



BOARD OF ALDERMAN

Monday, April 08, 2024 at 6:00 PM

Landis Board Room

MINUTES

PLEASE SILENCE ALL CELL PHONES

Present: Mayor Meredith B. Smith, Mayor Pro-Tem Ashley Stewart, Alderman Ryan Nelms, Alderman Tony Corriher, Alderman Darrell Overcash

Staff Present: Town Manager Michael Ambrose, Human Resource Director/Town Clerk Madison Stegall, Finance Director Jeneen McMillen, Deputy Town Clerk Angie Sands, Town Attorney Rick Locklear, Planning, Zoning Subdivision Administrator Rick Flowe, Public Works Director Joe Halyburton, Electric Foreman Chris England, Chief of Police Geelen, Fire Chief Smith, Lead Fellow Robert Shinn, Planning Board Vice-Chair Scott Faw

1. INTRODUCTION:

1.1 Call Meeting to Order

Mayor Smith called the meeting to order at 6:00 PM

1.2 Welcome

Mayor Smith Welcomed those in attendance.

1.3 Moment of Silence and Pledge of Allegiance

Mayor Smith led those in attendance in a Moment of Silence and the Pledge of Allegiance.

1.4 Adoption of Agenda

ACTION: A MOTION WAS MADE TO ADOPT THE AGENDA AS PRESENTED.

Moved by: Tony Corriher, seconded by Ashley Stewart

Motion Passed: 4-0

Voting For: Ashley Stewart, Ryan Nelms, Tony Corriher, Darrell Overcash

2. CONSENT AGENDA:

All items below are considered to be routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion on these items unless an Aldermen member so requests, in which event, the item will be removed from the Consent Agenda and placed in the appropriate corresponding Agenda Section to then be considered.

ACTION: A MOTION WAS MADE TO APPROVE THE CONSENT AGENDA AS PRESENTED.

Moved By: Ashley Stewart, seconded by Ryan Nelms

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Darrell Overcash, Ryan Nelms

- 2.1 Consider Approval of Work Session meeting Minutes from March 7, 2024, Regular Scheduled Meeting Minutes from March 11, 2024, and Budget Retreat Minutes from March 19, 2024**
- 2.2 Consider Approval of Request by the South Rowan Public Schools Bible Teaching Association to Assist with the "Run for the WORD 5K" to be held in September of 2024**
- 2.3 Consider Approval of the Police Department Applying for the Cannon Foundation Grant**
- 2.4 Consider Approval of the Fire Department Applying for the Firehouse Subs Grant**
- 2.5 Consider Reappointing Catherine Drumm and Mark Bringle to the Town of Landis Planning Board and Board of Adjustment**

3. PUBLIC HEARINGS:

3.1 Consider Legislative Hearing for Zoning Map Amendment (Irish Creek Phase 2)

Planning & Zoning, & Subdivision Administrator Rick Flowe gave a brief overview of Legislative Hearing for Zoning Map Amendment (Irish Creek Phase2). Planning Board Vice-Chair Scott Faw spoke on behalf of the Planning Board to the Board of Alderman to express that the Planning Board had unanimously voted to pass the Zoning Map Amendment (Irish Creek Phase 2).

ACTION: A MOTION WAS MADE TO RECUSE ALDERMAN DARRELL OVERCASH.

Moved By: Ashley Stewart, seconded by Tony Corriher

Motion Passed: 3-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms

ACTION: A MOTION WAS MADE TO OPEN PUBLIC HEARING FOR ZONING MAP AMENDMENT (IRISH CREEK PHASE 2)

Moved By: Ashley Stewart, seconded by Ryan Nelms

Motion Passed: 3-0

Voting For; Ashley Stewart, Tony Corriher, Ryan Nelms

Public Comments:

- Bridgett Grant-100 N Tryon Charlotte

“Good evening members of the Board, my name is Bridgett Grant, and I am a Land Use Consultant with Moore and Van Allen. I’m pleased to be here tonight with Christina Uber on behalf of Shea Homes. We appreciate the staff support for this rezoning. We appreciate the Planning Board’s recommendation. It’s not often we get to say we’re down zoning in residential going for less density, and we’re happy to answer any questions.”

ACTION: A MOTION WAS MADE TO CLOSE PUBLIC HEARING FOR ZONING MAP AMENDMENT (IRISH CREEK PHASE 2).

Moved By: Ashley Stewart, seconded by Tony Corriher

Motion Passed: 3-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms

ACTION: A MOTION WAS MADE TO APPROVE ORDINANCE #ZMA 2024-04-08-1.

Moved By: Ashley Stewart, seconded by Tony Corriher

Motion Passed: 3-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms

ACTION: A MOTION WAS MADE TO BRING ALDERMAN DARRELL OVERCASH BACK FROM RECUSAL.

Moved By: Ashley Stewart, seconded by Ryan Nelms

Motion Passed: 3-0

Voting For: Ashley Stewart, Ryan Nelms, Tony Corriher

3.2 Consider Legislative Hearing for Conditional Zoning Map Amendment of Property Known as 1275/1285 Mt. Moriah Church Rd

Planning, Zoning, & Subdivision Administrator Rick Flowe gave a brief overview of the Legislative Hearing for Conditional Zoning Map Amendment of Property Known as 1275/1285 Mt. Moriah Church Rd. Planning Board Vice-Chair Scott Faw spoke on behalf of the Planning Board stating that the Planning Board unanimously approved of this Conditional Zoning Map Amendment.

ACTION: A MOTION WAS MADE TO OPEN PUBLIC HEARING FOR CONDITIONAL ZONING MAP AMENDMENT OF PROPERTY KNOWN AS 1275/1285 MT. MORIAH CHURCH ROAD.

Moved By: Ashley Stewart, seconded by Darrell Overcash

Motion Passed: 4-0

Voting For: Ashley Stewart, Darrell Overcash, Tony Corriher, Ryan Nelms

No public comments were made.

ACTION: A MOTION WAS MADE TO CLOSE PUBLIC HEARING FOR CONDITIONAL ZONING MAP AMENDMENT OF PROPERTY KNOWN AS 1275/1285 MT. MORIAH CHURCH ROAD.

Moved By: Ashley Stewart, seconded by Tony Corriher

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms, Darrell Overcash

No further Comments or Questions were had from the Board.

ACTION: A MOTION WAS MADE TO APPROVE ORDINANCE # ZMA-2024-04-08-2

Moved By: Ashley Stewart, seconded by Darrell Overcash

Motion Passed: 4-0

Voting For: Ashley Stewart, Darrell Overcash, Tony Corriher, Ryan Nelms

3.3 Consider Legislative Hearing for Development Agreement for Landis Ridge

Planning, Zoning, & Subdivision Administrator Rick Flowe gave a brief overview of the Legislative Hearing for the Development Agreement for Landis Ridge. General Statute N.C.G.S. 160D-105 requires advertising a Public Hearing for a Development Agreement which has to do with the phasing of a project and scheduling of certain improvements. This general statute requires staff to give notice for this type of hearing the same as a rezoning. This requires staff to mail adjacent property owners, notice in the newspaper, and place signs. Sometimes there is a lot of confusion. Staff have had a lot of questions and calls already. To make it clear, this is not a rezoning. Staff have confirmed as far back as 2009 that the property was zoned industrial on the official zoning map. The only thing that has changed is in 2021 the new Landis Development Ordinance was adopted, and staff did take the small parts of that property and made them residential so that there would be a larger buffer in those areas across from the primary site. The Development Agreement spells out various stages of improvement and whose responsibilities are what. The document has been posted online as well as made available for public inspection at Town Hall. The Planning Board's recommendation was unanimous for the Landis Ridge Economic Development Project. Planning Board's Vice-Chair Scott Faw spoke on behalf of the Planning Board to reaffirm the recommendation. Mayor Smith asked how far back staff can find that the property was zoned industrial. Mr. Flowe stated that the Linn Track of 140 acres he found actual signed zoning maps. That is the only source that is absolute verification. Staff went as far back as 2009.

No further Comments or Questions were had from the Board.

ACTION: A MOTION WAS MADE TO OPEN PUBLIC HEARING FOR THE DEVELOPMENT AGREEMENT FOR PROPERTY KNOW AS LANDIS RIDGE.

Moved By: Ashley Stewart, seconded by Tony Corriher

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms, Darrell Overcash

Public Comments:

- Anna Marshall- 535 Hickory Wood Drive- See letter attached to minutes.

- Sharmyn Mitchell- 367 Hickory Wood Drive

"We've lived in our family home almost 20 years, that sits directly behind and just across the creek of the large piece of land being developed by Jackson Shaw. We believe in being good neighbors and we hope Jackson Shaw will be good neighbors too. My family would like to address some concerns. The first concern is the integrity of the creek. The plans for the project indicate the sewage infrastructure will pass through marshland and wetlands and also be the environmental buffer to the creek. We respectfully request that you remove that wet zone. Our second concern is the environmental noise and visual pollution that will result in daily business operation once the site is operational. We respectfully request that a wall be placed along the buffer of the creek to eliminate this pollution. Third, is noise pollution that will come in the placement of the power plant which appears to be located as close to our neighborhood as possible. We respectfully request the power plant be moved to a reasonable location. Lastly, the concern for access to information.

The first notice we received was delivered just a few days ago. A day or two later before we had any chance to express our concerns, Jackson Shaw began some development. Just this morning I stood on the bank of the creek and watched heavy equipment move trees and vegetation within a few feet of the creek. This happened before we could express concerns. Going forward, we would request access to the site plans and documents that are readable as early as possible to public notice any and all changes with this project. We also stand behind Mrs. Marshall and urge that you give us a little more time to have our concerns addressed. We love our home, community, and our town. Please make small adjustments to preserve our special place.”

- Pat Drinkard- 393 Hickory Wood Drive

I’ve lived at 393 Hickory Wood Drive since 2008. Built our home there. Loved the woods behind it loved everything. Is there any hope of stopping this project at all.

Mayor Smith addressed the citizens in the boardroom. She stated the Board does not respond during Public Hearings. She said that she wants everyone to know that we are not ignoring you. An ordinance was passed in 2019 that stopped response from the Board during the meetings.

Pat Drinkard responded with you say it was rezoned in 2009, rezone it back to residential, you have the authority to do so. I don’t think any one of you 5 on the board would want this behind your house. It directly affects me with looking out and seeing a warehouse, so I please ask you to vote with your mind and not your pockets and make this go away.

ACTION: A MOTION WAS MADE TO CLOSE PUBLIC HEARING FOR THE DEVELOPMENT AGREEMENT FOR PROPERTY KNOW AS LANDIS RIDGE.

Moved By: Ashley Stewart, seconded by Darrell Overcash

Motion Passed: 4-0

Voting For: Ashely Stewart, Tony Corriher, Ryan Nelms, Darrell Overcash

Planning, Zoning, & Subdivision Administrator Rick Flowe gave a brief description of how the hearing notice is the same as a rezoning notice. The problem with that is staff Can Not send those notices out early. Staff must follow the State Statute. First, staff must place a notice in the newspaper, and mail must go out 10 days, not more than 25 days in advance of a hearing. The second notice must be put in the paper exactly 1 week later. Then the signs go out within that window as well. That is not something staff can control.

Mayor Smith asked Mr. Flowe to give a little foresight of what the sight is expected to look like around the creek. What are the citizens going to be looking at.

Mr. Flowe explained that State Statute defines what authority municipalities have. All the standards that apply will be met. Staff don’t accept any development in flood plains, wetlands, or stream buffers unless they meet state or federal requirements for mitigating those wetlands. The plan for Phase 2 at the back of the property must stay out of the buffer zone. Staff have worked closely with Jackson Shaw and their engineering firm to be as literal as possible about protecting those environmentally sensitive areas. They have developers here tonight that can answer more specific questions. The buffer along where the power line is, there is a buffer that will be restored and landscaped with trees that deal with noise and visual impact. The buildings must meet high level design standards.

Mayor Smith stated that per some research it looks like the Linn property was zoned industrial in 2001. Alderman Nelms stated that the properties staff did zone on Old Beatty Ford Rd was zoned with the support of the residents.

Mr. Flowe gave a brief overview of the plan from Old Beatty Ford Rd into Landis and out towards I85, looking back towards Kannapolis. The trees are being taken out and new trees will be planted because they must change the grade to drop down. The road will be below the power line. There are 2 entrances

into the park that come off Old Beatty Ford Rd. Lane improvements and widening have been approved by DOT. The entrance street will follow the power line. On the opposite side is Dial Street. The neighborhood in Kannapolis that was discussed earlier backs up to the building. There will be a natural woodland area between there. The property owner has the right regardless of the development to timber the property. Those property owners have property rights, as do the property owners adjacent to them. The best idea is to try to balance those property rights. That's where standards and specifications of the ordinance come into place. Standards and specifications are there to protect surrounding property owners from the impact of development itself. Someone mentioned a power plant earlier. There's a transformer station shown on the site plan. That may or may not happen. It's a substation not a power plant. This is standard industrial zoning so it's not a high noise production.

ACTION: A MOTION WAS MADE TO REOPEN PUBLIC HEARING FOR THE DEVELOPMENT AGREEMENT FOR PROPERTY KNOWN AS LANDIS RIDGE.

Moved By: Ashley Stewart, seconded by Ryan Nelms

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms, Darrell Overcash

Public Comments:

- Anna Marshall- 535 Hickory Wood Drive

Readdressed concerns regarding the development of Landis Ridge. Planning, Zoning, & Subdivision Administrator Rick Flowe, Landis Ridge Representative Ryan Beadle, and Mayor Smith further discussed the development and responded to concerns. Anna Marshall asked the Board to pause and consider water quality and sewage within the agreement. Ryan Beadle stated that they do have all necessary permits from DEQ.

- Justin Jordan- 2810 N. Cannon Blvd.

Addressed his concerns with the development and the small amount of taxes that have been paid from this property in years prior. Justin Jordan also expressed concerns about the sewer for this. Planning, Zoning, & Subdivision Administrator Rick Flowe explained the sewer easement. Justin Jordan also reiterated to the Board to pause the development to allow property owners to adjust.

- Janet Eckerd- 1130 Dial Street

Asked for clarification on how the buffer will be since this is behind her house. Explained that regardless of if you live in the town limits or not, the required buffer limit is 40ft. and has the highest planting standards.

ACTION: A MOTION WAS MADE TO CLOSE THE REOPENED PUBLIC HEARING FOR THE DEVELOPMENT AGREEMENT FOR PROPERTY KNOWN AS LANDIS RIDGE.

Moved By: Ashley Stewart, seconded by Tony Corriher

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms, Darrell Overcash

No further Comments or Questions were had from the Board.

ACTION: A MOTION WAS MADE TO APPROVE ORDINANCE #DA-2024-04-08 AND TO APPROVE THE CORRESPONDING DEVELOPMENT AND TIG INFRASTRUCTURE REIMBURSEMENT AGREEMENT WITH THE TEXT CHANGES TO PAGE 7 SECTION C. ITEMS (1) AND (2) TO INCLUDE REAL PROPERTY TAX ONLY AND TO REMOVE INTEREST PAID TO THE DEVELOPER.

Moved By: Ashley Stewart, seconded by Tony Corriher

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms, Darrell Overcash

4. CITIZEN COMMENTS:

All citizen comments are limited to 3 minutes.

4.1 Citizens' Comments

Nadine Cherry- 410 W Garden Street

"I would like to know why the sound system has not been fixed. I have been told by Manager Ambrose there was a gentleman who checked out the sound system recently and said it was ok. No, the sound system is not ok. I can raise my hand signaling that I cannot hear, understand what is being said and at times I get ignored. I am getting very tired of this. Under the American Disability Act the town is supposed to have effective communication. If I have to, I can file another claim with the civil rights division. There are times when I cannot hear or understand what Manager Ambrose is saying."

5. CONSIDERATIONS:

5.1 Consider Approval of Equipment for New Bucket Truck

ACTION: A MOTION WAS MADE TO APPROVE THE PURCHASE OF NEW EQUIPMENT FOR THE BUCKET TRUCK FROM SAFETY TEST IN THE AMOUNT OF \$27,783.67.

Moved By: Tony Corriher, seconded by Ashley Stewart

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Darrell Overcash, Ryan Nelms

5.2 Consider Approval of Granting Town Manager Authorization to Surplus Items and Set Reserves with a Value Under \$5000

ACTION: A MOTION WAS MADE TO APPROVE GRANTING THE TOWN MANAGER AUTHORIZAION TO SURPLUS ITEMS AND SET THE RESERVE FOR ITEMS THAT VALUE UNDER \$5,000.

Moved By: Ashley Stewart, seconded by Darrell Overcash

Motion Passed: 4-0

Voting For: Ashley Stewart, Darrell Overcash, Ryan Nelms, Tony Corriher

5.3 Consider Approval of Receiving the Cannon Foundation Grant Funds for the Use of Purchasing a New Fire Safety House Inflatable

ACTION: A MOTION WAS MADE TO APPROVE RECEIVING GRANT FUNDS FROM THE CANNON FOUNDATION IN THE AMOUNT OF \$6,195 AND APPROVAL OF BUDGET AMENDMENT #14 TO INCREASE TOWN BUDGET TO RECEIVE GRANT FUNDS FROM THE CANNON FOUNDATION.

Moved By: Tony Corriher, seconded by Ryan Nelms

Motion Passed: 4-0

Voting For: Tony Corriher, Ryan Nelms, Darrell Overcash, Ashley Stewart

ACTION: A MOTION WAS MADE TO APPROVE ORDINANCE #GP-2024-04-08.

Moved By: Ashely Stewart, seconded by Tony Corriher

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms, Darrell Overcash

ACTION: A MOTION WAS MADE TO APPROVE THE PURCHASE OF THE 80Z INFLATABLE FIRE SAFETY HOUSE IN THE AMOUNT OF \$8,995.

Moved By: Tony Corriher, seconded by Ryan Nelms

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms, Darrell Overcash

5.4 Consider Purchase of New Fire Apparatus

ACTION: A MOTION WAS MADE TO APPROVE THE PURCHASE OF NEW FIRE APPARATUS AND AWARD THE BID TO SAFE INDUSTRIES KME GSO 11646 IN THE AMOUNT OF \$724.330.

Moved By: Tony Corriher, seconded by Darrell Overcash

Motion Passed: 4-0

Voting For: Tony Corriher, Darrell Overcash, Ryan Nelms, Ashley Stewart

ACTION: A MOTION WAS MADE TO APPROVE THE TOWN PLACING A DOWN PAYMENT IN THE AMOUNT OF \$400,000 USING MONEY IN THE RESTRICTED GENERAL FUND ACCOUNT WHICH IS THE OLD ARPA FUND AND APPROVAL OF FINANCING THE REMAINDER DUE ON THE NEW FIRE APPARATUS USING COMMUNITY LEASING PARTNERS AT 5.64% INTEREST RATE FOR (5) YEARS.

Moved By: Ashley Stewart, seconded by Tony Corriher

Motion Passed: 4-0

Voting For: Ashley Stewart, Tony Corriher, Ryan Nelms, Darrell Overcash

6. REPORTS:

6.1 Departmental Reports (Included in the Board packet)

6.2 Financial Report (Included in the Board packet)

6.3 Town Manager Report (Included in the Board packet)

7. UPCOMING EVENTS:

7.1 Upcoming Events (Included in Board Packet)

- Planning Board Meeting on Tuesday April 9th at 6:00 PM
- The May Downtown Cruise In is on the 3rd
- Board of Alderman next Work Session Meeting is on May 9, 2024
- Board Of Alderman next Regular Meeting is on May 13, 2024
- Planning Board Meeting on May 14, 2024

8. CLOSING:

8.1 Board Comments

No comments made.

8.2 Motion to Adjourn

ACTION: A MOTION WAS MADE TO ADJOURN AT 7:13 PM

Moved By: Ashely Stewart, seconded by Ryan Nelms

Motion Passed: 4-0

Voting For: Ashley Stewart, Ryan Nelms, Darrell Overcash, Tony Corriher

Respectfully Submitted,

Madison T. Stegall, Town Clerk