlights



*The above elevations are for illustrative purposes only and are to provide a general idea of the Craftsman style architecture that is being proposed. Plans and elevations are subject to change.*



**DEVELOPMENT SUMMARY**

PID #: 07099049, 07099050, 07099051, 07099053, 07099054  
 PROJECT PARCELS AREA: 9.33 AC  
 JURISDICTION: STALLINGS, NC  
 EXISTING ZONING: MU-1  
 EXISTING USE: VACANT  
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL  
 NUMBER OF LOTS PROPOSED: 40  
 CONSTRUCTION SCHEDULE:  
 APPROVALS: JULY 2019  
 BEGIN CONSTRUCTION: SEPTEMBER 2019  
 COMPLETED INFRASTRUCTURE: DECEMBER 2020  
 FULL BUILD-OUT: DECEMBER 2021

**MU-1 STANDARDS:**  
 MAXIMUM DENSITY: 7 UNITS/ACRE  
 MAXIMUM LOT SIZE: 6,000 SF  
 MINIMUM LOT WIDTH:  
 ON HIGHWAY: 40'  
 ON MAIN STREET: 60'  
 ON ALL OTHER STREETS: 40'  
 SETBACK - MAIN STREET: 21'  
 BUILD TO LINE - OTHER STREET: 16'  
 REAR YARD: 12'  
 SIDE YARD: 0'  
 BUILDING HEIGHT:  
 PRIMARY STRUCTURE: 30' MAXIMUM  
 GARAGE: 25' MAXIMUM  
 MINIMUM PARKING: 2 SPACES/UNIT  
 OPEN SPACE: 0.75 AC (7.5%)  
 TREE SAVE: 0.28 AC (3%)

**PROPOSED:**  
 DENSITY: 4.28 UNITS/ACRE  
 LOT SIZE: 6,000 SF  
 LOT WIDTH: 60'  
 SETBACK (FROM RW): 16' (INTERNAL)  
 21' (STALLINGS RD)  
 REAR YARD: 12'  
 SIDE YARD: 5'  
 BUILDING HEIGHT: 30'  
 PARKING: +2 SPACES/UNIT  
 OPEN SPACE: 0.76 AC (7.62%)  
 TREE SAVE: 0.30 AC (3.26%)

KEY MAP  
 SEAL  
**NOT FOR CONSTRUCTION**

PROJECT  
**STALLINGS**  
 3505 STALLINGS ROAD  
 STALLINGS, NC

LANDDESIGN PROJ # 1018481

REVISION / ISSUANCE		
NO.	DESCRIPTION	DATE
1	CONCEPT PLAN	11.18.19
2	CONCEPT PLAN	01.06.20
3	CONCEPT PLAN	02.12.20

DESIGNED BY: MG  
 DRAWN BY: MG  
 CHECKED BY: MG

SCALE  
 NORTH  
 VERT: N/A  
 HORZ: 1"=60'  
 0 30' 60' 120'

LAYOUT PLAN  
 SHEET NUMBER  
**C-1.0**

**OWNER INFORMATION**

PID #: 07099049  
 07099050  
 07099051  
 07099053  
 07099054

LANDOWNERS: JEAN S DAVIS EXECUTRIX  
 14624 BARNEY DRIVE  
 CHARLOTTE, NC 28227

DEVELOPER: BROADSTREET HOMES  
 1312 CAMP CREEK ROAD  
 LANCASTER, SC, 29720  
 CONTACT PERSON: BRIAN IAGNEMMA  
 EMAIL: BRIAN@BROADSTREETHOMES.COM

ENGINEER: LANDDESIGN, INC.  
 223 NORTH GRAHAM ST.  
 CHARLOTTE, NC 28202  
 PHONE: 704-333-0325  
 CONTACT PERSON: MASON GREESON  
 EMAIL: MGREESON@LANDDESIGN.COM

LANDSCAPE ARCHITECT: LANDDESIGN, INC.  
 223 NORTH GRAHAM ST.  
 CHARLOTTE, NC 28202  
 PHONE: 704-333-0325  
 CONTACT PERSON: SHAUN TOOLEY  
 EMAIL: STOOLEY@LANDDESIGN.COM

**CONTRACTOR NOTE:**

CONTRACTOR SHALL VERIFY THAT ALL PROPOSED AND EXISTING CONSTRUCTION WITHIN THE PROJECT LIMITS ADHERES TO ALL UNION COUNTY PUBLIC WORKS STANDARDS AND SPECIFICATIONS.

**ESTIMATED SEWER FLOWS:**

SINGLE FAMILY 54 HOMES @ 285 GPD: 15,390 GPD  
 TOTAL OF ESTIMATED DEMAND: 15,390 GPD  
 NATURE OF WASTEWATER: DOMESTIC

**ESTIMATED WATER FLOWS:**

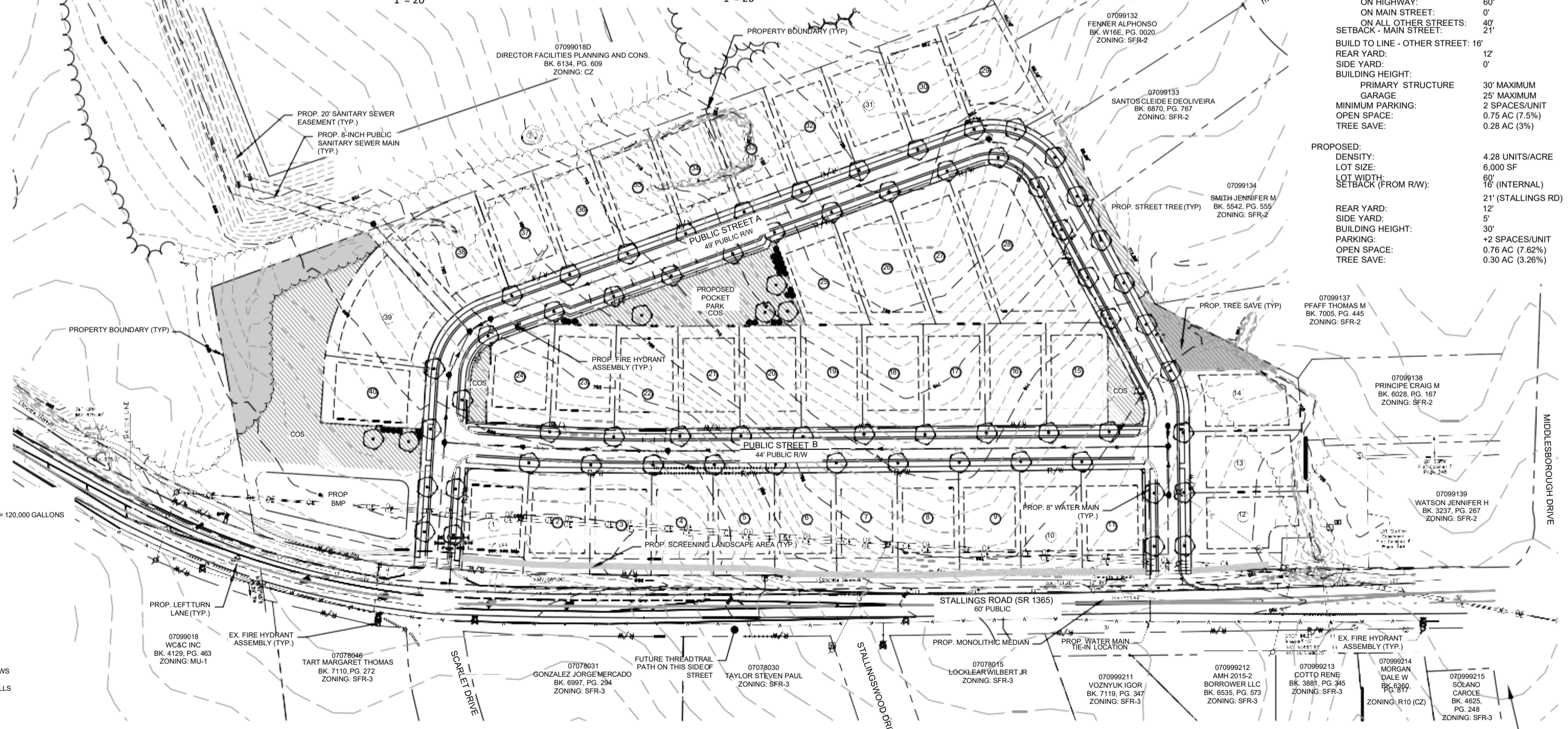
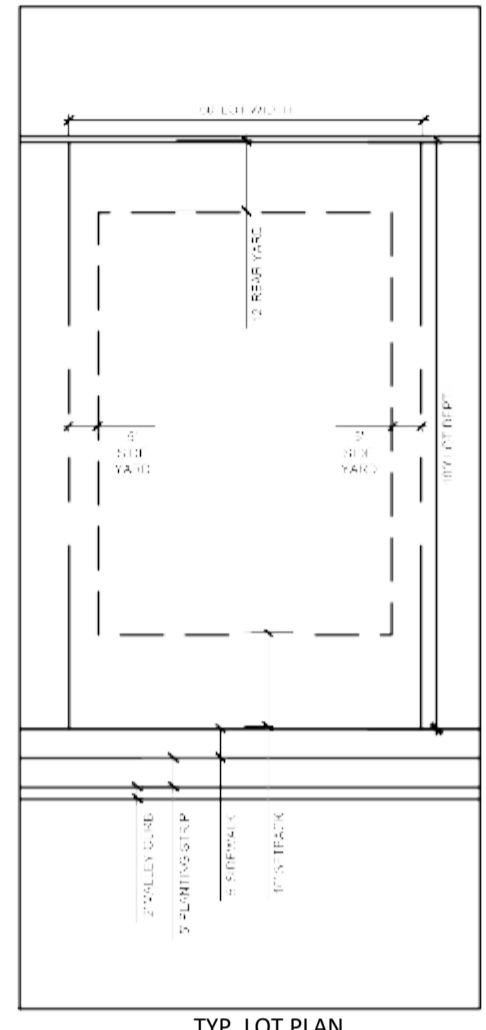
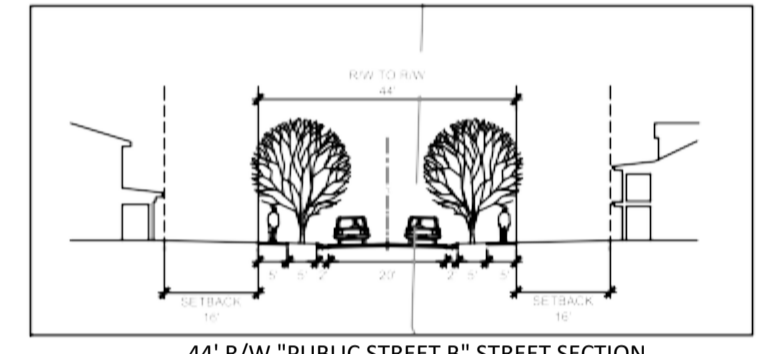
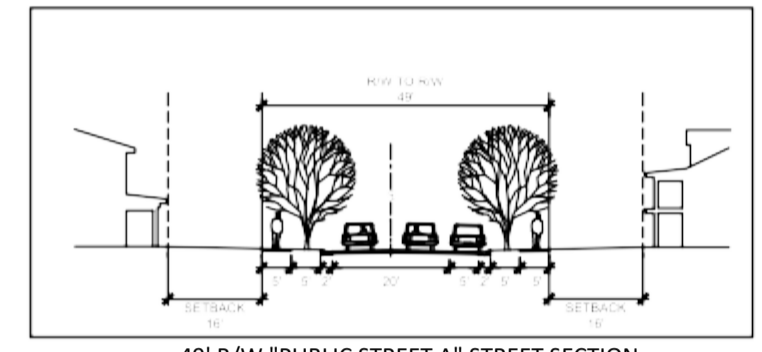
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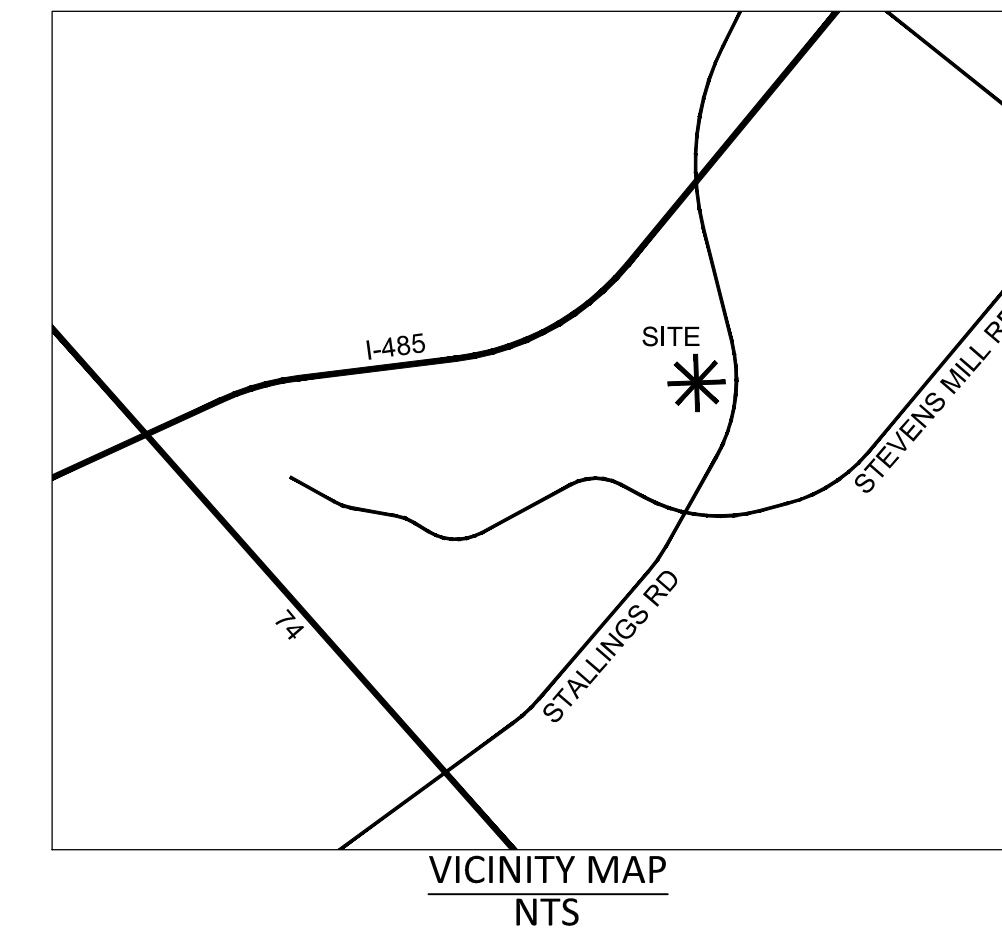
**ESTIMATED WATER METERS:**

40 - 3/4" WATER METERS

**WELL ABANDONMENT NOTE:**

- ANY WELL AND/OR ON-SITE WASTEWATER DISPOSAL SYSTEMS DISCOVERED DURING THE SITE DEVELOPMENT PROCESS WILL BE ABANDONED IN ACCORDANCE WITH APPLICABLE NORTH CAROLINA LAWS AND RULES
- NO STRUCTURES, ON-SITE WASTEWATER DISPOSAL SYSTEMS, OR WELLS ARE LOCATED WITHIN PROPOSED PROJECT LIMITS.





**DEVELOPMENT SUMMARY**

PID #: 07099049, 07099050, 07099051, 07099053, 07099054

PROJECT PARCELS AREA: 9.33 AC

JURISDICTION: STALLINGS, NC

EXISTING ZONING: MU-1

EXISTING USE: VACANT

PROPOSED USE: SINGLE FAMILY RESIDENTIAL

NUMBER OF LOTS PROPOSED: 40

**CONSTRUCTION SCHEDULE:**

APPROVALS:	JULY 2019
BEGIN CONSTRUCTION:	SEPTEMBER 2019
COMPLETED INFRASTRUCTURE:	DECEMBER 2020
FULL BUILD-OUT:	DECEMBER 2021

**MU-1 STANDARDS:**

MAXIMUM DENSITY:	7 UNITS/ACRE
MAXIMUM LOT SIZE:	6,000 SF
MINIMUM LOT WIDTH:	40'
ON HIGHWAY:	60'
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GARAGE:	2 SPACES/UNIT
MINIMUM PARKING:	0.75 AC (7.5%)
OPEN SPACE:	0.28 AC (3%)
TREE SAVE:	

**PROPOSED:**

DENSITY:	4.28 UNITS/ACRE
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KEY MAP

SEAL

**NOT FOR CONSTRUCTION**

PROJECT

**STALLINGS**

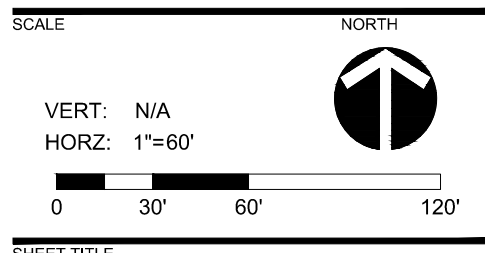
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STALLINGS, NC

LANDDESIGN PROJ.# 1018481

**REVISION / ISSUANCE**

NO.	DESCRIPTION	DATE
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2	CONCEPT PLAN	01.06.20
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DESIGNED BY: MG  
DRAWN BY: MG  
CHECKED BY: MG



LAYOUT PLAN

SHEET NUMBER

**C-1.0**

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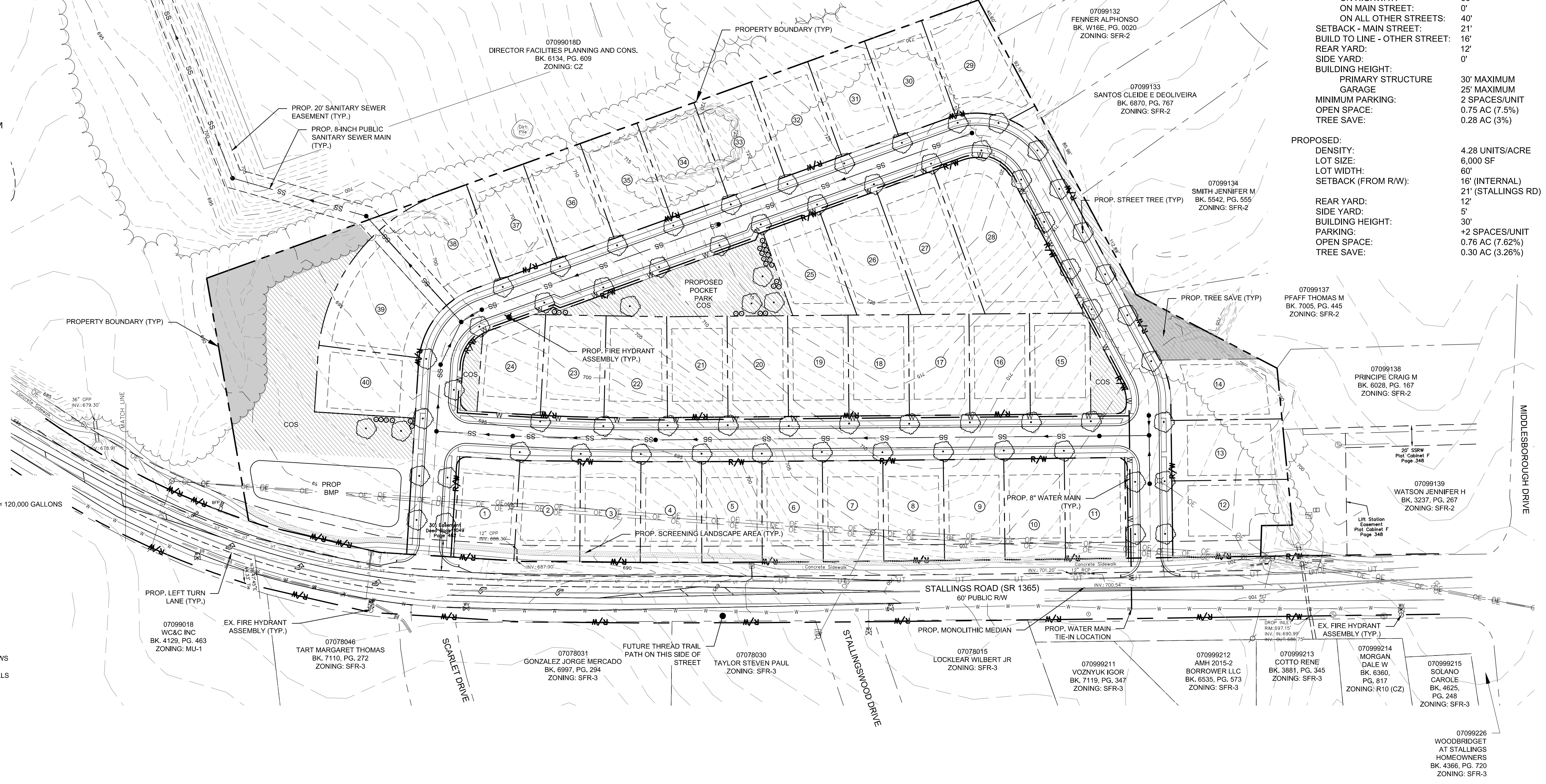
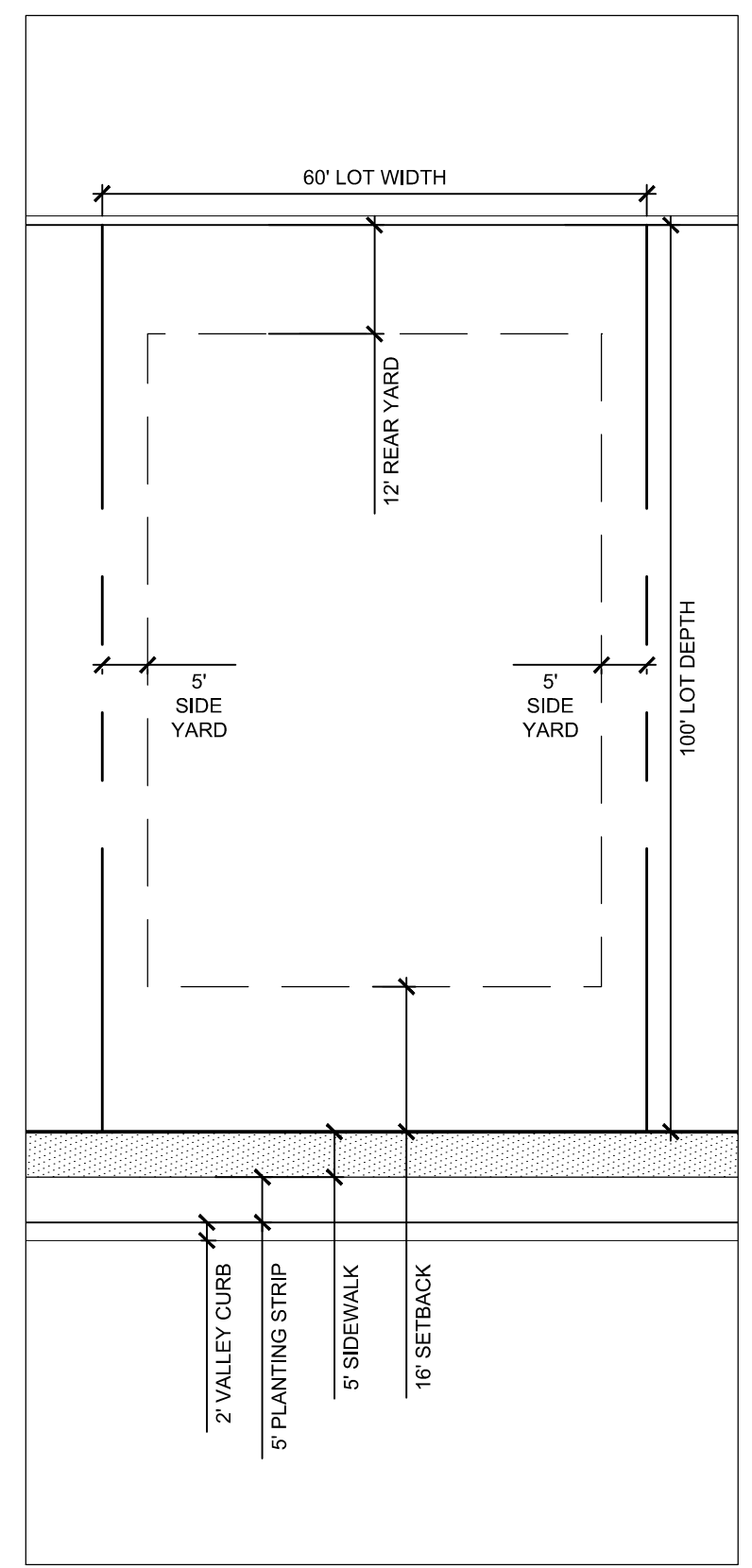
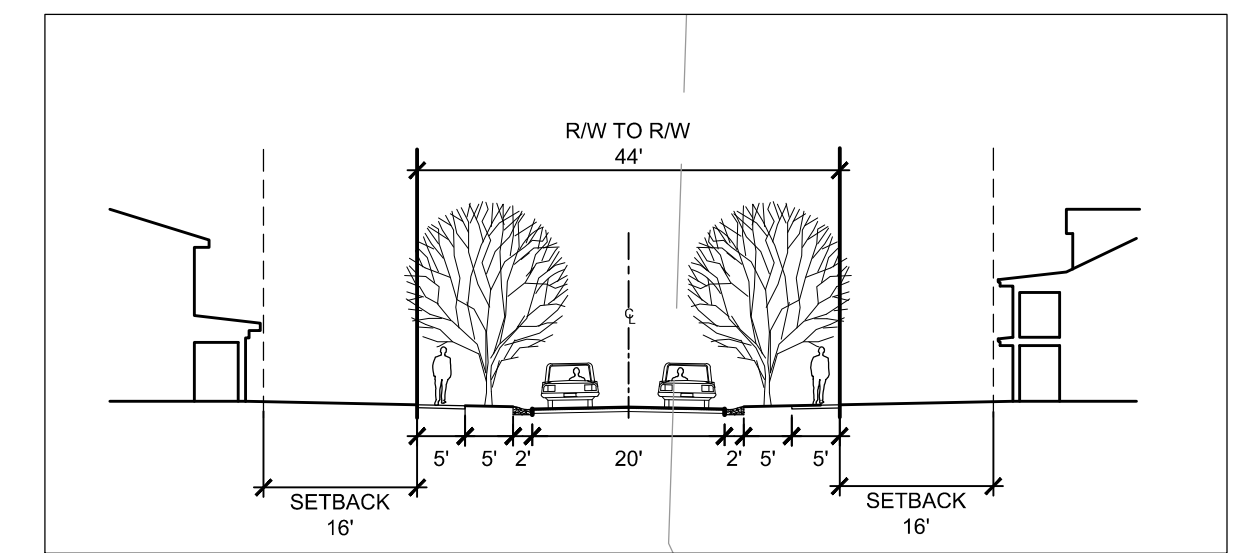
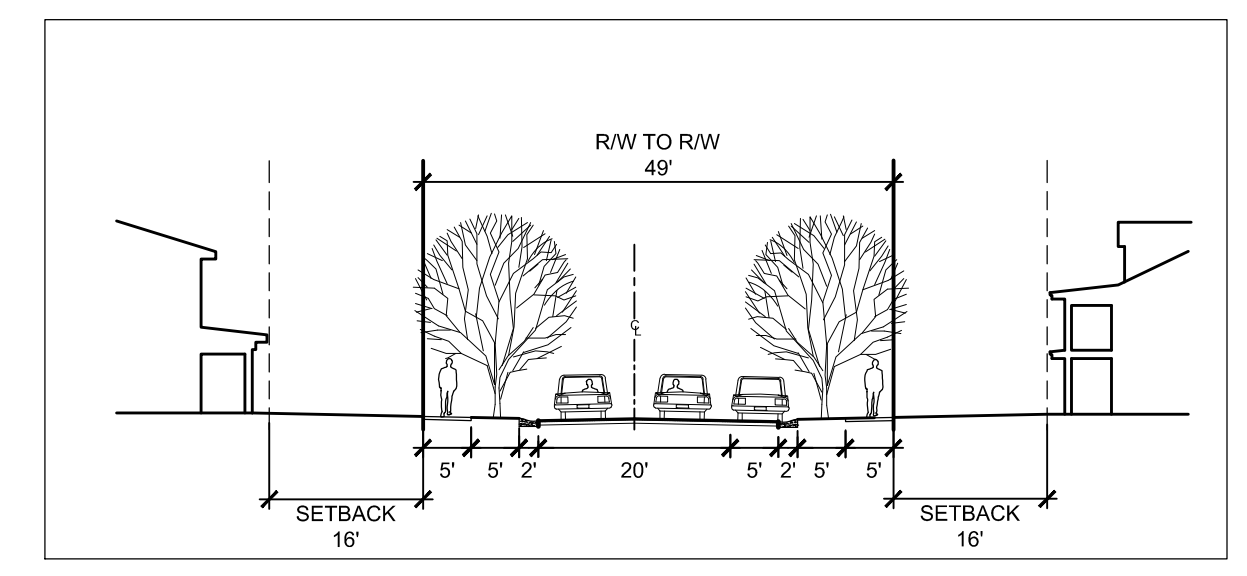
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# MEMO

To: Mayor and Council  
From: Alex Sewell, Town Manager  
Date: 7/8/20  
RE: **Requested Ordinance Change – Golf Course Noise Ordinance**

**Purpose:** This memorandum provides Council with requested draft ordinance changes as it relates to golf course noise.

**Background:** See the enclosed memorandums dated 6/18/20 and 5/6/2020 for background. Subsequently on 6/22/20, the Council requested staff to draft ordinance changes to incorporate the following key ordinance changes:

- Change the allowed time for general golf course maintenance equipment operations from 5:30 a.m. - 9:00 p.m. to 6:00 a.m. - 9:00 p.m.
  - With exceptions for:
    - Maintenance may start at 5:30 a.m. on tournament/special event days; and
    - Maintenance may start at 5:30 a.m. if operated more than 300 feet from any residentially occupied structure.
- Leave turf fan exception unchanged (may operate without time constraints).

Council asked staff to work in collaboration with Council Members Scholl and Richardson and allow the two local golf courses the opportunity for comment.

**Update:** Staff drafted language in collaboration with code enforcement, Council Members Scholl and Richardson, and provided the opportunity for the two local golf courses to provide feedback. The Divide Golf Course approves of the changes and Emerald Lake Golf Course has not yet responded (when a response is received, staff will share).

Here is the draft language for changing the ordinance:

## **§ 93.04 SOUNDS IMPACTING RESIDENTIAL LIFE.**

It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within 300 feet of any residentially occupied structure in any zone of the city:

(A) The operation of a front-end loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m.;

(B) The operation of construction machinery between the hours of 9:00 p.m. and 7:00 a.m.;



(C) The operation of garage machinery between the hours of 9:00 p.m. and 7:00 a.m.;

(D) The operation of lawn mowers and other domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m.; and

~~—(E) The operation of golf course maintenance and operations equipment by golf courses with at least 18 non-miniature golf holes between the hours of 9:00 p.m. and 5:30 a.m.; with the exception of the operation of turf fans required for the health of the golf course turf which are not limited to any hour constraints; and~~

(E) The operation of golf course maintenance equipment by golf courses between the hours of 9:00 p.m. and 6:00 a.m. with the following exceptions:

- i.) Operation of turf fans required for the health of golf course turf are not limited by time constraints; and
- ii.) Operation of golf course maintenance equipment may occur between the hours of 5:30 a.m. and 9:00 p.m. on days there is a previously organized golf tournament or special golf event being held or when such operations are occurring more than 300 feet from any residentially occupied structure.

(F) Amplified sound as defined in § 93.05 occurring between the hours of 9:00 p.m. and 7:00 a.m. If a permit is acquired as per § 93.05, these hours may be extended to 11:00 p.m.

(Ord. passed 2-9-2009; Am. Ord. passed 11-28-2011; Am. Ord. passed 10-26-2015; Am. Ord. 379, passed 9-9-2019; Am. Ord. 387, passed 9-23-2019; Am. Ord. 388, passed 10-14-2019) Penalty, see § 93.99



# MEMO

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To: Mayor and Council  
From: Alex Sewell, Town Manager  
Date: 6/18/20  
RE: **Requested Research: Agenda Item #3 – Divide Golf Course Maintenance**

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**Purpose:** In anticipation of the 6/22/20 Council meeting, this memorandum provides requested research regarding golf course maintenance operations.

**Background:** See the enclosed memorandum dated 5/6/2020 for background. Subsequently, the Council discussed this issue on 6/8/20 and decided to continue discussion at the 6/22/20 Council meeting. In anticipation of the 6/22/20 meeting, Council asked staff to research several related items.

**Research:** Research provided is categorized into three principal areas.

- 1.) A summary of reported maintenance practices of several other area golf courses and related information from corresponding municipal jurisdictions.
- 2.) The responses received from the Divide's management company to questions regarding golf course maintenance practices and noise.
- 3.) A report of complaints received by Town code enforcement related to golf course maintenance noise within Stallings.

Staff spoke with five golf courses in the Charlotte area (Union County, Mecklenburg County, and South Carolina) and their corresponding municipalities. Every golf course staff spoke with indicated that their golf course maintenance work begins at 6 a.m. or at sunrise (which is typically around 6 a.m. in the summer). Several of the courses indicated that on limited occasions maintenance work may begin prior to 6 a.m. if there a tournament or other special event.

On the topic of noise, municipal law in the corresponding jurisdictions varies. Of those jurisdictions surveyed, yard maintenance noise was allowed during one of the following times:

- 6 a.m. – 9 p.m.
- 7 a.m. – 9 p.m.
- Or was silent on the issue

Additional feedback received from several municipalities, who had golf courses within their limits, stated that over the past few years, they only had a few noise complaints regarding golf course maintenance.

\*The management company's (Pinnacle) responses are shown in red text below under the corresponding question.

\*How many golf courses does Pinnacle manage in the greater Charlotte area, where are they, and do you know if any operate under a noise ordinance that formally allows maintenance operations to start prior to 7:00 a.m.? **We operate or are involved with 10 courses in the Greater Charlotte area. Charlotte City (2), Huntersville (2), Concord (1), Stallings (1), Rock Hill (2), Lake Wylie (1), Tega Cay (1). We are not aware of any formal noise ordinance that directs golf maintenance operations for any of these properties. All of these courses performs maintenance operations based on the need of the business and have for since they were opened to our knowledge.**

\*Of these courses, which actually start maintenance at 5:30 a.m.? **All of our facilities have started maintenance operations at 5:30am if necessary. The 5:30 start is necessary to prep for tournaments, outings, large events etc. Our start time for the majority of days is 6:00am during this time period.**

\*Are starting tee times consistent across all your courses? **Yes, our start times are consistent and fluctuate based on business demand and sunrise hours throughout the year.**

\*How many months of the year do you offer earlier tee-times that require a 5:30 a.m. maintenance start time? I believe you mentioned May, June and July in the meeting. What about April, or August/September? **Typically, we are able to begin maintenance that early only in the true growing season months (April-September). With that said, requiring a start of 5:30 mostly happens in the months of May-August and only for a few days each month.**

\*In your experience, what are some practical considerations and concessions you have made to alleviate the disturbance of residents in some of the courses you manage in residential areas? Can you give an example or two in other places. **We often make accommodations for the early start. Divide is a prime example. When we start maintenance prior to 6:00am we typically will begin on Hole 1, #9 and #18 green, the practice facility and the clubhouse area. These locations are all located away from residential structures. Very rarely are we moving equipment on the holes adjacent to property owners prior to 6:00am. At Highland Creek and Tega Cay we do the same; we move to areas of the facility first that are away from residential homes. Most of the other courses do not have that option and we perform duties in a normal fashion.**

**All of the golf courses that we are familiar with (under our management or not and going back 30 years in the business) start their maintenance practices very early in the morning (prior to 5-6am). This is just normal for our industry. For example, my business partner lives on a hole at CedarWood Country Club. Just this week they mowed behind his house at 5:10am. In order for our industry to maximize revenue and remain a viable business we must begin our maintenance practices early in the morning. This is for revenue and for safety. We must get our mowers out ahead of play for the safety of our staff. Again, this is only for 4 or 5 months out of the year and only on a few occasions do we start prior to 6:00am. In the wintertime we seldom begin prior to 7:00am as there is not enough sunlight available to start. The Divide has been performing the same maintenance practices since the course was built. We are providing a terrific amenity to the community and making great progress in building the business back to a sustainable level. Any restrictions on our maintenance start times will absolutely put the business at risk. We have solid support from the HOA and all of the residents that live on the golf course are enjoying increased property values. We respectfully ask that we be allowed to continue our business practices as have been performed since the course was built. We will do everything we can to try and perform our early duties on the areas of property farthest from the residential owners first but this is not always achievable. Please let me know if you have any additional questions. Thanks for your help and we look forward to putting this issue behind us and working to move the Divide Golf Club in a positive direction for all to enjoy.**

Updated on June 10, 2020. Code Enforcement Report

In researching old files and talking to previous code enforcement officers for Stallings there have been no previous noise complaints for either golf course in Stallings.

**Emerald Lake Golf Club**

DATE OF INITIAL COMPLAINT	COMPLAINT	
June 10, 2020	Noise from FANS	One resident has complained
July 30, 2019	Noise from FANS and LAWNMOWERS	One resident has complained

**The Divide**

DATE OF INITIAL COMPLAINT	COMPLAINT	
July 25, 2019	Noise from LAWNMOWERS	At this time five residents have complained about noise from lawn equipment.

**\*IMPORTANT\***: It is important to note two things when considering this information. First, after the Council changed the ordinance in 2019, the Town sent letters to the individuals who had previously made complaints notifying them of the change. Second, these are complaints received by Town code enforcement and do not include any possible complaints received by the Town Council.



# MEMO

To: Mayor and Council  
From: Erinn Nichols, Assistant Town Manager/Town Clerk  
Date: 05-06-2020  
RE: Noise Ordinance Background Information

---

The purpose of this memo is to provide background information on the two ordinance amendments pertaining to the Town's noise ordinance and golf course noise regulations. Below are excerpts from the 2019 minutes when these items were discussed. Following this memo are the ordinance amendments and the 09-09-2019 position letter from the Divide Golf Course on the matter.

## **09-09-2019 Minutes:**

### **Public Comment**

Boyd Everling, 6803 Stevens Mills Road, 2209 Shemar Circle, general manager of the Divide Golf Club, was present to appeal the noise ordinance violation received from the Town restricting mowers and equipment until after 7 a.m. at the facility. Mr. Everling explained the course was in operations prior to being annexed into the Town of Stallings. The maintenance and operations of the course prior to 7 a.m. was essential to course's financial health and profitability. The maintenance and operations had not changed in 25 years and it had never received a violation. Loss of revenue would also have a negative impact to the homes on the course. Mr. Everling provided a letter to the Council stating the course's position. This letter is attached to these minutes and therefore incorporated herein.

### **14.A. Golf Courses/Divide Gold Course Request (*Scholl, Birt*)**

Council discussed the current resident complaints about golf course maintenance noise and the needs/appeals of the golf courses. Council reached consensus to do a text amendment to the noise ordinance to allow golf maintenance and operations equipment during the hours of 5:30 a.m. – 9 p.m.

Council held consensus to suspend any action against the golf courses for noise violations until the noise ordinance could be amended. Staff would bring an ordinance amendment back to Council for adoption at its next meeting.

## **09-23-2019 Minutes:**

### **8. Ordinance Amending Code of Ordinances**

Town Manager Sewell explained this ordinance amendment was to Title IX General Regulations, Chapter 93 Public Health and Safety Matters and reminded all that this ordinance dealt with the noise ordinance requirement specifically pertaining to golf course. This would allow golf courses to operate its maintenance equipment between the hours of 5:30 a.m. and 9 p.m. Council Member Scholl made the motion to approve the Ordinance Amendment to the Code of Ordinance – Golf Maintenance Hours. The motion was passed unanimously after a second from

Council Member Birt. The Ordinance Amendment to the Code of Ordinance – Golf Maintenance Hours is attached to those minutes and therefore incorporated herein. Council requested that staff bring back an amendment allowing for turf fan usage beyond those hours.

**10-14-2019 Minutes:**

**8. Ordinance Amending Code of Ordinances**

Town Manager Sewell explained that this amended to Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life, Paragraph (E) allowed for golf course to run turf fans as needed without hour constraints. Council Member Scholl made the motion to approve the Ordinance Amendment to Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life, Paragraph (E) – Golf Course Turf Fans. The motion received Council’s unanimous support after a second from Council Member Birt. The Ordinance Amendment to Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life, Paragraph (E) – Golf Course Turf Fans is attached to these minutes and therefore incorporated herein.



**Ordinance Amending Code of Ordinances, Title IX *General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life***

**WHEREAS**, the Stallings Town Council of the Town of Stallings wishes to allow golf courses to maintain and operate its course(s) prior to 7:00 a.m. for the financial well-being of the course(s);

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Stallings, North Carolina does hereby amend the Code of Ordinances, Title IX General Regulations, Chapter 93 Public Health and Safety Matters; Public Nuisances, Section 93.04 Sounds Impacting Residential Life., to the following:

**§ 93.04 SOUNDS IMPACTING RESIDENTIAL LIFE.**

It shall be unlawful to carry on the following activities in any residentially zoned area of the city or within 300 feet of any residentially occupied structure in any zone of the city:

- (A) The operation of a front-end loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m.;
- (B) The operation of construction machinery between the hours of 9:00 p.m. and 7:00 a.m.;
- (C) The operation of garage machinery between the hours of 9:00 p.m. and 7:00 a.m.;
- (D) The operation of lawn mowers and other domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m.; and
- (E) The operation of golf course maintenance equipment by golf courses between the hours of 9:00 p.m. and 6:00 a.m. with the following exceptions:
  - i.) Operation of turf fans required for the health of golf course turf are not limited by time constraints; and
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Adopted this the 13<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

Attest:

\_\_\_\_\_  
Erinn E. Nichols, Town Clerk

Approved as to form:

\_\_\_\_\_  
Cox Law Firm, PLLC



# MEMO

To: Town Council  
From: Lynne Hair, Planning Director  
Date: June 22, 2020  
RE: **Small Area Amendments. Amendments identified by SAP Amendment Committee meetings to address issues with density and development in SAP areas.**

## Background

On June 2 and June 3, 2020 subcommittees of the Council met to review and discuss concerns with the Monroe Bypass and Idlewild Road Small Area Plans. As a result of these discussions, the following amendments were recommended, and staff directed to prepare language to address.

## Proposed Amendments

### **1. Amend Development Ordinance to remove language linking the ordinance to SAP's.**

The following Articles were identified by Staff as linking the DO to the approved Small Area Plans. Staff would recommend the following amendments:

#### Article 1.5 Relationship to Land Use and Comprehensive Master Plans

The administration, enforcement, and amendment of the Stallings Development Ordinance shall be carried out consistently with ~~plans and documents comprising~~ the "Comprehensive Land Use Plan", adopted November 27, 2017 including subsequent amendments adopted by the Town Council of the Town of Stallings. New planning documents ~~or small area plans~~ adopted by the Town Council are automatically incorporated into this Ordinance.

#### Article 5.4-4 (E) Application Procedures (Conditional Zoning)

(E) The Town Council's consideration of an application for Conditional Zoning is legislative in nature, and the Council may consider any relevant information in its deliberations, including the criteria for issuing conditional use permits specified in Article 7. Consideration shall be given to adopted land use plans for the area, ~~small area plans~~, corridor plans, and other land use policy documents, and to surrounding land uses. The Town Council may adopt or not adopt a Conditional Zoning ordinance, or may continue its consideration of the application as necessary or appropriate.

#### Article 5.1 General

The Stallings *Town Council* may amend, supplement, modify, or repeal any provision of



this ordinance or amend the zoning maps according to the procedure established by N.C.G.S.160A-384. Such amendments shall be evaluated for compliance with the “Comprehensive Land Use Plan”, adopted November 27, 2017 including subsequent amendments adopted by the Town Council of the Town of Stallings ~~and other applicable adopted plans~~, and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the *Town Council*, after recommendation from the *Planning Board*.

#### Article 5.3-2 Review by the Stallings *Planning Board*.

(A) Review – General. The public meeting shall be conducted in accordance with the rules of procedure of the Stallings *Planning Board*. The *Planning Board* shall make recommendations to the Stallings *Town Council* regarding whether to approve or deny each proposed amendment. When considering an amendment, the *Planning Board* shall consider both the consistency and reasonableness of the amendment with the “Comprehensive Land Use Plan”, adopted November 27, 2017 including subsequent amendments adopted by the Town Council of the Town of Stallings ~~and other applicable adopted plans for the area affected by the proposed amendment~~.

(D) Content of recommendation and statements of ~~both~~ consistency and reasonableness. Any recommendation made by the Stallings *Planning Board* to the Stallings *Town Council* pursuant to this section shall be in writing and shall include a statement describing whether the proposed amendment is both consistent with the “Comprehensive Land Use Plan”, adopted November 27, 2017 including subsequent amendments adopted by the Town Council of the Town of Stallings ~~and other applicable adopted plan that is applicable~~, and shall state whether and how the proposed amendment is reasonable. In addition, such recommendation may address any other subject of interest by the *Planning Board*. A comment by the *Planning Board* that a proposed amendment is inconsistent with the Town’s “Comprehensive Land Use Plan”, adopted November 27, 2017 including subsequent amendments adopted by the Town Council of the Town of Stallings ~~and other applicable adopted plans for the area affected~~ and/or unreasonable shall not preclude consideration or approval of the proposed amendment by the *Town Council*. (N.C.G.S. 160A-383).

#### Article 5.4-4 Application Procedures

(E) The Town Council's consideration of an application for Conditional Zoning is legislative in nature, and the Council may consider any relevant information in its deliberations, including the criteria for issuing conditional use permits specified in Article 7. Consideration shall be given to adopted land use plans for the area, ~~small area plans~~, corridor plans, and other land use policy documents, and to surrounding land uses. The Town Council may adopt or not adopt a Conditional Zoning ordinance, or may continue its consideration of the application as necessary or appropriate.

(F) During the adoption of a Conditional Zoning ordinance, specific conditions may

be proposed by the petitioner, Town Council, Planning Board, or Town staff, but only those conditions mutually approved by Town Council and the petitioner may be incorporated into the zoning regulations and permit requirements. Conditions and site-specific standards imposed in a conditional ~~use zoning~~ district shall be limited to those that address the conformance of the development and use of the site to Town ordinances, ~~the an~~ officially adopted ~~Comprehensive Plan land use, or other plan~~ and those ~~conditions~~ that address the impacts reasonably expected to be generated by the development or use of the site.

2. **Change DA requirements to apply only to large projects.**

The following Articles were identified by Staff as requiring a Development Agreement for all projects located within the MU-1 or MU-2 districts or are required to comply with Major Subdivision requirements, regardless of size. Staff would recommend the following amendments:

Article 7.11-1 Subdivision Plat Approval Major Subdivisions

(A) Purpose. The Major Subdivision review process is required for those divisions of land meeting the definition of “Subdivision, Major” appearing in Article 3 of this Ordinance. Review and approval of the Preliminary Plat by the Development Administrator is required under the Major Subdivision review process, with review and approval of the Final Plat made by the Development Administrator. ~~Major Subdivisions proposing the development of new street infrastructure are required to enter into a Development Agreement in accordance with Section 7.15 of this Article.~~

Article 7.15.1 Authorization and Applicability

(B) In addition to any Development Agreement proposed for an eligible project, a Development Agreement, established pursuant to Sub-section 7.15-3 of this Ordinance, shall be required as part of all ~~Traditional Neighborhood Development Stallings Development Ordinance Overlay (TNDO) District applications and apply to all projects within the TNDO District~~ projects that are 25 or more acres in size.

Article 8.4-6 Mixed Use Districts (MU-1 and MU-2)

(B) A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Mixed Use (MU-1 and MU-2) District ~~and~~ **Town Center (TC)** applications and shall apply to all projects within the MU-1, MU-2, ~~and~~ **TC** Districts ~~that are 25 or more acres in size.~~

Article 8.5-1

(C) A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Traditional Neighborhood Development Overlay (TNDO) District applications and apply to all projects within the TNDO

District **that are 25 or more acres in size.**

**3. Create a process for CZ's similar to the DA process requiring council subcommittee review prior to the Planning Board meeting and Town Council public hearing.**

Staff would recommend the following be considered and added to the Development Ordinance outlining a process that would require review by a subcommittee of the Town Council as a part of the conditional zoning process.

Option #1:

Add language to the Article 5.4-4 of the Stallings Development Ordinance, the section outlining the process for conditional zoning applications.

Article 5.4-4 Application Procedures

(B) The application and supporting materials shall be reviewed by the *Development Administrator* in accordance with its procedures for reviewing applications for conditional zonings ~~use permits~~ prior to the meeting of the Planning Board at which the application is to be considered. **Prior to a recommendation being forwarded to the Planning Board, a subcommittee of the Town Council shall meet with the applicant to discuss the proposal and discuss specifics of the project. The subcommittee will be assigned as outlined in Table 7.15 of Article 7.15. This subcommittee step is designed to encourage dialogue between the applicant and Council members and help facilitate a discussion. Any information shared during this process is not to be construed as an approval or denial of the proposed application.**

**Information from the subcommittee shall be included with the recommendations and comments** of the *Development Administrator* and be reported to the Planning Board. In addition, the Stallings *Development Administrator* shall evaluate Conditional Zoning applications based on the criteria for conditional use permits set out in Article 7 and shall submit said report at the public hearings on said applications.

Option #2:

Create a policy requiring a development workshop with Council prior that would occur during a regular Council meeting. This would give the applicant an opportunity to present their project and receive feedback in an open meeting where no decision is being made.

**4. Create a process where the CLUP and SAP are being amended during the rezoning (CZ) process.**

Staff would recommend that a section be added to *Article 5.4 Conditional Zoning* that states that with all conditional zoning applications, which could be interpreted as

inconsistent with the Comprehensive Land Use Plan, an amendment to the Comprehensive Land Use Plan, and any associated Small Area Plan is also being amended as part of the process. The following language is suggested:

(K) Upon approval of a Conditional Zoning application, which could be interpreted as inconsistent with the Comprehensive Land Use Plan the Stallings Comprehensive Land Use Plan, and any associated Small Area Plan shall be deemed amended reflecting any changes incurred as a result of the approved conditional zoning. The application for a conditional zoning may, but is not required to, include a request that states any necessary amendments that need to be made to the Comprehensive Land Use Plan, Future Land Use Map and any associated Small Area Plan map.

**5. Review Table of Uses and make Townhomes and other identified uses within the MU-1 and MU-2 Districts CZ.**

Staff has reviewed the Table of Uses and identified several uses that the Council may want to consider changing from a use by right to requiring conditional zoning approval:

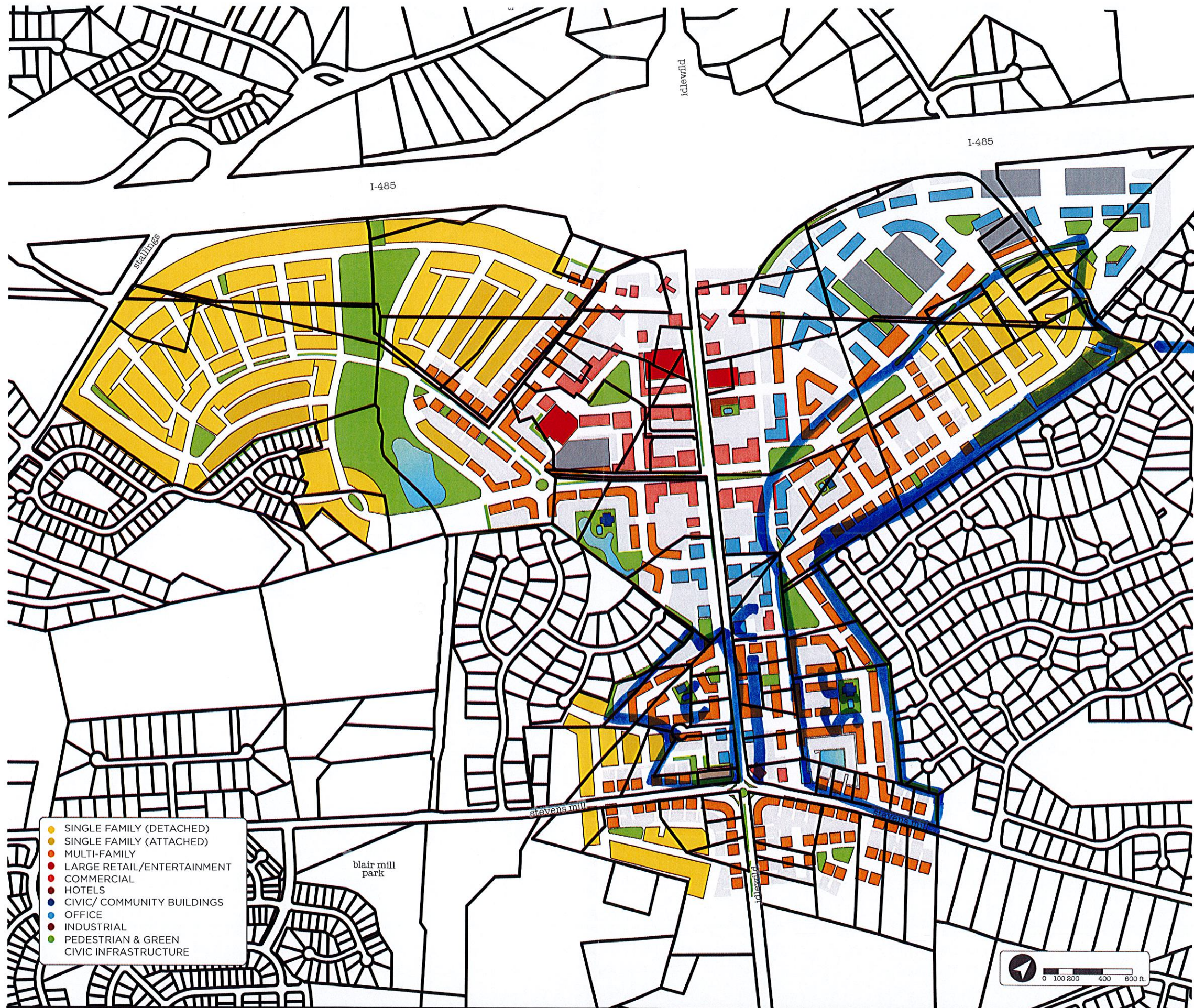
ABC Stores	TC/MU-2
Carwash	MU-2
Convenience Store w/Gas Pumps	MU-2/US74/CP485
Funeral Homes w/Crematorium	TC/MU-2/US74
Dwellings/Single Family Attached	MFT/TC/CIV/MU-1/MU-2
Restaurant w/Drive Thru	TC/MU-1/MU-2/US74/CP485
Service Station – Auto Repair (Major)	MU-2/C74/CP485
Truck and Trailer Rental	MU-2/US74
Warehouse	MU-2/US74/CP485
Warehouse – Self Storage	MU-2/US74/CP485

**6. Amend Idlewild Small Area Plan to Show Single Family Residential Where adjacent to Shannamara.**

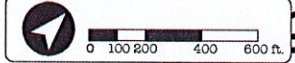
The subcommittee requested that the SAP map be amended to show SFR where adjacent to Shannamara. With Councils approval this change will be made.

**Next Steps**

Staff is seeking direction from Council on the recommended ordinance amendments. If Council is comfortable with the proposed language, Ordinances, and Statements of Reasonableness and Consistency will be prepared by Staff and presented to the Planning Board on July 21, 2020 for recommendation. Staff will then prepare the required advertisements for the public hearing which will be held on August 10, 2020 at which all documentation will be presented to Council for possible adoption.



- SINGLE FAMILY (DETACHED)
- SINGLE FAMILY (ATTACHED)
- MULTI-FAMILY
- LARGE RETAIL/ENTERTAINMENT
- COMMERCIAL
- HOTELS
- CIVIC/ COMMUNITY BUILDINGS
- OFFICE
- INDUSTRIAL
- PEDESTRIAN & GREEN CIVIC INFRASTRUCTURE



1000ft



# MEMO

To: Town Council

Via: Alex Sewell, Town Manager

From: Dennis Franks, Chief of Police

Date: 7/2/2020

RE: Police Department Re-organization

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The SPD has had several organizational configurations over its history. Since 2013 the department's organizational structure has changed five times. As the Stallings' community grows, the police department must be able to adapt to ensure SPD can continue to serve the public while continuing to operate in a fiscally responsible manner. A new organizational structure will allow SPD to do both.

Currently, the SPD has one operations captain. This captain has been out on injury leave since October 2019 and opted to retire effective July 1. A sergeant is currently serving as an interim captain, picking up additional duties relating to patrol, while still working as a full-time detective. The assistant chief is doing his job along with attempting to fill the void of having an essential police manager's position vacant for the past eight months.

I have observed the patrol division struggling for guidance based on the absence of someone being directly, and in a full-time capacity, leading the division. The patrol division is the crux of any police department and suffers when it does not have dedicated and sustained leadership. Based on my observations I am proposing the following changes to the organizational structure:

## **Create two (2) lieutenant positions (patrol operations and special services)**

- **Patrol Operations Lieutenant** will oversee all four patrol squads, canine unit, SRT officers, and all field training responsibilities (post police academy, hands-on practical training).
- **Special Services Lieutenant** will oversee community service unit, criminal investigations, crime scene unit, records and reception, training (required in-service and advanced training), quartermaster, technology, and facilities.

These two positions are being created by re-classifying the vacant captain position and a sergeant position to the rank of lieutenant.

This change will have positive impacts on the police department and the town. Implementation of these positions will create a higher level of morale and accountability. Having command personnel in the right position to offer guidance will help develop subordinate officers and help in creating the next generation of leaders. This new structure will allow the department to absorb change without the need to continually modify ranks, as has happened in the past, and still allows for the optimal span of control. These changes **will not** require the department to hire any additional officers. Based on my recommendation, the implementation of these positions will have **no cost impact** on the department. The lieutenant rank will be classified at pay grade 23 (54,080 to 83,824).

In conclusion, I am requesting that the Town Council approve the attached job description for police lieutenant (Appendix 1). This job description was crafted from the Town's former position description with the assistance of the MAPS group, which the Town has used for human resource and management issues and training (including our recent pay and classification study). I have also attached the new police department organizational chart for review (Appendix 2).

## **Appendix 1**

## Police Lieutenant

### General Statement of Duties

Performs administrative and supervisory law enforcement work in the Patrol and Investigations Divisions of the Police Department.

### Distinguishing Features of the Class

Employees in this class are assigned special administrative and management work. Responsibilities include supervising one or more divisions of the department such as patrol, support services, and/or investigations; assigning staff and monitoring performance; researching and recommending departmental policies; ensuring staff training and development; representing the department at various functions and working with other law enforcement agencies; handling citizen concerns and issues; and other administrative work. Work requires comprehensive knowledge of law enforcement management and substantial judgement and independent initiative. Work involves frequent public contact which requires tact, firmness and decisiveness. Employees are subject to hazards in law enforcement work including working in both inside and outside environments, in extreme hot and cold weather, and exposure to various hazards such as dangerous persons, loud noises, hazardous spills with fumes, oils, gases or flammable liquids. Work is subject to the final OSHA standards on bloodborne pathogens. Work is performed in accordance with departmental policy and state and federal law, supplemented with specific directions from the Assistant Police Chief or Police Chief. Work is performed under the general supervision of the Police Chief and is evaluated through observation, discussion and review of reports.

### Duties and Responsibilities

#### Essential Duties and Tasks

Supervises and evaluates staff engaged in law enforcement activities; ensures proper in-service training for staff, maintenance of certifications, and training and orientation of new officers.

Oversees patrol activities; makes assignments; meets frequently with shift supervisors to assess effectiveness of programs and activities.

Oversees the Investigations Division; oversees general criminal investigations, including crimes involving juveniles, sexual assaults, domestic violence, etc., as well as homicides/suspicious deaths; reviews and assigns work to others; work with other agencies, as necessary.

Oversees the collection, logging and preserving of evidence as well as the documenting and transporting of evidence to the crime labs; oversees case files, reports and other paperwork related to investigative activities.

Reviews incident reports for accuracy, thoroughness and timeliness; provides technical guidance and takes the lead in more difficult incidents.

Participates in the hiring process, including interviews and background investigations; recommends disciplinary and other personnel decisions; participates in the training, counseling, and evaluating of subordinate employees.

Administers personnel policies and prepares a variety of records and reports; schedules employees to shift as well as extra duty; approves leave requests; monitors use of overtime.

Participates in budget development and administration and purchasing of supplies, uniforms and equipment; prepares periodic reports of crime, patrol and accident activity to analyze trends.

Takes calls from citizens regarding problems, complaints, requests, questions, and sometimes sensitive issues; meets and confers with citizens and department staff to identify proper response; conducts assigned internal investigations.

Researches and recommends new and revised departmental policies and procedures.

### Additional Job Duties

Performs related work as required.

### Recruitment and Selection Guidelines

#### Knowledge, Skills, and Abilities

Thorough knowledge of state and federal laws, local ordinances and policies of the Town and police department.

Thorough knowledge of modern law enforcement principles, investigative techniques, practices, methods and equipment.

Thorough knowledge of the organizations' personnel policies, budget and purchasing procedures, and effective supervisory practices.

Ability to conduct complex and sensitive investigative assignments, to apply sound investigative principles to difficult cases, and to report clearly orally and in writing the results of investigative efforts.

Considerable knowledge of modern and effective supervisory and management principles and practices including motivation, communications, leadership, performance coaching and evaluation.

Skill in the use of firearms and other equipment and in the application of self-defense tactics.

Ability to provide leadership and act with sound judgment in routine and emergency situations.

Ability to present effective court testimony and make public presentations.

Ability to prepare clear and concise administrative and activity reports.

Ability to build and maintain cooperative and effective public relations with the citizens, department staff, and Town officials.



### Physical Requirements

Must be able to physically perform the basic life operational functions of standing, walking, talking, climbing, balancing, stooping, kneeling, crouching, crawling, reaching, pushing, pulling, lifting, grasping, hearing, and repetitive motions.

Must be able to perform medium to heavy work exerting 100 pounds of force occasionally, 20-50 pounds frequently and 10-20 pounds of force constantly to move objects.

Must possess the visual acuity to operate a police vehicle and distinguish details and differences when observing people, places, or things on patrol, and to use a computer.

### Desirable Education and Experience

Graduation from high school, supplemented by special training in the investigative law enforcement field and extensive law enforcement and supervisory experience, or an equivalent combination of education and experience.

### Special Requirements

Possession of a valid NC driver's license; a Basic Law Enforcement Certificate issued by the State of NC; and any additional certificates required within timeframes specified by the Town.

Stallings 2020

Special Note: This generic class description gives an overview of the job class, its essential job functions, and recommended job requirements. However, for each individual position assigned to this class, there is available a completed job questionnaire with a physical abilities checklist which can give further details about that one position. Those documents should be reviewed before initiating a selection process. They can provide additional information on which to base various personnel actions and can assist management in making legal and defensible personnel decisions

### General Statement of Duties

Performs administrative and supervisory law enforcement work in the Patrol and Investigations Divisions of the Police Department.

## Distinguishing Features of the Class

Employees in this class are assigned special administrative and management work. Responsibilities include supervising one or more divisions of the department such as patrol, support services, and/or investigations; assigning staff and monitoring performance; researching and recommending departmental policies; ensuring staff training and development; representing the department at various functions and working with other law enforcement agencies; handling citizen concerns and issues; and other administrative work. Work requires comprehensive knowledge of law enforcement management and substantial judgement and independent initiative. Work involves frequent public contact which requires tact, firmness and decisiveness. Employees are subject to hazards in law enforcement work including working in both inside and outside environments, in extreme hot and cold weather, and exposure to various hazards such as dangerous persons, loud noises, hazardous spills with fumes, oils, gases or flammable liquids. Work is subject to the final OSHA standards on bloodborne pathogens. Work is performed in accordance with departmental policy and state and federal law, supplemented with specific directions from the Assistant Police Chief or Police Chief. Work is performed under the general supervision of the Police Chief and is evaluated through observation, discussion and review of reports.

## Duties and Responsibilities

### Essential Duties and Tasks

Supervises and evaluates staff engaged in law enforcement activities; ensures proper in-service training for staff, maintenance of certifications, and training and orientation of new officers.

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Takes calls from citizens regarding problems, complaints, requests, questions, and sometimes sensitive issues; meets and confers with citizens and department staff to identify proper response; conducts assigned internal investigations.

Researches and recommends new and revised departmental policies and procedures.

### Additional Job Duties

Performs related work as required.

### Recruitment and Selection Guidelines

#### Knowledge, Skills, and Abilities

Thorough knowledge of state and federal laws, local ordinances and policies of the Town and police department.

Thorough knowledge of modern law enforcement principles, investigative techniques, practices, methods and equipment.

Thorough knowledge of the organizations' personnel policies, budget and purchasing procedures, and effective supervisory practices.

Ability to conduct complex and sensitive investigative assignments, to apply sound investigative principles to difficult cases, and to report clearly orally and in writing the results of investigative efforts.

Considerable knowledge of modern and effective supervisory and management principles and practices including motivation, communications, leadership, performance coaching and evaluation.

Skill in the use of firearms and other equipment and in the application of self-defense tactics.

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Ability to build and maintain cooperative and effective public relations with the citizens, department staff, and Town officials.

### Physical Requirements

Must be able to physically perform the basic life operational functions of standing, walking, talking, climbing, balancing, stooping, kneeling, crouching, crawling, reaching, pushing, pulling, lifting, grasping, hearing, and repetitive motions.

Must be able to perform medium to heavy work exerting 100 pounds of force occasionally, 20-50 pounds frequently and 10-20 pounds of force constantly to move objects.

Must possess the visual acuity to operate a police vehicle and distinguish details and differences when observing people, places, or things on patrol, and to use a computer.

### Desirable Education and Experience

Graduation from high school, supplemented by special training in the investigative law enforcement field and extensive law enforcement and supervisory experience; or an equivalent combination of education and experience.

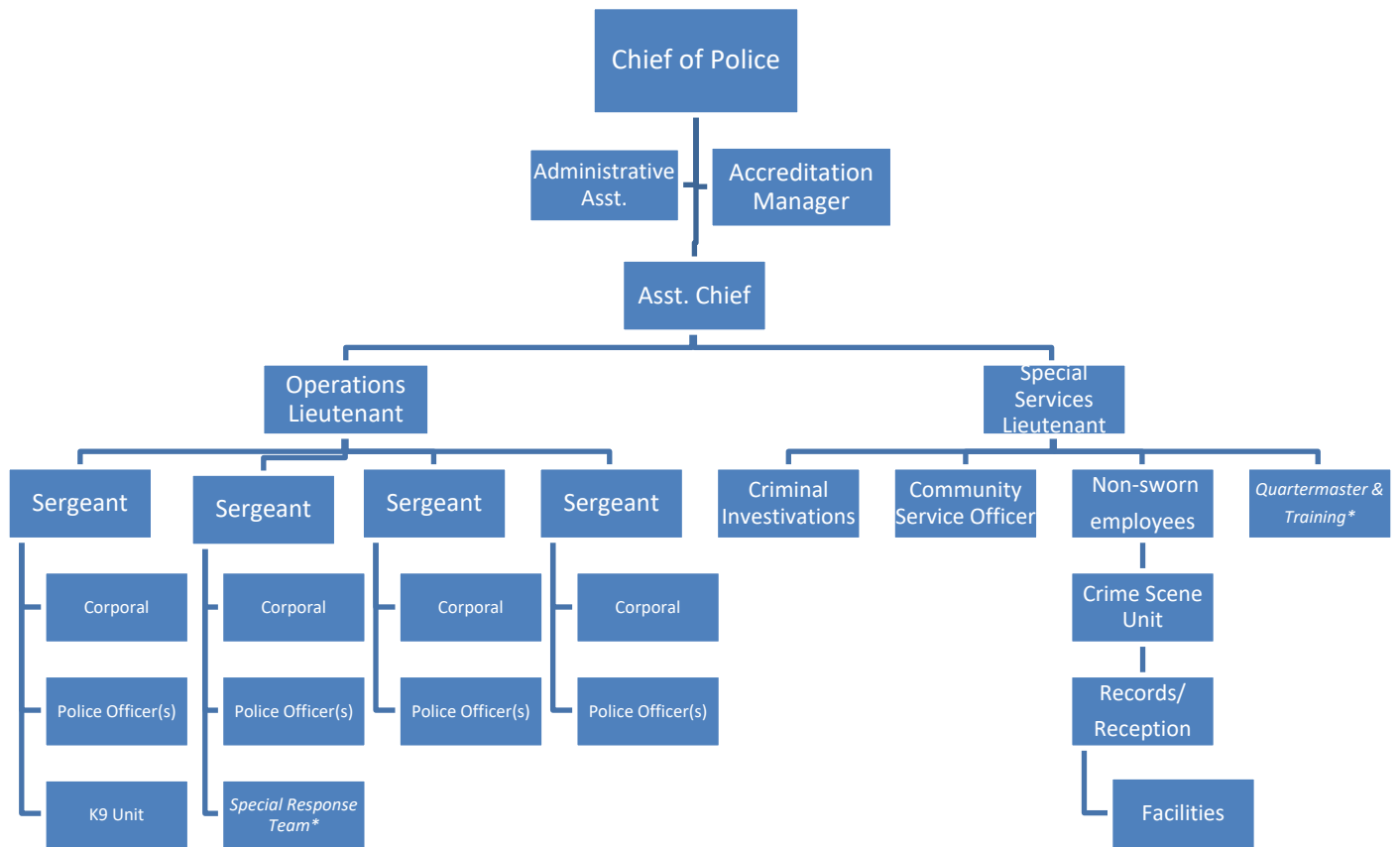
### Special Requirements

Possession of a valid NC driver's license; a Basic Law Enforcement Certificate issued by the State of NC; and any additional certificates required within timeframes specified by the Town.

### Stallings 2020

Special Note: This generic class description gives an overview of the job class, its essential job functions, and recommended job requirements. However, for each individual position assigned to this class, there is available a completed job questionnaire with a physical abilities checklist which can give further details about that one position. Those documents should be reviewed before initiating a selection process. They can provide additional information on which to base various personnel actions and can assist management in making legal and defensible personnel decisions

## **Appendix 2**







# MEMO

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To: Alex Sewell, Town Manager

From: Dennis Franks, Chief of Police

Date: 7/2/2020

RE: Police Retirement: Ceremonial Sale of Service Weapon

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North Carolina General Statute 20-187.2 allows for a unit of government to sell a retiring law enforcement officer his/her sidearm for less than market value. The statute's apparent purpose is to legalize the common practice of local government selling a retiring law enforcement officer to their service sidearm for \$1 as a final, respectful recognition of the officer's service.

In recognition of Captain Tim Harrington's service to the Stallings community, it is recommended that his service sidearm be sold to him for \$1.

Captain Harrington retired from the Stallings Police Department on June 30, 2020.

Respectfully submitted,

Dennis Franks



# MEMO

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To: Town Council  
From: Alex Sewell, Town Manager  
Date: June 22, 2020  
RE: **Union County 2050 Planning Summit Council Delegate**

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Union County will be holding a 2050 Planning Summit August 6, 2020 with municipal and county leaders. The meeting will be held at the Agricultural Center from 9 AM until 4 PM with the morning dedicated to the County Comprehensive Plan update and the afternoon dedicated to Union County Public Works water and sewer strategic planning.

The County is asking that one representative from Council, plus a staff representative. With social distancing reducing room capacity, the County is asking that we limit attendance to one or two representatives. The entire day will be considered a public meeting since a quorum of the county commissioners will be present.





# MEMO

To: Mayor, Town Council  
 Via: Town Manager  
 From: Marsha Gross, Finance Officer  
 Date: 7/8/2020  
 RE: FY2021 Proposed Budget Amendment

At the June 22<sup>nd</sup> Council Meeting, the FY2021 Budget Ordinance for the Town was passed. At that time, Council requested the Town Manager to add \$50,000 into the FY2021 Budget using a budget amendment for monument signage and reduce departmental expenses by that same amount. The purpose was to find funds to be utilized for the monument signage without increasing appropriations from General Fund Balance. Town staff met and are proposing the following changes to the FY2021 Budget:

Department	FY2021	Amendmnt	Adjusted	Work			Monumnt	Econ Dev	Total
	Budget	#1 changes	FY2021 Budget	comp Ins	Travel	Gen Ins	Signage		Change
Police Department	\$ 2,595,500	\$ (9,000)	\$ 2,586,500	\$ (7,500)	\$ (1,500)				\$ (9,000)
General Government	\$ 1,227,500	\$ (33,600)	\$ 1,193,900	\$ (100)	\$ (3,500)	\$ (5,000)		\$ (25,000)	\$ (33,600)
Sanitation	\$ 1,020,000	\$ -	\$ 1,020,000						\$ -
Transportation	\$ 733,200	\$ 49,800	\$ 783,000	\$ (200)			\$ 50,000		\$ 49,800
Park and Recreation	\$ 688,700	\$ (3,500)	\$ 685,200	\$ (1,000)	\$ (2,500)				\$ (3,500)
Planning and Zoning	\$ 346,600	\$ (1,800)	\$ 344,800	\$ (300)	\$ (1,500)				\$ (1,800)
Debt Service	\$ 379,900	\$ -	\$ 379,900						\$ -
Public Works	\$ 305,700	\$ (1,900)	\$ 303,800	\$ (900)	\$ (1,000)				\$ (1,900)
Council Discretionary	\$ 100	\$ -	\$ 100						\$ -
	\$ 7,297,200	\$ -	\$ 7,297,200	\$ (10,000)	\$ (10,000)	\$ (5,000)	\$ 50,000	\$ (25,000)	\$ -

Decreases in workers compensation insurance by \$10,000 and general liability insurance by \$5,000 are proposed due to the receipt of the insurance renewal rates which were below what was in the FY2021 Budget. Travel expenses were also identified as an area that could be reduced by an additional \$10,000 due to effects of COVID 19 on staff training. Also as discussed in the June 22<sup>nd</sup> council meeting, the economic development plan implementation would be reduced by \$25,000. The sum of these reductions is \$50,000 which will offset the increase to the Transportation department for monument signage.

The attached FY2021 Budget Amendment represents these changes and will be proposed for adoption by Council at the July 13<sup>th</sup> Town Council meeting.

Please let me know if you have any questions.

**AMENDED BUDGET ORDINANCE – NO. 1**  
**TOWN OF STALLINGS, NORTH CAROLINA**  
**FISCAL YEAR 2020-2021**

BE IT ORDAINED by the Town Council of the Town of Stallings, North Carolina, that the estimated expenditures for the fiscal year 2020-2021 are hereby amended as set forth below:

Category	Account Number	Budgeted Amount	Amend to the Following	Net Increase or (Decrease)
<u>Expense:</u>				
General Government		\$ 1,227,500	\$ 1,193,900	
Workers Compensation Insurance	10-00-4120-014			\$ (100)
Travel	10-00-4120-031			\$ (3,500)
Liability Insurance	10-00-4120-045			\$ (5,000)
Outside Services	10-00-4120-039			\$ (25,000)
Public Safety		\$ 2,595,500	\$ 2,586,500	
Workers Compensation Insurance	10-10-4310-014			\$ (7,500)
Travel	10-10-4310-031			\$ (1,500)
Transportation		\$ 2,595,500	\$ 2,645,300	
Workers Compensation Insurance	10-20-4510-014			\$ (200)
Signage	10-20-4510-034			\$ 50,000
Economic and Physical Development		\$ 2,595,500	\$ 2,593,700	
Workers Compensation Insurance	10-40-4910-014			\$ (300)
Travel	10-40-4910-031			\$ (1,500)
Public Works		\$ 2,595,500	\$ 2,593,600	
Workers Compensation Insurance	10-70-4570-014			\$ (900)
Travel	10-70-4570-031			\$ (1,000)
Cultural and Recreational		\$ 2,595,500	\$ 2,592,000	
Workers Compensation Insurance	10-80-6130-014			\$ (1,000)
Travel	10-80-6130-031			\$ (2,500)

*Explanation: Amendment is needed to increase Transportation Department budget for engineering for Monument Signage for the Town, decrease all departments for workers compensation and liability insurance, travel, and decrease General Government budget for the Economic Development Plan Implementation. These changes require no additional General Fund balance appropriations.*

This Amendment to the Budget Ordinance shall be effective upon adoption.

The said Budget Ordinance, except as amended, shall remain in full force and effect.

ADOPTED this the 13th day of July, 2020.

\_\_\_\_\_  
Wyatt Dunn, Mayor

\_\_\_\_\_  
Erinn Nichols, Town Clerk

Approved as to form:

