



**Stanley Town Council Regular Meeting
Official Minutes
Monday, June 5, 2023**

The regular meeting of the Stanley Town Council was held on Monday, June 5, 2023 at the Town Hall. The following elected officials and staff were present:

Steven Denton, Mayor
Cathy Kirkland, Mayor Pro-Tem
Bud Pate, Council Member, absent
Chad Jones, Council Member
Leigh Anna Helms, Council Member
Rob McMinn, Council Member

Heath Jenkins, Town Manager
Olga Grishin, Town Clerk
John Russell, Town Attorney
Derick Summey, Police Chief
Kevin Haney, Finance Director
Sarah Penley, Planning Director
Daniel Hendrix, Interim PW Director
Eric Withers, Fire Chief

Call to Order:

Mayor Denton called the meeting to order at 6:00 p.m.

Invocation:

Council Member Pate gave the invocation.

Pledge of Allegiance:

All citizens present recited the Pledge of Allegiance.

Approval of Agenda:

Budget Amendments 18-23 were added to the agenda under New Business Item E

Mayor Denton asked if there was a motion to add budget amendments to the agenda. Council Member McMinn made a motion to approve the agenda, and Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously.

Mayor Denton asked if there was a motion to approve the revised agenda. Mayor Pro-Tem Kirkland made a motion to approve the agenda, and Council Member Helms seconded the motion. A vote was held, and the motion passed unanimously.

Approval of Minutes:

Mayor Denton asked for a motion to approve the regular council meeting of May 1, 2023 Regular Meeting Minutes. Council Member Jones made a motion to approve the minutes as presented, and Council Member McMinn seconded the motion. A vote was held, and the motion passed unanimously.

Special Presentation – Resolution Recognizing Lisa McClure White for 35 Years of Service as a School Teacher at Kiser School

Mayor Denton asked for a motion to approve a resolution recognizing Lisa McClure. Council Member Helms made a motion to approve the minutes as presented, and Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously.

Montcross Area Chamber of Commerce – Presentation by Marc Jordan

Marc Jordan started with how appreciative the Chamber was to the Town for support. Mr. Jordan provided updates regarding the Chamber operation. Chamber's primary support is to small businesses. There are seven communities in the Eastern part of the community. Few things that happened in the last few years. Chamber started a Montcross Emerge program that the Town supported for two years. Trying to be proactive coming out of the pandemic and helping small businesses. They had been successful in the community. The plan is to transition from Montcross Emerge to Montcross Tomorrow. Five out of seven citizen towns gave some financial aid. There was a decline in the chamber's membership. They reached out and asked members to step up their annual dues. They got about fourteen members that stepped up. The Chamber adopted its first business plan for FY2023-24. Their magazine had a Town of Stanley featured free of charge. Mr. Jordan asked the Council to provide a list of growth projections for the Town. The plan is to put together plans from all seven towns to depict what kind of activities, growth, and businesses the towns have.

Update on Autumnbrook Subdivision - Profile Homes

Scott Erickson, owner of the profile homes, gave a presentation. Since 1965, with more than 60 years of experience, the core leadership of Profile Homes has been helping homebuyers achieve their American Dream. They primarily specialize in townhomes, intending to bring affordable townhomes to people and areas where they would like to live. Autumnbrook subdivision is located directly across from the new Charter School that is currently being built. This subdivision will have 150 townhomes with square footage ranging from about 1,300 sq. ft to 1,700 sq. ft. They will offer 2-3 bedrooms and 2.5 baths. They offer two-story living, and the best thing they are offering for this project is the owner suite 1st floor-level plan. Mr. Erickson handed out packages to the Council with the project overview, floor plan, and business card. Mr. Erickson provided a little background on himself, stating he had been in a business for 25 years with the same group. They pride themselves in the fact that many employees have been with the company for decades. He presented a salesperson, Isabelle, that will be operating off Main

Street. They are setting up a shop sometime this week. They look to break ground at the end of the month of June. The best part of this project was dedicating a portion of this project (roughly 28 acres) to the Town of Stanley to maintain beauty and esthetics. The community will feature a walking trail along the wooded area there. The price point expectation is \$270,000 minimum. The façade of the houses will be built with Hardie board and brick.

Public Hearing:

Z23-01 General Rezoning Application

Mayor Denton asked if there was a motion to open a public hearing. Council Member Helms made a motion, and Mayor Pro-Tem Kirkland seconded the motion. A vote was held, and the motion passed unanimously.

The application is to rezone the property from residential 2,000 sq. ft to general business zoning business. The property is located at 900 Hwy 27S. and the request is to rezone the entire property of 0.38 acres. The previous land use was commercial, and the proposed land use is commercial. As far as a comprehensive land use plan, this property is located in the commercial center, and utilities are provided by the Town of Stanley. It is a corner lot, and the road is serviced by the city streets and the NC Department of Transportation. The packet received by the Council included a zoning map and a view of the property. The abutting property owners were notified according to the regulations, and appropriate signs were posted at the location. A planning Board met on May 23rd, and one of the key issues was what could be done with the property if a rezoning request got denied. Staff answered that really nothing could be done. What we have with this particular property is a non-conforming use. The structure is located on a piece of property that is zoned residential, but the structure itself had been used previously as a commercial business. It will also be in direct conflict with the comprehensive land use plan that has that particular corner designated as a commercial center. The common question being raised is how it happens that a residential parcel is being used as a commercial. As a general rule of thumb, nobody drives through the town checking zoning districts. In most cases, if you see a commercial structure, it is more appropriate to zone commercial than residential. In staff opinion, it was an oversight on previous staff or agency who were to determine a zoning map. Staff supports a request to rezone the property. An applicant was present but asked Director Penley to speak on their behalf. They indicated that they had started working to establish retail use on the first floor. They have a daughter who wants to utilize a second floor to establish her esthetician business. Director Penley reminded the Council that if this request gets approved, the applicant would have to obtain all necessary permits applicable to the use intended. That would also require that they would meet the regulations of that zoning district (buffer requirements, parking, etc.) The Planning Board made a recommendation unanimously to approve the application as presented.

Director Penley stated, for the record, that she received four emails regarding a rezoning that she forwarded to the Council. The last email was from another zoning official mentioning the condition of the building, whether it was compliant or not. Director Penley clarified that those things were irrelevant to this decision. If approved, the applicant would have to go through a zoning /permitting process, and those issues mentioned would be addressed by the Gaston Zoning Department.

Christina Sells, at 101 Colonel Richard Ranking Street, addressed Council regarding a rezoning. She stated that the only reason they built their house was because it was a residential district. The parcel that is up for rezoning is surrounded by residential parcels, and the only separation between them is the chain fence. A rezoning will have a great impact on the residents of Jackson Park. This business was used for a rental property for six months, so it could possibly be a rental unit and stay zoned residential. Mrs. Sells had a petition signed by most of the residents of Jackson Park. The building is only 35 feet from Mrs. Sell's house, and the entire back side of that building overlooks their backyard. Dumpsters and storage are clearly visible from their backyard. Other concerns are potential traffic and parking on the streets that can increase, it can also be a nuisance for vandalism with having a general store in that building. Mrs. Sells stated that the owners of 900 Hwy knew they had purchased a residential property, as it was clearly posted on the listing.

Kari Lanning at 107 General Joseph Wheeler Street, stated it was her who sent a late email Director Penley talked about a minute ago. Ms. Lannings holds certifications in building inspections, electrical inspections, mechanical inspections, plumbing, and fire inspection. Ms. Lanning wanted the owners of a rezoning property to understand that if they wanted it to be a business, it would be a significant financial impact. It would require more than just a splash of paint. The Council had an option of adopting a live-work unit, which means a person would operate a business on the ground floor and live on the top floor. Ms. Lanning also talked about a non-conforming building on the property that was currently not being taxed. That structure sits too close to the primary building and is not in compliance with the town's setbacks. There was also a meter attached to that structure that indicates it was used illegally in the past. The buildings on the property are not safe to be occupied.

Director Penley addressed the issues mentioned, specifically regarding the permits. She stated she had a permit on file for an interior remodel. Regarding the tax listing, the tax department only lists what the Gaston County GIS system has as zoning. If you look further into tax data, they have a structure classified as commercial. Even though it says residential on the tax card, the property owners are billed the commercial rate for the building. Director Penley emphasized again that it was not only a non-conforming use, it was a non-conforming building and would not meet setback requirements, and the town could not make the building meet the setbacks, they already existed.

Jeffrey Meckler at 205 General Stonewall Jackson Drive, opposed the rezoning. He stated that since he moved into the Town, there were rental units in that building. It was bought at the auction, the owners did some repairs and wanted it to stay residential. He did not want any additional traffic on his street.

Mayor Denton advised the Council not to rush into making a decision as it was a unique parcel and do more research. He recommended continuing this public hearing to the next regular council meeting on July 10th at 6:00 pm at the Town Hall.

Mayor Denton asked if there was a motion to continue a public hearing to the next regular council meeting on July 10th at 6:00 pm at the Town Hall. Council Member Jones made a motion, and Council Member McMinn seconded the motion. A vote was held, and the motion passed unanimously.

Director Penley asked for a brief recess to talk to the applicant about the decision of the Council.

ZTA23-01 Text Amendment Application

A request was to propose text amendments to the Town's Zoning Ordinance to Article VIII, Section 8:3: Article XII Table of Permitted and Special Uses: Article XII, Section 12.9 Special Requirement Notes to the Table of Permitted and Special Uses.

This pertains to the definition sections and the use table. The staff has been having issues with non-specified uses where we had uses in the use table but could not find a definition in the definition section and visa versa. Director Penley picked it up where the previous planning director left off. For example, there was a miscellaneous retail that could be anything, and it had no regulations with it. Director Penley did some research and checked in with different municipalities. She was able to pull definitions that were standard across the board for zoning and planning officials. She pointed out that in the packet they received, anything that was added was highlighted in red, and anything that was removed was highlighted in yellow and struck through. Something new that was added was tiny "s" for supplemental notes in the use table. Sometimes people do not see there is a regulation, and there is a note with the special requirement or regulation for that particular use. Some uses were removed as they were dated, like video stores, and some things were updated. Planning Board reviewed the proposed text amendment, and they made a change to allow an overnight stay of the animals. They also recommended adding a definition section if this particular use would require obtaining a special use permit. This was it is consistent with the use table. The Planning made a recommendation to approve text amendments with those changes mentioned.

Mayor Denton asked if there was a motion to close a public hearing. Mayor Pro-Tem Kirkland made a motion, and Council Member Pate seconded the motion. A vote was held, and the motion passed unanimously.

Mayor Denton asked if there was a motion to approve ZTA23-01 Text Amendments as presented. Changes are consistent with the Comprehensive Lan Use Plan and in harmony with the Town's vision. Council Member Jones made a motion, and Mayor Pro-Tem Kirkland seconded the motion. A vote was held, and the motion passed unanimously.

ZTA23-02 Text Amendment Application

Mayor Denton asked if there was a motion to open a public hearing. Mayor Pro-Tem Kirkland made a motion, and Council Member Helms seconded the motion. A vote was held, and the motion passed unanimously.

A request was to propose changes to Article VIII, Definitions Section 8:3: Article IX, Application of Regulations; Article X, Establishment of Zoning Districts; Article XII Table of

Permitted and Special Uses; and Article XII, Section 12.9 Special Requirement Notes to the Table of Permitted and Special Uses. The staff was aiming to remove some zoning district overlays that do not exist. There was a section dedicated to the definition of zoning districts that do not exist. For example, the Town has R-8 zoning (residential 8,00 sq. ft), but the Ordinance also has RS8 in addition to it. There were also overlay districts that were not defined that were removed as well. CBD overlay was removed from that column. A zoning layer RMF (residential multi-family) and its definition were added for future use. Mobile homes were changed to manufactured homes to conform to the standard. Planning Board recommended text amendments, and staff supported the recommendation for approval.

Council Member McMinn asked why the definitions were removed about the housing. Director Penley responded that they were not removed. She clarified that zoning districts that did not exist on the Town's map were removed. Council Member McMinn was not in favor of adding an RFM zoning district. Director Penley noted it was her suggestion to the Board to add this district as other jurisdictions have it on their maps. She was going by the County standard 8 units per acre (applicable to apartments or condominiums).

Mayor Denton asked for a two-minute recess.

Director Penley suggested removing RMF from the text amendments for future discussion and approving the rest of the text amendments that were presented.

There were no comments from the public.

Mayor Denton asked if there was a motion to close a public hearing. Council Member McMinn made a motion, and Mayor Pro-Tem Kirkland seconded the motion. A vote was held, and the motion passed unanimously.

Mayor Denton asked if there was a motion to approve ZTA23-02 Text Amendments and remove the RFM district from the text amendments until further discussion. Changes are consistent with the Comprehensive Lan Use Plan and in harmony with the Town's vision. Council Member McMinn made a motion, and Council Member Helms seconded the motion. A vote was held, and the motion passed unanimously.

Adopt Budget FY 2023-24

Mayor Denton asked if there was a motion to open a public hearing. Council Member Helms made a motion, and Council Member Pate seconded the motion. A vote was held, and the motion passed unanimously.

The Town Manager made a presentation on the proposed Budget FY 2023-24. He commended council members and the staff for a great job working together on the budget and making it as easy as possible. The biggest thing that happened was a text reassessment in Gaston County that affected Stanley residents by increasing the property value. The county had appeals conducted, some were overturned, and some were approved. Town Manager was happy to report that the Council made a tax reduction for the first time in many years. The proposed budget included a .5 cent reduction in the town's tax rate that brings the rate to .49 cents per \$100 assessed value.

Because the town's tax base stayed steady for so long, the town has lots of capital needs that have been neglected. The Council and the state invested in those needs. Last year, the Town received a state grant of \$5.7 million to invest in the water/sewer department. Town Manager listed the accomplishment that the Board and the staff made this year: completed landscaping, signs, and a new gazebo, made upgrades to the Town Hall buildings, purchased land for the new public safety facility, ordered a new fire truck, provided incentive and bonuses to recruit and retain the employees, did some major repairs to water/sewer infrastructure, installed advanced metering infrastructure to track water usage, purchased case management software to allow staff document and keep up with projects, implemented new mapping technology to identify water/sewer lines, pump stations and much more, installed new trees along Main street in downtown, upgraded Harper Park (new pickleball court) and approved various housing projects, including single-family homes, single-family townhomes, and single-family home subdivisions, that have increased our tax base significantly. Town Manager went over some numbers. Total Expenditures balance is \$5,154,192. Total Revenues - \$5,154,192 (revenues have to match that number by state Law). Water and Sewer Expenditures - \$3,426,613.92
Once the budget is approved, it will be posted on the town's website.
No comments from the public.

Mayor Denton asked if there was a motion to close a public hearing. Mayor Pro-Tem Kirkland made a motion, and Council Member Helms seconded the motion. A vote was held, and the motion passed unanimously.

Mayor Denton asked if there was a motion to adopt budget FY 2023-24. Council Member Jones made a motion, and Council Member Pate seconded the motion. A vote was held, and the motion passed unanimously.

Old Business:

Resolution on Offer and Acceptance of ARP Funding for Meadows Pump Station

Mayor Denton asked if there was a motion to approve a resolution on the offer of ARP funding for Meadows Pump Station Council Member Helms made a motion, and Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously.

New Business:

Approval of LGC Audit Response Letter Drafted by Town Manager, per LGC Policy

Mayor Denton asked if there was a motion to approve audit response. Mayor Pro-Tem Kirkland made a motion, and Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously.

Resolution Authorizing Purchase of Safety Equipment

Council Member Helms asked if it was for the fire department. Town Manager clarified it was for all departments.

Mayor Denton asked if there was a motion to approve a resolution for safety equipment. Council Member Helms made a motion, and Mayor Pro-Tem Kirkland seconded the motion. A vote was held, and the motion passed unanimously.

Resolution Authorizing Fireworks at Harper Park

Town Manager noted it will be held on July 4th.

Mayor Denton asked if there was a motion to approve a resolution for fireworks at Harper Park. Council Member Jones made a motion, and Council Member Pate seconded the motion. A vote was held, and the motion passed unanimously.

Resolution Authorizing Fireworks at Community Pentecostal Holiness Church

Mayor Denton asked if there was a motion to approve a resolution for fireworks at Community Pentecostal Church. Council Member McMinn made a motion, and Council Member Helms seconded the motion. A vote was held, and the motion passed unanimously.

Approve Budget Amendments 18-23

Mayor Denton asked if there was a motion to approve budget amendments 18-23. Council Member Helms made a motion, and Council Member Jones seconded the motion. A vote was held, and the motion passed unanimously.

Department Reports

The Finance report was presented.

The Planning report was submitted.

The Public Works report was submitted.

The Recreation Department report was submitted.

The Fire Department report was submitted.

The Police Department report was submitted. Chief Summey thanked Mayor Pro-Tem Kirkland for making a cake for the police department to commemorate national police week.

The manager's report has been provided to the Council. There were no comments.

Mayor Denton asked if there was a motion to call for a special council meeting on June 29th at 6:00 pm at the Town Hall. Mayor Pro-Tem Kirkland made a motion, and Council Member McMinn seconded the motion. A vote was held, and the motion passed unanimously.

Mayor Denton asked for a motion to adjourn. Council Member Pate made a motion, Mayor Pro-Tem Kirkland seconded the motion. A vote was held, and the motion passed unanimously to adjourn.

Respectfully Submitted:

Steven Denton – Mayor

(OFFICIAL TOWN SEAL)

Heath Jenkins – Town Manager

Olga Grishin - Town Clerk