



March 28, 2022
 Stallings Government Center
 321 Stallings Road
 Stallings, NC 28104
 704-821-8557
www.stallingsnc.org

Town Council Agenda

	Time	Item	Presenter	Action Requested/Next Step
	7:00 p.m.	Invocation Pledge of Allegiance Call the Meeting to Order	Wyatt Dunn, Mayor	NA
	7:05 p.m.	Public Comment	Wyatt Dunn, Mayor	NA
1.	7:15 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: _____.
2.	7:17 p.m.	CZ21.09.01 – Bailey Mills Expansion <i>Recessed from 03-14-2022</i>	Max Hsiang, Planning Director	Approve/Deny conditional zoning
3.	7:40 p.m.	Table of Uses Text Amendment for MU1 & 2 and IND (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote	Max Hsiang, Planning Director	Approve/Deny Text Amendment
4.	8:00 p.m.	Amended Budget Ordinance – Police Car	Marsha Gross, Finance Officer	Approve/Deny amendment
5.	8:05 p.m.	Local Government SCIF Grant	Alex Sewell, Town Manager	Discussion and possible action
6.	8:20 p.m.	Closed Session pursuant to NCGS 143-318.11(a)(3) <i>Lawsuit 21-CVS-1237</i>	Wyatt Dunn, Mayor	Recess into closed session
7.	8:30 p.m.	Adjournment	Wyatt Dunn, Mayor	Motion to adjourn



MEMO

To: Town Council
From: Max Hsiang, Planning Director
Date: 03-28-2022
Re: CZ21.09.01, Bailey Mills Expansion

Impact LLC requests a conditional zoning for 23 Townhomes adjacent to the approved Bailey Mills Townhome Subdivision.

Considerations:

- The applicants submitted a revised site plan to show the access road meeting Town standards at Council's request. Right-of-ways are usually centered on the street. The road is off-center for 40' R/W on the very east side to provide a sidewalk. This deviation still meets Town standards, but it is up to the Council to determine whether this deviation is acceptable. The developer may request a reduction to 38' R/W for the access road to match the Bailey Mills development agreement neighborhood street cross-section 3.
- There are no setback requirements for the side for Lot 44. This lot was approved as part of the previous Bailey Mills application and is not considered part of this conditional zoning. The road is to be offset close to this lot, and I wanted to bring that to Council's attention.
- The developer changed Street X from 37' to 40' right-of-way and has a sidewalk on one side of the street.
- Planning Board recommends a Type C buffer along the Good News Church Building with 6-foot-high composite fence material with landscaping on the Bailey Mills side of the fence. This is, so the Bailey Mills HOA does not have to go onto the Good News Church side for landscaping maintenance.
- Total open space changed from 5.6% to 3.9% due to the Planning Board's recommendation to install the fence and Type C buffer along the Good News Church Building.
- The developers for the Bailey Mills expansion may not yet own the area to be acquired by Hendrick Automotive group. Staff provided a condition below that the developer has not yet agreed to. If this CZ is approved, the condition is to acquire the Hendrick area before any plan or permit approval.
- The developer will not build the sidewalk inside the Hendrick site; Council may want to address this.
- The Union County Fire Marshal will give the developer a written recommendation before construction document approval by Town staff. Staff provided a condition below that the developer has not yet agreed to.

If Council decides to approve CZ21.09.01, here are the suggested conditions:

1. The development meet the standards of the submitted concept site plan (or revised plan based on Council conditions).
 - a. Including:
 - i. Density limit increase from 6 units/acre to 13 units/acre.
 - ii. Open space decreased to 3.9% total open space from 10% total open space.
 - iii. Reduced buffers from Type A 40' buffer around the entire site to Type C buffer along the Good News Church Building with 6-foot-high composite fence material with landscaping inside.
 - iv. Allow no more than 23 Townhomes.
2. One Homeowner's Association for both Bailey Mills and the expansion.
3. Architecture be in harmony with the Bailey Mills Subdivision.
4. All permits required by Federal, State or Local governments must be issued.
5. The Hendrick area will be acquired and owned by the developer and dedicated to the Town of Stallings as a public right-of-way before the Town issues any permits.
6. The Union County Fire Marshal to give written approval to the developer before construction document approval by the Town.



Max Hsiang, CZO

Planning & Zoning Director
Town of Stallings | 704-821-0315

mhsiang@stallingsnc.org

www.stallingsnc.org



Statement of Consistency and Reasonableness

ZONING AMENDMENT: CZ21.09.01

REQUEST: Conditionally zone 3042 and 3038 Matthews Indian Trail Road for 23 Townhomes adjacent to Bailey Mills

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council,” adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

WHEREAS, the Town Council finds it necessary to consider the Planning Board’s recommendations.

THEREFORE, The Town Council hereby recommends that the proposed zoning amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives outlined in the document of promoting quality development and consistency with all state-mandated land-use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the zoning amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) The proposed use is consistent with the Comprehensive Land Use Plan.
- 2) The request is consistent with the adjacent development plans.

Recommended this the ___ day of _____, 2022

Mayor

Attest:

Town Clerk



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- 1) The proposed use is inconsistent with the Comprehensive Land Use Plan.
- 2) The request does not align with the Town’s vision and goals for the Town.

Recommended this the ___ day of _____, 2022

Mayor

Attest:

Town Clerk



MEMO

To: Town of Stallings Town Council
From: Max Hsiang, Planning Director
Date: March 2022
RE: **TX22.01.01 - Table 8.1: Update**

Town Council directed planning staff to review the Table of Uses 8.1 in Article 8 of the Stallings Development Ordinance. The staff has decided to review the Table of Uses by zoning district and bring proposed changes periodically to the Board. The intent is to check each zoning district separately for sufficient time to study and review the proposed changes in the Use Table.

During the review of the allowed uses, staff noticed redundancies and inconsistencies between the complete list of uses and allowed and not-allowed uses. The proposed updates reduce redundancy and align with the intent of the Comprehensive Land Use Plan and Small Area Plans. This review focuses on the MU-1, MU-2, and IND districts and amends a few other zoning districts.

The Use Table lists principal use types and indicates for each zoning district whether the primary use type is permitted by right, permitted with supplemental regulations, allowed with a special use permit, or authorized by conditional zoning.

Suggested Amendment:

General Use Table Edits:

- 1) Row 25, Auto Supply Sales
 - a. Remove allowed use in MU-2
 - b. Add use as S (10.1-36) in IND
 - c. This use aligns closer with the intent of IND than MU-2
- 2) Row 27, Automobile Rental or Leasing
 - a. Remove allowed use in MU-2
 - i. This use is inconsistent with the Comp Plan & Small Area Plan
 - b. Add use as L in IND
 - i. This use aligns closer with the intent of IND than MU-2
- 3) Row 29, Automobile Repair Servicer (Minor)
 - a. Add use as S (10.1-4) in IND
 - i. Major is allowed, so minor fits the intent as well
- 4) Row 38, Bed & Breakfast (Tourist Home, Boarding House)
 - a. Add use as S (10.1-8) in MU-1
 - b. Aligns with the intent of MU-1 to focus on residential with light commercial
- 5) Row 43, Boat Sales
 - a. Add use as S (10.1-36) in C-74
 - b. Boat sales align with the intent of C-74 and is consistent with Auto Sales
- 6) Row 46, Building Supply Sales (no storage yard)
 - a. Remove as an allowed use in MU-1
- 7) Row 76, Equipment Rental and Leasing (no outside storage)
 - a. Remove as an allowed use in MU-2

- 8) Row 103, Gymnastics/Cheerleading Academy
 - a. Add use as L in MU-1 and MU-2
 - b. Aligns with other allowed uses like Martial Arts
- 9) Row 109, Hospital
 - a. Remove as an allowed use in MU-1
- 10) Row 118, Landscape Services with Outside Storage
 - a. Change name to Landscape Services
 - b. Add use as S (10.1-36) in IND
- 11) Row 121, Library
 - a. Add use as L in MU-1 and MU-2
- 12) Row 124, Manufactured Home Dwelling Sales
 - a. Change use to CZ in MU-2
- 13) Row 148, General Contractors Office w/ Fenced Outside Storage
 - a. Change use to S (10.1-36) in IND
 - b. Aligns with Service Contractors allowed use
- 14) Row 149, General Contractors Office w/out Fenced Outside Storage
 - a. Add use as L in IND
- 15) Row 159, Service Contractors w/ out Fenced Outside Storage
 - a. Add use as L in IND
- 16) Row 168, Pawn Shop or Used Merchandise Store
 - a. Change use to S (10.1-34). 10.1-34 is the correct Pawn Shop supplemental regulations.
- 17) Row 169, Personal Training Facility
 - a. Add use as L in MU-1 and MU-2
 - b. Aligns with other allowed uses like Martial Arts\
- 18) Row 180, Post Office
 - a. Add use as L in MU-1
- 19) Row 188, Accessory Dwelling Unit
 - a. Change use to S (10.1-3) for TC
 - b. Consistent with the permitted districts
- 20) Row 192, Multifamily 8 units or less
 - a. Remove row completely
- 21) Row 200, Satellite Dish as an Accessory Use
 - a. Remove use from Table. We do not regulate satellite dishes, and it is unnecessary
- 22) Row 201, Sewage treatment
 - a. Remove use from IND
 - b. Add use as SUP (10.2-12) in HIO
 - c. Change Section 10.2-12 Sewage Treatment Plant to read as follows:
 - i. (A.) Zoning District where the conditions appearing below apply: "~~IND~~
HIO."
- 23) Remove Service stations (Major and Minor) from the use chart
 - a. Redundant to Automobile Repair Services, difficult to discern between uses
 - b. Use becomes restricted to C-74, VSR, and IND
 - c. Removes CZ
- 24) Row 207, Shooting Range Indoor
 - a. Add use as CZ (10.2-13) in IND
- 25) Row 213, Solid Waste Disposal (non-hazardous)
 - a. Remove use from IND
 - b. Add use as S (10.1-36) in HIO
- 26) Row 222, Television, Radio or Electronics Sales and Repair

- a. Change use to S (10.1-36) in the TNDO, TC, MU-2, C-74, and VSR districts
 - b. Creates consistency with IND
- 27) Row 227, Tire Sales, Motor Vehicle
 - a. Change to S (10.1-36) for C-74 and IND
- 28) Row 229, Truck and Utility Trailer Rental and Leasing
 - a. Remove use in MU-2
- 29) Row 234, Veterinary Service, Large Animal
 - a. Add use as L in IND
- 30) Row 237, Video Media Rental and Sales
 - a. Remove row
 - b. Redundant with Recorded Media Sales
- 31) Row 238, Vocational, Business, or Secretarial School
 - a. Remove as a permitted use in MU-1
- 32) Row 239, Warehouse (general storage, enclosed, no outdoor storage)
 - a. Remove CZ in MU-2
- 33) Row 240, Warehouse (Self Storage with Outside Storage)
 - a. Remove CZ in MU-2
- 34) Row 241, Water Treatment Plant
 - a. Remove use from IND
 - b. Add use as S (10.1-36) in HIO
- 35) Row 242, Wedding and Events Venue
 - a. Remove row
 - b. Redundant with Even and Wedding Venue

Light Industrial Use Table Edits:

The intent of the edits below is to tighten restrictions on industrial uses and to remove industrial uses from the Mixed-Use District.

- 36) Assembly of components manufactured off-site, Final
 - a. Remove L from MU-2
- 37) Audio, Video, and Communications Equipment
 - a. Remove L from MU-2
- 38) Bakery Products
 - a. Replace L with S (10.1-36) in TNDO and C-74
- 39) Computer and Office Equipment
 - a. Remove L from MU-2
- 40) Medical, Dental, and Surgical Equipment
 - a. Remove L from MU-2
 - b. Replace use to S (10.1-36) in VSR
- 41) Photographic Equipment and Supplies
 - a. Remove L from MU-2
- 42) Pottery and Related Products
 - a. Replace L with S (10.1-36) in AG



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX22.01.01

REQUEST: Amend Table 8.1, Table of Uses, to reduce redundancy and align with the intent of the Comprehensive Land Use Plan and Small Area Plans.

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council,” adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

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- 1) The proposed table of use changes aligns with the Town’s vision for the zoning districts.

Recommended this the ___ day of _____, 2022

Mayor

Attest:

Town Clerk



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- 1) The proposed uses changes do not align with the Town’s vision for the zoning districts adjusted.

Recommended this the ___ day of _____, 2022

Mayor

Attest:

Town Clerk

Table 8.1 - Table of Uses
Section 1 - General

#	L = listed use CZ = conditional zoning S = Use listed with additional standards SUP = Special Use Permit <i>Reference SIC and NAICS code for further data on the listed uses.</i>	Agriculture (AG)	Single Family Residential (SFR 1, SFR-2, SFR-3 & SFR-MH)	Multi-Family Residential Transitional (MFT)	Traditional Neighborhood Development Overlay (TNDO)	Town Center (TC)	Civic (CIV)	Mixed Use (MU-1)	Mixed Use (MU-2)	US 74 Commercial (C 74)	Interstate Highway 485 Corporate Park	Vehicle Service/Repair (VSR)	Industrial (IND)	Heavy Industry Overlay (HIO)
1	ABC Store (liquor sales)					CZ			CZ	L				
2	Accessory Dwelling Unit	S (10.1-3)	S (10.1-3)	S (10.1-3)	S (10.1-3)	L	S (10.1-3)	S (10.1-3)	S (10.1-3)					
3	ADULT ESTABLISHMENTS/USES													
4	Bookstore, Adult												SUP (10.2-3)	
5	Cabaret, Adult												SUP (10.2-3)	
6	Massage Parlor												SUP (10.2-3)	
7	Motel, Adult												SUP (10.2-3)	
8	Movie, Adult - Rental, Sales												SUP (10.2-3)	
9	Retail, Adult Products												SUP (10.2-3)	
10	Theater, Adult												SUP (10.2-3)	
11	Agricultural Based Business Facilities	SUP (10.2-4)											S (10.1-36)	
12	Agricultural Production (Crops only)	L	L				L						L	L
13	Agricultural Production (Crops & Livestock)	L												
14	Agricultural Production (Within Buildings)	L											L	L
15	Alteration, Clothing Repair				L	L		L	L	L				
16	Amusement/Water Parks, Fairgrounds									SUP (10.2-5)	SUP (10.2-5)			
17	Antique Store				L	L			L	L				
18	Apparel Sales (Clothing, Shoes, Accessories)				L	L			L	L				
19	Appliance Repair, Refrigerator or Large								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
20	Appliance Store								S (10.1-36)	S (10.1-36)				
21	Arts and Crafts Store				L	L			L	L				
22	Asphalt Plant													SUP (10.2-6&16)
23	Athletic Fields	L	L	L	L		L		L					
24	Auditorium, Coliseum or Stadium						L		L					
25	Auto Supply Sales								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
26	Automobile Dealers									S (10.1-36)		S (10.1-36)		
27	Automobile Rental or Leasing								L	L	L	L	L	
28	Automobile Repair Services (Major)									S (10.1-4)		S (10.1-4)	S (10.1-4)	
29	Automobile Repair Services (Minor)									S (10.1-4)		S (10.1-4)	S (10.1-4)	
30	Automobile Towing and Storage Services											S (10.1-5)	S (10.1-5)	
31	Bakery				L	L		L	L	L			S (10.1-36)	
32	Bank, Savings and Loan, or Credit Union				S (10.1-6)	S (10.1-6)			S (10.1-6)	S (10.1-6)	S (10.1-6)			
33	Barber Shop				L	L		L	L	L	L			
34	Bars (with/without Beverage Production Accessory Use)				L	L			L	L	L			
35	Batting Cage, Indoor						L		L	L	L			
36	Batting Cages, Outdoor								S (10.1-7)	S (10.1-7)				
37	Beauty Shop				L	L		L	L	L	L			
38	Bed & Breakfast (Tourist Home, Boarding House)	S (10.1-8)		S (10.1-8)	S (10.1-8)	S (10.1-8)		S (10.1-8)	S (10.1-8)					
39	Bicycle Assembly (Bike Shop)				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	
40	Billiard Parlors				L	L			L	L	L			
41	Bingo Games				L	L			L	L	L			
42	Boat Repair									S (10.1-4)		S (10.1-4)	S (10.1-4)	
43	Boat Sales									L-S (10.1-36)		S (10.1-36)		
44	Bookstore				L	L	L	L	L	L	L			
45	Bowling Lanes (bowling alley)				L	L			L	L	L			
46	Building Supply Sales (no storage yard)								L	L			L	

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47	Bulk Mail and Packaging					L			L	L	L		S (10.1-36)	
48	Bus Terminal				L	L	L		L	L	L			
50	Camera Store				L	L			L	L	L			
51	Camp Ground (for 21 day or less occupancy only)	L												
52	Candy Store				L	L			L	L	L			
53	Car Wash								CZ (10.1-9)	S (10.1-9)		S (10.1-9)	S (10.1-9)	
54	Casino for Games of Chance (RESERVED)													
55	Cellular Communications Facilities (See "Wireless")													
56	Cemetery or Mausoleum	S (10.1-10)					S (10.1-10)							
58	Club or Lodge				S (10.1-12)	S (10.1-12)	S (10.1-12)		S (10.1-12)	S (10.1-12)	S (10.1-12)			
59	College or University						L							
60	Communication or Broadcasting Facility, without Tower				L	L	L		L	L	L		L	
61	Computer Sales and Service				L	L			L	L	L			
62	Convenience Store (with gasoline pumps)								CZ	CZ	CZ		L	
63	Convenience Store (without gasoline pumps)				L	L			L	L	L		L	
64	Correctional Institution (RESERVED)													
65	Country Club with or without Golf Course	S (10.1-13)			S (10.1-13)		S (10.1-13)	S (10.1-13)	S (10.1-13)	S (10.1-13)	S (10.1-13)			
66	Crematorium												L	
67	Dance School/Academy				L	L	L	L	L	L	L		L	
68	Day Care Center for Children or Adults (6 or more)	S (10.1-14)			S (10.1-14)	S (10.1-14)	S (10.1-14)	S (10.1-14)	S (10.1-14)	S (10.1-14)	S (10.1-14)		S (10.1-14)	
69	Day Care Center, Home Occupation for less than 6 children	S (10.1-15)		S (10.1-15)	S (10.1-15)	S (10.1-15)	S (10.1-15)	S (10.1-15)	S (10.1-15)	S (10.1-15)			S (10.1-15)	
70	Department, Variety or General Merchandise Store				L	L			L	L				
71	Dormitories						S (10.1-16)							
72	Drive Through Window as Accessory Use				S (10.1-17)	S (10.1-17)	S (10.1-17)		S (10.1-17)	S (10.1-17)	S (10.1-17)			
73	Dwelling(s) (see Residential Dwellings)													
74	Electronic Gaming Operation									SUP (10.2-15)				
75	Equestrian Facility	SUP (10.2-7)			SUP (10.2-7)					SUP (10.2-7)	SUP (10.2-7)			
76	Equipment Rental & Leasing (no outside storage)				L	L			L	L	L	L	L	
77	Equipment Rental (w/fenced outside storage)								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
78	Equipment Repair, Heavy									S (10.1-4)		S (10.1-4)	S (10.1-4)	
79	Event and Wedding Venue	L			L	L	L	L	L					
80	Fabric or Piece Goods Store				L	L			L	L				
81	Family Care Facility (Family Care Home)	L	L	L	L	L	L	L	L	L				
82	Farmers Market	L					L	L	L					
83	Fences & Walls (see 2.13)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)	L (2.13-2)
84	Fire, Ambulance, Rescue Station	L			L	L	L	L	L	L	L		L	
86	Floor Covering, Drapery, and/or Upholstery Sales								S (10.1-36)	S (10.1-36)				
87	Florist	L			L	L		L	L	L	L		S (10.1-36)	
88	Fortune Tellers, Astrologers (RESERVED)													
89	Fuel Oil Sales and Distribution for "Home" or other Delivery													SUP (10.2-11&16)
90	Funeral Home with Crematorium								CZ	CZ				
91	Funeral Home without Crematorium								L	L				
92	Furniture Framing								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
93	Furniture Repair Shop								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
94	Furniture Sales				L	L			S (10.1-36)	S (10.1-36)				

Table 8.1 - Table of Uses
Section 1 - General

#	L = listed use CZ = conditional zoning S = Use listed with additional standards SUP = Special Use Permit <i>Reference SIC and NAICS code for further data on the listed uses.</i>	Agriculture (AG)	Single Family Residential (SFR 1, SFR-2, SFR-3 & SFR-MH)	Multi-Family Residential Transitional (MFT)	Traditional Neighborhood Development Overlay (TNDO)	Town Center (TC)	Civic (CIV)	Mixed Use (MU-1)	Mixed Use (MU-2)	US 74 Commercial (C 74)	Interstate Highway 485 Corporate Park	Vehicle Service/Repair (VSR)	Industrial (IND)	Heavy Industry Overlay (HIO)
95	Game Room, Video Game Room, Coin Operated					SUP (10.2-15)			SUP (10.2-15)	SUP (10.2-15)				
96	Garden Center or Retail Nursery								S (10.1-36)	S (10.1-36)			S (10.1-36)	
97	Gift or Card Shop				L	L	L	L	L	L	L			
98	Golf Course (See Country Club with Golf Course)	S (10.1-13)			S (10.1-13)		S (10.1-13)		S (10.1-13)	S (10.1-13)	S (10.1-13)			
99	Golf Course, Miniature								L	L				
100	Golf Driving Range	S (10.1-19)			S (10.1-19)		S (10.1-19)		S (10.1-19)	S (10.1-19)	S (10.1-19)			
101	Grocery Store				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)				
102	Group Care Facility	SUP (10.2-8)	SUP (10.2-8)	SUP (10.2-8)	SUP (10.2-8)	SUP (10.2-8)	SUP (10.2-8)	SUP (10.2-8)	SUP (10.2-8)	SUP (10.2-8)	SUP (10.2-8)			
103	Gymnastics/Cheerleading Academy					L		L	L				L	
104	Hardware Store				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
105	Hazardous and/or Radioactive Waste (Transportation, Storage and/or Incineration)													SUP (10.2-16)
106	Hobby Shop				L	L			L	L	L			
107	Home Furnishings Sales				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)				
108	Home Occupation	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)		S (10.1-21)	
109	Hospital						S (10.1-37)	S (10.1-37)	S (10.1-37)					
110	Hotel or Motel				L	L			L	L	L			
111	Jewelry Store				L	L			L	L	L			
112	Junked Motor Vehicle Storage as Accessory Use	S (10.1-22)								S (10.1-22)		S (10.1-22)	S (10.1-22)	
113	Junkyards, Salvage Yards, Used Auto Parts													SUP (10.2-9 & 16)
114	Kennels or Pet Grooming w/Outdoor Pens or Runs	S (10.1-23)								S (10.1-23)	S (10.1-23)		S (10.1-23)	
115	Kennels or Pet Grooming, No Outdoor Pens or Runs	L			L	L			L	L	L		L	
116	Laboratory, Medical or Dental					L	L		L	L	L		L	
117	Landfill, Demolition Debris, Minor and Major (RESERVED)													
118	Landscape Services with Outside Storage	L								S (10.1-36)			S (10.1-36)	
119	Laundromat, Coin-Operated					L			L	L				
120	Laundry or Dry Cleaning				L	L		L	L	L	L			
121	Library				L	L	L	L	L					
122	Lighting Sales and Service				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)			S (10.1-36)	
124	Manufactured Home/Dwelling Sales								CZ					
125	Manufacturing & Industry (see Table 8.1, sect. 2)													
126	Market - Tailgate (Fresh Foods & "Food Trucks")(as Temporary Use - see Article 15)													
127	Market Showroom (Furniture, Apparel etc.)				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)	S (10.1-36)		S (10.1-36)	
128	Martial Arts Instructional Schools				L	L		L	L	L			L	
129	Metal Coating and Engraving													SUP (10.2-16)
130	Metal Processing													SUP (10.2-16)
131	Migrant Labor Housing (RESERVED)													
132	Motion Picture and/or Television Production				S (10.1-36)	S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	S (10.1-36)		S (10.1-36)	
133	Motorcycle Sales (new & used), Parts and Service									S (10.1-36)		S (10.1-36)		
134	Moving and Storage Service								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
135	Museum or Art Gallery				L	L	L	L	L	L	L			
136	Musical Instrument Sales				L	L		L	L	L				
137	Newsstand				L	L	L	L	L	L	L			
138	Nursing Home, Assisted Living	S (10.1-25)			S (10.1-25)	S (10.1-25)	S (10.1-25)	S (10.1-25)	S (10.1-25)	S (10.1-25)				
139	Office Machine Sales				L	L			L	L	L		S (10.1-36)	

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140	OFFICE USES													
141	Accounting, Auditing or Bookkeeping Services				L	L		L	L	L	L			
142	Administrative or Management Services				L	L		L	L	L	L			
143	Advertising Agency				L	L		L	L	L	L			
144	Architect, Engineer or Surveyor's Office				L	L		L	L	L	L			
145	Dental, Medical or Related Office				L	L	L	L	L	L	L			
146	Employment Agency, Personnel Agency				L	L	L	L	L	L	L			
147	Finance or Loan Office				L	L		L	L	L	L			
148	General Contractors Office w/ Fenced Outside Storage												S (10.1-36)	
149	General Contractors Offices without Outside Storage									L		L	L	
150	Government Office	L			L	L	L	L	L	L	L			
151	Home Occupation	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)	S (10.1-21)		S (10.1-21)	
152	Insurance Agency (w/on-site claims inspections)				L	L			L	L	L			
153	Insurance Agency (without on-site claims inspections)				L	L		L	L	L	L			
154	Law Office				L	L	L	L	L					
155	Medical, Dental or Related Office				L	L	L	L	L	L	L			
156	Office Uses Not Otherwise Classified				L	L			L	L	L		L	
157	Real Estate Office				L	L		L	L	L	L			
158	Service Contractors Offices w/Fenced Outside Storage												S (10.1-36)	
159	Service Contractors Offices without Outside Storage									L		L	L	
160	Stock, Security or Commodity Broker				L	L		L	L	L	L			
161	Temporary Real Estate Office (see Article 15)													
162	Travel Agency				L	L		L	L	L	L			
163	Optical Goods Sales				L	L	L		L	L	L			
164	Outside Storage Uses Not Otherwise Classified												S (10.1-36)	
165	Paint and Wallpaper Sales				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)			S (10.1-36)	
166	Parks and Recreation Facilities, Public	S (10.1-26)	S (10.1-26)	S (10.1-26)	S (10.1-26)	S (10.1-26)	S (10.1-26)	S (10.1-26)	S (10.1-26)	S (10.1-26)	S (10.1-26)			
167	Parking Lots or Structures				L	L	L		L	L	L		L	
168	Pawnshop or Used Merchandise Store									S (10.1-34)				
169	Personal Training Facility					L		L	L				L	
170	Pest or Termite Control Services									S (10.1-36)			S (10.1-36)	
171	Pet Store				L	L			L	L				
172	Petroleum Products Storage and/or Transfer													SUP (10.2-11&16)
173	Pharmacy/Drugstore				L	CZ			L	L	L			
174	Photofinishing Laboratory					L			L					SUP (10.2-16)
175	Photography, Commercial				L	L			L	L	L			
176	Photography Studio				L	L	L	L	L	L	L			
177	Physical Fitness Center, Health Club				L	L	L	L	L	L	L			

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178	Police Station				L	L	L	L	L	L	L			
179	Portable Storage Unit (POD) (as Temporary Use - see Article 15)													
180	Post Office				L	L	L	L	L	L	L			
181	Printing and Publishing Operation				S (10.1-36)	S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	S (10.1-36)		S (10.1-36)	
182	Printing, Photocopying and Duplicating Services				S (10.1-36)	S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	S (10.1-36)		S (10.1-36)	
183	Raceway (Go-cart, Motorcycle, &/or Automobile)									S (10.1-20)				
184	Recorded Media Sales (Record/Compact Disc/Tape)				L	L			L	L	L			
185	Recreational Vehicle Sales (new and used)									S (10.1-36)		S (10.1-36)		
186	Religious Institutions (Church, Synagogue, Mosque or Place of Worship)				S (10.1-11)	S (10.1-11)	S (10.1-11)	S (10.1-11)	S (10.1-11)					
187	RESIDENTIAL USES (DWELLINGS)													
188	Dwelling, Accessory Unit	S (10.1-3)	S (10.1-3)	S (10.1-3)	S (10.1-3)	L	S (10.1-3)	S (10.1-3)	S (10.1-3)					
189	Dwelling, Attached House (incl. term "Townhouse, Duplex, Triplex, etc.")			CZ	L	CZ	CZ	CZ	CZ					
190	Dwelling, Manufactured Home (see Sections 22.5-2 & 10.1-35)		L											
191	Dwelling Park, Manufactured Home (see Section 22.5-1)													
192	Dwelling, Multifamily 8 Units or Less			S (10.1-24)	S (10.1-24)	S (10.1-24)	S (10.1-24)	S (10.1-24)	S (10.1-24)					
193	Dwelling, Multifamily (apartments or condominiums)				CZ (10.1-24)	CZ (10.1-24)		CZ (10.1-24)	CZ (10.1-24)					
194	Dwelling, Single Family Detached, including Modular Construction	L	L	L	L	L	L	L	L					
195	Restaurant without drive-thru window				L	L		L	L	L	L			
196	Restaurant with drive-thru window accessory Use (see 10.1-17)				L	CZ		CZ	CZ	CZ	CZ			
198	Retail Sales Not Otherwise Listed				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)				
199	Retreat Center	L			L	L	L							
200	Satellite Dish As Accessory Use	L	L	L	L	L	L	L	L	L	L	L	L	
201	Sewage Treatment Plant												CZ (10.2-12)	SUP (10.2-12)
202	School, Elementary or Secondary													
203	Service Station (Automobile Repair Services, Minor)				S (10.1-4)				S (10.1-4)	S (10.1-4)	S (10.1-4)	S (10.1-4)	S (10.1-4)	
204	Service Station (Automobile Repair Services, Major)									CZ (10.1-4)		CZ (10.1-4)	CZ (10.1-4)	
205	Shelter for the Homeless (RESERVED)													
206	Shoe Repair or Shoeshine Shop				L	L			L	L	L			
207	Shooting Range, Indoor								CZ (10.2-13)	CZ (10.2-13)	CZ (10.2-13)		CZ (10.2-13)	
208	Shooting Range, Outdoor (RESERVED)													
209	Shopping Center								S (10.1-36)	S (10.1-36)				
210	Sign (Accessory Use as permitted by Article 17)	L	L	L	L	L	L	L	L	L	L	L	L	L
211	Sign fabricating					S (10.1-36)			S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
212	Skating Rink									L				
213	Solid Waste Disposal (non-hazardous)												S (10.1-36)	S (10.1-36)
214	Special Events not listed (see Article 15)													
215	Sporting Goods Store				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)				
216	Sports and Recreation Clubs, Indoor				L	L	L	L	L	L	L		L	

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Section 1 - General**

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217	Stationery Store				L	L			L	L	L			
218	Swim and Tennis Club	S (10.1-29)	S (10.1-29)	S (10.1-29)	S (10.1-29)		S (10.1-29)	S (10.1-29)	S (10.1-29)	S (10.1-29)	S (10.1-29)			
219	Swimming Pool As Accessory Use	L	L	L	L		L	L	L					
220	Tattoo and/or Body Piercings Studio					L			L	L				
221	Taxidermist								L	L			L	
222	Television, Radio or Electronics Sales & Repair				L S(10.1-36)	L S(10.1-36)			L S(10.1-36)	L S(10.1-36)		L S(10.1-36)	S (10.1-36)	
223	Temporary Construction Storage and/or Office	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)	S (10.1-30)
224	Temporary Uses not listed (see Article 15)													
225	Theater, Indoor				L	L	L		L	L				
226	Tire Recapping													SUP (10.2-16)
227	Tire Sales, Motor Vehicle								S (10.1-4) S (10.1-36)		S (10.1-4) S (10.1-36)		S (10.1-36)	
228	Towers, Telecommunications and/or Broadcast					CZ (10.2-14)			CZ (10.2-14)	CZ (10.2-14)	CZ (10.2-14)		CZ(10.2-14)	
229	Truck and Utility Trailer Rental and Leasing								CZ (10.1-36)	CZ (10.1-36)		S (10.1-36)	S (10.1-36)	
230	Trucking Centers, Truck Stop &/or Freight Terminal												S (10.1-36)	
231	Utility Equipment and Storage Yards												S (10.1-36)	
232	Utility Substation	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)	S (10.1-36)
233	Vending Machine - Outdoor (with or without advertising copy)	L			L	L	L		L	L	L	L	L	L
234	Veterinary Service, Large Animal	L								L			L	
235	Veterinary Service, Pet Grooming, without Outdoor Kennels or Runs	L			L	L			L	L	L		L	
236	Veterinary Service w/Outdoor Kennels and/or Runs	S (10.1-31)								S (10.1-31)	S (10.1-31)		S (10.1-31)	
237	Video Media Rental and Sales				L	L			L	L	L			
238	Vocational, Business or Secretarial School				L	L	L	L	L	L	L			
239	Warehouse (general storage, enclosed, no outdoor storage)								CZ	CZ	CZ		L	
240	Warehouse (Self-storage with outdoor storage)								CZ (10.1-36)	CZ (10.1-36)	CZ (10.1-36)		S (10.1-36)	
241	Water Treatment Plant												S (10.1-36)	S (10.1-36)
242	Wedding and Events Venue	L			L	L	L	L	L					
243	Wholesale Trade (see section 3 of this table)													
244	Wireless Telecommunication Facilities, Microcell	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)	S (10.1-32)
245	Wireless Telecommunication Facilities, Concealed	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)	S (10.1-33)
246	Wireless Telecommunication Facilities, Co-Located	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)	S (10.1-34)
247	Wireless Telecommunication Facilities, Tower					CZ (10.2-14)		CZ (10.2-14)	CZ (10.2-14)	CZ (10.2-14)	CZ(10.2-14)		CZ (10.2-14)	
248	Yard Sale (no more than 3 per year) See Section 15.3	L	L	L	L	L	L	L	L	L		L	L	
										(Amended December 13, 2021)				

**Table 8.1 - Table of Uses
Section 3 - Wholesale Trade**

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1	WHOLESALE AND OUTDOOR STORAGE													
2	Flowers, Nursery Stock and Florist Supplies	CZ (10.2-4)								S (10.1-36)			S (10.1-36)	
3	Lumber and Other Construction Materials with fenced storage									S (10.1-36)			S (10.1-36)	
4	Machinery, Equipment and Supplies									S (10.1-36)		S (10.1-36)	S (10.1-36)	
5	Machinery, Farm and Garden									S (10.1-36)		S (10.1-36)	S (10.1-36)	
6	WHOLESALE WITH HAZARDOUS MATERIALS													
7	Chemicals and Allied Products													CZ (10.2-16)
8	Plastics Materials									S (10.1-36)			S (10.1-36)	
9	Resins													CZ (10.2-16)
10	WHOLESALE WITH RECYCLING, OTHER ACTIVITIES													
11	Scrap & Waste Materials - Recycling collection & sorting Only											S (10.1-36)		CZ (10.2-16)
12	WHOLESALE, OTHER													
13	Apparel									L			S (10.1-36)	
14	Beer, Wine or Distilled Alcoholic Beverages	CZ (10.2-4)			L					CZ (10.2-4)			S (10.1-36)	
15	Books, Periodicals and Newspapers						L			L			S (10.1-36)	
16	Durable Goods												S (10.1-36)	
17	Electrical Goods												S (10.1-36)	
18	Furniture and Home Furnishings									L			S (10.1-36)	
19	Groceries and Related Products									L			S (10.1-36)	
20	Hardware, Wholesale Dealer								L	L		L	S (10.1-36)	
21	Lumber, Millwork and Veneer									S (10.1-36)			S (10.1-36)	
22	Paper and Paper Products									S (10.1-36)			S (10.1-36)	
23	Plumbing and Heating Equipment									S (10.1-36)			S (10.1-36)	
24	Sporting and Recreational Goods and Supplies									L			S (10.1-36)	
25	Wallpaper and Paint Brushes									L			S (10.1-36)	



MEMO

To: Mayor Dunn and Stallings Town Council
VIA: Alex Sewell, Town Manager
From: Marsha Gross, Finance Officer
Date: 3-23-2022
RE: **FY2022 Budget Amendment #2**

During a previous Council meeting, Council voted and agreed to allow for the purchase of a vehicle up to \$40,000 using asset forfeiture funds. Since then, the Police Department was able to find a suitable vehicle for \$35,000.

The police department has 2 sources of income which include:

Police Dept. - Federal (Dept. of Justice and Treasury) with an account balance of \$33,848.78 and

Police Dept. - Forfeiture (Unauthorized Substance) with an account balance of \$49,812.69

The FY2022 Budget contains \$25,000 of DOJ funds appropriated for other Police Department needs but if we added the \$35,000 for the above vehicle purchase, the asset forfeiture funds would total \$60,000 and the current balance in the restricted fund is only \$49,812.

I am proposing the following amendment so that the \$35,000 needed for the vehicle purchase is added to the current budget without the use any funds other than Police Department funds for the purchase.

The amendment does the following:

Revenue:

1. Adds \$21,000 to the appropriated restricted drug forfeiture funds of \$25,000 making the total appropriated drug funds \$46,000 (keeping the total slightly below the current balance in the account)
2. Appropriates the remaining \$14,000 (cost of vehicle \$35,000 less \$21,000 from line 1) from the Unauthorized Substance account which has a balance of \$33,8489 total.

Expenses:

1. Adds \$35,000 to the Dept of Treasury – Capital Expenditure account for the purchase price of the vehicle
2. Removes \$14,000 from the Dept of Treasury Expense line (currently budgeted at \$25,000) leaving \$11,000 to spend on non-capital items
3. Adds \$14,000 to the Unauthorized substance Expense line (currently has no budget but \$6,983 has actually been spent already this year)

This amendment uses only those funds in the police department accounts to and adjusts the FY2022 accordingly. Sorry for any confusion, this amendment is somewhat complicated considering the amounts remaining in the accounts. Please let me know if you need additional information.

AMENDED BUDGET ORDINANCE – NO. 2

TOWN OF STALLINGS, NORTH CAROLINA

FISCAL YEAR 2021-2022

BE IT ORDAINED by the Town Council of the Town of Stallings, North Carolina, that the estimated expenditures for the fiscal year 2021-2022 are hereby amended as set forth below:

Category	Account Number	Budgeted Amount	Amend to the Following	Net Increase or (Decrease)
<u>Revenue:</u>				
Appropriated General Fund Balance (Unauthorized Substance Funds)	10-99-3991-600	\$ 2,850,000	\$ 2,864,000	\$ 14,000
Appropriated Restricted Drug Forfeiture Fund Balance	10-99-3991-620	\$ 25,000	\$ 46,000	\$ 21,000
<u>Expense:</u>				
Police Department		\$ 2,731,100	\$ 2,766,100	
Dept of Treasury - Capital Expenditures	10-10-4420-041			\$ 35,000
Dept of Treasury	10-10-4420-040			\$ (14,000)
Unauthorized Substances	10-10-4420-020			\$ 14,000

Explanation: Amendment is to appropriate funds from General Fund Balance to the Public Safety Department for the purchase of a police vehicle using Restricted Drug Forfeiture Funds previously approved by Town Council.

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

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

ADOPTED this the 28th day of March, 2022.

Wyatt Dunn, Mayor

Erinn Nichols, Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC



MEMO

To: Mayor and Council
From: Alex Sewell, Town Manager
Date: 3/23/22
RE: Local Government SCIF Grant

Purpose: The memo provides a state grant update and seeks Council direction.

Background:

- The Town sought \$1.6 million from the State to help offset the estimated budget deficit on the Potter-Pleasant Plains intersection project (U-5112).
- The Town received \$1.6 million in the budget, but the Senate added language that indicated that this funding “shall be used exclusively for property owned by the grant recipient city, county, or regional council of government.” The grant is “for capital improvements...” and state statute defines capital improvement to include real property acquisition.
- Previous discussion contemplated using the \$1.6 million grant to reimburse the Town for part of the purchase of 2725 Old Monroe Road, which would free up equivalent funds elsewhere that could be applied towards the Potter-Pleasant Plains intersection project.
- On 2/15/22, the NC Office of State Budget & Management (OBSM) informed the Town that it could not use the funds towards the purchase of 2725 Old Monroe Road.

Update:

- On 3/17/22, the Governor signed a Budget Technical Corrections bill into law which included the following changes:

LOCAL GOVERNMENT SCIF GRANT USE CLARIFICATION

SECTION 18.3. Section 40.16 of S.L. 2021-180 reads as rewritten:

"SECTION 40.16. Funds appropriated from the State Capital and Infrastructure Fund for Local Government Infrastructure Grants, as identified in the Committee Report referenced in Section 43.2 of this act, shall be used exclusively for property owned by the grant recipient city, ~~county, or county,~~ regional council of ~~government.~~government, or any local government member of a regional council of government. Funds may also be used by the grant recipient for the purchase of real property, acquisition of easements, and the purchase of equipment and vehicles."

- OBSM has provided a grant agreement that would presumably allow the Town to use the \$1.6 million to reimburse itself for part of the purchase price of 2725 Old Monroe Road. This would presumably free up \$1.6 million in equivalent funds that could be

used for the Potter-Pleasant Plains intersection project or any other purpose the Town Council deems appropriate.

Next Steps: Staff are seeking the following Town Council action:

- Confirmation that the Council seeks to use the \$1.6 million to reimburse the Town for the purchase of 2725 Old Monroe Road and authorizes staff to take necessary action including executing a contract with the State contingent on Town Attorney approval.
- Whether the Council wishes to discuss what to use the equivalent \$1.6 million in funds (such as towards the Potter-Pleasant Plains project) or not make the decision right now.

North Carolina Office of State Budget and Management

Contract # 11561

This Agreement is hereby entered into by and between the NC Office of State Budget and Management (the "AGENCY") and Town of Stallings
(the "RECIPIENT") (referred to collectively as the "Parties").

1. EFFECTIVE TERM:

The RECIPIENT's performance period for this agreement shall be effective starting July 1, 2021, through June 30, 2023 . The PARTIES' duties of record-keeping, monitoring, reporting, and auditing continue thereafter as provided below.

2. RECIPIENT'S DUTIES:

The RECIPIENT is authorized by this agreement to use funds for purposes referenced in the Current Operations Appropriations Act, Session Law (S.L.) 2021-180, as amended by S.L. 2021-189. The RECIPIENT's scope of work is a complete and concise scope of goods or services supported by this agreement and consistent with language in S.L. 2021-180, as amended by S.L. 2021-189. (See Appendix A).

The RECIPIENT agrees to use the funds in the amounts allocated for the budget cost items set forth in the RECIPIENT's Budget. RECIPIENT may reallocate and/or redistribute among budgeted items up to 10% in overall budget costs without the express written permission of the AGENCY.

The RECIPIENT understands and acknowledges that total funding level available under this agreement will not exceed \$1,600,000.00.

The RECIPIENT acknowledges they have provided the following additional documentation:

- a. Internal Revenue Service W-9 form (includes address, Tax ID) _____
- b. Electronic Payment Form & Supporting Document _____
- c. Scope of Work – Appendix A _____
- d. Policy addressing conflicts of interest _____
- e. **Sworn** Statement of no overdue tax debts _____

The RECIPIENT understands and acknowledges required compliance with all statutory provisions outlined in G.S. 143C-6-22 Use of State funds by non-State entities, 9 N.C.A.C. Subchapter 3M and the requirements found in S.L. 2021-180, Section 5.2; 5.3; and 40.8 as amended by S.L. 2021-189.

The RECIPIENT shall ensure:

- a. Funds are used for nonsectarian, nonreligious purposes only.
- b. No more than \$120,000 in State funds, including any interest earnings accruing from those funds, may be used for the annual salary of any individual employee of a nonprofit organization.

- c. Interest earnings on funds shall be used for the same purposes for which the grant was made.
- d. Submission of quarterly reports on financial and performance progress. This shall include financial and performance progress of the RECIPIENT and all SUB-RECIPIENTS.
- e. Compliance with 9 N.C.A.C. Subchapter 3M.0205.

Pursuant to G.S 143C-6-8, the RECIPIENT understands and agrees that funding shall be subject to the availability of appropriated funds. However, in the event of agreement termination due to lack of adequate appropriated funds, the AGENCY will ensure that it will pay for services and goods acquired and obligated on or before the notice of agreement termination.

3. AGENCY'S DUTIES & PAYMENT PROVISIONS:

The AGENCY shall ensure that funds allocated and disbursed pursuant to Session Law 2021-180, as amended by S.L. 2021-189, comply with the intent and guidance found in these Session Laws and ensure compliance with related state statutes and financial management standards.

The AGENCY is subject to the following requirements:

- a. Upon execution of this contract and the RECIPIENT's submission of documents identified in Section 2 of this contract, the AGENCY shall pay the RECIPIENT the full amount as identified in the scope of work within 30 days.
- b. Develop RECIPIENT quarterly financial and performance reporting document that shall incorporate the requirements of 9 N.C.A.C. Subchapter 3M.0205 and require the RECIPIENT to:
 - i. Certify that funds received or held were used for the intended purpose.
 - ii. Provide an accounting for funds received, interest earned, funds expended.
 - iii. Provide activities, accomplishments, and performance measures.
 - iv. Provide a list of employees and the amount of State funds used for the employee's annual salary.
 - v. Provide supporting invoices, contracts, payroll information or other documents to support expenditures.
- c. Provide a secure method for submitting financial and performance reports.
- d. Conduct financial and performance monitoring until the contract is completed.
- e. Extend the term of this contract, if necessary, as funds will not revert until expended or the particular project has been completed for SCIF Grants.

4. FUNDS MANAGEMENT:

The RECIPIENT agrees that funds paid through this contract shall be subject to the following:

- a. Accounted for in a separate fund and accounting structure within the RECIPIENT's central accounting and / or grant management system. This shall include accounting for interest earned on these funds.
- b. All accounts payable disbursements, check register disbursements and related transactions shall be managed in a detailed manner that supports fully transparent accounting of all financial transactions associated with this funding allocations described in Section 3 above.
- c. Expenditures for travel mileage, meals, lodging and other travel expenses incurred in the performance of this Contract shall be reasonable and supported by documentation. State rates should be used as guidelines. International travel shall not be eligible under this Contract.

d. If eligible, the RECIPIENT and all subrecipients shall:

- i. Request from the North Carolina Department of Revenue a refund of all sales and use taxes paid by them in the performance of this Contract, pursuant to N.C.G.S. 105-164.14; and
- ii. Exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their quarterly project status reports.

5. POST-GRANT AWARD DOCUMENTATION REQUIREMENTS:

The RECIPIENT agrees to submit the required quarterly report on or before the 10th day following the end of each quarter. The first report is due on or before April 10, 2022, to the AGENCY. The AGENCY shall provide the format and method for reporting. All reports and supporting documents shall include the RECIPIENT and all SUB-RECIPIENT information and shall be submitted as prescribed the AGENCY.

RECIPIENT and any SUB-RECIPIENTS agree that all program activity results information reported shall be subject to review and authentication as described in Paragraph 7 and RECIPIENT will provide access to work papers, receipts, invoices and reporting records, if requested by the AGENCY, as the AGENCY executes any monitoring or internal audit responsibilities.

RECIPIENTS and SUB-RECIPIENTS receiving \$500,000 or more shall have a single or program-specific audit prepared and completed in accordance with Generally Accepted Government Auditing Standards, also known as the Yellow Book. The audit report must be provided to the AGENCY no later than nine months after the end of the RECIPIENTS fiscal year. This report shall be submitted as prescribed by the AGENCY. The cost of an audit conducted in conformance with the Yellow Book is an allowable cost for this grant.

6. AGREEMENT ADMINISTRATORS:

All notices permitted or required to be given by one Party to the other and all questions about the Agreement from one Party to the other shall be addressed and delivered to the other Party's Agreement Administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial Agreement Administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its Agreement Administrator by giving timely written notice to the other Party.

RECIPIENT and AGENCY Point of Contact	
RECIPIENT Contract Administrator	AGENCY Contract Administrator
Name: <u>Marsha Gross</u> Email: <u>mgross@stallingsnc.org</u> Fiscal year end MONTH: _____	Bessie D'Souza NC Office of State Budget and Management 116 West Jones Street, 5 th Floor Raleigh, NC 27603 Direct Phone: 984-236-0600 Email: SCIFGrantsNC@osbm.nc.gov

7. MONITORING AND AUDITING:

The RECIPIENT acknowledges and agrees that, from and after the date of execution of this Agreement and for five (5) years following its termination, the books, records, documents and facilities of the RECIPIENT are subject to being audited, inspected and monitored at any time by the AGENCY upon its request (whether in writing or otherwise). The RECIPIENT further agrees to provide AGENCY staff and staff of the Office of State Auditor with access to financial and accounting records to support internal audit, financial reporting and related requirements.

The RECIPIENT acknowledges and agrees that, regarding the grant funds, it will be subject to the audit and reporting requirements prescribed in G.S. 159-34, Local Government Finance Act – Annual Independent Audit, rules, and regulations. Such audit and reporting requirements may vary depending upon the amount and source of grant funding received by the RECIPIENT and are subject to change.

8. TAXES:

The RECIPIENT shall be considered to be an independent RECIPIENT and as such shall be responsible for all taxes. The RECIPIENT agrees to provide the AGENCY with the RECIPIENT'S correct taxpayer identification number upon the execution of this Agreement. The RECIPIENT agrees that failure to provide the AGENCY with a correct taxpayer identification number authorizes the AGENCY to withhold any amount due and payable under this Agreement.

9. SITUS:

This Agreement shall be governed by the laws of North Carolina and any claim for breach or enforcement of this Agreement shall be filed in State court in Wake County, North Carolina.

10. COMPLIANCE WITH LAW:

The RECIPIENT shall remain an independent RECIPIENT and as such shall be wholly responsible for the scope of work to be performed under this Agreement and for the supervision of his employees and assistants. The RECIPIENT represents that it has, or will secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of or have any individual contractual relationship with the AGENCY. The RECIPIENT shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of his business and work performance under this Agreement, including those of Federal, State, and local agencies having appropriate jurisdiction.

The Recipient acknowledges and agrees that, in its conduct under this Contract and in connection with any and all expenditures of grant funds made by it, it shall comply with the cost principles enunciated in the Code of Federal Regulations, 2 CFR, Part 200. The Recipient further acknowledges and agrees that, if it grants any of the grant funds awarded hereunder to one or more sub-recipients or sub-sub-recipients, the Recipient shall, by contract, ensure that said cost principles are made applicable to and binding upon any and all such sub-recipients, sub-sub-recipients, etc. in their handling, use and expenditure of the funds awarded to the Recipient hereunder.

11. TERMINATION OF AGREEMENT:

This agreement may be terminated by mutual consent upon sixty (60) days written notice to the other party, or as otherwise provided by law. As soon as reasonably possible following termination of this agreement, the amount of any residual unexpended funds shall be transferred to the AGENCY.

12. AMENDMENTS:

This Agreement may be amended in writing which documents approval of changes by both the AGENCY and the RECIPIENT.

13. AGREEMENT CLOSE-OUT PROCESS:

The RECIPIENT agrees to submit to the AGENCY a complete performance and expenditure status report (final quarterly report) within ninety (90) days after the completion of the project or final expenditure date, whichever is later. Unexpended funds should be promptly returned to the AGENCY at this time.

RECIPIENT will be deemed noncompliant if its final report is not submitted within the 90-day period stated above. Once the complete final performance and financial status report package has been received and evaluated by the AGENCY, the RECIPIENT will receive official notification of agreement close-out. The letter will inform the RECIPIENT that the AGENCY is officially closing the agreement and retaining all agreement files and related material for a period of five (5) years or until all audit exceptions have been resolved, whichever is longer.

14. AUTHORIZED SIGNATURE WARRANTY:

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this agreement. **In Witness Whereof**, the RECIPIENT and the AGENCY have executed this Agreement in duplicate originals, with one original being retained by each party.

RECIPIENT NAME

Signature	Date
 M. Alexander Sewell	 Town Manager

Printed Name	Title
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NC OFFICE OF STATE BUDGET AND MANAGEMENT

Signature

Date

Printed Name

Title

Appendix A

Scope of Work, Sub-Grants, and Annual Budget

As part of this grant agreement, you are required to provide a description of how you will spend the grant funds in compliance with the specific purpose as stated in the Appropriations Act ("Scope of Work"). You are also required to submit information related to any potential sub-grants and a budget for the grant funds. Please attach additional sheets as necessary.

1. Organization:

**2. Scope of Work,
Objectives, Results,
Performance Measures:**

Recipient shall detail below how the organization will spend the grant funds in compliance with the specific purpose(s) as stated in the Appropriations Act. The description should include objectives to be achieved, expected results and performance measures. The description should also include anticipated timing of those objectives, expected results and any services provided.

Objective(s):

Expected Results:

Performance Measure(s):

3. Sub-grants:			
a. Does the Recipient anticipate that it will sub-grant or pass down any funds to another organization?		Yes	No
If yes, answer the following:			
b. Name of Sub-recipient	c. Program Name	d. Amount to Sub-recipient	

4. Budget:

Below are general expenditure descriptions that can serve as a **guide** for preparing the organization’s budget related to the grant award.

The following budget is for the time period beginning (_____) and ending (_____).

EXPENDITURE DESCRIPTION	AMOUNT
Employee Expenses (e.g. program related staffing).	
Services and Contract Expenses (e.g. utilities, telephone, data, lease related expenses)	
Goods (e.g. supplies and equipment) Expenses	
Administration Expenses (e.g. overhead & project management)	
Other Expenses (e.g. related charges not assigned above and described by recipient)	
Total Beginning Balance of the Project Fund	

Please note, you will sign off on this appendix as part of executing the Grant Agreement (Contract).

Printed Name _____ Date _____

Title _____