



November 14, 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.	Consent Agenda A. Minutes from the following meetings: (1) 09-12-2022 (2) 09-12-2022 – closed (3) 09-26-2022 (4) 10-10-2022 (5) 10-10-2022 closed B. Divide Golf Course Tree Removal Settlement Agreement C. Duke Energy Settlement Agreement D. Amended Budget Ordinance 6.A. E. Mac McCarley Contract Update	Wyatt Dunn, Mayor	Approve Consent Agenda
2.	7:17 p.m.	Reports A. Report from Mayor B. Report from Council Members/Town Committees C. Report from Town Manager/Town Departments	Council and Staff	NA
3.	7:45 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve agenda as written. <i>(ADD, IF APPLICABLE: with changes as described by Mayor Dunn)</i>
4.	7:50 p.m.	Development Finance Initiative (DFI) Downtown Process Update Presentation	Sonya Turner, DFI	Presentation
5.	8:50 p.m.	Parks and Recreation Items A. Introduction of new Parks and Recreation Employee B. Maintenance Supervisor Position Conversion Discussion	Eunice McSwain, Parks & Rec. Dir. Alex Sewell, Town Manager	Information and Discussion
6.	9:10 p.m.	Code of Ordinances Amendment to Chapter 90.17 – Junk Motor Vehicle Regulated	Ruben Ortiz, Code Enforcement Ofc.	Approve/Deny Code of Ordinance Amendment
7.	9:30 p.m.	Finance Department Presentation <i>1st Quarter Report</i>	Marsha Gross, Finance Officer	Presentation

8.	9:45 p.m.	Chestnut/Matthews-Weddington Roundabout Landscape Plan (<i>Richardson</i>) <i>Request Staff to research initial design costs</i>	Brad Richardson, Council Member	Information and possible action
9.	10:00 p.m.	Adjournment	Wyatt Dunn, Mayor	Motion to adjourn

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

The Town Council of the Town of Stallings met for its regular meeting on September 12, 2022, at 7:00 p.m. at the Stallings Government Center, 321 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Wyatt Dunn; Mayor Pro Tempore David Scholl; Council Members Steven Ayers, Taylor-Rae Drake; Heather Grooms, Graham Hall and Brad Richardson.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Max Hsiang, Planning Director; Marsha Gross, Finance Officer; Brian Price, Public Works Director; Eunice McSwain, Parks and Recreation Director; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

No one was present to give public comment.

1. Approval of Consent Agenda Items

A. Minutes of the following meetings:

(1) 08-08-2022

(2) 08-08-2022 – closed

B. Police Department Updated Wrecker Service Agreement

C. Constitution Week Proclamation 2022

D. Resolution Supporting Continued Development of County and Municipal Infrastructure to Sustain Economic Investment, Workforce Development, and a Preferred Quality of Life in Union County

Council Member Drake made the motion to approve the Consent Agenda Items as presented. The motion was seconded by Council Member Scholl which passed unanimously by Council. The Constitution Week Proclamation 2022 and Resolution Supporting Continued Development of County and Municipal Infrastructure to Sustain Economic Investment, Workforce Development, and a Preferred Quality of Life in Union County are attached to these minutes therefore incorporated herein.

2. Reports

A. Report from the Mayor

The Mayor had no report.

B. Reports from Council Members/Town Committees

Council Members Hall, Drake, and Grooms had no reports.

Council Member Ayer noted that the WUMA meeting was hosted by Stallings for September where doughnut holes were discussed.

Council Member Scholl finished the advanced leadership course at the School of Government. Council held consensus to allow publishing UNC School of Government press releases on Council Member's accomplishments.

Council Member Richardson had no report.

C. Report from Town Manager/Town Departments

Town Manager recognized department heads for reports:

- Chief Franks – Two events were hosted by the Police Department: National Night Out and Back to School Bash where 175 backpacks were distributed. Chief recognized Corp. Pittman for her leadership with the Back to School Bash.
- Parks and Recreation Director McSwain thanked the Council for approving the Community Service Program for the parks. The department had its first individuals that week as a part of the program.
- Finance Officer Gross reported that Stallings was awarded the Award of Excellence in Reporting for the sixth year in a row.
- Town Manager Sewell updated the Council on the NCDOT Potter/Pleasant Plains Intersection progress. NCDOT was in the process of updating the surveys and design for that intersection. It planned to let the work in late Spring/early Summer 2023.

3. Agenda Approval

Council Member Scholl made the motion to approve the Agenda as presented. The motion received the Council's unanimous support after a second from Council Member Ayers.

4. Vickery Greenway Pinch Point Fencing

Cost Estimates Follow Up

Town Manager Sewell reminded the Council that the Vickery Subdivision donated land to the Town for the purpose of developing a greenway trail. At a certain point, pinch point, the dedicated land was a narrower and closer to private property. Therefore, it was initially planned for additional enhanced landscaping in that area (\$15,000). Citizens whose property was affected was now requesting

fencing in that area in addition to the enhanced landscaping. However, due to the typography and wetlands in that area, it was a more complex issue than just constructing a typical fence. The fence recommended in that location would cost approximately \$131,000 per an engineer assessment. Tree removal was not included in that estimate. Town Manager Sewell's memo detailing this issue is attached to these minutes and therefore incorporated herein.

Council Member Richardson made the motion to suspend the rules to allow public comment on this item. Council Member Hall seconded the motion to which Council passed unanimously.

Sean Gold, 2015 Donavon Drive, assumed no one on the Town Council would like to see the property value decrease because of the greenway. He did not feel the original screening budget of \$15,000 was not adequate to provide the level of screening. He felt the only way to screen properly was a fence. He did not feel landscaping was going to be effective in a wetland and felt wood was sufficient material to build a fence. He felt the property values in Vickery were being affected negatively by the greenway.

Tim Russell, 2009 Donavon Drive, was shocked at the fencing price and was concerned about security with the apartments being built nearby and renters going in those apartments. He thought there were four properties affected.

Ms. Hoots, 2019 Donavon Drive, was concerned with safety due to the apartments being built.

Council Member Richardson made the motion for the residents to bring fencing cost for the four properties to the Town and the cost will be brought back to the Town Council for approval. Council Member Drake seconded the motion to which the Council unanimously approved.

5. Waste Connection Contract Extension

Assistant Town Manager Nichols explained that the Town's contract with Waste Connections would expire in June 2023. Ms. Nichols requested direction as to whether Council would like to exercise its right per contract to extend the contract for two years.

Council Member Scholl made the motion to move forward with a contract extension with Waste Connections. Council Member Drake seconded the motion to which Council approved unanimously.

6. Citizen Survey

Council held consensus to continue to provide feedback to staff on the draft citizen survey. Staff would also speak with the professor at Western Carolina University who was offering his services for this project about picking the project back up at the first of 2023.

7. Closed Session Pursuant to NCGS 143-318.11(a)(3) and (6)

Council Member Scholl made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3) and (6). The motion was seconded by Council Member Hall and passed unanimously by Council.

Council went into closed session at approximately 8:16 p.m. and reconvened back into open session at approximately 8:57 p.m.

8. Adjournment

Council Member Hall moved to adjourn the meeting, seconded by Council Member Ayers, and the motion received unanimous support. The meeting was adjourned at 8:57 p.m.

Approved on _____, 2022.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

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

The Town Council of the Town of Stallings met for its regular meeting on September 26, 2022, at 7:00 p.m. at the Stallings Government Center, 321 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Pro Tempore David Scholl; Council Members Steven Ayers, Heather Grooms, Graham Hall and Brad Richardson.

Those absent were: Mayor Wyatt Dunn; Council Member Taylor-Rae Drake.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Max Hsiang, Planning Director; Brian Price, Public Works Director; and Eunice McSwain, Parks and Recreation Director.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

No one was present to give public comment.

Council Member Ayers thanked staff for addressing stormwater issues in Kerry Greens and fixing the Town sidewalk in front of Stallings Park.

Council Member Scholl solemnly thanked Mr. Heath Guion for his service to the Town as Mayor for 10 years and offered condolences to his family upon his passing. Mr. Scholl attended the funeral services for Mr. Guion on behalf of the Town.

1. Agenda Approval

Council Member Ayers made the motion to approve the Agenda as presented to which Council Member Richardson seconded. The motion was passed unanimously by Council.

2. TX22.07.03

Mayor Pro Tem Scholl opened the public hearing. Planning Director Hsiang presented Council information on this item explaining that SMB of Greenville II, LLC submitted a text amendment application to amend the Stallings Development Ordinance to add a "Business Center" zoning district. The intent was to enhance the Ordinance for an option to accommodate a variety of essential businesses and light industrial uses without opening the door to heavier intensity uses that might

negatively impact surrounding properties. Mr. Hsiang's memo regarding this item is attached to these minutes and therefore incorporated herein.

Planning Board recommended unanimous approval with omission of restaurant, trucking centers, and shopping centers. Staff recommended denial because it did not align with the Future Land Use Plan. However, Staff did not think it was a reasonable request and the Future Land Use Plan could be amended to accommodate the request as a part of the 2023 amendments.

Attorney Collin Brown for the Applicant Peter Couchell was handling the rezoning and gave a presentation to the Council on the request. This presentation is attached to these minutes and therefore incorporated herein.

Applicant Peter Couchell explained he had acquired the parcel in question in 2006 through a partnership. He had a tenant, Safe Auto Lite, who he could not put on the property because it did not meet zoning. Unfortunately, he had never received noticed that the zoning was changed on the property. Stallings staff was contracted to work on this area together. The area was designed, originally permitted, and constructed as an industrial park as it was 80% warehouse space and therefore those uses were essential for the park.

No public was present to speak. Mayor Pro Tem Scholl then closed the public hearing.

Council Member Richardson made the motion to approved TX22.07.03 as well as the Statement of Consistency and Reasonableness as being inconsistent but reasonable. The motion was seconded by Council Member Hall and passed unanimously by Council. The Statement of Consistency and Reasonableness for TX22.07.03 is attached to these minutes and therefore incorporated herein.

3. NCDOT – Idlewild Road Project (U-4913)

Brett Knipe, Sean Epperson, and Stuart Bashum, NCDOT – Division 10, were present to discuss the Idlewild Road Project (U-4913) with the Council. NCDOT's presentation on the history of the project and its current design status is attached to these minutes and therefore incorporated herein.

If Council wished to pull the project or shift the funds to another project, it had to make that decision by the end of the calendar year. After much Council discussion, it held consensus to hold further discussion on this topic at its next regular meeting.

4. Police Department K-9 Program Expansion

Chief Franks presented to Council the possibility of expanding the Police Department K-9 Program. The program could add another dog and equipment for approximately \$16,000 which could be covered in the current K9 Officer budget. Chief Franks also highlighted the success of the current K9

Officer Lili and her handler. Chief Franks' presentation on the possible program expansion is attached to these minutes and therefore incorporated herein.

Council Member Hall made the motion to approve the Police Department K-9 Program Expansion as presented. The motion was passed unanimously by Council after a second from Council Member Ayers.

5. Town Manager Reports
A. Town Priorities Update

Town Manager Sewell reviewed the Council's 2022-2023 Priorities and updated the status on each initiative. The 2022-2023 Priorities and updates are attached to these minutes and therefore incorporated herein.

B. Balanced Score Card

Town Manager Sewell explained that the End-of-the-Year Report and Department Initiatives for 2021-2022 had been finalized and available on the Town's website. The Manager welcomed any feedback when the Council had a chance to review.

6. Town Manager Amended Employment Contract

Council Member Hall made the motion to approve Town Manager Sewell's Amended Contract and Council Member Ayers seconded the motion. The motion was passed unanimously by Council.

7. Adjournment

Council Member Ayers moved to adjourn the meeting, seconded by Council Member Richardson, and the motion received unanimous support. The meeting was adjourned at 9:03 p.m.

Approved on _____, 2022.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC

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

The Town Council of the Town of Stallings met for its regular meeting on October 10, 2022, at 7:00 p.m. at the Stallings Government Center, 321 Stallings Road, Stallings, North Carolina.

Those present were: Mayor Pro Tempore David Scholl; Council Members Steven Ayers, Taylor-Rae Drake, Heather Grooms, and Graham Hall.

Those absent were: Mayor Wyatt Dunn and Council Member Brad Richardson.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Max Hsiang, Planning Director; Brian Price, Public Works Director; Eunice McSwain, Parks and Recreation Director; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

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

Public Comments

Terri Williams, 5034 Loma Linda Lane, Charlotte, emailed Council earlier in the day regarding the NCDOT – Idlewild Road Project (U-4913). He was concerned that the current traffic data NCDOT was using did not reflect the traffic restrictions on the corridor and there might not be as much traffic as inspected. There were text amendments that made changes to the density of townhomes that would reduce trip generation. There was no sewer capacity in the basin and Union County would not be granting capacity to the Mecklenburg County portion along that corridor. The Stinson Farm development was required to four-lane Idlewild Road to Stevens Mill. Mr. Williams proposed leaving money for the interchange and that public/private could come together on the issue.

Presentations

A. Eagle Scout Project - Jacob Mitchell

Parks and Recreation Director Eunice McSwain introduced the Eagle Scout Jacob Mitchell, a CATA High School student, who was present to inform the Council of his proposed Eagle Scout Project in Blair Mill Park.

Mr. Mitchell explained that he would like to build and install three benches in Blair Mill Park: one by the playground, one by the disk golf course, and one at a location chosen by the Parks and Recreation Committee. The proposal had been submitted to the Boy Scout Council and was awaiting approval. The

benches would be made from pressure treated wood and should take approximately three working days to complete. Mr. Mitchell hoped to begin the project the weekend of October 29.

B. Union County Board of Education Presentation

Union County Board of Education Board Members Gary Sides and Matt Helms presented the Council with the information for the 2022 Education Bond. The bond would include a new Forest Hills High School and upfitting the old high school for East Union Middle School as well as new portions for East Elementary School. The entire bond would be approximately \$134 million.

The Union County Board of Education 2022 Bond Presentation is attached to these minutes and therefore incorporated herein.

1. Approval of Consent Agenda Items

- A. Amended Budget Ordinance 6 – Kimley Horn
- B. Annexation 55 – Lawyers/Epcon3
 - (1) Certificate of Sufficiency
 - (2) Resolution Fixing the Public Hearing Date

Council Member Ayers made the motion to approve the Consent Agenda Items as presented. The motion was seconded by Council Member Grooms which passed unanimously by Council. Amended Budget Ordinance 6 – Kimley Horn (including the use of Kimley-Horn as an engineering consultant), Annexation 55 – Lawyers/Epcon3 Certificate of Sufficiency, and Annexation 55 – Lawyers/Epcon3 Resolution Fixing the Public Hearing Date are attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

The Mayor was not present to give a report.

B. Reports from Council Members/Town Committees

Mayor Pro Tem Scholl stated that he and the Town Manager had met with Google Fiber earlier in the week. Google Fiber would like to come to Stallings.

Council Member Ayers thanked the staff for facilitating the sidewalk being fixed on Old Monroe Road.

Council Member Grooms thanked the Parks and Recreation Department for the work in Blair Mill Park.

Council Members Drake and Hall had no reports.

C. Report from Town Manager/Town Departments

Town Manager Sewell stated that the Parks and Recreation Department had been working hard on Stallings Fest and hoped the Council would come out for the Festival on Saturday, October 22.

3. Agenda Approval

Council Member Ayers requested adding Columbus Day as Agenda Item 3.B. Council Member Hall made the motion to approve the Agenda as presented with the requested addition above. The motion was passed unanimously after a second from Council Member Grooms.

3.B. Columbus Day (Ayers)

Council Member Ayers would like to add Columbus Day to the Town Holiday Schedule. Council Member Ayers directed staff this topic back to Council for approval during the Holiday Schedule annual approval at the December Organization Meeting. The motion was seconded by Council Member Grooms and passed unanimously by Council.

4. NCDOT – Idlewild Road Project (U-4913)

Continued discussion from 09-26-2022

NCDOT Division 10 Director Brett Canipe provided the Council with an updated presentation on NCDOT – Idlewild Road Project (U-4913) which highlighted the options with the project's funds. The Council was given the option of the NCDOT – Idlewild Road Project (U-4913) as planned or swapping out the funds for the widening of Lawyers Road from I-495 to Stevens Mill Road (U-6170). The swap of project funds would require approval from the Stallings Town Council, the Matthews Town Council, and the CRTPO Board, TAC. Town Manager Sewell's memo explaining NCDOT's updated information on this project is attached to these minutes and therefore incorporated herein.

Council Member Hall made the motion to approve the swap for NCDOT – Idlewild Road Project (U-4913) for Lawyers Road from I-495 to Stevens Mill Road (U-6170), Independence Blvd. in Matthews, and Stallings Road Segment with the roundabout. The motion as seconded by Council Member Grooms. The motion passed by a 4 to 1 vote with Council Member Ayers opposing.

5. Closed Session Pursuant to NCGS 143-318.11(a)(3)

Council Member Hall made the motion to go into closed session pursuant to NCGS 143-318.11(a)(3) inviting Planning Director Max Hsiang and Code Enforcement Officer Ruben Ortiz which was seconded by Council Member Grooms. The motion was passed unanimously by Council.

Council went into closed session at 8:23 p.m. and reconvened into open session at 8:55 p.m.

6. Adjournment

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

Approved on _____, 2022.

Wyatt Dunn, Mayor

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC



MEMO

To: Town Council

From: Alex Sewell, Town Manager

Date: 10/28/22

RE: 2 Settlements – The Divide Golf Course & Duke Energy

Purpose: In anticipation of the 11/14/22 Town Council meeting, this memorandum provides background and requests Council approval on 2 settlements.

Settlement Agreements:

Both settlements are within the parameters established by Town Council:

- 1.) The Town has agreed to settle a tree removal violation issue with The Divide Golf Course for \$500 per the attached settlement agreement.
- 2.) The Town has agreed to settle a billing issue with Duke Energy related to the Potter-Pleasant Plains (U-5112) utility movements for \$62,000.35 per the attached documentation. (Finance has advised no additional budget amendment(s) are necessary for the Town to make payment).

Requested Council Action:

- 1.) Approve the settlement agreement with the Divide Golf Course per the enclosed documentation.
- 2.) Approve the settlement with Duke Energy per the enclosed documentation.

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

THIS SETTLEMENT AGREEMENT AND RELEASE (the “**Agreement**”) is made and entered into this the ___ day of October, 2022, by and between PAR GOLF HOLDINGS, LLC (hereinafter, the “**Divide**”) and the Town of Stallings (the “**Town**”). The above identified parties are at times referred to herein collectively as the “**Parties**” and individually as a “**Party**.”

RECITALS:

WHEREAS, on or about September 6, 2022 the Town sent a Notice of Violation from activity occurring on or about August 29, 2022, relating to the Divide’s removal of certain trees at its property known as The Divide Golf Course at 6803 Stevens Mill Road (the “**Property**”); and

WHEREAS, the Town assessed a penalty of \$6,600 pursuant to Article 11 of its Development Ordinance against the Divide for the alleged violations (the “**Penalty**”); and

WHEREAS, disputes arose between the Parties regarding whether such tree removals violated the Town’s Development Ordinance (the “**Dispute**”); and

WHEREAS, the Divide timely appealed the Notice of Violation, paid the \$500 appeal fee, and requested a hearing before the Stallings Board of Adjustment; and

WHEREAS, the Parties desire to avoid the expense involved in further proceedings, including appeals, concerning the Dispute, and desire to fully and finally amicably compromise, settle, and dispose of all possible claims related thereto, as more particularly described herein.

NOW THEREFORE, IN CONSIDERATION OF THE RECITALS, which are incorporated herein and made a part of this Agreement, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Recitals.** The above recitals are true, accurate, and incorporated herein.
2. **Payment.** Pursuant to Article 23 of the Town’s Development Ordinance, the Divide agrees to pay and the Town agrees to accept a reduced Penalty of \$500.00. The Town shall keep the appeal fee of \$500 and not collect further payment.
3. **Release of Claims between the Divide and the Town.** The Divide and the Town, between and among themselves, release and forever discharge each other and each of their parents, subsidiaries, affiliates, officers, directors, shareholders, partners, attorneys, trustees, predecessors, successors, representatives, insurers, assignees, agents, employees, administrators, and all persons acting by, through or in any way on behalf of each other of and from any and all claims, debts, defenses, liabilities, costs, attorney’s fees, actions, suits at law or equity, demands, contracts, expenses, damages, whether general, specific or punitive, exemplary, contractual or extra-contractual, and causes of action of any kind or nature which may now have or claim to have against each other arising or relating to the Dispute, the Notice of Violation, and/or the Penalty, except for the obligations expressly set forth in this Agreement.

The Divide and the Town further covenant and agree that this Agreement may be pleaded or asserted as a defense and complete bar to any action or claim that may be brought against or involving the Divide or the Town by anyone acting or purporting to act on behalf of the Divide or the Town, with respect to any of the matters within the scope of this Agreement excepting only the obligations under this Agreement.

4. **No Admission of Liability.** The Parties acknowledge that (i) the agreements and references herein are in relation to disputed claims, (ii) the execution of this Agreement is not an admission of liability by either party, and (iii) payment of any funds referenced herein is not an admission of liability. Moreover, the Divide specifically denies any violation of Article 11 of the Town's Development Ordinance.

5. **Mutually Drafted Settlement Agreement and Release.** Each of the parties has had the opportunity to be fully and completely represented by counsel of their own choosing in the negotiation and drafting of this Settlement Agreement and Release. Accordingly, the parties agree that any rule of construction of contracts resolving any ambiguities against the drafting party shall be inapplicable to this Settlement Agreement. Further, each party hereto acknowledges reading this entire document, understanding its terms and effects, and that this Settlement Agreement is being signed freely by each of the parties. Each of the terms of this Settlement Agreement are contractual, not a mere recital, and are the result of negotiations among the parties.

6. **Fees.** Each Party shall bear its own attorneys' fees and costs incurred through the execution of this Settlement Agreement. Notwithstanding any other provision contained herein, in the event any party is required to bring an action to enforce the terms of this Settlement Agreement, and that party prevails in such an action, the non-prevailing party or parties shall pay the attorneys' fees and costs associated with the prosecution of such an action.

7. **Authority.** By their execution of this Agreement, each Party's signatories represent and warrant that they are authorized to bind their respective organizations, if any, to the terms of this Agreement.

8. **Entire Agreement.** This Agreement constitutes the entire understanding of the Parties with respect to the subject matter hereof and thereof. This Agreement may not be modified, altered or amended except by agreement in writing signed by all of the Parties hereto.

9. **Severability.** If for any reason any provision of this Settlement Agreement is determined to be invalid or unenforceable, the remaining provisions of this Settlement Agreement nevertheless shall be construed, performed, and enforced as if the invalidated or unenforceable provision had not been included in the text of this Agreement.

10. **Further Assurances.** The Parties to this Settlement Agreement agree to execute such other documents and to take such other action as may be reasonably necessary to further the purposes of this Settlement Agreement. The Parties represent they have not assigned, transferred, pledged or hypothecated, or purported to assign, transfer, pledge or hypothecate, to any entity or individual any of the claims in the Agreement.

11. **Governing Law.** This Settlement Agreement is entered into in the State of North Carolina and shall be construed and regulated under and by the laws of the State of North Carolina, and shall inure to the benefit of and be binding upon the parties hereto and their successors and assigns.

12. **Headings.** The headings in this Agreement are for the purpose of reference only and shall not affect the construction of this Agreement.

13. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall constitute an original, but all of which when taken together shall constitute but one and the same instrument. Counterpart copies of this Agreement may be signed by a Party and exchanged by facsimile or .PDF or like file attachment to electronic mail. The Parties intend that such copies signed and exchanged as provided in the preceding sentence shall be fully binding.

In witness whereof, the Parties have set their hand and seal to this Agreement on the date above first written.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

PAR GOLF HOLDINGS, LLC

By:

[Handwritten Signature]

Title:

MANAGING PARTNER, OWNER

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, EINER OMAR NAVA, a notary public for said county and state, do hereby certify that DAVID TAYLOR personally came before me this day and acknowledged that he is OWNER of PAR Golf Holdings, LLC and acknowledged, on behalf of PAR Golf Holdings, LLC the due execution of the foregoing instrument.

Witness my hand and official seal, this the 20th day of OCTOBER, 2022.

[Handwritten Signature]

EINER OMAR NAVA, Notary Public
(Printed Name of Notary Public)

My Commission Expires: 5-12-27

(NOTARIAL SEAL)



TOWN OF STALLINGS

By: _____

Title: _____

STATE OF NORTH CAROLINA

COUNTY OF UNION

I, _____, a notary public for said county and state, do hereby certify that _____ personally came before me this day and acknowledged that he is _____ of the Town of Stallings and acknowledged, on behalf of the Town of Stallings the due execution of the foregoing instrument.

Witness my hand and official seal, this the ____ day of _____, 2022.

_____, Notary Public
(Printed Name of Notary Public)

My Commission Expires: _____

(NOTARIAL SEAL)



VIA EMAIL@ asewell@stallingsnc.org

October 20, 2022

Town of Stallings
Alex Sewell
Town Manager
315 Stallings Rd
Stallings, NC 28104

Subject: Duke Energy's final invoice for the Potter Road and Pleasant Plains Road intersection improvement project - TIP# U-5112/W-5502 in Union County

Mr. Sewell:

In response to your request, please find attached a final invoice in the amount of \$62,000.35 which includes all the final changes for the subject project.

Below is a summary of the charges:

Total Estimated Cost	\$240,007.09	
5% Retainage	\$12,000.35	\$12,000.35
Previous Billed - Amount (Paid)	\$228,006.74	
29.76% of Total Cost Overage or	\$50,000.00	<u>\$50,000.00</u>
Total Final Invoiced Amount		\$62,000.35

Should you have questions or concerns, please feel free to contact me at larry.morris@duke-energy.com or call me at (803) - 283-5084.

Sincerely,

Larry Morris
Program Manager
Highway Program
Carolinas West
Duke Energy Carolinas, LLC



INVOICE

Invoice: HWYRELO-011289-ADJ
 Invoice Date: 10/24/2022
 Page: 1 of 1

Bill to: TOWN OF STALLINGS
 MR. ALEX SEWELL,
 TOWN MANAGER
 315 STALLINGS RD
 PO BOX 4030
 STALLINGS NC 28104

Customer ID: HWY-0085
 PO / Contract No:
 Payment Terms: Net 30
 Due Date: 11/23/2022

Amount Due: \$62,000.35

Cost of changes to company owned facilities to accommodate the Town's Potter Road and Pleasant Plains Road project

Original Invoice: HWYRELO-011289
 Prior Adjustment: HWYRELO-011289-CR

ACTUAL COST FINAL BILL %Complete 100

For questions about your invoice, please contact Miscellaneous Accounts Receivable at MiscAR@Duke-Energy.com

Line	Project No.	Description	ID No.	Net Amount
1	POTTER ROAD	100% Reimbursement Rate		\$62,000.35
Amount Due:				\$62,000.35

FINAL BILL

TO AVOID SERVICE INTERRUPTION, PLEASE DO NOT SEND MONTHLY UTILITY ACCOUNT PAYMENTS TO THIS ADDRESS

i Please detach and return with your payment. Please indicate invoice number on check. i

Payment Coupon

Please make check payable to:

Duke Energy
 P.O. Box 601297
 Charlotte NC 28260-1297

ACH Instructions:

Wells Fargo, NA
 121000248
 Duke Energy
 002000002929611

Invoice Number: **HWYRELO-011289-ADJ**

Corporation Code: 20017
 Please Pay By: 11/23/2022
 Customer ID: HWY-0085
 Total Amount Due: **\$62,000.35**

Fed Tax ID # 20-2777218

TOWN OF STALLINGS
 MR. CHRISTOPHER EASTERLY
 315 STALLINGS RD
 PO BOX 4030
 STALLINGS NC 28104

Amount Enclosed



1408232518051215000000000000100062000350



DATE: October 24, 2022

FINAL BILL SUMMARY

ATTENTION: Town of Stallings
Mr. Alex Sewell, Town Manager
315 Stallings Road
Stallings, NC 28104

cc: Cody.Hagenbuch@duke-energy.com
steve.ferrell2@duke-energy.com

DESCRIPTION OF MATERIALS / SERVICES PROVIDED | **AMOUNT**

Cost of changes to company owned facilities to accommodate the Town's Potter Road and Pleasant Plains Road project | \$ 62,000.35

County: Union
Customer's Project#:

DEC Project#: SHRF96270
Assigned Invoice#: HWYRELO-011289-ADJ

I do hereby certify that all items claimed have been reviewed and are in conformity with the utility agreement; credits have been given for all salvaged materials and all contractor bills have been paid.

Cynthia J. Roarty

Work Management

Direct Billing questions to 919-431-4738

BALANCE DUE: | **\$ 62,000.35**



MEMO

To: Mayor and Council
From: Marsha Gross, Finance Officer
Via: Alex Sewell, Town Manager
Date: 11-9-2022
RE: **Administrative Change to Amended Budget Ordinance #6**

At the October 10, 2022 regularly schedule Council meeting, Amended Budget Ordinance #6 regarding additional engineering support services needed for the Transportation Department for \$9,000 was presented and passed by Council. The copy included in the package had a few administrative errors which included the account number and description on the Transportation line as well as the amount listed as the total budget and amended amount for the Transportation Department. Attached is a copy of the signed original with the correct amount marked to the side. Included also is a copy of the corrected version of Amended Budget Ordinance #6A which replaces Amended Budget Ordinance #6 for Council review and approval.

Recommended Action: Management is requesting the approval of the Amended Budget Ordinance #6A to replace Amended Budget Ordinance #6 to correct the administrative errors.

AMENDED BUDGET ORDINANCE – NO. 6

TOWN OF STALLINGS, NORTH CAROLINA

FISCAL YEAR 2022-2023

BE IT ORDAINED by the Town Council of the Town of Stallings, North Carolina, that the estimated expenditures for the fiscal year 2022-2023 are hereby amended as set forth below:

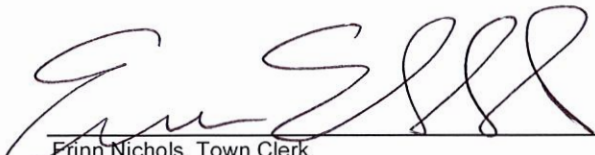
Category	Account Number	Budgeted Amount	Amend to the Following	Net Increase or (Decrease)
General Fund:				
Transportation Department	10-20-4510-039	2,886,200	\$2,895,200	
Contributions	10-20-3430-804	\$ 1,712,200	\$ 1,721,200	\$ 9,000
General Fund Contingency	10-99-9910-097	\$ 93,700	\$ 84,700	\$ (9,000)
		\$ 97,300	\$ 88,300	

Explanation: Amendment is to increase budget in the Transportation Department for Additional Outside Services for Engineering Support.

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 10th day of October, 2022.


 Erin Nichols, Town Clerk


 Wyatt Dunn, Mayor

Approved as to form:

 Melanie Cox, Town Attorney, Cox Law Firm, PLLC

AMENDED BUDGET ORDINANCE – NO. 6A

TOWN OF STALLINGS, NORTH CAROLINA

FISCAL YEAR 2022-2023

BE IT ORDAINED by the Town Council of the Town of Stallings, North Carolina, that the estimated expenditures for the fiscal year 2022-2023 are hereby amended as set forth below:

Category	Account Number	Budgeted Amount	Amend to the Following	Net Increase or (Decrease)
<u>General Fund:</u>				
Transportation Department Outside Services	10-20-4510-039	\$ 2,886,200	\$ 2,895,200	\$ 9,000
General Fund Contingency	10-99-9910-097	\$ 97,300	\$ 88,300	\$ (9,000)

Explanation: Amendment is to increase budget in the Transportation Department for Additional Outside Services for Engineering Support. Amends ABO6

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 14th day of November, 2022.

Wyatt Dunn, Mayor

Erinn Nichols, Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC

Alex Sewell, Town Manager

315 Stallings Road

Stallings, NC 28104

RE: Engagement letter

Dear Alex,

After October 31 I would be honored to continue to provide land use legal advice to the Town through McCarley Law PLLC. My hourly rate would remain the same, \$300/hour, billed in increments of 6 minutes (tenths of an hour). I will send you a monthly invoice for charges for the previous month usually no later than the 10th of the following month.

Services anticipated under this agreement include advising the Mayor & Council, your office, and the Planning Department on land use law, regulations, and practice, including interpretation and application of state and federal law, and interpretation and enforcement of the Stallings UDO. I'm available to attend Council or Planning Board meetings as requested, but will be unavailable on the second Tuesday of each month, the Wednesday before the second Tuesday, and the fourth Monday. Excluded from the agreement is the representation of the Town in litigation. I'm available to consult regarding litigation, but will not be counsel of record in any action. Other services outside the scope described in this paragraph may be requested by the Town and undertaken only by mutual agreement.

I look forward to continuing to work with you and the Town.

Sincerely,



DeWitt F. "Mac" McCarley



MEMO

To: Alex Sewell, Town Manager
From: Eunice McSwain, Parks & Recreation Director
Date: November 11th, 2022
RE: **Parks Maintenance Supervisor – Job Reclassification**

Background/Issue: Park/Greenway Maintenance

Proposal/Solution:

Currently the Parks and Recreation Maintenance team consists of two part-time maintenance technicians and one full-time maintenance technician. All three employees have the same job description and perform various duties within the parks. As our Parks and greenways continue to grow the department needs direct supervision/guidance when it comes to our maintenance division.

The current budget accounts for an additional Parks Maintenance Technician; however, the Recreation Department is asking to change the title of this approved position making the switch of “Parks Maintenance Technician” to “Parks Maintenance Supervisor”. The title switch would also result in a Pay Grade change; however, due to lapsed salaries in our current budget we would be able to absorb this cost. We would change the current pay grade 13 (Min. \$38,690 Max. \$57,114) to pay grade 18 (Min. \$49,379 to Max. \$72,893). This would result in a slight increase to the 2023-24 Budget for the Departments Salaries and Wages.

This position would allow for long-term planning, growth, and structure when it comes to our maintenance team. The supervisor would be expected to perform job duties out of the Maintenance Technician job description. This employee would be able to schedule part-time maintenance staff, hire/train part-time seasonal maintenance workers & oversee the day-to-day maintenance operations within the Parks and Recreation Department. This would allow our maintenance work to be more streamlined, orderly, and improve overall efficiency. This would put in a new accountability system for the department that is desperately needed.

The Additional Duties would be assigned to the Parks Maintenance Supervisor:

- Oversees Park maintenance Projects
- Hires/Trains Seasonal Staff
- Schedules Part-time and Season Staff
- Contributes to long-term maintenance plan for Department
- Handles all Community Service Workers assigned to Stallings Parks

Requested Actions:

- 1) Approve the Job Reclassification from “Full-time Maintenance Technician” to “Full-Time Maintenance Supervisor” and move the pay to coincide with the Towns, most current, approved Salary Grade.



MEMO

To: Town Council
From: Ruben Ortiz, Code Enforcement Officer
Date: November 14, 2022
RE: Amendment to Chapter 90.17 – Junk Motor Vehicle Regulated; Removal Authorized

Request a change to the Town of Stallings Public Nuisance Ordinance. I am requesting that Chapter 90.17 Junk Motor Vehicle Regulated; Removal Authorized, paragraph (E) (1) & (2) be changed

From:

(E) Permitted concealment or enclosure of junked motor vehicle:

(1) One junked motor vehicle, in its entirety, can be located in the rear yard, as defined by [Chapter 152](#) if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering for not more than 60 calendar days. Junked motor vehicles kept on the premises more than 60 calendar days shall be kept inside a completely enclosed building. The Code Administrator has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate.

(2) Any one or more junked motor vehicles kept for a period exceeding 60 calendar days shall be kept within a completely enclosed building, as defined in [Chapter 152](#).

To:

(E) Permitted concealment ~~or enclosure~~ of junked motor vehicle:

(1) One junked motor vehicle, in its entirety, can be located on the real property ~~in the rear yard~~, as defined by [Chapter 152](#), if the junked motor vehicle is entirely concealed from public view from a public street ~~and from abutting premises by an acceptable covering for not more than 60 calendar days. Junked motor vehicles kept on the premises more than 60 calendar days shall be kept inside a completely enclosed building.~~ The Code Administrator has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. ~~The covering must remain in good repair and must not be allowed to deteriorate.~~

~~(2) Any one or more junked motor vehicles kept for a period exceeding 60 calendar days shall be kept within a completely enclosed building, as defined in [Chapter 152](#).~~

This request is based on the following; Wanting to tighten up the Code of Ordinances and make it clearer for readers to understand. It will also help in the reduction of staff time on enforcement as multiple visits will no longer have to be done to the sites. This will also help reduce public expenditure.



Ordinance Amending Code of Ordinances, Title IX *General Regulations*, Chapter 90, Abandoned Vehicles, Section 90.17 *Junked Motor Vehicle Regulated; Removal Authorized*

WHEREAS, the Stallings Town Council recognizes the need for an appealing and cohesive community; and

WHEREAS, the Stallings Council desires to amend the ordinance to encourage a safe, healthy, and unified community;

NOW, THEREFORE, BE IT ORDAINED that the Town Council of the Town of Stallings, North Carolina amend the Code of Ordinances, Title IX, Chapter 90, Section 90.17 paragraph (E) (1) & (2) to the following:

CHAPTER 90: Abandoned Vehicles

90.17 Junked Motor Vehicle Regulated; Removal Authorized

(E) Permitted concealment ~~or enclosure~~ of junked motor vehicle:

(1) One junked motor vehicle, in its entirety, can be located on the real property ~~in the rear yard~~, as defined by [Chapter 152](#), if the junked motor vehicle is entirely concealed from public view from a public street. ~~and from abutting premises by an acceptable covering for not more than 60 calendar days. Junked motor vehicles kept on the premises more than 60 calendar days shall be kept inside a completely enclosed building.~~ The Code Administrator has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. Any covering must remain in good repair and must not be allowed to deteriorate.

~~(2) Any one or more junked motor vehicles kept for a period exceeding 60 calendar days shall be kept within a completely enclosed building, as defined in [Chapter 152](#).~~

Adopted this the 14th day of November, 2022.

Wyatt Dunn, Mayor

Attest:

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC



Statement of Consistency and Reasonableness

ZONING AMENDMENT: Code of Ordinances 90.17 Amendment

REQUEST: Amend the Code of Ordinances to Section 90.17 to tighten the ordinance, reduce staff time on enforcement, and reduce public expenditure.

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.

THEREFORE, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth 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 Planning Board finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) This recommendation is a way to help clarify interpretation of the ordinance and reduce town resources and public expenditure whilst maintaining town aesthetics.

Recommended this the __ day of _____, 2022.

Mayor

Attest:

Clerk

From: macmccarley@centurylink.net
To: [Max Hsiang](#)
Subject: junk vehicles
Date: Tuesday, November 8, 2022 4:07:27 PM

§ 160A-303. Removal and disposal of junked and abandoned motor vehicles.

(a) A city may by ordinance prohibit the abandonment of motor vehicles on the public streets or on public or private property within the city, and may enforce any such ordinance by removing and disposing of junked or abandoned motor vehicles according to the procedures prescribed in this section.

(b) A motor vehicle is defined to include all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle. (b1) An abandoned motor vehicle is one that:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on property owned or operated by the city for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

(b2) A junked motor vehicle is an abandoned motor vehicle that also:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than five years old and worth less than one hundred dollars (\$100.00) or is more than five years old and worth less than five hundred dollars (\$500.00) as provided by the municipality in an ordinance adopted under this section; or
- (3a) Repealed by Session Laws 2009-97, s. 1, effective October 1, 2009.
- (4) Does not display a current license plate.

(c) Any junked or abandoned motor vehicle found to be in violation of an ordinance adopted under this section may be removed to a storage garage or area, but no such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the council or a duly authorized city official or employee has declared it to be a health or safety hazard. The city may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the city against any loss, expense, or liability incurred because of the removal, storage, or sale thereof. When an abandoned or junked motor vehicle is removed, the city shall give notice to the owner as required by G.S. 20-219.11(a) and (b).

(d) Hearing Procedure. – Regardless of whether a city does its own removal and disposal of motor vehicles or contracts with another person to do so, the city, shall provide a hearing procedure for the owner. For purposes of this subsection, the definitions in G.S. 20-219.9 apply.

(1) If the city operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of Article 7A, Chapter 20, apply.

- (2) If the city operates in such a way that it is responsible for collecting towing fees, it shall:
 - a. Provide by contract or ordinance for a schedule of reasonable towing fees,
 - b. Provide a procedure for a prompt fair hearing to contest the towing,
 - c. Provide for an appeal to district court from that hearing,

d. Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due, and

e. Provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the city may destroy it.

(e) Repealed by Session Laws 1983, c. 420, s. 13.

(f) No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen motor vehicle for disposing of the vehicle as provided in this section.

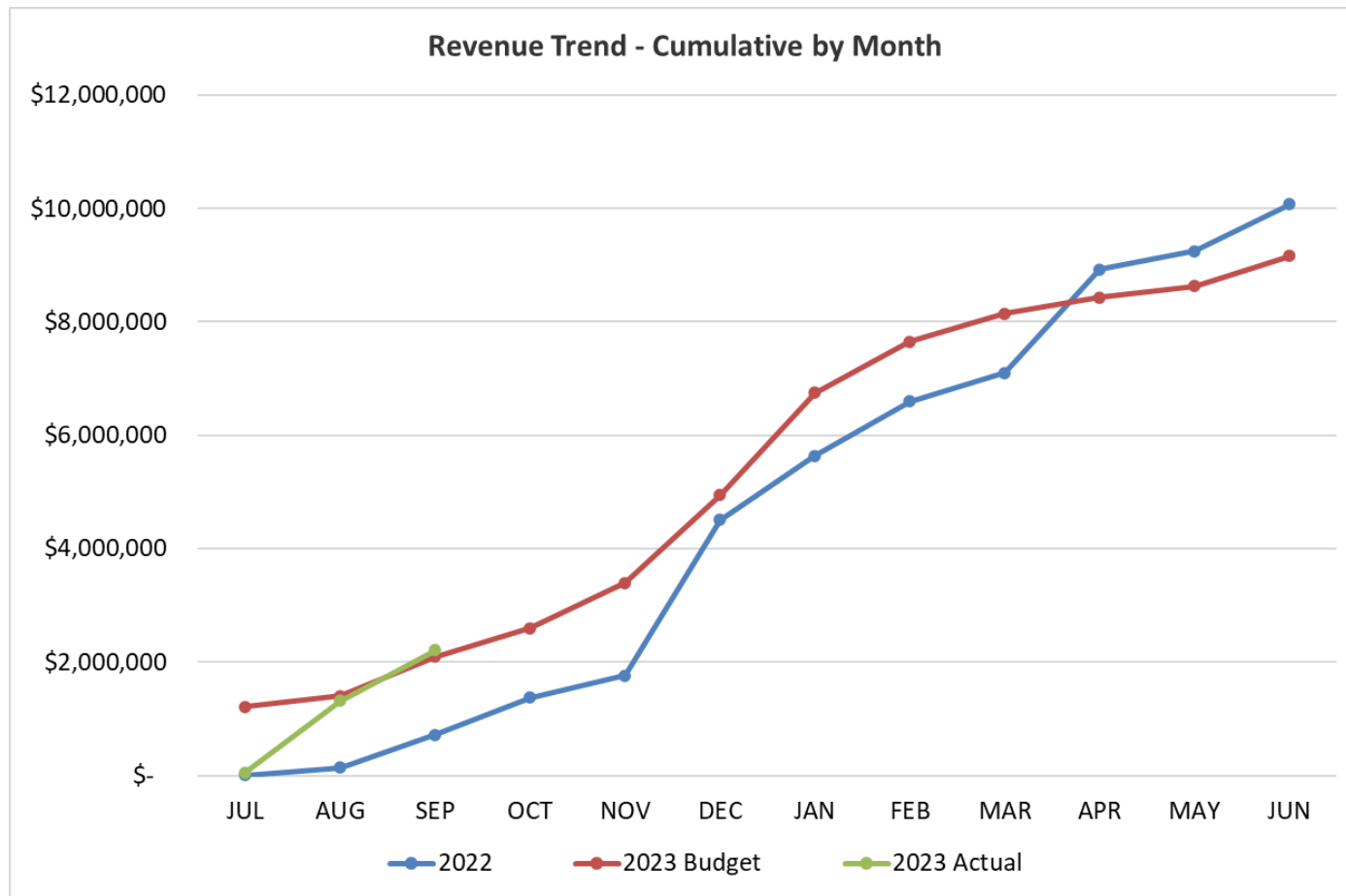
(g) Nothing in this section shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(h) Repealed by Session Laws 1983, c. 420, s. 13, effective July 1, 1983. (1965, c. 1156; 1967, cc. 1215, 1250; 1971, c. 698, s. 1; 1973, c. 426, s. 50; 1975, c. 716, s. 5; 1983, c. 420, ss. 11-13; 1997-456, s. 27; 2005-10, ss. 1, 3; 2006-15, s. 1; 2006-166, s. 2; 2006-171, s. 1; 2007-208, s. 1; 2009-97, s. 1; 2010-132, s. 20.)

Town of 
Stallings_{-NC-}

Monthly Financial Report
Fiscal Year 2023
9/30/2022

FY2022-2023 General Fund – Revenue Trend



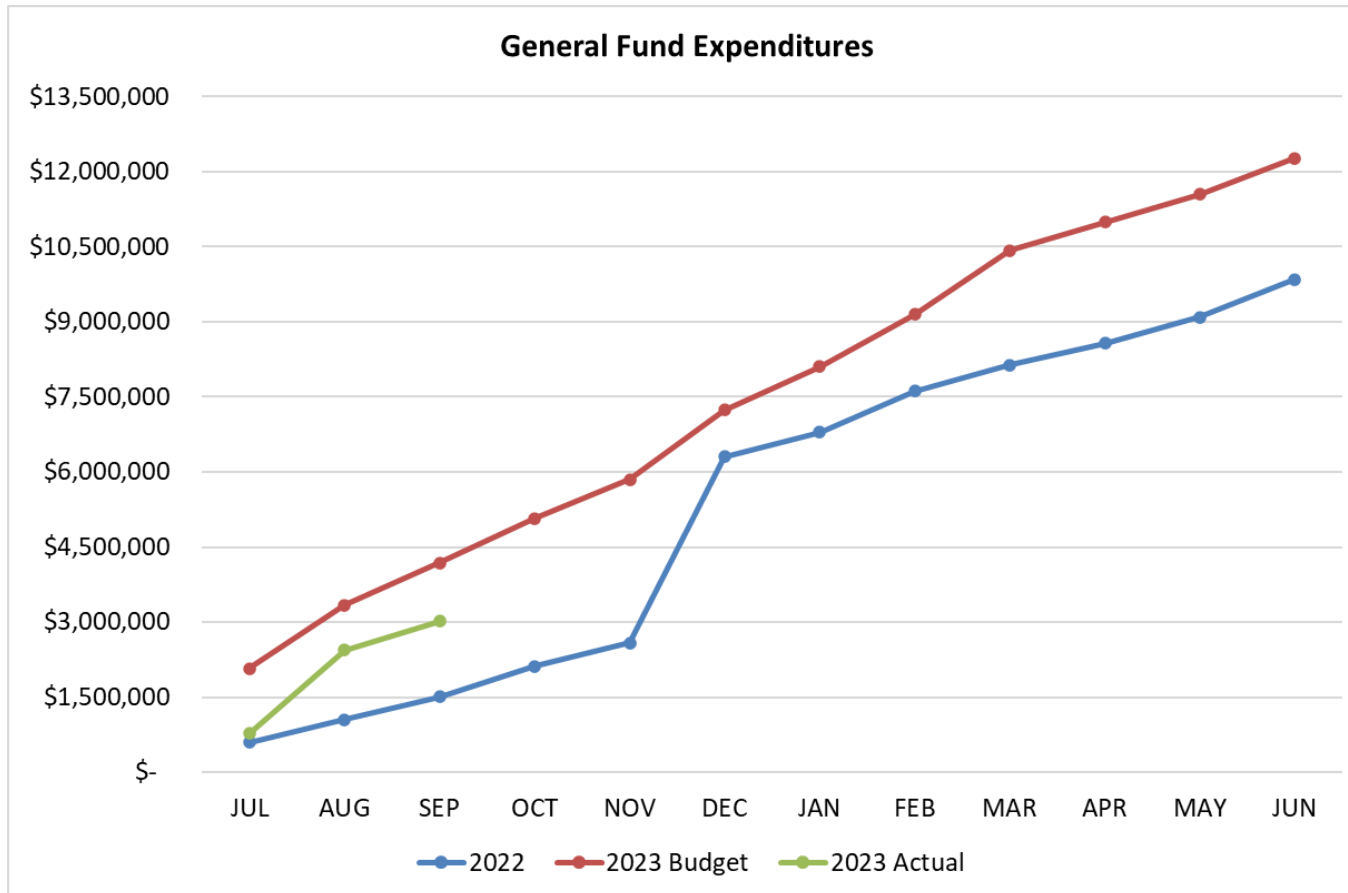
- Revenues through 9/30/2022 were \$2.2M compared to prior year of \$0.7M. This variance of \$1.5M is mainly due to a transportation contribution of \$1.174M from Atrium Health for road repair work. Revenue is trending last fiscal year and is expected to increase in the November timeframe as ad valorem taxes are collected.
- Revenues through 9/30/2022 are \$115K greater than budget due to increased investment income, planning and zoning fee collections of \$53K compared to budget of \$62K, and TIA fees of \$44K compared to \$15K budgeted.

FY2022-2023 General Fund – Revenues

Summary Report - 9/30/2022 Actual vs Budget	Budget including		YTD			% of Budget Spent thru 9/30/2022
	amendments 2022-2023	YTD Actual 9/30/2022	Prior Year 9/30/2021	Budget Remaining to YE		
GENERAL FUND - Revenue						
Ad Valorem Tax	4,348,500	216,708	831	\$ 4,131,792	Taxes received from the county in arrears - taxes collected through 9/30/22	5.0%
Sales and Use Tax	1,775,000	182,759	148,327	\$ 1,592,241	Taxes received from the state in arrears - represents July collections (1 month)	10.3%
Gross Vehicle Rental	12,500	2,340	1,298	\$ 10,160	Taxes received from the county in arrears - taxes collected through 9/30/22	18.7%
Motor Vehicle	386,800	39,244	81,144	\$ 347,556	Taxes received from the counties one month in arrears	10.1%
Powell Bill	445,200	229,139	187,440	\$ 216,061	1st distribution for FY2023 collected	51.5%
Beer/Wine	70,000	-	-	\$ 70,000	Distributions for FY2023 have not been collected	0.0%
Franchise & Utility Tax	780,000	187,195	182,995	\$ 592,805	1st distribution for FY2023 collected	24.0%
Investment/Interest	9,200	42,486	896	\$ (33,286)	Increase in interest and investment return rates - budgeted lower with market uncertainty	461.8%
PD Related	36,700	39,307	10,684	\$ (2,607)	Represents police report fees and grants - K-9 Seizures	107.1%
Transportation Contributions	1,174,000	1,174,000	-	\$ -	Contribution from Atrium for road construction and repairs - offsetting revenue with interlocal agreement with Indian Trail	0.0%
TIA Fees	15,000	44,000	-	\$ (29,000)	TIA Fees for Idlewild Crossing	293.3%
Planning & Zoning Related	62,000	53,055	16,740	\$ 8,945	Zoning and permitting Fees	85.6%
Park & Rec Related	14,800	3,361	3,204	\$ 11,439	Fees for park rentals	22.7%
Miscellaneous	28,900	3,270	86,743	\$ 25,630	Rental property income - difference from FY2022 is Fees in Lieu of \$82.3K	11.3%
GENERAL FUND - Revenue Total	\$ 9,158,600	\$ 2,216,864	\$ 720,301	\$ 6,941,736	Excluding Contributions collections through September 2022 are 13.1% of Buc	24.2%
Fund Balance Appropriation - GF	279,279	-	-	279,279	Amount represent capital expenditures budgeted through Fund Balance appropriations	
Transfer in from ARPA Fund 43	1,831,360	-	-	1,831,360		
Fund Balance Approp - Powell Bill Funds	660,000	-	-	660,000		
Fund Balance Approp - PD Drug Forfeiture Funds	15,000	-	-	15,000	Amount represents spend of Restricted Fund Balance for Drug Forfeiture Funds	
Fund Balance Approp - Restricted Fees in Lieu	426,800	-	-	426,800		
Total General Fund Revenue w/appropriations	\$ 12,371,039	\$ 2,216,864	\$ 720,301	\$ 10,154,175		

FY2022-2023

General Fund Expenditure – Actual/Budget/PY



- Overall General Fund expenditures of \$3.0M through 9/30/22 are below budget by \$1.2M or 27.83%. Spending is below budget due to delays in both capital purchases and Powell Bill road repair work.
- Expenditures are \$1.5M or 99.9% higher than same period in FY2022 due mainly to the Atrium road repair contribution with an offsetting expense of \$1.174M through the interlocal agreement with Indian Trail.

FY2022-2023

Actual vs Budget - Expenditures

Summary Report - 9/30/2022					% of Budget Spent thru 9/30/2022
Actual vs Budget	Budget including amendments 2022-2023	YTD Actual 9/30/2022	YTD Prior Year 9/30/2021	Budget Remaining to YE	
General Government	\$ 1,418,500	\$ 330,629	\$ 283,566	\$ 1,087,871	23.3% of Total Budget used through 9/30/2022
Wages and Fringe Benefits	\$ 663,900	\$ 143,567		\$ 520,333	Work Comp premium paid for entire year 21.6%
Inventory and Equipment / Repairs/Supplies	\$ 47,200	\$ 5,348		\$ 41,852	Equipment rental \$2.9K, Supplies Office/General \$2.4K 11.3%
Outside Services	\$ 461,000	\$ 96,738		\$ 364,262	Includes legal \$13.3K, Audit \$7.9K, IT/network services \$25.9K, tax collection fees \$3.9K and outside services \$45.8K (Downtown Feasibility Assessment \$37.2K) 21.0%
Other	\$ 208,400	\$ 84,975		\$ 123,425	Insurances \$30.8K and dues \$21.8K are renewed at the beginning of fiscal year. Telephone and utilities \$11.9K, travel and training \$2.5K, and property taxes \$12.9K 40.8%
Management Contingency	\$ 20,000	\$ -		\$ 20,000	0.0%
Capital Outlay	\$ 18,000	\$ -		\$ 18,000	Budgeted capital includes video conferencing in meeting spaces in Town Hall 0.0%
Public Safety	\$ 3,561,279	\$ 864,249	\$ 587,780	\$ 2,697,030	24.3% of Total Budget used through 9/30/2022
Wages and Fringe Benefits	\$ 2,556,550	\$ 509,821		\$ 2,046,729	Work Comp premium paid for entire year 19.9%
Inventory and Equipment / Repairs/Supplies	\$ 99,000	\$ 18,803		\$ 80,197	Uniforms \$5.7K, Inventory/equipment \$8.4, Supplies \$3.2K, Grants \$1.3K 19.0%
Outside Services	\$ 59,950	\$ 31,919		\$ 28,031	Annual Retainer for PD attorney \$4.5K, computer & related \$24.1K (laptops for 4 new vehicles), crime investigation \$1.8K 53.2%
Other	\$ 109,479	\$ 52,718		\$ 56,761	Insurance Expense \$33.0K which renews 7/1/2021, telephone \$5.1K, taxes \$4.6K and training \$2.0K and new hire costs \$2.0K 48.2%
Vehicle Expenses (Maintenance & Fuel)	\$ 166,000	\$ 23,671		\$ 142,329	Fuel \$13.4K (increased cost of fuel) and Vehicle repair \$10.3K 14.3%
Capital Outlay (includes vehicle purchases)	\$ 570,300	\$ 227,318		\$ 342,982	4 Replacement PD Vehicles 39.9%

FY2022-2023

Actual vs Budget - Expenditures

Summary Report - 9/30/2022 Actual vs Budget	Budget including amendments 2022-2023	YTD Actual 9/30/2022	YTD Prior Year 9/30/2021	Budget Remaining to YE		% of Budget Spent thru 9/30/2022
Transportation	\$ 2,886,200	\$ 1,249,935	\$ 58,005	\$ 1,636,265	43.3% of Total Budget used through 9/30/2022	
Wages and Fringe Benefits	\$ 51,825	\$ 10,862		\$ 40,963	Work Comp premium paid for entire year	21.0%
Inventory and Equipment / Repairs/Supplies	\$ 1,400	\$ 71		\$ 1,329		5.1%
Outside Services	\$ 121,400	\$ 30,794		\$ 90,606	Union County Urban Forester Program fees \$3.6K, Interim Town Engineer \$30.2K	25.4%
Other	\$ 12,575	\$ 324		\$ 12,251		2.6%
Utilities	\$ 120,000	\$ 25,034		\$ 94,966	Slightly below budget	20.9%
Paving/Sidewalks/Signage	\$ 1,479,000	\$ 1,175,000		\$ 304,000	Interlocal agreement with Indian Trail for road repairs (offset by revenue from Atrium)	79.4%
Capital Outlay	\$ -	\$ -		\$ -	No capital items budgeted this fiscal year	0.0%
Powell Bill	\$ 1,100,000	\$ 7,850		\$ 1,092,150	Work for sidewalk repairs	0.7%
Public Works	\$ 758,500	\$ 75,936	\$ 62,425	\$ 682,564	10.0% of Total Budget used through 9/30/2022	
Wages and Fringe Benefits	\$ 153,710	\$ 35,551		\$ 118,159	Work Comp premium paid for entire year	23.1%
Inventory and Equipment / Repairs	\$ 19,600	\$ 2,639		\$ 16,961	Vehicle repairs \$1.3K, Fuel \$0.9K	13.5%
Supplies/Materials & Buildings/Grounds	\$ 29,600	\$ 2,403		\$ 27,197	Building & grounds \$1.0K and supplies \$1.3K	8.1%
Outside Services	\$ 145,040	\$ 32,472		\$ 112,568	Annual inspections for Elevator, Fire & Generator \$6.2K, HVAC System repair \$1.5K, Landscaping Services \$16.4K, Alarmsouth \$0.5K, IWORQ Software \$7.7K	22.4%
Other	\$ 19,550	\$ 2,871		\$ 16,679	Insurance Premium for year \$2.2K and misc expenses \$3.6K	14.7%
Capital Outlay	\$ 391,000	\$ -		\$ 391,000	Budgeted capital outlay is for zero turn mower \$15K and new HVAC unit \$20K	0.0%

FY2022-2023

Actual vs Budget - Expenditures

Summary Report - 9/30/2022 Actual vs Budget	Budget including	YTD Actual 9/30/2022	YTD	Budget Remaining to YE	% of Budget Spent thru 9/30/2022
	amendments 2022-2023		Prior Year 9/30/2021		
Planning & Zoning	\$ 486,000	\$ 83,906	\$ 78,405	\$ 402,094	27.3% of Total Budget used through 9/30/2022
Wages and Fringe Benefits	\$ 298,750	\$ 56,414		\$ 242,336	Work Comp premium paid for entire year, savings over budgeted salaries 18.9%
Inventory and Equipment / Repairs/Supplies	\$ 12,200	\$ 3,022		\$ 9,178	Equipment \$2.0K, supplies \$0.7K 24.8%
Outside Services	\$ 120,000	\$ 17,943		\$ 102,057	Represents Union County Ruban Forester Program \$3.6K, Computer \$8.3K, Legal \$2.6K, contracted services for planner \$1.1K, Streetscape design \$2.0K 15.0%
Other	\$ 22,050	\$ 1,981		\$ 20,069	Training/Travel \$0.3K, advertisings \$0.4K, telephone \$0.8 and other misc expenses within budget 9.0%
Nuisance Abatement	\$ 5,000	\$ 300		\$ 4,700	Grass cutting 6.0%
Town Beautification	\$ 20,000	\$ -		\$ 20,000	0.0%
Capital Outlay	\$ 8,000	\$ 4,245		\$ 3,755	Plotter Scanner
Parks and Recreation	\$ 1,693,460	\$ 116,911	\$ 174,096	\$ 1,576,549	6.9% of Total Budget used through 9/30/2022
Wages and Fringe Benefits	\$ 426,900	\$ 63,167		\$ 363,733	Work Comp premium paid for entire year, vacant position for events coordinator 14.8%
Inventory and Equipment / Repairs/Supplies	\$ 46,900	\$ 3,677		\$ 43,223	Supplies \$1.3K, Inventory/Equipment \$1.0K, equipment rental \$0.9K 7.8%
Buildings and Grounds and Utilities	\$ 45,000	\$ 7,532		\$ 37,468	Utilities \$6.0K, building & grounds \$1.5K 16.7%
Outside Services	\$ 105,500	\$ 13,166		\$ 92,334	Landscaping/grass cutting for parks \$12.4K 12.5%
Other	\$ 25,400	\$ 3,494		\$ 21,906	Insurance premium for the year \$2.0, telephone \$0.5K, training \$0.7K 13.8%
Events and Advertising	\$ 87,000	\$ 20,478		\$ 66,522	Purchases for Summer Concert series and Stallingsfest 23.5%
Capital Outlay	\$ 956,760	\$ 5,397		\$ 951,363	Greenway Construction - Partial Payment 0.6%

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Actual vs Budget - Expenditures

Summary Report - 9/30/2022 Actual vs Budget	Budget including amendments 2022-2023	YTD Actual 9/30/2022	YTD Prior Year 9/30/2021	Budget Remaining to YE	% of Budget Spent thru 9/30/2022
Sanitation	\$ 1,110,000	\$ 279,956	\$ 245,715	\$ 830,044	25.2% of Total Budget used through 9/30/2022 - May require a budget amendment
Debt Service	\$ 359,800	\$ 17,617	\$ 20,134	\$ 342,183	4.9% of Total Budget used through 9/30/2022 Represents interest payments through September
Total Dept Expenditures - General Fund	\$ 12,273,739	\$ 3,019,138	\$ 1,510,126	\$ 9,254,601	Total all Departments 24.6%
Fund 41 - Capital Project	\$ -	\$ -	\$ 10,000	\$ -	Potter Road Pleasant Plains Intersection
Fund 43 ARPA - Capital Project	\$ 1,831,360	\$ -	\$ -	\$ 1,831,360	ARPA Funds - Revenue Replacement for PD Salaries - 1st Qtr Reimb in Oct
Contingency	\$ 97,300	\$ -	\$ -	\$ 97,300	Not expected to use this fiscal year
Total GENERAL FUND	\$ 14,202,399	\$ 3,019,138	\$ 1,520,126	\$ 11,183,261	Total General Fund (including Capital Projects and Contingency) 21.3%

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Actual vs Budget – Storm Water

Summary Report - 9/30/2022 Actual vs Budget	Budget including amendments 2022-2023	YTD Actual 9/30/2022	YTD Prior Year 9/30/2021	Budget Remaining to YE		% of Budget Spent thru 9/30/2022
STORM WATER FUND						
Tax Revenue	\$ 490,000	\$ 30,932	\$ 157	\$ 459,068	Storm Water revenue received from the county through 9/30/2022	6.3%
Interest	\$ 100	\$ 12	\$ 12	\$ 88		
Appropriated Fund Balance	\$ 290,000	\$ -	\$ -	\$ 290,000		0.0%
Revenue Total	\$ 780,100	\$ 30,944	\$ 169	\$ 749,156		4.0%
Expenditure Total	\$ 780,100	\$ 152,122	\$ 57,996	\$ 627,978	Total Expenditures for Storm Water	19.5%
Wages and Fringe Benefits	\$ 51,825	\$ 10,862	\$ 10,746	\$ 40,963	Work Comp premium paid for entire year	21.0%
Repairs/Outside Services	\$ 719,100	\$ 140,873	\$ 44,748	\$ 578,227	Outside Services for PT Engineer \$16.7, Minor storm water repairs \$6.6K and major storm water repairs \$117.6K which include Freesia Ct., Coatsdale, Ballymote, and Heison. Currently the Town identified an additional 24 storm water projects: Suttle Place, Kerry Greens, Dilwyn Ct., Brookgreen Terrace, Caernafon Lane, Woodland Ct., Coatsdale Lane, Millhouse Lane, Aurora Blvd., Chaucery Lane, Springhill Road, Pepper Anne Lane, White Oak Lane, Millrace Lane, Forest Park Drive, and Pinetree Drive	19.6%
Other	\$ 5,000	\$ 387	\$ 2,503	\$ 4,613	Tax Collection Fees	7.7%
Contingency	\$ 4,175	\$ -	\$ -	\$ 4,175		0.0%

FY2022-2023 Fund Balance

	<i>General Fund</i>	<i>Capital Project Fund - P3</i>	<i>Capital Project Fund - ARPA</i>	<i>Storm Water Fund</i>	<i>Sewer Fund</i>	<i>Total all Funds</i>
Balance @ 6/30/2022	\$ 10,694,791	\$ 949,325	\$ 2,574,755	\$ 1,294,386	\$ 7,984	\$ 15,521,242
Add Revenue through 9/30/2022	2,216,864	-	2,592,504	30,944	\$ -	\$ 4,840,311
Less Expenses through 9/30/2022	(3,019,138)	-	-	(152,122)	\$ -	\$ (3,171,260)
						-
Total Fund Balance @ 9/30/2022	\$ 9,892,517	\$ 949,325	\$ 5,167,259	\$ 1,173,208	\$ 7,984	\$ 17,190,293

- General Fund balance decreased \$802K from 7/1/2022. This decrease is due to the lag in tax revenue collections from the state and county which is the case each year.
- ARPA Capital Project Fund increase \$2,592,504 from 7/1/2022 due to the collection of the second ARPA payment. This will decrease when the ARPA funds are transferred to the General Fund for the reimbursement of Police Department salaries.
- Storm Water Fund Balance decreased \$121K due to delays in storm water tax revenues which are due by December 31, 2022.

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Cash & Investment Balances

Balance as of 9/30/2022	General Fund	Storm Water Fund	Sewer Fund	Total All Funds
PNC Checking Accounts	\$2,346,671	\$1,205,862	\$7,984	\$3,560,517
NCCMT Govt Portfolio ARPA Funds	\$5,167,259			\$5,167,259
NCCMT Govt Portfolio Investment	\$7,730,377			\$7,730,377
NCCMT Powell Bill	\$942,908			\$942,908
Total	<u>\$16,187,215</u>	<u>\$1,205,862</u>	<u>\$7,984</u>	<u>\$17,401,061</u>

- Cash balances increased \$1.82M from June 30 due to the collection of the second ARPA funds payment of \$2.573M. This increase was offset with General Fund expenses in excess of revenues of \$802K.
- Storm Water Fund had revenues of \$30.9K offset by expenses of \$151.1K causing the storm water cash balance to decrease by \$121K.
- Balances are expected to increase as larger amount of ad valorem taxes are collected beginning in October.

FY2022-2023

Summary

- General Fund Revenues through 9/30/2022 of \$2.22M are significantly higher than the same period in FY2022 of \$0.72M. This increase is explained by the receipt of ARPA Funds from the State.
- General Fund Expenditures are \$1.16 below budget and \$1.5M above prior fiscal year. Road repair costs account for the difference from prior fiscal year which were offset with the Atrium road repair contribution. Delays in capital purchases account for the difference from budget.
- Cash balances increased \$1.2M from June 30 mainly due the 2nd payment of ARPA funds.
- The Town has received 5.0% of budgeted Ad Valorem taxes for FY2023 and 10.3% of budgeted Sales and Use taxes which are the town's major revenue sources.
- Storm Water Fund collected 6.3% of budgeted revenue through June 30 and has expended 19.5% of budgeted costs. Town has identified 24 storm water projects which will be addressed this and next fiscal year.

FY2023 Financial Report as of 9/30/2022

For questions regarding this report contact:

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