



October 8, 2018
 Stallings Town Hall
 315 Stallings Road
 Stallings, NC 28104
 704-821-8557
www.stallingsnc.org

	Time	Item	Presenter	Action Requested/Next Step
	6:00 p.m.	Invocation Pledge of Allegiance Call the Meeting to Order	Wyatt Dunn, Mayor	NA
	6:05 p.m.	Public Comment	Wyatt Dunn, Mayor	NA
1.	6:15 p.m.	Consent Agenda Approval A. Minutes from the following meetings: (1) 08-13-18 (2) 08-13-18 – closed (3) 09-10-18 (4) 09-10-18 – closed (5) 09-24-18 (6) 09-24-18 - closed B. Downtown/Old Monroe Road Small Area Plan	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> Motion: I make the motion to: 1) Approve the Consent Agenda as presented; or 2) Approve the Consent Agenda with the following changes: _____
2.	6:17 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.	6:40 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve agenda as written. <i>(ADD, IF APPLICABLE: with changes as described by Mayor Dunn)</i> Motion: I make the motion to: 1) Approve the Agenda as presented; or 2) Approve the Agenda with the following changes: _____

4.	6:45 p.m.	Whetstone Right-of-Way A. Open public hearing B. Information from staff C. Comments from the public D. Close public hearing	Lynne Hair, Town Planner	Hold public hearing
5.	6:50 p.m.	Monroe Expressway Tolling Presentation	Warren Cooksey, NCDOT	Presentation
6.	7:10 p.m.	Traffic Impact Analysis (TIA) Adoption	Chris Easterly, Town Engineer Kimley-Horn	Presentation and Adoption <i>Motion: I make the motion to adopt the Traffic Impact Analysis (TIA).</i>
7.	7:30 p.m.	Street Signage Design Selection <i>*Actual examples will be available to view at the meeting.</i>	Brian Price, Public Works Director	Select preferred design <i>Motion: I make the motion to select option (insert option number) for the street signage design.</i>
8.	7:40 p.m.	Annexation 51 – Funderburk Road A. Certificate of Sufficiency B. Resolution Fixing the Public Hearing Date	Alex Sewell, Town Manager	Adopt the resolution <i>Motion: I make the motion to adopt the Resolution Fixing the Public Hearing Date for Annexation 51 – Funderburk Road.</i>
9.	7:45 p.m.	Ordinance 91.15 – Keeping of Certain Animals	John Martin, Council Member	Information and Possible Action
10.	7:55 p.m.	Balanced Scorecard	Alex Sewell, Town Manager	Authorize Town Manger to create scorecard <i>Motion: I make the motion to authorize the Town Manager to create a Balanced Scorecard for the Town.</i>
11.	8:05 p.m.	Closed Session in Pursuant to NCGS 143-318.11(a)(5)	Wyatt Dunn, Mayor	Hold closed session <i>Motion: I make the motion to go into closed session pursuant to NCGS 143-318.11(a)(5).</i>
12.	8:15 p.m.	Adjournment		

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

The Town Council of the Town of Stallings met for its regular meeting on August 13, 2018, at 7:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore David Scholl; Council Members Kathy Heyse, John Martin, Lynda Paxton, and Shawna Steele.

Those absent were: Council Member Deborah Romanow.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager; Sgt Rodney Ivey and Sgt. Det. Brown; Lynne Hair, Town Planner; Chris Easterly, Town Engineer; Kevin Parker, Assistant Town Engineer; Ashley Platts, Parks and Recreation Director; and Marsha Gross, Finance Officer.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

No one was present to give public comment.

1. Approval of Consent Agenda Items

A. Minutes of the following meetings:

- (1) 06-11-18
- (2) 06-11-18 – closed
- (3) 06-25-18
- (4) 06-25-18 – 1st closed session
- (5) 06-25-18 – 2nd closed session
- (6) 07-09-18 – special
- (7) 07-09-18
- (8) 07-09-18 – closed

B. 2018-19 Amended Budget Ordinance 1

C. 2018-19 Amended Budget Ordinance 2

D. Order of Collection and Settlement Report, Mecklenburg County

E. NCDOT Chestnut Roundabout (TIP No. U-6091) Municipal Agreement with Betterments

Council Member Paxton made the motion to approve the Consent Agenda Items as presented. The motion was seconded by Council Member Scholl which passed unanimously by Council. The 2018-19

Amended Budget Ordinance 1, 2018-19 Amended Budget Ordinance 2, and Order of Collection and Settlement Report from Mecklenburg County are attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

Mayor Dunn thanked the Police Department for the National Night Out event.

B. Reports from Council Members/Town Committees

Council Member Paxton had no report.

Council Member Martin seconded the Mayor's comments regarding the National Night Out event.

Council Member Scholl agreed with the comments concerning the National Night Out event. He also reported that he attended the CCOG meeting where Town Planner Lynne Hair spoke about the Stallings Planning Process and represented the Town well.

Council Member Steele reported that she attended the Transportation Advisory Committee (TAC) meeting and heard a presentation from Kimley-Horn concerning the traffic analysis process which would be coming to Council. She also reminded everyone that school would be starting soon, and children would be at bus stops.

Council Member Heyse reported that the Historical Committee was finding a lot of history of Stallings.

C. Report from Town Manager/Town Departments

Town Manager Sewell thanked the Council and Staff for their help and well wishes during the birth of his son. He also thanked the Police Department for the National Night Out event. He then reported the following:

- New Town Hall Project – Engineering review was underway, and a new timeline would be out soon with breaking ground scheduled in January/February 2019.
- Technology – Council Meeting video options were being explored.

3. Agenda Approval

Mayor Dunn requested moving Agenda Item 7, 457(b) *Opportunity*, to Agenda Item 3.A. Council Member Scholl made the motion to adopt the Agenda with the change listed above. Council Member Martin seconded the motion to which Council approved unanimously.

3.A. 457(b) Opportunity
Original Agenda Item 7

Jodie Musselwhite, Prudential Retirement - record keeper for the state's 401K plan, presented information on the 457(b) complimentary retirement plan to 401K. She explained the main components of the plan:

- Additional opportunity to tax defer retirement savings because the limits for the 401K and 457(b) were aggregated separately
- No early withdrawal penalty
- No cost to the Town
- All fiduciary burden was on the state
- Voluntary participation for employees
- Council Members could participate

Council Member Martin made the motion to adopt the Resolution to Adopt the North Carolina Public Employee Deferred Compensation Plan. The motion was passed unanimously after a second from Council Member Steele. The Resolution to Adopt the North Carolina Public Employee Deferred Compensation Plan is attached to these minutes and therefore incorporated herein. Mayor Dunn then read the above-mentioned resolution into the record.

4. Greenway Master Plan Presentation

Town Planner Hair reminded the Council that the previous summer the Council agreed to fund the creation of a Greenway Plan which was followed by a contract with Designation by Design. Designation by Design collected data via field investigations and open houses. Volunteers were recruited via the open houses and a Greenway Steering Committee was formed. The committee met early last summer helping the consultant refine a community survey regarding greenways. The survey was received well by the public. Through the survey, the parks and recreation department, and the budget process, it became apparent that a Parks Master Plan was also needed. The Greenway Plan's scope was then redefined to include a parks master plan.

Members of the Parks and Recreation Committee were present to advocate for the plan: Leigh Coulter, Julie Curtis, and Ken Manny.

Eric Woolridge, Destination by Design, noted that a public meeting would be held on September 20, 2018 where the entire plan would be unveiled. He then went through the research and unveiled the

preliminary plan. Mr. Woolridge's presentation is attached to these minutes and therefore incorporated herein.

Council held a general discussion on the topic.

5. Small Area Plans

A. State Awarded Downtown Revitalization Grant and CEM Small Area Plan

Town Manager Sewell explained that the Town had received a state grant for economic development/downtown revitalization to be used for the CEM Small Area Plan. The Town requested \$30,000 but the state awarded the Town \$50,000 for these efforts. Mr. Sewell requested the Council authorize going into the contract with Destination by Design for the CEM Small Area Plan in the amount of \$30,000 as well as requesting the Council come to a consensus on how it would like to use the remaining \$20,000 of the grant funds.

Council Member Paxton made the motion to authorize the Town Manager to execute a contract with Destination by Design for \$30,000 for the CEM Small Area Plan. The motion was seconded by Council Member Martin and passed unanimously.

Town Manager Sewell advised that the extra \$20,000 could be used for:

- more shade in the park
- plans/engineering for streetscape for out front of town hall
- applied to new town hall

Council held consensus to bring back ideas at the next meeting for the remaining grant funds

B. Chestnut Small Area Plan

Council Member Paxton made the motion to authorize staff to execute a contract with Destination by Design for Chestnut Small Area Alan in the amount of \$28,000. Council Member Heyse seconded the motion which was passed unanimously by Council.

6. Idlewild Sidewalk and Planting Strip Enhancements

This item was tabled until a finalized road design was received from NCDOT for Idlewild Road prior to the Town deciding any enhancements or sidewalk plans along that corridor.

7. 457(b) Opportunity

See Agenda Item 3.A

8. Willowcroft Roads

Assistant Engineer Parker explained that the roads in Willowcroft Subdivision had been built to Town standards. Mr. Parker, Town Engineer Easterly, and Council Member Romanow met on site at the

subdivision to inspect the roads and address any final concerns. The developer, Meritage Homes, had asked that the Town take the subdivision roads and stormwater infrastructure into the Town maintenance system, a total of .41 miles of roads. The roads were built to Town standards and had passed engineering inspections.

Brian Collins, Meritage Homes, was present to address any Council concerns.

Council Member Scholl made the motion to accept the .41 miles of Willowcroft Subdivision Roads and stormwater infrastructure into the Town's maintenance system. Council Member Heyse seconded the motion. The motion passed by a 4 to 1 vote with Council Member Martin opposing.

9. Parks and Recreation Committee Application

Council Member Heyse made the motion to appoint Donna Flores to the Parks and Recreation Committee with term ending March 31, 2020. The motion received Council's unanimous support after a second from Council Member Martin.

10. Closed Session in Pursuant to NCGS 143-318.11(a)(5) and (6)

Council Member Paxton made the motion to go into closed session pursuant to NCGS 143-318.11(a)(5) and (6). Council Member Steele seconded the motion to which the Council unanimously supported.

Council went into closed session at 8:57 p.m. and reconvened in open session at 9:43 p.m.

11. Adjournment

Council Member Scholl moved to adjourn the meeting, seconded by Council Member Stelle, and the motion received unanimous support. The meeting was adjourned at 9:43 p.m.

Approved on _____, 2018.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

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

The Town Council of the Town of Stallings met for its regular meeting on September 10, 2018, at 6:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore David Scholl; Council Members Kathy Heyse, John Martin, Lynda Paxton, and Deborah Romanow.

Those absent were: Council Member Shawna Steele.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager/Town Clerk; Chief Minor Plyler; Lynne Hair, Town Planner; Kevin Parker, Assistant Town Engineer; 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 Romanow delivered the invocation. Mayor Dunn then led the Pledge of Allegiance and called the meeting to order.

Public Comments

Tracy Summerset, Fairfield Plantation, requested the Council consider an addendum to the animal control ordinance to allow for pot belly pigs as a domestic pet. Ms. Summerset had two pot belly pigs since 2011, in a privacy fenced yard. They were domestic pets and not farm animals. The pigs were also allowed by her homeowner's association.

Council held consensus to delay the enforcement of Ms. Summerset's code violation letter until the Council could discuss the issue.

Marvin Cunningham, 6802 Stoney Ridge Drive, lived across from Ms. Summerset since 2011, and had no problem with the pigs. He stated no one would even know the pigs existed until they saw them because there was no pig waste, no smell, and no nuisance. Mr. Cunningham wanted to provide a character witness for the pigs and Ms. Summerset.

1. Approval of Consent Agenda Items

- A. 2018 Constitution Week Proclamation
- B. Domestic Violence Awareness Proclamation
- C. 9-11 Remembrance Proclamation*

**added during motion to approve the Consent Agenda*

Council Member Paxton read the 9-11 Remembrance Proclamation aloud into the record.

Council Member Romanow made the motion to approve the Consent Agenda Items as presented in addition to adding the 9-11 Remembrance Proclamation to the Consent Agenda. The motion was

seconded by Council Member Scholl which passed unanimously by Council. The 2018 Constitution Week Proclamation, Domestic Violence Awareness Proclamation, and 9-11 Remembrance Proclamation are attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

The Mayor had no report.

B. Reports from Council Members/Town Committees

Council Member Paxton passed out her report to the Council. The report is attached to these minutes and therefore incorporated herein.

Council Member Martin reported that the sewer treatment plant in Country Woods East was complete. Some residents had also reached out to Mr. Martin concerning flooding areas which he would bring back to Council. He said there was a lot of community discussion about the upcoming Allen Black Development.

Council Member Romanow gave kudos to staff for reports and achievements. She also felt the newsletter looked good.

Council Member Scholl had no report.

Council Member Heyse reported that the Parks and Recreation Committee meetings were going well with preparations for Stallings Fest. She also stated that the Historical Committee meetings were going well and that they would be traveling to Union County to look at some records there. Council Member Heyse also thanked everyone for the newsletter.

C. Report from Town Manager/Town Departments

Town Manager Sewell reported on the following:

- Departments achievements would now be on social media.
- Newsletter was a great success.
- New Town-wide street signs should start being installed in January and completed by June 2019.
- New Town Hall Timeline (construction, RFP, LGC approval process)
- State elected officials meeting – A meeting date that worked for everyone had proven to be a challenge. It was recommended a Stallings group go to Raleigh to meet the constituents in the January/February timeframe.
- Epcon public hearing and Traffic Impact Analysis would be on the Oct. 8 Agenda.

3. Agenda Approval

Mayor Dunn requested the following changes to the Agenda:

- Tabling Agenda Item 6, *2020-2029 TIP Development Program*
- Moving Agenda Item 7, *Downtown/Old Monroe Road Small Area Plan*, to Agenda Item 3.A.
- Tabling Agenda Item 11, *Performance Evaluation System*, and appointing a sub-committee to review the policies made up of Mayor Dunn and Council Member Paxton and Steele. *Council held consensus in the affirmative on the creation of this sub-committee.*
- Removing Agenda Item 13, *Stallings Fest Booths*
- Adding Agenda Item 13.A. as *Closed Session pursuant to NCGS 143-318.11(a)(3)*

Council Member Romanow made the motion to approve the Agenda with the above listed changes.

Council Member Steele seconded the motion which was passed unanimously by Council.

3.A. Downtown/Old Monroe Road Small Area Plan

Original Agenda Item 7

Demetri Batches, Metrocology, presented the Downtown/Old Monroe Road Small Area Plan to the Council. Lynne Hair, Town Planner, explained this project began last spring and requested the Council approve the plan. It would then become a part of the Development Ordinance.

The Downtown/Old Monroe Road Small Area Plan is attached to these minutes and therefore incorporated herein.

Council Member Scholl made the motion to accept and adopt the Downtown/Old Monroe Road Conceptual Small Area Plan as presented. The motion received Council's unanimous support after a second from Council Member Romanow.

Council held consensus to redevelop the Stallings Park to coincide and mesh with the new Downtown/Old Monroe Road Small Area Plan.

4. TX18.06.02 Accessory Structures

Mayor opened the public hearing. Town Planner Lynne Hair explained this was a request from staff for a text amendment to Article 2.10-2 No Accessory Structure in Setback and Article 8.4-2 Single Family Residential Districts (SFR-1, SFR-2, SFR-3) to clarify and create consistency for accessory structures in the ordinance. The Planning Board recommended approval of the text amendment.

There were no comments from the public. Mayor Dunn then closed the public hearing. Council Member Martin made the motion to approve TX18.06.02 Accessory Structures. The motion was seconded by Council Member Romanow and approved unanimously by Council. TX18.06.02 Accessory Structures Ordinance is attached to these minutes and therefore incorporated herein.

Council Member Romanow made the motion to adopt the Statement of Consistency and Reasonableness for TX18.06.02 to which Council Member Paxton seconded. The motion was passed unanimously. The Statement of Consistency and Reasonableness for TX18.06.02 is attached to these minutes and therefore incorporated herein.

5. Pay and Classification Study

Town Manager Sewell explained that this item was tabled from a prior meeting. The request was to use the MAPS Group to conduct a Pay and Classification Study.

After Council discussion on the necessity of this study, Council Member Romanow made the motion to approve entering into contract with the MAPS Group for a Pay and Classification Study. Council Member Paxton seconded the motion. The motion passed by a 3 to 2 vote with Council Members Paxton and Scholl opposing.

6. 2020-2029 TIP Development Program

This item was tabled during the Agenda Approval.

7. Downtown/Old Monroe Road Small Area Plan

See Agenda Item 3.A.

8. Downtown Grant Funds

Town Manager Sewell reminded the Council that the Town had received a state grant for economic development/downtown revitalization to be used for the CEM Small Area Plan. The Town requested \$30,000 but the state awarded the Town \$50,000 for these efforts. He requested the Council select how it would like to use the remaining \$20,000.

Council Member Romanow made the motion to use the remaining \$20,000 in grant funds for the engineering and permitting necessary for the Town Hall Streetscape. The motion received the Council's unanimous support after a second from Council Member Heyse.

9. Whetstone Road Abandonment Resolution

Town Planner Hair explained the Town received a request for a road abandonment on approximately .474-acre portion of Whetstone Drive. While this road was in the Town's maintenance system, it was not built to Town standards and the portion being requested for abandonment was not in good condition.

The process for right of way abandonment was three-step and involved the following:

1. Council adoption of a resolution and calling for a public hearing date to be established.
2. The resolution would then be published for four consecutive weeks prior to the hearing, and a copy of the resolution posted on the property for the same period.
3. Public hearing be held. (Oct. 8, 2018)

The applicant, Chestnut of Union, LLC was requesting the abandonment to utilize the property as a portion of their proposed development to be located on adjacent properties. By request of Council, the applicant conducted an appraisal to assess value of the land and it was established by the applicant's appraiser that the land was valued at \$31,000.

After Council discussion, it held consensus to request \$50,000 for the property.

Council Member Scholl made the motion to adopt the Whetstone Road Abandonment Resolution which was seconded by Council Member Romanow. The motion received Council unanimous support. The Whetstone Road Abandonment Resolution is attached to these minutes and therefore incorporated herein.

10. Road Resurfacing Bids Contract

Assistant Engineer Parker explained that on August 29, 2018 bids were received and opened for 2018 road resurfacing project. The project was for the resurfacing of .93 miles. Three bids were received, and Red Clay Industries was the lowest bidder at \$345,432.09.

Council Member Romanow made the motion to authorize the Town Manager to execute a contract for the 2018 Road Resurfacing Project with Red Clay Industries for \$345,432.09. A second was made by Council Member Paxton and the motion was passed unanimously.

11. Performance Evaluation System:

- A. Performance Review and Employee Development Program
- B. Performance Pay Policy
- C. Employee Certification and Training Policy

This item was tabled during Agenda Approval and assigned to a sub-committee for review.

12. NCLM Annual Conference Voting Representative

Council Member Romanow made the motion to appoint Council Member Scholl as the NCLM voting representative for Stallings at the NCLM 2018 Annual Conference. The motion was seconded by Council Member Heyse and passed unanimously by Council.

13. Stallings Fest Booths

This item was removed during Agenda Approval.

13.A. Closed Session pursuant to NCGS 143-318.11(a)(3)

Council Member Romanow made a motion to go into closed session pursuant to NCGS 143-318.11(a)(3) which was seconded by Council Member Heyse. The motion was passed unanimously by Council.

Council went into closed session at 8:32 p.m. and reconvened in open session at 8:38 p.m.

Council Member Scholl made the motion to authorize Town Manager Sewell to sign the consent order in 18CVS985 Town of Stallings v. Wendover at Curry Place HOA, Inc. resolving the condemnation case for a payment of \$5,000. A second was received by Council Member Romanow. The motion received Council's unanimous support.

14. Adjournment

Council Member Paxton moved to adjourn the meeting, seconded by Council Member Scholl, and the motion received unanimous support. The meeting was adjourned at 8:39 p.m.

Approved on _____, 2018.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

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

The Town Council of the Town of Stallings met for its regular meeting on September 24, 2018, at 6:00 p.m. at the Stallings Town Hall, 315 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore David Scholl; Council Members John Martin, Lynda Paxton, Deborah Romanow, and Shawna Steele.

Those absent were: Council Member Kathy Heyse.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Deputy Town Manager; 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. He then led the Pledge of Allegiance and called the meeting to order.

Public Comments

There was no one present to give public comment.

1. Agenda Approval

Mayor Dunn requested moving Agenda Item 4, *Annexation 51 – Funderburk Resolution to Investigate*, to 1.A. Council Member Scholl made the motion to approve the Agenda with the above noted change. The motion was passed unanimously after a second from Council Member Steele.

1.A. Annexation 51 – Funderburk Resolution to Investigate
Original Agenda Item 4

Deputy Town Manager/Town Clerk Nichols explained the Town had received a petition for voluntary annexation. In order to begin the investigation process, the Council must direct the Clerk via Resolution to investigate.

Council Member Romanow made the motion to adopt the Resolution Directing the Clerk to Investigate Annexation 51 – Funderburk. The motion passed unanimously after a second from Council Member Martin. The Resolution Directing the Clerk to Investigate Annexation 51 – Funderburk is attached to these minutes and therefore incorporated herein.

2. Confirm Mast Arm Painting Locations

Town Manager Sewell reminded the Council that it wanted to paint the mast arms on the Monroe Expressway black. The Council selected the locations of the poles it wanted painted which would cost approximately \$190,000 for seven poles, nine mast arms and 56 individual lighting poles on the perimeter roads. The light structures on the overhead portion of the Expressway would not be painted.

Council Member Romanow made the motion to approve the Monroe Expressway lighting painting package. Council Member Steele seconded the motion which the Council supported unanimously. The diagrams of the approved painting package is attached to these minutes and therefore incorporated herein.

3. Union County Tax Settlement Report and Order of Collection

Council Member Steele made the motion to accept the Union County 2018-19 Tax Settlement Report and approve the Order of Collection for Vann Harrell, Tax Administrator, Union County. The motion was passed unanimously after a second from Council Member Romanow. The Union County 2018-19 Tax Settlement Report and Order of Collection for Vann Harrell, Tax Administrator, Union County is attached to these minutes and therefore incorporated herein.

4. Annexation 51 – Funderburk Resolution to Investigate
This Agenda was moved to Agenda Item 1.A.

5. Storm Debris

Town Manager Sewell explained the allowance for storm debris pickup for the next two weeks had increased with the Town's waste provider due to Hurricane Florence. Debris would be picked up as long as it did not exceed 8" in diameter and 6' in length versus the regular allowance of 4" in diameter and 4' in length.

6. Closed Session Pursuant to NCGS 143.318-11(a)(5)

Council Member Romanow made the motion to go into closed session pursuant to NCGS 143.318-11(a)(5). The motion was seconded by Council Member Steele and passed unanimously.

Council went into closed session at 6:24 p.m. and reconvened in open session at 6:31 p.m.

Mayor Dunn stated that he was upset about the construction mess at Stallings Road and would be discussing that issues with Warren Cooksey at the October 8, 2018 meeting.

Mayor Dunn then apologize for the unintended quorum at the last Planning Board Meeting.

Council also requested shirts for Stallings Fest.

7. Adjournment

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

Approved on _____, 2018.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

DRAFT

TO: Mayor Dunn; Town Council
FR: Alex Sewell
DATE: 10/2/18
RE: Whetstone Road Abandonment Update

Purpose: This memorandum provides an update regarding the Whetstone Road abandonment process.

Background: The Town has received a request to abandon an approximately .474-acre portion of Whetstone Drive. While this road is in the Town's maintenance system, it is not built to Town standards and the portion being requested for abandonment is not in good condition.

The process for right of way abandonment is three-step and involves the following:

1. Council adoption of a resolution and calling for a public hearing date to be established. (Completed on 9/10/18)
2. The resolution will then be published for four consecutive weeks prior to the hearing, and a copy of the resolution posted on the property for the same period. (The resolution was published in the Enquirer Journal 9/14/18, 9/21/18, 9/28/18 and 10/5/18, the resolution was posted starting 9/12/18).
3. Public hearing be held. (PH -10/08/18)

The applicant, Chestnut of Union, LLC is requesting the abandonment to utilize the property as a portion of their proposed development to be located on adjacent properties (see attached exhibit). By request of Council, the applicant conducted an appraisal to assess value of the land and it was established by the applicant's appraiser that the land is valued at \$31,000.

The Council requested a payment of \$50,000 for the abandoned property, the applicant countered with \$31,000 being their highest and best offer. The council requested that the Town Manger have an independent appraisal done to verify the value.

Update: The Town Manager is soliciting prices for an appraisal. As a result, the appraisal is not yet complete.

Recommendation: As all information requested by the Town Council is not yet completed, it is recommended to recess the public hearing until 10/22/18.



Memo

To: Mayor and Town Council
From: Christopher J. Easterly, P.E., Town Engineer
Date: October 3, 2018
Re: Traffic Impact Analysis Ordinance

As the Town of Stallings experiences an increase in land development, there continues to be an increase in traffic impact to the overall transportation network within the Town. A Traffic Impact Analysis (TIA) can be one tool the Town utilizes to ensure development impacts are properly mitigated and the Town grows in a manageable and sustainable manner. The TIA will ensure the Town is able to:

- Identify in advance any potential adverse impacts to the existing transportation network and ensure adequate mitigation is provided for by proposed development.
- Assist in the early identification of issues related to traffic operations, including but not limited to driveway/access locations, traffic signals, and other elements of transportation facilities.
- Support long-term planning solutions that foster responsible growth of transportation infrastructure consistent with the Comprehensive Plan and vision for the community.

Council has authorized staff to execute a professional services contract with Kimley-Horn. Kimley-Horn established the technical evaluation methodology, procedures and guidelines tailored to the focus and goals established with the Town's guiding planning documents. The Transportation Advisory Committee and the Planning Board have been presented and affirmed the TIA at their respective meetings.

Action Requested:

Requesting motion to adopt the Traffic Impact Analysis Ordinance.



Transportation Impact Analysis (TIA) Ordinance

Town of Stallings

When a TIA is required?

- 1000 Daily Trips
- 100 Peak Hour Trips
- Town's Discretion

What is studied?

- Intersections
- Timeframe
- Analysis Scenarios
- Multi-modal Analysis

When improvements are required?

- the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same level of service,
- the Level of Service degrades by at least one level,
- or Level of Service is at or below the threshold dictated by zoning.

Street Type	LOS Threshold	
	Vehicular	Bike/Ped
AG, CIV	C	E
SFR, MFT, VSR, IND	D	D
TC, MU, C-74, CP-485, CZ, CUP	E	C
Within a Small Area Plan Boundary	E	C
All Other	D	D

How does the Process change?

The Town selects and hires a consultant to perform the study at the cost of the developer.

Transportation Impact Analysis (TIA) Ordinance

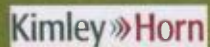
Town of Stallings



ACADEMIC

Standard Components

- A. TIA Determination
- C. Scoping Meeting
- D. Scoping Document
- E. Fees
- F. TMA
- G1-G6. TIA Contents
- G10. Trip Generation
- G11. Trip Distribution
- G12. Trip Assignment
- G14. Queuing Analysis
- G15. Crash Analysis
- G16. Traffic Signal Warrants
- G18. Compliance



SUBJECTIVE

Components Selected by the Town

- B. Minimum Thresholds
- G7. Study Area
Identifying study intersections
- G8. Existing Conditions
Count timeframes
- G9. Future Year Conditions
Scenarios required for analysis
- G13. Operations Analysis
Multi-modal considerations
- G17. Mitigation Alternatives

B. Minimum Threshold Examples

Agency	Trip Thresholds	
	Daily	Peak-Hour
NCDOT	3,000	-
Charlotte	2,500	-
Harrisburg	1,000	100
Mooreville	500	100
Hendersonville	1,000	100
Waxhaw	1,000	100
Belmont	1,000	100
Mount Holly	1,000	100
Cornelius	1,000	100
York County	400	100
SCDOT	-	100
Proposed Stallings	1000	100

G7. Study Intersections

Intersection Control	Criteria
Signalized	- 1-mile radius - Site contributes 10% of approach
Unsignalized	As directed by Town

G8. Count Timeframes

Peak Hour	Proposed Timeframes
AM	6:00 – 9:00 AM
PM	4:00 – 7:00 PM

G9. Scenarios

- Existing
- Honzon Year Background (No-Build)
- Honzon Year Build-out
- Honzon Year + 5 Build-Out (Not used for mitigation)

Examples of Land Use Densities to Meet TIA Threshold

Land Use	1000 Daily Trips	100 Peak Hour Trips
Single Family	100 units	100 units
Multifamily: Low-Rise (1-2 Floors)	140 units	180 units
Multifamily: Mid-Rise (3-10 Floors)	190 units	230 units
Shopping Center	7,000 SF	10,000 SF
Fast Food Restaurant (GFA)	2,100 SF	2,500 SF
Gas Station w/ Conv Market	5 Fueling Positions	8 FPs
Bank w/ Drive-In	10,000 SF	5,000 SF
Hotel	130 rooms	170 rooms
General Office	95,000 SF	35,000 SF
Medical/Dental Office	30,000 SF	30,000 SF
Light Industrial	250,000 SF	300,000 SF
Manufacturing	270,000 SF	110,000 SF

G13. Multi-modal Considerations

- Bicycle
- Pedestrian

G17. Mitigation Examples

- NCDOT (Waxhaw/Belmont/Mount Holly similar)
- Mitigate if:**
- the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same level of service, the Level of Service degrades by at least one level, or Level of Service is "F."

Town of Cornelius

Zoning District	LOS Threshold
RP, GR, NR	C
NMX, VC, HC, WMX	D
BC, IC, CO	D
TC, TRD-O, TND	E

Proposed Town of Stallings

- Mitigate if:**
- the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same level of service, the Level of Service degrades by at least one level, or Level of Service is at or below the threshold dictated by zoning (as shown below).

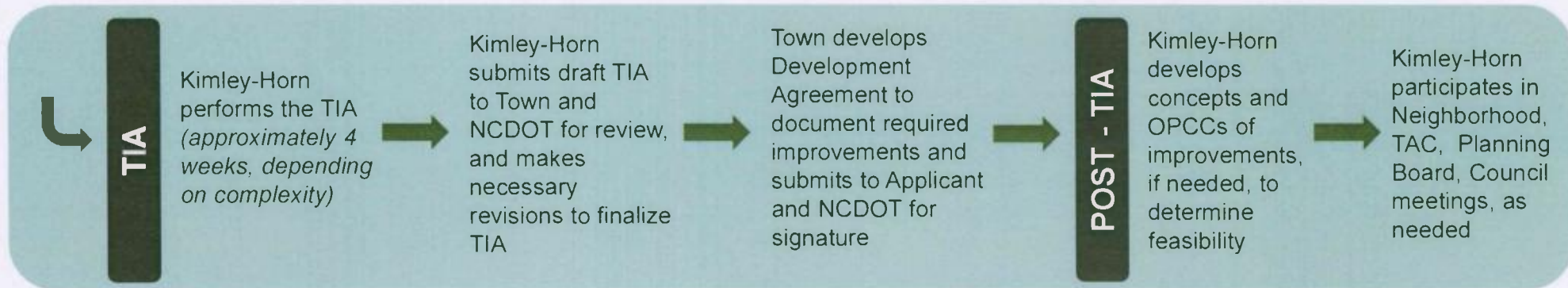
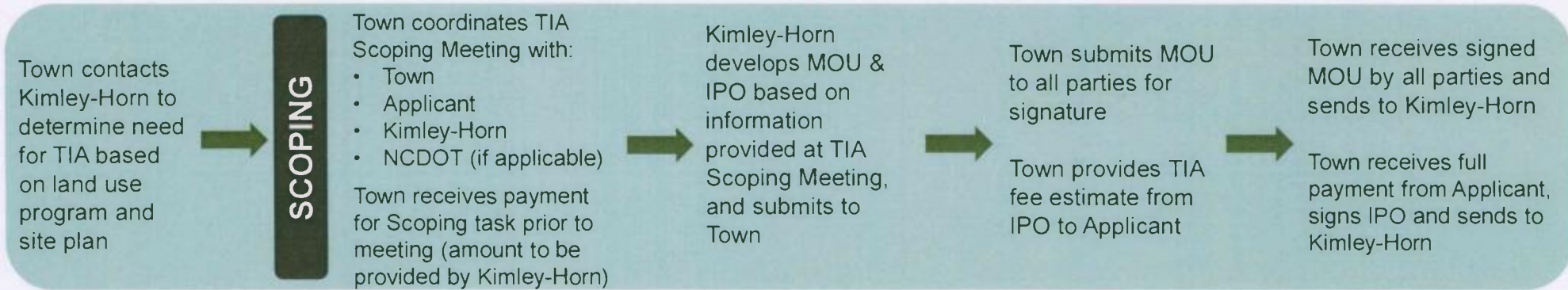
Street Type	LOS Threshold	
	Vehicular	Bike/Ped
AG, CIV	C	E
SFR, MFT, VSR, IND	D	D
TC, MU, C-74, CP-485, CZ, CUP	E	C
Within a Small Area Plan Boundary	E	C
All Other	D	D

Transportation Impact Analysis (TIA) Typical Process

Town of Stallings



START Applicant submits site plan/development application to the Town



FINISH All required mitigation measures must be implemented prior to issuance of final Certificate of Occupancy (CO).

Town of Stallings
Traffic Impact Analysis Ordinance



Stallings
-NC-

Town of Stallings
315 Stallings Road
Stallings, NC 28104
(704) 821-8557
www.stallingsnc.org

Purpose and Definition

Transportation system integrity is an important consideration for our community when a significant development is proposed. Public policy makers, citizens and developers all have a stake in understanding and responding to additional demands on the transportation system. A Transportation Impact Analysis (TIA) is a tool used to evaluate the incremental impacts on the surrounding transportation infrastructure and how to mitigate them to maintain safe traffic and transportation operations.

- A. TIA Determination - The Town shall determine the need for a TIA upon receipt of any development application (by-right or rezoning) accompanied by a sketch or schematic plan. Types of development applications could include, but are not limited to, multi-family developments, single family developments, commercial developments, or industrial developments. If warranted, the transportation consultant assigned by the Town shall prepare the TIA. At the discretion of the North Carolina Department of Transportation (NCDOT) and the Town, a Transportation Technical Memorandum, in lieu of a full TIA report, may be allowed for some developments. If proposed street connections are not consistent with adopted plans, then an explanation or proposed transportation mitigation alternative that is equal or better shall be discussed in the study. NCDOT and the Town will be responsible for determining whether the alternative mitigation plan meets and/or exceeds the performance standards of the proposed street connections in the adopted plans.
- B. Minimum Thresholds for TIAs - A TIA will be required to accompany the sketch/schematic plan when expected gross trip generation is **1000 total trips or more both entering and exiting the site in a 24-hour period, and/or 100 total trips both entering and exiting the site during either the AM or PM peak hours (prior to any trip reductions applied - see Section G(10)). The gross trip generation will be calculated by the Town based on information (proposed project summary and development plan) provided by the applicant and the final determination for requiring the TIA will be made by the Town.** The Town may also determine the need for a TIA or Transportation Technical Memorandum based on special circumstances associated with the development, even if the gross trips falls below this threshold. This may be due to location, an intersection or thoroughfare nearby that is at or above capacity, the nature of the use, or one of the following:
1. Traffic generated from a non-residential development that could potentially significantly impact adjacent residential neighborhoods.
 2. Traffic operation issues for current and/or future years on nearby streets are expected to be significantly worsened by traffic generated from the proposed new development.
 3. Major and minor thoroughfares near the site are experiencing significant/unacceptable delays.
 4. Traffic safety issues exist at the intersection or street that would serve the proposed new development.
 5. The proposed land use differs significantly from the adopted Small Area Plans for the Town and/or the Comprehensive Land Use Plan.
 6. The internal street or access system is not anticipated to accommodate the expected traffic generation.
 7. The proposed development project includes a drive-through facility, or other uses such as schools that require significant on site circulation that may have an off-site impact to adjoining roads and/or intersections.

8. The amount, behavior and/or assignment of traffic is significantly different from a previously approved TIA, or more than 24 months have passed since completion of previous TIA.
- C. Scoping Meeting – A mandatory scoping meeting is required prior to beginning the TIA to discuss the requirements and strategies for a TIA specific to the site and the proposed development. Background information shall be submitted by the applicant and shall include intended phasing scheme, proposed build-out year, and a conceptual site plan showing proposed access points, proposed land use and densities, structure and parking envelopes. The Town, the transportation consultant assigned by the Town, and the applicant(s) are required to attend the mandatory scoping meeting. Representatives from the NCDOT District office will be invited and encouraged to attend as needed. The applicant may invite members of his/her development team as needed.
 - D. Memorandum of Understanding (MOU) – A MOU, documenting the understood scope and parameters of the TIA, shall be prepared by the transportation consultant assigned by the Town. A schedule will be developed and affirmed by all parties. The MOU shall be signed by the applicant and the Town before the consultant can begin work on the TIA. Approval by the NCDOT District Engineer will also be required if access to a state road is involved. Failure by the applicant to provide accurate information or failure by the assigned transportation consultant to follow the MOU shall result in disapproval of the TIA. If significant changes are made to the parameters outlined in the MOU, a revised MOU will be required.
 - E. Fees – Prior to the scoping meeting, the transportation consultant assigned by the Town shall submit a summary of consultant fees to the Town to perform the scoping portion of the TIA. The applicant shall agree to provide payment in full to the Town for these services prior to scheduling of the scoping meeting. After the MOU is prepared, changes by the applicant which require updates to the MOU, will result in additional services and must be paid for by the applicant prior to performance of the additional work.

After the scoping meeting, the transportation consultant assigned by the Town shall submit a summary of consultant fees for preparing the TIA to the Town. These fees will account for the work completed throughout the scoping process. Per the MOU, the applicant shall agree to provide payment in full to the Town for preparation of the TIA so that the Town can release the work to the consultant. The Town may require all or a portion of the estimated fees to be paid to the Town prior to commencement of the work. Any additional services incurred by the transportation consultant in addition to the MOU must be approved by the Town and agreed to and paid for by the applicant prior to performance of the additional work.

- F. Development Agreement – Upon completion of the TIA, certain on- or off-site transportation mitigation measures may be required as recommended by the TIA. If so, these improvements will be defined in the Development Agreement, as outlined in the *Town of Stallings Development Ordinance*.

All required mitigation measures must be implemented prior to final Certificate of Occupancy (CO).

G. TIA Outline and Contents – The outline and contents of what is required to be included in the TIA will be discussed at the scoping meeting and included in the MOU. A detailed summary of the expected content and methodologies to be used in the TIA is discussed below.

1. Cover/Signature page – Includes the project name, location, name of the applicant, contact information for the applicant, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and registered professional engineer in the State of North Carolina are also required to appear on this page.
2. Table of Contents – Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices, in the TIA report.
3. Executive Summary – Includes a description of the study findings, a general description of the project scope, study horizon years, expected transportation impacts of the project, and mitigation measure recommendations. Technical publications, calculations, documentation, data reporting, and detailed design shall not be included in this section.
4. Project Description – Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, anticipated completion dates (including phasing). It shall also include the square footage of each use and/or the number and size of dwelling units proposed, and a map and copy of the site plan provided by the applicant.
5. Site Description – Includes a description of the project location within the Town and region, existing zoning and use (and proposed use if applicable), and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.
6. Site Access – A complete description of the ingress/egress of the site shall be explained and depicted. It shall include number of driveways, their locations, distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.) types of driveways (two-way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), parking lots, sidewalks, bicycle lanes, and designated loading/unloading areas shall also be described. Similar information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal connections. The design, number, and location of access points to collector and arterial roadways immediately adjacent to the site must be fully analyzed. The number of access points shall be kept to a minimum and designed to be consistent with the type of roadway facility. Driveways serving the site from state roads shall be designed in accordance with the NCDOT's Policy on Street and Driveway Access and/or the Town standards, as applicable.
7. Study Area – The limits of the study area shall be based on the location, size and extent of the proposed project, and an understanding of existing

and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIA shall be reviewed and approved by the Town and NCDOT staff at the mandatory scoping meeting. At a minimum, the study area shall include all streets and signalized intersections within a 1-mile radius of the proposed site and/or where site traffic estimated for build-out of the project will constitute 10% or more of any signalized intersection approach during the peak hour. During the scoping meeting, staff may reduce the radius due to conditions specific to the site based on request by applicant and supported with valid reasoning. Should study area intersections outside of the Town be identified, adjacent municipalities will be notified. Unsignalized intersections between the required signalized intersections will be added to the scope as directed by the Town. To initially determine the impacts, the Town will maintain a database of recent peak-hour intersection turning movement counts. The applicable intersection counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the applicant, a preliminary trip generation analysis, distribution and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Related impacts or current operational problems, may dictate that other intersections be included in the study area as determined by Town staff and/or NCDOT staff. A narrative describing the study area shall identify the location of the proposed project in relation to the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., CATS bus service and small area plans) shall be mentioned. A site location map shall be provided and shall identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.

8. Existing Conditions – Shall include a narrative and map that represents AM and PM peak-hour turning-movement volumes for all intersections within the study area. Traffic volumes shall represent 15-minute interval weekday turning-movement counts (Tuesday through Thursday), include heavy-vehicle, pedestrian and bicycle counts, no more than twelve months old and shall be collected during periods of the year when local schools are in session and during weeks that have no observed federal, state, or local holidays and periods. The required count timeframes are from 6:00-9:00AM and 4:00-7:00PM. Site-specific conditions may necessitate additional or different traffic counting hours and/or days depending on the development program and location within the Town. These unique circumstances will be determined and directed by the Town. The Town will determine if modified peak hours or weekend analyses shall be included in the TIA at the mandatory scoping meeting. For example, 12- or 16-hour turning movement counts shall be required to complete the analysis if a traffic signal warrant analysis is required as part of the TIA. The source of existing traffic volume information shall be explicitly stated (e.g., Town counts, new counts collected by the applicant, NCDOT counts, etc.). If previous counts were obtained, only counts collected within the one year of the scoping meeting will be deemed acceptable. Summary sheets for existing turning movement counts shall be included in the appendix of the TIA report. A separate narrative and map shall be prepared to describe the

characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions investigation may be included in the appendix of the TIA report.

9. Future Year Conditions – Unless otherwise approved by the Town, future year conditions for a single-phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five years after the build-out year (build-out + 5). For multiple-phased developments, the scenarios shall be completed in order, with any improvements specified by development included in the subsequent build scenarios, including five years after the full build-out year (build-out + 5). Specific analysis periods to include in the study shall depend greatly upon the development program, proposed project phasing plan, and significant improvements programmed for the surrounding transportation system. The approved offsite developments and transportation projects to be included in the base future-year background conditions for the transportation system within the study area shall be determined during the scoping meeting. Transportation improvements assumed in the future-year background conditions analysis may include those with an expected completion date concurrent with that of the development and funded either by the Town, NCDOT, or indicated as a required condition of approval from another nearby development application. Only projects approved by the Town at the scoping meeting may be included in the analysis as future existing infrastructure. Those improvements committed by other projects must be clearly identified in the report as approved offsite development road improvements. Adjacent development traffic information used in the development of the future year background traffic volumes shall be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned in the TIA, but the description shall specifically identify that these projects are not included in the background condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development approved by the Town but not yet built. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base traffic volumes, other development volumes, and site traffic volumes shall be clearly separated and combined in the map.
10. Trip Generation – Base trip generation for the proposed land use(s) shall be calculated using data published in the latest version of the Institute of Transportation Engineers' (ITE) Trip Generation Manual. Data limitations, data age, choice of peak hour of adjacent street traffic, choice of independent variable, and choice of average rate versus equation shall be discussed at the mandatory scoping meeting. Local trip generation rates may be acceptable if appropriate validation is provided by the applicant to support them. Any deviation from ITE trip generation rates shall be discussed in the mandatory scoping meeting and documented in the MOU if approved by the Town and NCDOT. The NCDOT Municipal School

Transportation Assistance (MSTA) calculator shall be used to calculate projected trip generations for school sites.

- a. Internal Capture – Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed using methodology recommended in the most current Trip Generation Handbook published by the ITE, or research published by the National Cooperative Highway Research Program (NCHRP) Transportation Research Board. Reductions for internal capture shall be applied to multi- or mixed-use sites only. The internal capture reduction shall be applied before pass-by trips are calculated.
 - b. Pass-by Trips – Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by rate of pass-by capture using methodology recommended in the most current Trip Generation Handbook published by the ITE. Pass-by trips associated with the development program may not exceed 10% of the peak-hour volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, if a site access drive that connects to a low-volume local street, which its primary access is to a major collector road, the traffic on the major collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specifics of each site. A trip generation table shall summarize all trip generation calculations for the project.
11. Trip Distribution – External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, or professional judgment. At the Town's direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures followed and logic for estimating trip distribution percentages must be well-documented in the TIA. Trip distribution percentages proposed for the surrounding transportation network shall be discussed during the scoping meeting and shall be approved by the Town and NCDOT before proceeding with the TIA. A map showing the percentage of site traffic on each street included in the study area shall be included in the TIA.
 12. Trip Assignment – Project traffic shall be distributed to the surrounding transportation system based on the site's trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus project traffic) shall be represented in graphic formats for AM and PM peak-hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the

driveways and access points for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop controlled vs. signalized).

13. Operations Analysis – The TIA shall include multi-modal operations analyses including vehicular, pedestrian and bicycle, to allow for the safe and convenient travel for all modes. Level-of-Service (LOS) and delay is the primary measures of effectiveness for impacts to the transportation system, and is defined by the most current edition of the Highway Capacity Manual (HCM). Operations analyses shall be performed for the existing and all future year scenarios, as described in Section G (17)). Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions. Requirements for mitigation are described in Section G (17).

- a. Vehicular Capacity Analysis - Unless otherwise noted, Synchro LOS and delay shall be reported for all signalized intersections and approaches identified in the study area. Based on HCM, LOS for unsignalized intersections is not defined as a whole; instead, only the individual stop-controlled or yield approaches shall be reported based on the HCM reports determined through the Synchro analysis. Existing signalized intersections shall be modeled based on existing signal timing plans provided by either the Town or NCDOT. Existing signal timing plans shall be included in the appendix of the TIA report. If a traffic signal is part of a coordinated system it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections shall be consistent with the most recent guidelines published by the NCDOT, Traffic Engineering and Safety Systems Branch, Congestion Management Unit (“Capacity Analysis Guidelines”). The Town may also require safety, traffic simulation, gap and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or simulation tools (such as VISSIM or Transmodeler) required for the TIA shall be identified during the scoping meeting. All TIA reports submitted to the Town shall use Synchro, SimTraffic, VISSIM and/or Transmodeler analysis software for signalized and unsignalized intersections, or Sidra Software for roundabouts, consistent with policies released by the NCDOT. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A – F), the intersection and approach signal delay for signalized intersections, the approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and auxiliary turn-lane warrants for unsignalized intersections shall be included in the appendix of the TIA report.

- b. Pedestrian Operations Analysis - Unless otherwise noted, methodology provided in the latest edition of the Highway Capacity Manual shall be used to evaluate pedestrian LOS for the

intersections identified in the study area. The current methodology is based on geometric data, demand data, and signal control data including, but not limited to:

- Number of lanes on the major street
- Crossing distance
- Traffic volumes
- Motorist yielding rates to pedestrians
- Cycle Length
- Walk Time
- Presence of pedestrian phase

c. Bicycle Operations Analysis – The bicycle LOS at intersections identified in the study area shall be evaluated using locally accepted methodology. This current methodology assesses bicyclists' comfort based on geometric and traffic signal features including, but not limited to:

- Number of lanes crossed
- Presence of conflicting turning movements
- Presence of bike lanes

Under this methodology, intersection features are assigned points, where the LOS for each approach is calculated based on the accumulation of points for each geometric and traffic signal feature identified in the worksheet. Currently, this methodology does not take into account demand volumes; therefore, the bicycle LOS would not differ between AM and PM peak hours, and thus would not need to be reported for both under this methodology.

14. Queuing Analysis – 95th percentile and simulation analysis of future year queues shall be consistent with NCDOT's Traffic Engineering and Safety Systems Branch, Congestion Management Unit current practices and published Capacity Analysis Guidelines. Turn lanes and storage lengths for the major street (uncontrolled) approaches at unsignalized intersections shall be identified using volume thresholds published in the NCDOT's Policy on Street and Driveway Access to North Carolina Highways (see Warrant for Left- and Right-Turn Lanes Nomograph, pg. 80). Recommendations for left and right-turn lanes serving the site shall be designed to account for both the NCDOT warrants described above and to meet future year capacity needs identified through the capacity analyses. For projects that include drive-through facilities, pick-up/drop-off areas, or entrance gates, a queuing analysis may be required by the Town to ensure that vehicle stacking will not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures approved by the Town. If a TIA is required for a new school site, the internal circulation and ingress/egress of the site shall be modeled using a "dummy signal" in the Synchro software as prescribed by NCDOT Municipal School Transportation Assistance (MSTA) department.

15. Crash Analysis – A summary of crash data (type, number, and severity) for the most recent 3-year period at each study location is required. Traffic Engineering Accident Analysis System reports will be provided by the Town and/or NCDOT and shall be included in the appendix of the TIA report. For locations with prevalent crash types and/or frequency, a discussion shall be included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in the existing crash rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.
16. Traffic Signal Warrants – Town staff and/or NCDOT may consider potential signal locations at the scoping meeting. However, traffic flow progression is of paramount importance when considering a new traffic signal location. A new traffic signal shall not cause an undesirable delay to the surrounding transportation system. Installation of a traffic signal at a new location shall be based on the application of warrants criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants shall be included in the appendix of the TIA report. Additionally, spacing of traffic signals within the Town must adhere to NCDOT requirements. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions. If a signal warrant analysis is recommended in the TIA, the Town and/or NCDOT may decide to defer a signal warrant analysis until after the development has opened to allow use of actual turning movement counts at an intersection. The TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The applicant must issue a bond or letter of credit in the name of the Town for the estimated cost of the signal warrant analysis and resulting signal prior to final approval of the TIA. The cost shall be established based on an engineer's estimate provided by the consultant identified by the Town.
17. Mitigation Measure Recommendations – This section of the TIA report shall provide a description of the study's findings regarding impacts of the proposed project on the existing and future transportation system and describe the location, nature, and extent of all mitigation measures recommended to the applicant to improve and/or maintain the future year background level-of-service (LOS) conditions through phasing and ultimate build-out of the project. This mitigation will be identified by measuring the impact between the future year background conditions and the future year build-out conditions. The applicant is required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development, and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area.

The applicant shall be required to identify mitigation improvements to the transportation network if at least one of the following conditions exists when comparing the multimodal operations analyses of future year background conditions to future year build-out conditions:

- a. the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same LOS,
- b. the LOS degrades by at least one level,
- c. or the LOS is at or below the LOS threshold dictated by the zoning (as outlined in Table 1) in background conditions and the proposed project shows a negative impact on the intersection or approach

The following LOS table (Table 1), using the most recent Level of Service methodology, shall be used when determining the adequacy of intersection/approach within the applicable impact areas of the Town:

Table 1: LOS Thresholds		
Zoning	Vehicular LOS Threshold	Bike/Ped LOS Threshold
AG, CIV	C	E
SFR, MFT, VSR, IND	D	D
TC, MU, C-74, CP-485, CZ, CUP	E	C
Within a Small Area Plan Boundary	E	C
All Other	D	D

Where an intersection/approach is located within more than one zoning district and is not located within a small area plan boundary, the less restrictive LOS shall apply to the entire intersection or approach for purposes of complying with this ordinance.

If the background LOS (intersection or approach) is inadequate (i.e., at or below the threshold), the applicant will be expected to mitigate only the impact caused by the proposed project. For example, if the background LOS of an approach is LOS F with 85 seconds of delay, and the project traffic increases the delay to 95 seconds at LOS F, the applicant will be required to mitigate the added 10 seconds of delay on the approach, not required to mitigate the inadequate background delay. Town staff and NCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.

A Developer Agreement as outlined in Part F of this ordinance may apply if mitigation requirements are needed.

For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. The build-out + 5 scenario will require the analysis of only five years beyond the full build-out year. The build-out + 5 scenario analysis is not used for mitigation purposes. A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A–F) and average control delay for each intersection and approach.

A narrative and map shall also be prepared that describes and illustrates recommended improvements, by development phase if necessary, for mitigating the projected impact of the proposed development.

18. Compliance with Adopted Small Area/Transportation Plans – All TIA reports must include a statement of compliance with plans, programs, and policies, including small area plans, adopted by the Town of Stallings for maintaining a safe and efficient multi-modal transportation system.



Certificate of Sufficiency

To the Town Council of the Town of Stallings, North Carolina:

I, Erinn E. Nichols, Town Clerk, do hereby certify that I have investigated the petition for the voluntary annexation of parcel number 07075013 on Funderburk Drive and have found as a fact that the said petition is signed by all owners of real property lying in the area described therein, in accordance with North Carolina General Statute 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Stallings, this the 28th day of September, 2018.

(SEAL)

A handwritten signature in black ink, appearing to read "Erinn E. Nichols", is written over a horizontal line.

Erinn E. Nichols, Town Clerk

Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to N.C.G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town of Stallings has by adopted a resolution directing the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Stallings that:

Section 1. The area proposed for voluntary annexation encompasses parcel number 07075013 on Funderburk Road respectively and is described as follows:

Parcel number: 07075013; 3.378 ACRES

Commencing at a found concrete monument, said monument being along the southerly right-of-way of Boyd Funderburk Drive, thence along said right-of-way, S 78° 34' 19" E 20.90' to a computed point, said point being at the county line of Mecklenburg and Union County and the POINT OF BEGINNING;

Thence along said right-of-way, S 78° 34' 19" E 75.76' to a found iron pipe;

Thence leaving said right-of-way, S 47° 01' 13" W 131.47' to a found iron pipe;

Thence, S 36°41' 44" E 287.96' to a set iron rebar;

Thence, S 63°32' 52" W 25.56' to a found iron rebar;

Thence, S 63°32' 52" W 620.90' to a found iron rebar;

Thence, N 07°42' 01" W 195.61' to a computed point, said point being at the county line of Mecklenburg and Union County;

Thence, along said county line, N 46° 37' 53" E 625.68' to a computed point, and the POINT AND PLACE OF BEGINNING containing 147,127 square feet or 3.378 acres, more or less.

Section 2. A public hearing on the question of annexation will be held at the Town Hall at 6:00 p.m. on Monday, October 22, 2018.

Section 3. Notice of the public hearing shall be published in the Monroe Enquirer-Journal, a newspaper having general circulation in the Town of Stallings at least 10 days prior to the date of the public hearing.

Adopted this the 8th day of October, 2018.

Attest:

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

FARM ANIMALS

§ 91.15 KEEPING OF CERTAIN ANIMALS PROHIBITED; EXCEPTIONS.

(A) It shall be unlawful for any person to keep any horse, mule, donkey, pony, hog, cattle, sheep, chicken, turkey, goat or pig within the municipal limits of the town except on a residentially zoned parcel or tract of land two acres or greater in size. However, horses may be allowed on a residentially zoned parcel or tract one and one-half acres or greater in size. The list of animals provided above is not to be deemed all-inclusive.

(Ord. passed 6-26-95)

(B) (1) Any equine animal (horse, pony, donkey or mule) which is being kept on a parcel of land in violation of division (A) above may continue to be kept on the same parcel of land until either:

(a) The animal dies; or

(b) The animal is no longer kept on the parcel of land for more than 60 consecutive days.

(2) An animal may be kept pursuant to this section only if it has been registered on or before December 14, 2000. No animal may be substituted for an animal kept under this section.

(Ord. passed 11-13-2000; Am. Ord. passed 9-28-2009) Penalty, see § 10.99

§ 10.99 GENERAL PENALTIES; ENFORCEMENT OF ORDINANCES; CONTINUING VIOLATIONS.

(A) Administration.

(1) Unless a greater amount is specified herein, an act constituting a violation of the provisions of this code or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$100, which includes administrative fees. Each day any single violation continues shall be

a separate violation. Unless expressly stated otherwise in a chapter or appendix, a violation of this code shall not constitute a misdemeanor pursuant to G.S. § 14-4. If the offender fails to correct this violation by the prescribed deadline after being notified of the violation, the penalty may be recovered in a civil action in the nature of a debt.

(2) In addition to the civil penalties set out above, any provision of any town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(3) In addition to the civil penalties set out above, any provision of any town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the General Court of Justice. When a violation of such a provision occurs, the town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(4) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the applicable town ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judicial order. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(5) The provisions of any town ordinance may be enforced by one, all, or a combination of the remedies authorized and prescribed by this section.

(B) Procedures.

(1) This section sets forth the procedures to be followed in enforcing the provisions of the Code of Ordinances. They shall be utilized unless an individual ordinance codified herein has different procedures, in which event the procedures of the individual ordinance shall be followed.

(2) Unless otherwise provided by a specific provision of any town ordinance, upon determination of a violation of any section of a town ordinance, the enforcement official of the town shall cause a warning citation to be issued to the violator. The warning citation shall be issued either in person or posted in the U.S. mail service by first class mail addressed to the last known address of the violator as contained in the records of the county. The warning citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

(3) An appeal from a warning citation shall be taken within ten days from the date of the warning citation by filing with the enforcement official and with the Board of Adjustment, a notice of appeal which shall specify the grounds upon which the appeal is based. Except in any case where the ordinance violated, which is the subject of the warning citation, specifically grants to the Board of Adjustment other powers in considering appeals and the appeal is applied for, the Board of Adjustment in considering appeals of warning citations shall have power only in the manner of administrative review and interpretation where it is alleged that the enforcement official has made an error in the application of an ordinance, in the factual situation as it relates to the application of an ordinance or both.

(4) Where the enforcement official of the town determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the enforcement official may amend the warning citation to provide for additional time.

(5) Upon failure of the violator to obey the warning citation, a civil citation may be issued by the enforcement official, either served directly on the violator, his or her duly designated agent, or registered agent if a corporation, either in person or posted in the U.S. mail service by first class mail addressed to the last known address of the violator as contained in the records of the county or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of the citation. The citation shall direct the violator to appear at the Town Hall, or designee, within 15 days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(6) If the violator fails to respond to a citation within 15 days of its issuance, and pay the penalty prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

(Ord. passed 2-11-2013)