



November 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>
2.	7:17 p.m.	RZ22.09.01 – Bleinheim Ln A. General Rezoning, MU-2 to BC (1) Open Public Hearing (2) Information from Staff/Applicant (3) Public Comments (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness	Max Hsiang, Planning Director	Approve/Deny rezoning
3.	7:40 p.m.	RZ22.09.02 – Stevens Mill Rd. A. General Rezoning, SFR-1 to MU-2 (1) Open Public Hearing (2) Information from Staff/Applicant (3) Public Comments (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness	Max Hsiang, Planning Director	Approve/Deny rezoning
4.	8:00 p.m.	Parks and Recreation <i>Maintenance Position Conversion Discussion</i> <i>(Continued from 11-14-2022)</i>	Eunice McSwain, Parks and Rec. Dir.	Information only
5.	8:15 p.m.	Code of Ordinances Supplement 13	Erinn Nichols, Asst. Town Mgr.	Approve supplement
6.	8:20 p.m.	Potter/Pleasant Plains Intersection (U-5112)	Alex Sewell, Town Manager	Approve supplement agreement
7.	8:35 p.m.	Adjournment	Wyatt Dunn, Mayor	Motion to adjourn



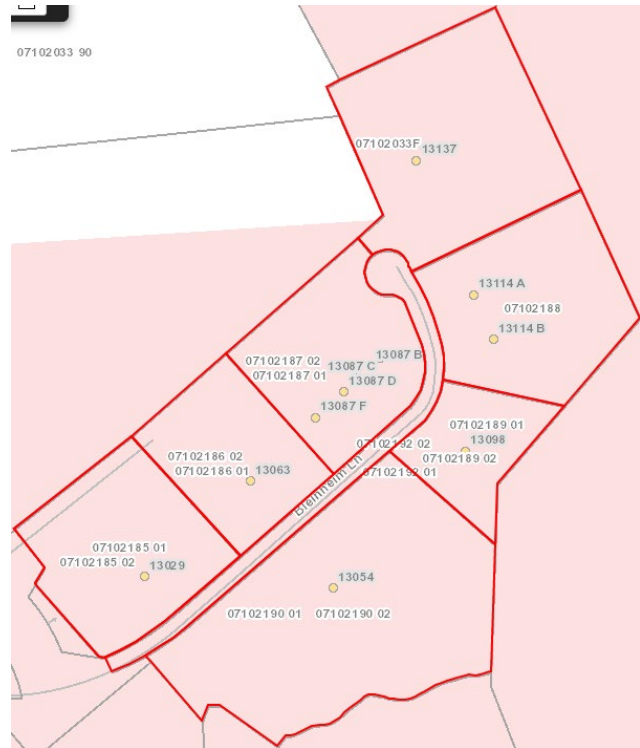
MEMO

To: Town Council
From: Max Hsiang, Planning Director
Date: 11/28/2022
Re: RZ22.09.01

Request:

- ❖ SMB of Greenville II LLC submitted a general rezoning request from Mixed-Use 2 (MU-2) to Business Center (BC) for the properties listed below:

- 13029 Bleinheim Ln, #07102186 01-02
- 13087 Bleinheim Ln, #07102187 01-02
- 13054 Bleinheim Ln, 07102190 01-02
- 13137 Bleinheim Ln, #07103033F
- 13114 Bleinheim Ln, #07102188
- 13063 Bleinheim Ln



- ❖ History:
 - The property has been zoned MU-2 since the adoption of the 2018 Stallings Development Ordinance. Before 2018 the property was zoned BC.
 - The applicant represents a property off of Bleinheim Rd, which contains a variety of office and light industrial uses, including the following uses: Construction, Softball, Rifle and Pistol Club, CrossFit/gym, Medical Supplies, Furnishings, etc.
 - This property is zoned MU-2, and light industrial uses are not allowed in this zoning category. They felt this would reduce their viability to rent out to certain tenants that were allowed before 2018.
 - They hired a consultant to write the Business Center text amendment to add to our current ordinance to allow office, commercial, and light industrial uses. BC was adopted into the ordinance by Council on 9/26/22.

- ❖ Current Conditions:
 - Built out light-industrial complex,
- ❖ Existing Uses:
 - Construction, Softball, Rifle and Pistol Club, Crossfit/gym, Medical Supplies, Furnishings, etc.
- ❖ Ownership:
 - SMB of Greenville LLC
- ❖ Site Size:
 - 12.03 Ac
- ❖ Current Zoning:
 - Mixed Use-2 (MU-2)



- ❖ Below are some examples of allowed uses by-right in BC:
 - Batting Cage, Indoor
 - Bowling Alley
 - Building Supply Sales (no storage yard)
 - Dance School/Academy
 - Equipment Rental Leasing (no storage yard)
 - Funeral Home without Crematorium
 - Laboratory, Medical or Dental
 - Moving and Storage Services
 - Office Uses
 - General Contractors without outside storage
 - Veterinary Services
 - Warehouse (general storage, enclosed, no outside storage)
 - Light Industrial Uses

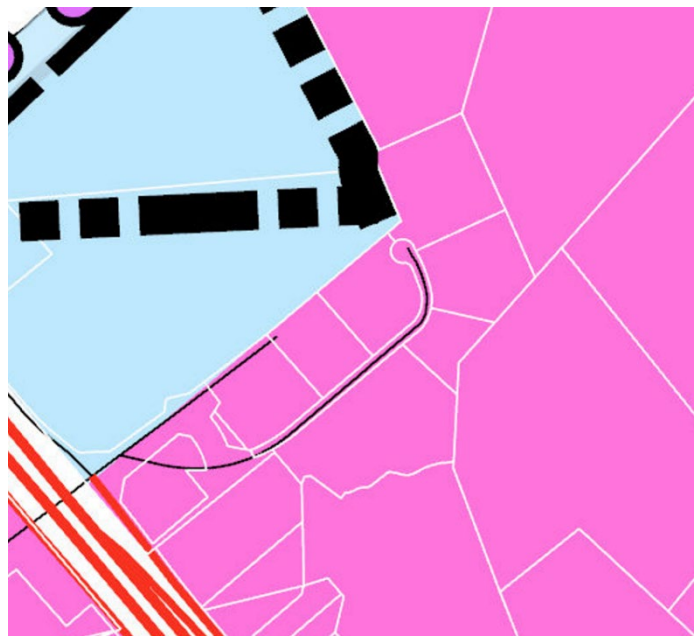


- ❖ Zoning Districts Comparison Chart:

Zoning	Density Limits (Article 8):	Lot Size (Article 8):	Setbacks (Article 8):	Buffers: (Article 11):	Open Space: (Article 21):
MU-2	Only for Single-Family Detached: 4 units/acre.	Only for Single-Family Detached: 6,000 SF	Only for Single-Family Detached: Front - 16' Rear - 12' Side - 5'	Type B adjacent to MFT, CIV, and TNDO Type D adjacent to TC, C-74, CP-485, and VSR	10% Total Required 5% Improved
BC	None, no residential allowed.	10,000 SF min	Front - 40' Rear - 40' Side - 15' Corner Side - 25'	Type B adjacent to MFT, CIV, and TNDO Type C adjacent to TC and MU	10% Total Required 5% Improved

❖ Future Land Use

- The Land Use Plan shows the property as a Walkable Activity Center (WAC).
 - Sit Down Restaurant
 - Community-serving Retail
 - Professional Office
 - Live/work/shop units
 - Townhome
 - Condominium
 - Apartment
 - Public Plaza
 - Movie Theater



❖ Small Area Plan

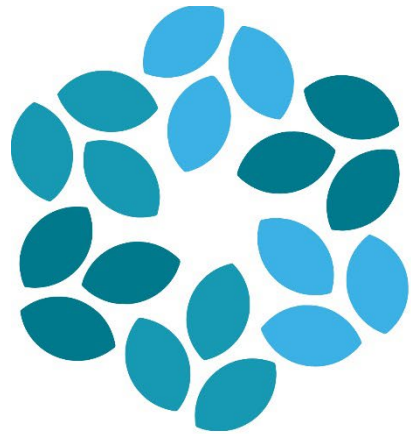
- Monroe Expressway SAP
 - Office
 - Multi-Family
 - Commercial
 - Large Retail/Entertainment.



❖ Consistency/Recommendation

- Staff recommends approval for RZ22.09.01. The proposed zoning BC is inconsistent with the Comprehensive Land Use Plan and Small Area Plan but the zoning is reasonable since the site is built out for light industrial on Bleinhiem Ln.

RZ22.09.01 – Bleinheim Ln.



**PLANNING
& ZONING**
TOWN of STALLINGS

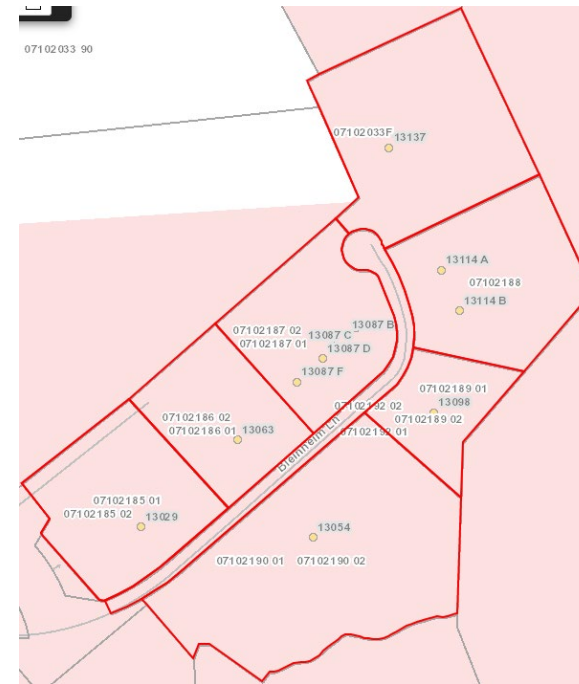
Request



□ Zoning Request:

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Current Conditions



History



- The property has been zoned MU-2 since the adoption of the 2018 Stallings Development Ordinance. Before 2018 the property was zoned BC.
- The applicant represents a property off of Bleinheim Rd, which contains a variety of office and light industrial uses, including the following uses: Construction, Softball, Rifle and Pistol Club, Crossfit/gym, Medical Supplies, Furnishings, etc.
- This property is zoned MU-2, and light industrial uses are not allowed in this zoning category. They felt this would reduce their viability to rent out to certain tenants that were allowed before 2018.
- They hired a consultant to write the Business Center text amendment to add to our current ordinance to allow office, commercial, and light industrial uses. BC was adopted into the ordinance by Council on 9/26/22.

Meetings



Planning
Board:
10/18/22



Town Council
Hearing:
11/28/22

Project Summary



Location:

- Bleinheim Ln.

Ownership:

- SMB OF GREENVILLE II LLC

Current Zoning:

- Mixed Use -2

Proposed Zoning:

- Business Center

Existing Use:

- Construction, Softball, Rifle and Pistol Club, Crossfit/gym, Medical Supplies, Furnishings, etc.

Site/Project Size:

- 12.03 ac

Traffic Generation:

- N/A

Zoning Map:



MU-2 & BC Comparison



- ❑ This site is built out, and this information would not apply unless redeveloped.
- ❑ BC is more restrictive on lot dimensions than MU-2.

Density Limits (Article 8):

- ❑ MU-2
 - Only for Single-Family Detached: 4 units/acre.
- ❑ BC
 - None, no residential allowed.

Lot Size (Article 8):

- ❑ MU-2
 - Only for Single-Family Detached: 6,000 SF
- ❑ BC
 - 10,000 SF min

Setbacks (Article 8):

- ❑ MU-2
 - Only for Single-Family Detached:
 - Front - 16'
 - Rear - 12'
 - Side - 5'
- ❑ BC
 - Front - 40'
 - Rear - 40'
 - Side - 15'
 - Corner Side - 25'

Buffers: (Article 11):

- ❑ MU-2
 - Type B adjacent to MFT, CIV, and TNDO
 - Type D adjacent to TC, C-74, CP-485, and VSR
- ❑ BC
 - Type B adjacent to MFT, CIV, and TNDO
 - Type C adjacent to TC and MU

Open Space: (Article 21):

- ❑ MU-2
 - 10% Total Required
 - 5% Improved
- ❑ BC
 - 10% Total Required
 - 5% Improved

BC Listed Use Examples



- Below are some examples of allowed uses by right in BC:
 - Batting Cage, Indoor
 - Bowling Alley
 - Building Supply Sales (no storage yard)
 - Dance School/Academy
 - Equipment Rental Leasing (no storage yard)
 - Funeral Home without Crematorium
 - Laboratory, Medical or Dental
 - Moving and Storage Services
 - Office Uses
 - General Contractors without outside storage
 - Veterinary Services
 - Warehouse (general storage, enclosed, no outside storage)
 - All Light Industrial Uses

Land Use Plan



Land Use Plan:

- The Land Use Plan shows the property as a **Walkable Activity Center (WAC)**.

Primary Land Uses:

- Sit Down Restaurant
- Community-serving Retail
- **Professional Office**
- Live/work/shop units
- Townhome
- Condominium
- Apartment
- Public Plaza
- Movie Theater

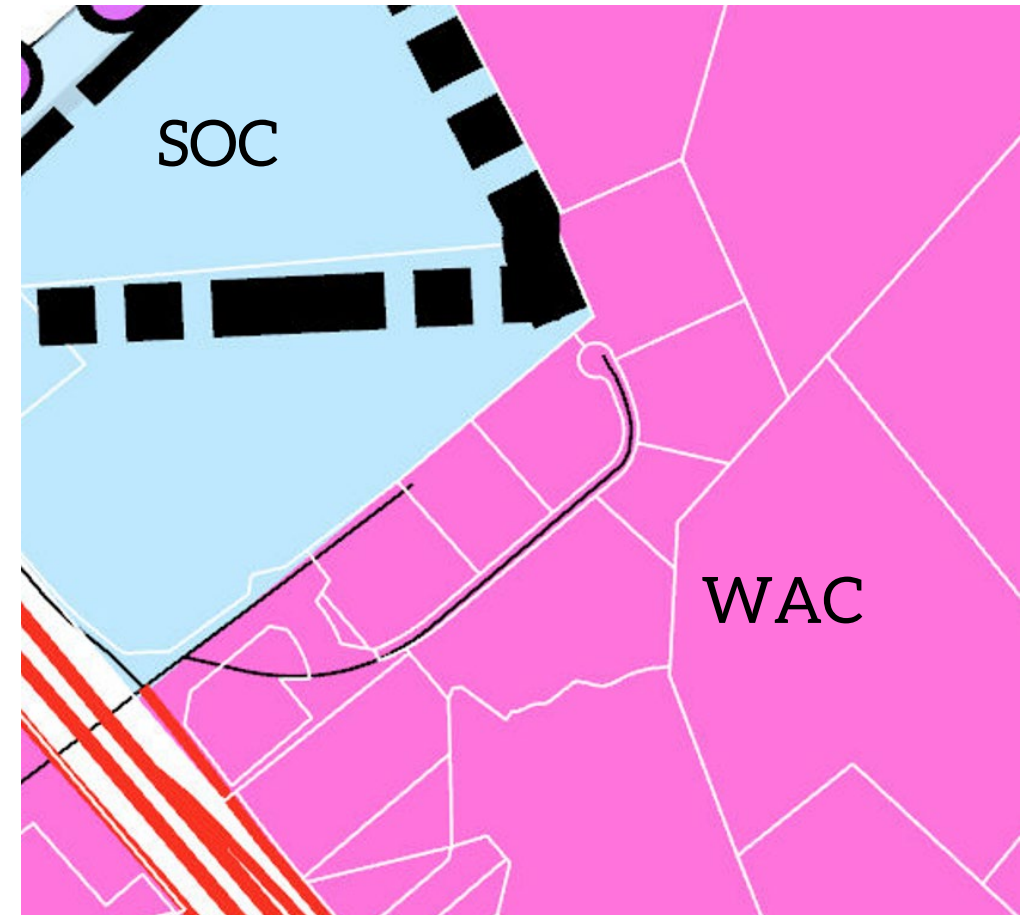
Secondary Land Uses:

- Farmer's Market
- Church

Consistency:

- BC is inconsistent but reasonable with the Future Land Use Plan.

Future Land Use Map:



Small Area Plan



Small Area Plan:

- Monroe Expressway SAP

Uses proposed:

- **Office**, Multi-Family, Commercial, Large Retail/Entertainment.

Consistency:

- BC is inconsistent but reasonable.

Monroe Expressway Clip:



Staff Recommendation



- ❑ Staff recommends approval for RZ22.09.01. The proposed zoning BC is inconsistent with the Comprehensive Land Use Plan but reasonable with the already built-out light industrial development located on Bleinheim Ln.

Vote and Statement of Consistency & Reasonableness



- ❖ **Step 1.**
 - Motion to recommend Approval/Denial for RZ22.09.01.

- ❖ **Step 2.**
 - With a statement of consistency that the proposal is Consistent/Inconsistent and reasonable/not reasonable with the Comprehensive Land Use Plan.

- ❖ **Step 3. Reasoning.**
 - Staff suggested reasoning:
 - The rezoning promotes the health, safety, and welfare of the area on Bleinheim Ln.



Statement of Consistency and Reasonableness

ZONING AMENDMENT: RZ22.09.01

REQUEST: SMB of Greenville II LLC submitted a general rezoning request from Mixed-Use 2 (MU-2) to Business Center (BC) for the properties listed below:

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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 now 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 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 states that the Town Council 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. The rezoning promotes the health, safety, and welfare of the area on Bleinheim Ln

Recommended this the ___ day of _____, 2022.

Mayor

Attest:

Clerk



Town of
Stallings

315 Stallings Road ▪ Stallings, North Carolina 28104

Zoning Map Amendment/Rezoning Application

Application # (Staff): _____

Date Filed: _____

Hearing Date: _____

Planning Board Date: _____

Town Council/Final Decision Date:

Zoning Map Amendment - Conventional	
Less than 2 acres	\$150.00
2-10 acres	\$300.00
Greater than 10 acres	\$900.00
Zoning Map Amendment – Conditional Zoning	
Less than 2 acres	\$300.00
2-10 acres	\$600.00
Greater than 10 acres	\$1200.00
Conditional Use Permit Request	\$300.00
Zoning Text Amendment - UDO	\$500.00

To the Planning Board and Town Council of Stallings, NC:

I (we) the undersigned do hereby respectfully make application and request the Planning Board and Town Council to amend the zoning map of the Town of Stallings: In support of this application, the following facts are shown:

Current Zoning (Circle One)	<i>SFR - 1 SFR - 2 SFR - 3 MU - 1 MU - 2 MFT AG TC</i> <i>CIV C - 74 CP - 485 VSR IND</i>
Proposed Zoning (Circle One)	<i>SFR - 1 SFR - 2 SFR - 3 MU - 1 MU - 2 MFT AG TC</i> <i>CIV C - 74 CP - 485 VSR IND BC</i>
Conditional District Zoning?	<i>Yes No</i>

Physical Property Address:	<small>13028 Bleinheim Lane, Matthews, NC 28105 13063 Bleinheim Lane, Matthews, NC 28105 13057 Bleinheim Lane, Matthews, NC 28105 13137 Bleinheim Lane, Matthews, NC 28105 13114 Bleinheim Lane, Matthews, NC 28105 13054 Bleinheim Lane, Matthews, NC 28105 PRIVATE STREET(BUS CTR DR) OFF HWY 74</small>
Description of Rezoning:	Rezoning property to Business Center (BC), a new zoning district to allow continued light industrial/ business use of the property.

Tax Parcel Number(s) (PID Number):		Total Acreage:	
Property Owner(s):			
Owner's Address:			
City:		State:	Zip:
Contact Phone Number :		Property Owner Email Address:	
Applicant Name if different than owner:		Applicant's Address:	
Applicant Email Address :		Applicant's Phone Number:	

MAP REQUIREMENTS

This application shall be accompanied by two (2) maps drawn to scale. Such maps shall be produced at 18' x 24". An electronic version of the map shall also be submitted. The maps shall contain the following information:

- The subject property plus such property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other feature identifiable on the ground.
- All properties which abut the property.
- If the property is in a subdivision of record, a map of such portion of the subdivision that would relate to the subject property to the closest street intersection.
- A written metes and bounds description of the property or properties.
- The present and proposed zoning classification of the lot(s) in question.
- The property identification number(s) of the lot(s) in question as issued by the Union County Tax Department.
- Full schematic design/site plan as described in Article 10.10 of the Stallings Unified Development Ordinance (*only if the application is for a conditional district*).

MAP AMENDMENT REQUIRMENTS

If a straight rezoning (not a CD) is requested, then please leave the space below blank.

If a Conditional District (CD) is requested, you must list the specific sections of the Unified Development Ordinance from which you seek changes. You may list these on a separate sheet of paper.

- Whenever there is a zoning map amendment, the Town of Stallings is required to notify the owner of said parcel of land as shown on the county tax listing, and the owner of all parcels of land abutting that parcel of land as shown on the county tax listing. The required notice shall be mailed by first class mail at least 10 days but not more than 25 days prior to the date of the public hearing.

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)	
26	Automobile Dealers									S (10.1-36)		S (10.1-36)		
27	Automobile Rental or Leasing									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			
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									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			
49	Camera Store				L	L			L	L	L			
50	Camp Ground (for 21 day or less occupancy only)	L												
51	Candy Store				L	L			L	L	L			
52	Car Wash								CZ (10.1-9)	S (10.1-9)		S (10.1-9)	S (10.1-9)	
53	Casino for Games of Chance (RESERVED)													
54	Cellular Communications Facilities (See "Wireless")													
55	Cemetery or Mausoleum	S (10.1-10)					S (10.1-10)							
57	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)			
58	College or University						L							
59	Communication or Broadcasting Facility, without Tower				L	L	L		L	L	L		L	
60	Computer Sales and Service				L	L			L	L	L			
61	Convenience Store (with gasoline pumps)								CZ	CZ	CZ		L	
62	Convenience Store (without gasoline pumps)				L	L			L	L	L		L	
63	Correctional Institution (RESERVED)													
64	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)			
65	Crematorium												L	
66	Dance School/Academy				L	L	L	L	L	L	L		L	
67	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)	
68	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)	
69	Department, Variety or General Merchandise Store				L	L			L	L				
70	Dormitories						S (10.1-16)							
71	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)			
72	Dwelling(s) (see Residential Dwellings)													
73	Electronic Gaming Operation									SUP (10.2-15)				
74	Equestrian Facility	SUP (10.2-7)			SUP (10.2-7)					SUP (10.2-7)	SUP (10.2-7)			
75	Equipment Rental & Leasing (no outside storage)				L	L				L	L	L	L	
76	Equipment Rental (w/fenced outside storage)								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
77	Equipment Repair, Heavy									S (10.1-4)		S (10.1-4)	S (10.1-4)	
78	Event and Wedding Venue	L			L	L	L	L	L					
79	Fabric or Piece Goods Store				L	L			L	L				
80	Family Care Facility (Family Care Home)	L	L	L	L	L	L	L	L	L				
81	Farmers Market	L				L	L	L	L					
82	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)
83	Fire, Ambulance, Rescue Station	L			L	L	L	L	L	L	L		L	
84	Floor Covering, Drapery, and/or Upholstery Sales					L			S (10.1-36)	S (10.1-36)		S (10.1-36)		
85	Florist	L			L	L		L	L	L	L		S (10.1-36)	
86	Fortune Tellers, Astrologers (RESERVED)													
87	Fuel Oil Sales and Distribution for "Home" or other Delivery													SUP (10.2-11&16)
88	Funeral Home with Crematorium								CZ	CZ				
89	Funeral Home without Crematorium								L	L				
90	Furniture Framing								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
91	Furniture Repair Shop								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
92	Furniture Sales				L	L			S (10.1-36)	S (10.1-36)				

**Table 8.1 - Table of Uses
Section 1 - General**

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93	Game Room, Video Game Room, Coin Operated					SUP (10.2-15)			SUP (10.2-15)	SUP (10.2-15)				
94	Garden Center or Retail Nursery								S (10.1-36)	S (10.1-36)			S (10.1-36)	
95	Gift or Card Shop				L	L	L	L	L	L	L			
96	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)			
97	Golf Course, Miniature								L	L				
98	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)			
99	Grocery Store				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)				
100	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)			
101	Gymnastics/Cheerleading Academy					L		L	L				L	
102	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)	
103	Hazardous and/or Radioactive Waste (Transportation, Storage and/or Incineration)													SUP (10.2-16)
104	Hobby Shop				L	L			L	L	L			
105	Home Furnishings Sales				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)				
106	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)	
107	Hospital						S (10.1-37)		S (10.1-37)					
108	Hotel or Motel				L	L			L	L	L			
109	Jewelry Store				L	L			L	L	L			
110	Junked Motor Vehicle Storage as Accessory Use	S (10.1-22)								S (10.1-22)		S (10.1-22)	S (10.1-22)	
111	Junkyards, Salvage Yards, Used Auto Parts													SUP (10.2-9 & 16)
112	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)	
113	Kennels or Pet Grooming, No Outdoor Pens or Runs	L			L	L			L	L	L		L	
114	Laboratory, Medical or Dental					L	L		L	L	L		L	
115	Landfill, Demolition Debris, Minor and Major (RESERVED)													
116	Landscape Services	L								S (10.1-36)			S (10.1-36)	
117	Laundromat, Coin-Operated					L			L	L				
118	Laundry or Dry Cleaning				L	L		L	L	L	L			
119	Library				L	L	L	L	L					
120	Lighting Sales and Service				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)			S (10.1-36)	
121	Manufactured Home/Dwelling Sales								CZ					
122	Manufacturing & Industry (see Table 8.1, sect. 2)													
123	Market - Tailgate (Fresh Foods & "Food Trucks")(as Temporary Use - see Article 15)													
124	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)	S (10.1-36)	
125	Martial Arts Instructional Schools				L	L		L	L	L			L	
126	Metal Coating and Engraving													SUP (10.2-16)
127	Metal Processing													SUP (10.2-16)
128	Migrant Labor Housing (RESERVED)													
129	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)	
130	Motorcycle Sales (new & used), Parts and Service									S (10.1-36)		S (10.1-36)		
131	Moving and Storage Service								S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
132	Museum or Art Gallery				L	L	L	L	L	L	L			
133	Musical Instrument Sales				L	L		L	L	L				
134	Newsstand				L	L	L	L	L	L	L			
135	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)				
136	Office Machine Sales				L	L			L	L	L		S (10.1-36)	

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Section 1 - General

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

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

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Section 1 - General**

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214	Television, Radio or Electronics Sales & Repair				S (10.1-36)	S (10.1-36)			S (10.1-36)	S (10.1-36)		S (10.1-36)	S (10.1-36)	
215	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)
216	Temporary Uses not listed (see Article 15)													
217	Theater, Indoor				L	L	L		L	L				
218	Tire Recapping													SUP (10.2-16)
219	Tire Sales, Motor Vehicle									S (10.1-36)		S (10.1-4)	S (10.1-36)	
220	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)	
221	Truck and Utility Trailer Rental and Leasing									CZ (10.1-36)		S (10.1-36)	S (10.1-36)	
222	Trucking Centers, Truck Stop &/or Freight Terminal												S (10.1-36)	
223	Utility Equipment and Storage Yards												S (10.1-36)	
224	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)
225	Vending Machine - Outdoor (with or without advertising	L			L	L	L		L	L	L	L	L	L
226	Veterinary Service, Large Animal	L								L			L	
227	Veterinary Service, Pet Grooming, without Outdoor	L			L	L			L	L	L		L	
228	Veterinary Service w/Outdoor Kennels and/or Runs	S (10.1-31)								S (10.1-31)	S (10.1-31)		S (10.1-31)	
229	Vocational, Business or Secretarial School				L	L	L		L	L	L			
230	Warehouse (general storage, enclosed, no outdoor storage)									CZ	CZ		L	
231	Warehouse (Self-storage with outdoor storage)									CZ (10.1-36)	CZ (10.1-36)		S (10.1-36)	
232	Water Treatment Plant													S (10.1-36)
233	Wholesale Trade (see section 3 of this table)													
234	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)
235	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)
236	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)
237	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)	
238	Yard Sale (no more than 3 per year) See Section 15.3	L	L	L	L	L	L	L	L	L		L	L	

**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)	

MAINTENANCE POSITION FOLLOW UP

Stallings Parks & Recreation



COUNCIL FEEDBACK

- **Supervisory Need?**
- **Cost**
- **Public Works vs. Parks & Recreation**

Supervisory Need?



- Main Goal - Higher Skill Set to address growing parks and greenway system
- Full blown supervisor is not necessary currently, just need a lead
- Transition from Supervisor to Senior Maintenance Tech
- Reduce pay grade requested from 18 to 17

COST

Outsource vs. In-House

Splash Pad OPERATIONS

Bathroom RENOVATIONS

Disc Golf RENOVATIONS

Outsource

- Starting at \$18,000/Year
 - Only includes Weekly Checks
 - Startup & breakdown
 - Staff still required to maintain hourly

- Basic Renovation
\$8,000 - \$10,000 / Per Restroom

- \$3,500 / per 9 Holes

In-House


- \$390 for Certification.
(Lasts 5 Years)

- Basic Renovation
\$3,000/ Per Restroom

- \$2,000/ per 9 Holes

Outsourcing Costs

Maintenance Projects




Splash Pad Operation	\$18,000
SMP Bathroom Renovation	\$32,000
Disc Golf Course Renovation	\$7,000

Total: \$57,000

In-House Cost

Maintenance Projects



Splash Pad Operation	\$390
SMP Bathroom Renovation	\$12,000
Disc Golf Course Renovation	\$4,000
Higher Skilled Employee (est)	\$15,000

Total: \$31,390

In-House Savings: \$25,610

JOB DUTY COMPARISON

Public Works

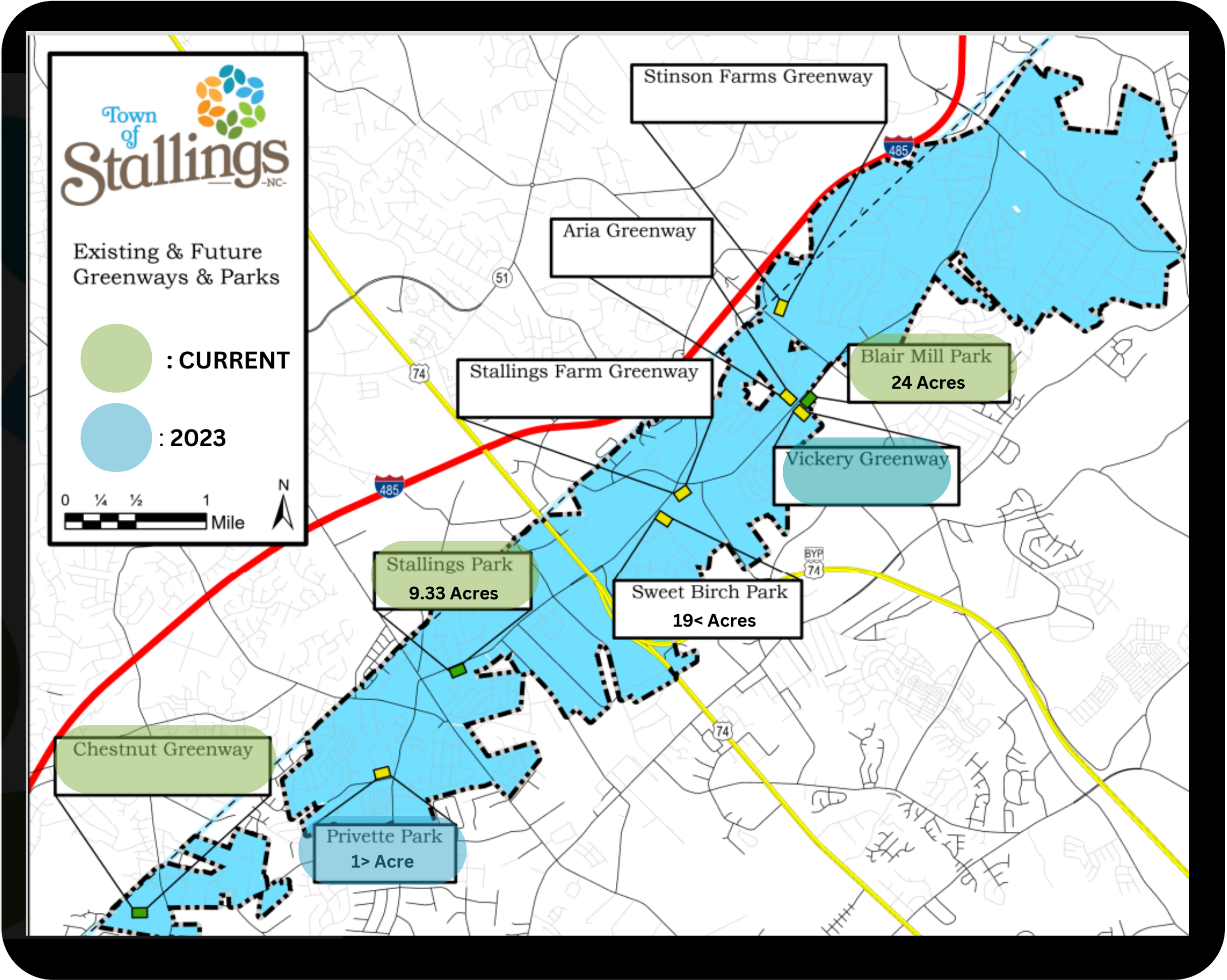
- Roadway Projects
- Sidewalk Repairs, Maintenance & Installation
- Storm Water Projects
- Town Facility maintenance (Non-Park)
- Contractor oversight

Parks & Recreation Maintenance

- Playground Maintenance
- Park & Greenway Facilities
- Splash Pad Operations
- Event and Farmers Market Setup/Breakdown
- Contractor oversight

******Parks & Recreation and Public Work staff work collaboratively on issues that arise as needed.***

CURRENT PARKS/GREENWAYS



CHESTNUT GREENWAY

BLAIR MILL PARK

STALLINGS MUNICIPAL PARK

PRIVETTE PARK

VICKERY GREENWAY

Big Picture Benefits

- **Helps ensure service sustainability**
 - **Current workload is unsustainable for long-term**
- **Ability to address maintenance needs at a lower cost**
- **Efficiency in addressing park issues**
- **Ability to teach current maintenance staff**

Thank you for your time!



**PARKS
& REC**
TOWN of STALLINGS



MEMO

To: Alex Sewell, Town Manager
From: Eunice McSwain, Parks & Recreation Director
Date: November 28th, 2022
RE: **Parks & Recreation Maintenance Follow Up**

Background/Issue: Parks and Recreation Maintenance Position Conversion

Proposal/Solution:

On Monday, Nov. 14th, 2022, the Parks and Recreation department presented the possibility of converting our currently budgeted "Maintenance Technician" to a "Maintenance Supervisor" along with a pay grade scale change of 13 to 18. After receiving feedback from the council to investigate more into the conversion, we wanted to go into more detail about the position, department needs, & our current staff structure while taking into consideration the councils concerns.

The Town of Stallings Parks and Greenway systems continue to grow and expand. Some of this expansion includes the construction of Privette Park and the finishing of the Vickery Greenway by the end of next year. Currently the recreation departments maintenance staff maintains Chestnut Greenway, Blair Mill Park, & Stallings Municipal Park. With our town's park facilities, greenways, daily workload, and addition of Vickery Greenway and Privette Park, this has put a need on our department for a highly qualified maintenance worker.

The Town of Stallings Parks and Recreation Department currently consists of the following:

1. Parks & Recreation Director (Filled)
2. Full-Time Administrative Assistant (Filled)
3. Full-Time Special Event Coordinator (Filled)
4. Full-Time Maintenance Technician (Filled)
5. Full-Time Maintenance Technician (Vacant)

The town began advertising for the Vacant Maintenance Technician position a few months ago. Since the application has been open, we've had only a handful of applicants who have applied. We found those applicants, willing to work within the pay range, we're highly underqualified. While one applicant had a wide variety of skills & years of work in the maintenance field, the pay range was not adequate. As of now, the only Desirable education and experience required, on the maintenance technician application, is someone who has graduated from high school and has experience in grounds maintenance work, or an equivalent combination of education and experience. As it stands today, our departments needs are far more advanced than these listed on the current maintenance technician's application and our current paygrade does not account for such skills.

The Parks and Recreation Department is not only in need of a full-time maintenance technician but needs one that holds an abundance of knowledge. With our current maintenance team's skillset, we are unable to perform a multitude of tasks that could be in-house and save the Town thousands of dollars. After receiving the council's feedback on a "Maintenance Supervisor" we looked into lowering the pay grade and advocating for a "Senior Maintenance Technician". With the addition of a Senior Maintenance Technician not only will we be able to do require an elevated skillset, but we will also be able to perform projects in-house at a lower cost to the Town. In addition to contributing a huge deal to the Towns growing parks/greenway system. A position of this caliber would rely on the applicant to be well versed in one, or more, of the following trades: Carpentry, Masonry, Plumbing, Painting, &/or electric. While an elevated experience of maintenance will be required, they will still perform daily duties to help our current maintenance staff in areas such as:

- Cleaning/Stocking Restroom
- Tree/Shrub Maintenance
- Attending Town events & provide support for set-up, tear-down, & event custodial needs
- Seasonal weekend support

As we continue to grow our parks, greenways, event schedule, programs & day-to-day operational needs, we see this position as a huge asset to the Town of Stallings. While the current budget accounts for an additional technician the Recreation Department we're seeking to covert the title of "Parks Maintenance Technician" to "Parks Senior Maintenance Technician". The title switch would also result in a Pay Grade change; however, due to lapsed salaries in our current budget the cost would be absorbed. This would change the current pay grade 13 (Min. \$38,690 Max. \$57,114) to pay grade 17 (Min. \$47,028 to Max. \$69,423) and would result in a slight increase (roughly \$10,000 to \$15,000) to the 2023-24 Budget for the Recreation Departments Salaries and Wages.

Requested Actions:

- 1) Move forward with the conversation of converting the maintenance technician to a senior maintenance technician and hopeful future action to approve request.



AN ORDINANCE ADOPTING THE CODIFIED CODE OF ORDINANCES with SUPPLEMENT THIRTEEN

WHEREAS, American Legal Publishing Corporation has completed the codified version with Supplement Thirteen to the Code of Ordinances of the Town of Stallings, which the supplements contain all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the Town of Stallings; and

WHEREAS, the codified ordinances contain the official ordinances of the Town;

NOW THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Stallings, NC that the codified version through Supplement Thirteen to the Code of Ordinances of the Town of Stallings is the official version for the Town.

ADOPTED this the 28th day of November, 2022.

Wyatt Dunn, Mayor

Attest:

Erinn Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC



MEMO

To: Town Council

From: Alex Sewell, Town Manager

Date: 11/22/22

RE: U-5112 – Potter-Pleasant Plains Intersection

Purpose: This memorandum’s purpose is to seek Council approval of a supplemental agreement with the North Carolina Department of Transportation (“NCDOT”) to start the formal process of turning over the project to NCDOT.

Background:

- For a complete project background, please see the enclosed memorandums from the 2/28/22 and 1/10/22 agenda packets.
- The Town has been working in partnership with NCDOT and Union County to expedite needed improvements to the state-owned intersection of Potter Road and Pleasant Plains Road (“P3”) using a mix of local and State/Federal funds.
- Estimated project costs have increased significantly over time and all parties have worked together towards a solution.
- On 2/28/22, the Town Council held consensus in its interest in having NCDOT take over the intersection project.
- On 3/17/22, the Governor signed a budget technical corrections bill into law which allows the Town to use \$1.6 million to reimburse itself for certain Town expenditures (i.e., the purchase of the tractor dealership property) and thus free up equivalent funds that could potentially be put towards the intersection project.
- On 3/28/22, the Town Council authorized staff to continue to work with NCDOT on taking over the project and to tentatively put an additional \$1.6 million (freed up equivalent funds) towards the budget deficit contingent on all parties agreeing on a detailed agreement.

Update:

- On 6/3/22, NCDOT indicated it was working through some details on its end regarding taking over the project and would follow-up with the Town soon.
- As of 9/7/22, NCDOT is coordinating with the Town to fully takeover the project. NCDOT is working on completing the final design based on the updated survey information. NCDOT anticipates the let date of the project

to be late Spring/early Summer 2023 if there are no issues with material shortages.

- On 11/14/22, the Town Council approved finalizing a payment to Duke Energy related to project utility movements. This allows the Town to start the process of formalizing NCDOT taking over the project.
- There will be at least two NCDOT agreements necessary for NCDOT to take over the project:
 - o First, a supplemental agreement to close out the right of way phase of the project. Since the original agreement expired, a new one needs to be executed.
 - o Second, a construction agreement turning over control to NCDOT.
 - o To finalize the numbers for the second agreement, NCDOT indicates that the first supplemental must be approved.

Council Action Requested: Approval of the enclosed Supplemental Agreement with NCDOT and direct staff to continue working towards turning over the Potter/Pleasant Plains intersection project (U-5112) to NCDOT.

NORTH CAROLINA
UNION COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 04/21/2022

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-5112

AND

WBS ELEMENTS: PE _____

ROW 42374.2.1

TOWN OF STALLINGS

CON

OTHER FUNDING: _____

FEDERAL-AID #: STPDA-1032(003)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$2,197,600

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Stallings, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department and the Municipality on 2/13/2014, entered into a certain Project Agreement for the original scope: widening improvements to Potters Road (SR 1357) and construction of selected turn lanes at its intersection with Pleasant Plains Road (SR 1364) in Stallings with reimbursement to the Municipality for the right of way (ROW) and construction phases (CON), programmed under Project U-5112; and,

WHEREAS, the Department and the Municipality have agreed to modify the responsibilities to reduce the scope of this Agreement to right of way acquisition only;

WHEREAS, a separate agreement will be generated for the Construction phase of the Project;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

2. SCOPE OF PROJECT

The Project consists of widening improvements to Potters Road (SR 1357) and construction of selected turn lanes at its intersection with Pleasant Plains Road (SR 1364) in Stallings. The Department's reimbursement to the Municipality will be limited to:

- Right of Way Acquisition

3. FUNDING

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse one hundred percent (100%) of eligible expenses incurred by the Municipality up to a maximum of Eight Hundred Eighty-Two Thousand Five Hundred Dollars (\$882,500) in HSIP funds. After reimbursement of HSIP funds, the Department shall reimburse eighty percent (80%) of eligible expenses incurred by the Municipality up to a maximum of Three Million Seven Hundred Ninety-Seven Thousand, Six Hundred Dollars (\$3,797,600) in STBG-DA funds. The Municipality shall provide a local match to the federal funds, as detailed in the REVISED FUNDING TABLE below, and all costs that exceed the total estimated cost. The HSIP funds are only applicable towards reimbursement for right of way and turn-lane improvements at the intersection of Potters Road and Pleasant Plains Road.

REVISED FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
HSIP (#4600)	\$882,500	100%	N/A	N/A
STBG-DA (#4600)	\$1,600,000	80%	\$400,000	20%
STBG-DA (#10896)	\$2,197,600	80%	\$549,400	20%
Subtotals	\$4,680,100		\$949,400	
Total Estimated Cost		\$5,629,500		

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside seven percent (7%) of the total estimated cost, or \$394,065, to use towards the costs related to review and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering and inspection

oversight, and other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

4. TIME FRAME (PERIOD OF PERFORMANCE)

The Municipality shall complete the right of way acquisition by May 1, 2023. If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

13. CONSTRUCTION AUTHORIZATION – 17. MAINTENANCE

These provisions are no longer applicable as the Department will be constructing the Project.. A separate agreement will be generated to address the Municipality's responsibilities for funding of the construction phase.

21. OTHER PROVISIONS

FACSIMILE SIGNATURES

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 2/13/2014, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF STALLINGS

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Stallings
ATTN: Mr. Alex Sewell
PO Box 4030
Stallings, NC 28106

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



MEMO

To: Town Council

From: Alex Sewell, Town Manager

Date: 2/24/22

RE: U-5112 – Potter-Pleasant Plains Intersection

Purpose: This memorandum’s purpose is to provide a project update and seek Council direction.

Background:

- The Town has been working in partnership with NCDOT and Union County to expedite needed improvements to the state-owned intersection of Potter Road and Pleasant Plains Road (“P3”) using a mix of local and State/Federal funds.
- Estimated project costs have increased significantly over time and all parties are working to identify funding to close an estimated budget deficit.
- For a complete project background, please see the memorandums in the 1/10/22 agenda packet.
- On 2/7/22, NCDOT requested an updated cost estimate on the project.
- On 2/14/22, state representatives (NC OBSM) communicated that \$1.6 million in grant funds awarded to the Town could not be used towards the purchase of 2725 Old Monroe Road. As a result, the Town does not have \$1.6 million in equivalent funds freed up to help close the P3 project’s estimated budget deficit.

Update:

- The Town’s consulting engineering firm provided some updated construction cost estimates. Additionally, NCDOT’s staff also reviewed the numbers and added additional costs.
- There are several moving parts here and the Town is still working to verify this new cost estimate, but it appears the new estimated budget deficit could potentially be approximately \$3.6 million with a 25% contingency, or approximately \$2.15 million without a contingency. Again, we’re waiting on final verification on several items so these numbers could change. Once we get final verification, staff will share.
- There is reportedly statewide contingency funding that might be applicable to this project. The Town is still working with representatives in Raleigh and NCDOT to get a firm understanding of the details and how to request

funding. We hope to have a better understanding within the next week. However, it seems clear that it requires some sort of approval from the Speaker of the House and/or the President pro tempore.

- NCDOT has advised that it will be willing to include the P3 project into NCDOT's planned Old Monroe Road project if the Town finds a way to "close the budget gap". NCDOT advised the stated advantages of doing this would be:
 - o The Old Monroe Road project is scheduled to be let in June 2024 meaning the two construction projects will likely be occurring simultaneously at some point. Given the close proximity of the projects, having 2 separate contractors and administrators could cause significant challenges.
 - o There could be economies of scale and potentially reduced costs if P3 is made a part of a larger project.
 - o NCDOT has a greater capacity to manage large roadway infrastructure projects than the Town of Stallings.

Feedback Requested: While recognizing that there are many details yet to be worked out, Staff are seeking Council's general direction on 2 items:

- 1.) Would the Town be interested in pursuing statewide contingency funds?
- 2.) Would the Town be interested in NCDOT taking over this project and making it part of NCDOT's larger Old Monroe Road project?



MEMO

To: Town Council

From: Alex Sewell, Town Manager

Date: 1/6/22

RE: Status Update - U-5112 – Potter-Pleasant Plains Intersection

Purpose: This memorandum’s purpose is to provide background and an update on the above referenced project.

Background:

- The Town has been working in partnership with NCDOT and Union County to expedite needed improvements to the intersection of Potter Road and Pleasant Plains Road using a mix of local and State/Federal funds.
- For a complete project background, please find an enclosed memorandum dated 6/23/21 which is enclosed below and incorporated by reference.
- Please see an estimated breakdown of expenditures as of 6/22/21, estimated future expenses, and funding in the table below. **Unless otherwise noted, please note that these numbers are preliminary estimates. They can and likely will change for a variety of reasons as we move closer to and into actual construction. Also, please note that greater the passage of time, the greater the likelihood that these numbers are out of date, especially in the volatile construction environment in the context of a higher inflation economy nationwide.**

POTTER ROAD/ PLEASANT PLAINS SUMMARY				6/23/2021	
<u>ORIGINAL PROJECT FUNDING</u>					
FUND SOURCE	FEDERAL FUNDS AMOUNT	REIMBURSEMENT RATE	NON-FEDERAL MATCH \$ FROM TOWN	NON-FEDERAL RATE	
HSIP	\$825,000	100%		R	
STP - DA	\$1,600,000	80%	\$400,000	20%	
Total	\$2,425,000				
<u>COSTS TO DATE - TOWN OF STALLINGS COSTS</u>					
ITEM	DESCRIPTION	COST (Paid Unless Noted Otherwise)		TOTAL TO DATE	
1	RIGHT OF WAY ACQUISITION	\$1,183,091.59			

2	LEGAL	\$11,459.38	
3	KIMLEY HORN - DESIGN SERVICES	\$436,612.81	
4	THC - ROW ACQUISTION WORK	\$131,549.22	
5	SURVEY	\$760.00	
6	SEPTIC SERVICES	\$4,800.00	
7	DUKE ENERGY UTILITY RELOCATION (INCURRED)**	\$491,436.67	
8	DOT OVERSIGHT (INCURRED)	\$68,589.46	
	TOTAL COSTS PAID & INCURRED (-) DESIGN		\$1,891,686.32
	TOTAL COSTS PAID (-) DESIGN		\$1,559,666.93
TOTAL	TOTAL COSTS PAID & INCURRED TO DATE		\$2,328,299.13

**Paid \$228,006.74 of this amount already.

CONSTRUCTION COSTS - MOVING FORWARD

ITEM	DESCRIPTION	COST	TOTAL ESTIMATED COSTS TO COMPLETE
1	CONSTRUCTION ESTIMATE	\$3,856,439.25	
2	CONTINGENCY + ESCALATION (25%)	\$964,109.81	
3	CEI and NCDOT OVERSITE (20%)	\$771,287.85	
4	STATE SAP COMPUTER COSTS (2.6%)	\$158,165.11	
5	ENGINEER OF RECORD COORD., PLAN UPDATE, BID SUPPORT, ETC.	\$50,000.00	
6	DUKE ENERGY UTILITY RELOCATION (INCURRED)**	\$491,436.67	
7	LANDSCAPING	\$50,000.00	
8	LANDSCAPING DESIGN	\$5,000.00	
	TOTAL ESTIMATED CONSTRUCTION COSTS TO COMPLETE		\$6,346,438.70

**Paid \$228,006.74 of this amount already.

Estimated Construction Betterments			
ITEM	DESCRIPTION	COST	
1	Water & Sewer Upgrades	\$1,360,155.00	
2	Landscaping + Design	\$55,000.00	
3	Mast Arms Upgrade	\$100,000.00	
TOTAL ESTIMATED BETTERMENTS		\$1,515,155.00	
TOTAL ESTIMATED CONSTRUCTION COST MINUS BETTERMENTS		\$4,831,283.70	

ESTIMATED FUNDING AND POTENTIAL OUT OF POCKET COSTS

	DESCRIPTION	FUNDING	REMAINING FUNDING BALANCE
ORIGINAL FUNDING	TOTAL FEDERAL FUNDS	\$2,425,000.00	
	LESS REIMBURSEMENT FROM NCDOT	(\$1,215,505.05)	
	LESS NCDOT OVERSIGHT COSTS INCURRED	(\$68,589.46)	

	REMAINING ORIGINAL FEDERAL FUNDS AVAILABLE		\$1,140,905.49
ADDITIONAL COSTS	Administration, Grant Funding Support, Legal, Misc.	(\$10,000.00)	
	ESTIMATED COSTS INCURRED/TO COMPLETE	(\$6,346,438.70)	
UNION CO FUNDING	COUNTY SEWER REIMBURSEMENT (COSTS INCLUDED ABOVE)		\$936,175.00
	POTENTIAL OUT OF POCKET COSTS BEFORE ADDITIONAL FUNDS*		(\$4,279,358.21)
NEW FUNDING	CRTPO Budget Shortfall Funds Awarded		\$2,197,600
Total	Potential Estimated Out of Pocket*	-	(\$2,081,758.21)
	Additional NCDOT Funds to Be Spent Last on Non-Betterment Costs Above Estimates		\$300,000.00
*Based on estimates. Actual costs could be higher or lower.			

- Per the above chart, the Town’s estimated additional out of pocket cost for this project is **\$2,081,758.21** including a combined 25% contingency and escalation factor.¹ In contrast, the original 2014 agreement with NCDOT appears to contemplate a local commitment of \$400,000 (not including design).
- Any actual costs above estimated/funded amounts would be the Town’s responsibility except for the \$300,000 provided by NCDOT for costs beyond what is estimated/funded for non-betterment work.
- Notably, the Town Council could choose not to fund enhanced landscaping and just have grass around the intersection. This deletion is estimated to save about \$55,000.
- To move forward, the Town would need to enter into a supplemental agreement with NCDOT. The original agreement with NCDOT would otherwise remain valid. Notably, it is estimated to take *at least* a couple months from Town Council giving the authorization to proceed to get a supplemental agreement finalized/executed.
- Please note that staff have worked diligently with representatives from CRTPO and NCDOT and done everything in our power to verify what parts of the project are eligible for reimbursement. Unfortunately, not all items are eligible for reimbursement.
- As discussed at the 6/14/21 Council meeting and subsequently, the American Rescue Plan (ARP) expenditure guidelines are still evolving and there are a lot of unknowns. However, the N.C. League of Municipalities

¹ A larger contingency and escalation factor is recommended due to current construction market conditions and potential timeline.

has advised that previous interim guidance specifically excludes transportation infrastructure projects from eligibility.

- On 6/28/21, staff updated the Town Council on outstanding issues, available options to move forward with the project, and a rough time estimate for beginning construction work.
- On 7/12/21, the Town Council decided to:
 - o Use Town funds to allow NCDOT to add several left turn signal phases to help with traffic congestion.
 - o To continue to press our State elected officials for additional funds.
 - o To continue to press NCDOT for further assistance.
- In early August 2021, NCDOT installed the additional left turn phases at the intersection.
- On 8/18/21, Rep. Arp's office confirmed that the \$1.6 million in the NC House's approved budget could be used towards the Town's local match for the Potter/Pleasant Plains intersection project (if the funding remains after discussions with the Senate, both chambers approved the budget, and then the Governor signs the budget into law).
- On 11/9/21, the Town was informed that the NC Senate had agreed to put \$1.6 million in the state budget but had added language indicating that the \$1.6 million in funding "shall be used exclusively for property owned by the grant recipient city, county, or regional council of government." It was reported to the Town that the Senate put this additional language into the budget over perceived concerns that projects receiving additional grants could unfairly move ahead of other transportation projects on the State's "STIP" ranking system (which prioritizes funding for state transportation projects based on a scoring criteria). However, this additional language is potentially problematic because the Town had requested these funds to help with the Potter/Pleasant Plains intersection and this intersection is mostly owned by the State (and not the Town).
- Subsequently, the Town tried urgently to get this potentially problematic language changed. However, these efforts were unsuccessful as the state budget was signed into law on 11/18/21.
 - o The Town is waiting on a determination from the NC Office of State Budget and Management (OSBM) on whether the Town could use the \$1.6 million in funds towards the purchase of 2725 Old Monroe Road (and thus free up equivalent funds that could be applied towards the Potter/Pleasant Plains intersection project). The timeline for getting a determination range from mid-January to March 2022 (based on estimates received by the Town).
 - o If the Town were to free up \$1.6 million to be applied towards the Potter/Pleasant Plains project, the Town's estimated cost share would be \$481,758.21.

- In November 2021, Town staff discussed with Union County the County's request that the Town redesign part of the utility portion of the intersection project design.
 - o This would cost an estimated \$9,000 for additional cost to do this redesign, result in an estimated \$145,570 in cost savings for the Town in construction costs, and an estimated \$21,250 increase that the County would ultimately be obligated to pay the Town under the applicable interlocal agreement.
 - o The Town would need to verify that this redesign would not affect grant portions of the project, but initial indications are that it would not.
 - o The Town is waiting for confirmation from the County that it is agreeable to moving forward with the design. Staff would suggest that the Town pay the additional design fee of \$9,000 which would be more than offset from the estimated cost savings of \$145,570 to the Town, with the County being responsible for any initial reimbursement cost to the Town (estimated at \$21,250).

Outstanding Items/issues:

- Determination from the NC Office of State Budget and Management (OSBM) on whether the Town could use the \$1.6 million in state funds allocated to reimbursement the Town towards the purchase of 2725 Old Monroe Road (and thus free up equivalent funds that could potentially be applied towards the Potter/Pleasant Plains intersection project). The timeline for getting a determination range from mid-January to March 2022 (based on estimates received by the Town).
 - o Notably, if the Town does not receive a favorable interpretation, one option would be to seek legislation, possibly in partnership with other impacted municipalities in the area, to allow the Town to use the \$1.6 million in funds towards the intersection project.
- Updating plans and permits. There are two factors in this:
 - o 1.) As indicated above, the County has requested utility design changes and the Town is waiting on confirmation from the County that the arrangement proposed above is acceptable (i.e. the Town paying the additional design fee of \$9,000, the Town receives the \$145,570 in estimated cost savings, and the County's estimated reimbursement obligation increases by \$21,250). If the County agrees, then the Town Council would subsequently need to approve this approach.
 - o 2.) Due to the passage of time, several items have expired. If/when the Council decides to move forward, it will likely take several

months of work to get the project let. The longer the passage of time, the greater the likelihood that this timeframe increases as plans and costs get more out of date.

- NCDOT supplemental agreement – This will likely take at least a couple months from Council authorizing approval to having a final executed supplemental agreement.
- CEI Selection – This could be done concurrently with the permit updating and letting process and is not projected to cause any further delays.



MEMO

To: Town Council

From: Alex Sewell, Town Manager

Date: 6/23/21

RE: U-5112 – Potter-Pleasant Plains Intersection **PROVIDED FOR REFERENCE/BACKGROUND**

Purpose: This memorandum’s purpose is to provide background, an update on the above referenced project, and seek Council direction.

Background:

- The Town has been working in partnership with NCDOT and Union County to expedite needed improvements to the intersection of Potter Road and Pleasant Plains Road using a mix of local and State/Federal funds.
- In January 2014, the Town entered into two separate agreements, one with NCDOT and the other with Union County.
 - o The 2014 Union County agreement called for the County to be responsible for certain sewer improvements.
 - o The 2014 NCDOT agreement is enclosed below. This was agreed to be a locally administered project with NCDOT providing oversight. Here is the agreement’s funding table:

Funding Source	Federal Funds Amount	Notes
HSIP (Federal)	\$825,000	Reimbursable
STP-DA (Federal)	\$1,600,000	Reimbursable
STP-DA (Local)	\$400,000	Non-Reimbursable
Total NCDOT Agreement	\$2,825,000	
Total Reimbursed	\$2,425,000	

- This agreement specifies that activities eligible for reimbursement include:
 - ROW acquisition;
 - Utility relocation; and
 - Construction.
- Please note that the above list does not include design costs, which is to be covered 100% by the Town (except for some utility work agreed to by the County) and is in addition to the \$400,000 Town commitment.
- Also note that the Town agreed to assume all maintenance responsibilities for the safety improvements to Potters Road (SR 1357).
- The agreement contemplated the project being completed by 12/31/2016. DOT had advised a supplemental agreement will be needed here to move forward.

- The Town has completed engineering/design² and ROW acquisition.
- Private utilities have been largely relocated.
- In 2020, NCDOT indicated it was suspending the construction phase for the project due to declining revenues because of the pandemic.
- In March 2021, the Town received an updated cost estimate showing a significant gap between the cost of the project and the original reimbursement allowance to the Town from NCDOT and Union County.
- NCDOT had indicated that the Town is responsible for any budget funding shortfalls above the amounts set in the 2014 agreement unless the Town can secure funds through the Charlotte Regional Transportation Planning Organization (CRTPO) or by other means.
- Over the course of several Council meetings in April and May 2021, the Town identified a threefold approach to address the identified budget gap for this project:
 - o First, to pursue budget shortfall funding through the Charlotte Regional Transportation Planning Organization (CRTPO).
 - o Second, to coordinate with state elected officials in an effort to secure additional project funds from the State; and
 - o Third, to request NCDOT conduct repairs at the intersection to address the immediate need for maintenance until construction begins.

Update:

- On 4/30/21, the Town submitted a formal application to CRTPO for additional budget shortfall funding.
- On 6/17/21, the Town was informed that CRTPO had approved budget shortfall funding in the amount of \$2,197,600 which requires an additional 20% local (Town) match of \$549,400.
- Mayor Dunn has engaged with our local state elected officials. Rep. Arp reports that potential funding availability for this project will be unknown until the August/September timeframe due to the State's calendar.
- After the Town requested the NCDOT conduct intersection repairs to address the immediate maintenance needs until construction potentially begins, NCDOT further investigated and determined that the entire intersection needs extensive resurfacing (estimated at \$300,000).
 - o NCDOT does not want to spend \$300,000 in public monies if it will be ripped out in the next year as part of anticipated construction. As a result, NCDOT has indicated that it will provide those resurfacing funds to help with project funding but plans to patch the intersection in the meantime. These funds will only be available if non-betterment

² Landscape design has not been initiated yet. Adding landscaping was not part of the original budget (just sodding the area) but this is included in the construction budget (design + actual landscaping costs).

costs exceed cost allowances including both through grant and local match funds.

- Please see an estimated breakdown of expenditures to date, estimated future expenses, and funding in the table below. **Unless otherwise noted, please note that these numbers are preliminary estimates. They can and likely will change for a variety of reasons as we move closer to and into actual construction.**

POTTER ROAD/ PLEASANT PLAINS SUMMARY		6/23/2021		
ORIGINAL PROJECT FUNDING				
FUND SOURCE	FEDERAL FUNDS AMOUNT	REIMBURSEMENT RATE	NON-FEDERAL MATCH \$ FROM TOWN	NON-FEDERAL RATE
HSIP	\$825,000	100%		R
STP - DA	\$1,600,000	80%	\$400,000	20%
Total	\$2,425,000			

COSTS TO DATE - TOWN OF STALLINGS COSTS			
ITEM	DESCRIPTION	COST (Paid Unless Noted Otherwise)	TOTAL TO DATE
1	RIGHT OF WAY ACQUISITION	\$1,183,091.59	
2	LEGAL	\$11,459.38	
3	KIMLEY HORN - DESIGN SERVICES	\$436,612.81	
4	THC - ROW ACQUISITION WORK	\$131,549.22	
5	SURVEY	\$760.00	
6	SEPTIC SERVICES	\$4,800.00	
7	DUKE ENERGY UTILITY RELOCATION (INCURRED)**	\$491,436.67	
8	DOT OVERSIGHT (INCURRED)	\$68,589.46	
	TOTAL COSTS PAID & INCURRED (-) DESIGN		\$1,891,686.32
	TOTAL COSTS PAID (-) DESIGN		\$1,559,666.93
TOTAL	TOTAL COSTS PAID & INCURRED TO DATE		\$2,328,299.13

**Paid \$228,006.74 of this amount already.

CONSTRUCTION COSTS - MOVING FORWARD			
ITEM	DESCRIPTION	COST	TOTAL ESTIMATED COSTS TO COMPLETE
1	CONSTRUCTION ESTIMATE	\$3,856,439.25	
2	CONTINGENCY + ESCALATION (25%)	\$964,109.81	
3	CEI and NCDOT OVERSITE (20%)	\$771,287.85	
4	STATE SAP COMPUTER COSTS (2.6%)	\$158,165.11	
5	ENGINEER OF RECORD COORD., PLAN UPDATE, BID SUPPORT, ETC.	\$50,000.00	

6	DUKE ENERGY UTILITY RELOCATION (INCURRED)**	\$491,436.67	
7	LANDSCAPING	\$50,000.00	
8	LANDSCAPING DESIGN	\$5,000.00	
	TOTAL ESTIMATED CONSTRUCTION COSTS TO COMPLETE		\$6,346,438.70

**Paid \$228,006.74 of this amount already.

Estimated Construction Betterments			
ITEM	DESCRIPTION	COST	
1	Water & Sewer Upgrades	\$1,360,155.00	
2	Landscaping + Design	\$55,000.00	
3	Mast Arms Upgrade	\$100,000.00	
TOTAL ESTIMATED BETTERMENTS		\$1,515,155.00	
TOTAL ESTIMATED CONSTRUCTION COST MINUS BETTERMENTS		\$4,831,283.70	

ESTIMATED FUNDING AND POTENTIAL OUT OF POCKET COSTS

	DESCRIPTION	FUNDING	REMAINING FUNDING BALANCE
ORIGINAL FUNDING	TOTAL FEDERAL FUNDS	\$2,425,000.00	
	LESS REIMBURSEMENT FROM NCDOT	(\$1,215,505.05)	
	LESS NCDOT OVERSIGHT COSTS INCURRED	(\$68,589.46)	
	REMAINING ORIGINAL FEDERAL FUNDS AVAILABLE		\$1,140,905.49
ADDITIONAL COSTS	Administration, Grant Funding Support, Legal, Misc.	(\$10,000.00)	
	ESTIMATED COSTS INCURRED/TO COMPLETE	(\$6,346,438.70)	
UNION CO FUNDING	COUNTY SEWER REIMBURSEMENT (COSTS INCLUDED ABOVE)		\$936,175.00
	POTENTIAL OUT OF POCKET COSTS BEFORE ADDITIONAL FUNDS*		(\$4,279,358.21)
NEW FUNDING	CRTPO Budget Shortfall Funds Awarded		\$2,197,600
Total	Potential Estimated Out of Pocket*		(\$2,081,758.21)
	Additional NCDOT Funds to Be Spent Last on Non-Betterment Costs Above Estimates		\$300,000.00

*Based on estimates. Actual costs could be higher or lower.

- Per the above chart, the Town's estimated additional out of pocket cost for this project is **\$2,081,758.21** including a combined 25% contingency and

escalation factor.³ In contrast, the original 2014 agreement with NCDOT appears to contemplate a local commitment of \$400,000 (not including design).

- Any actual costs above estimated/funded amounts would be the Town's responsibility except for the \$300,000 provided by NCDOT for costs beyond what is estimated/funded for non-betterment work.
- Notably, the Town Council could choose not to fund enhanced landscaping and just have grass around the intersection. This deletion is estimated to save about \$55,000.
- To move forward, the Town must enter into a supplemental agreement with NCDOT which is enclosed below. Several notable items from this supplemental agreement include:
 - o NCDOT will assume all maintenance responsibilities for the safety improvements, with the Town assuming all maintenance responsibilities for the new pedestrian improvements to the intersection. (This was all the Town's responsibility in the original agreement).
 - o The Town shall complete the project by 5/1/23.
 - o Once the Town executes the agreement, NCDOT estimates it could take about 2 months for the agreement to receive the required formal approvals from Raleigh.
 - o The original agreement with NCDOT would otherwise remain valid.
- Please note that staff have worked diligently with representatives from CRTPO and NCDOT and done everything in our power to verify what parts of the project are eligible for reimbursement. Unfortunately, not all items are eligible for reimbursement.
- As discussed at the 6/14/21 Council meeting, the American Rescue Plan (ARP) expenditure rules are not out yet finalized and there are a lot of unknowns. However, the N.C. League of Municipalities has advised that the current interim guidance specifically excludes transportation infrastructure projects from eligibility.

Next Steps:

If the Town seeks to move forward, then the Town Council would need to approve the supplemental agreement and then send an executed agreement to NCDOT. NCDOT indicates it could take 2 months to get the agreement formally approved through its appropriate channels. In the meantime, there are still some loose ends the Town is tying up on our end which may require some cost commitments (CEI selection, finalizing environmental documents since it expired due to the delay,

³ A larger contingency and escalation factor is recommended due to current construction market conditions and potential timeline.

etc.), but nothing that is anticipated to delay the project if the Council seeks to move forward.

If the Council wishes to move forward with getting ready for letting the project, it is recommended that the Board authorize staff with a budget of \$50,000 to move forward. If the Town moves forward with this and awards a contract, staff would very cautiously project that construction work would likely begin in Q1 of 2022. However, there are numerous moving parts here so please understand this is a rough projection.

Options for Council's Consideration:

- 1.) Approve the NCDOT supplemental agreement, accept CRTPO funding, and direct staff to move forward towards letting the project with a budget of \$50,000, and let the project with the understanding that the Town is responsible for covering budget funding shortfalls not covered by the NCDOT and Union County agreements.
 - a. Pros
 - i. The intersection improvement efforts could proceed.
 - ii. Project will likely be done quicker than the other options.
 - iii. Staff field more calls with concerns regarding this intersection than any other singular issue in Town.
 - iv. If the Town chose to not move forward with the project in the timeframe specified, the federal government/NCDOT could/would likely make the Town repay the funds already reimbursed to the Town for work done thus far (over \$1.2 million plus NCDOT costs).
 - v. The Town would still be able to see what bid amounts are received before awarding a construction contract.
 - b. Cons
 - i. Potentially spending a significant amount of the Town's fund balance reserve funds on State roads.
 - ii. Would potentially take away funds for Town operations, priorities, etc. and thus may potentially hinder future efforts.
 - iii. Could be spending Town local funds when other further funding may be potentially available. Although, the Town could still pursue state fund simultaneously via our elected officials.
 - iv. Numbers are estimates so the actual bids/construction cost could turn out to be higher (and again the Town would cover any additional costs above estimates and funding levels).

- 2.) Approve the NCDOT supplemental agreement, accept CRTPO funding, direct staff to move forward towards letting the project with a budget of \$50,000, but wait to see what funds (if any) can be secured by our state elected officials prior to letting the project, and only consider moving forward with letting once that is determined.
 - a. PROS
 - i. Continuing pursuit of non-local funds which, if successful, would free up significant Town funds for Town operations and pursuit of priorities.
 - ii. Still plan to move forward towards to address intersection issues.
 - b. CONS
 - i. In the meantime, construction costs could go up. The Town may need to update plans and documents depending on timeline (which would likely come with a cost).
 - ii. Further delay would likely be unpopular with some members of the public. In the meantime, the intersection would continue to function poorly.
 - iii. Need to still meet the deadline contemplated in the agreement.
- 3.) Do not move forward with the project.
 - a. PROS
 - i. The Town would not have to cover the estimated funding shortfall.
 - ii. Would potentially put the responsibility of fixing the state road intersection with the state (NCDOT).
 - b. CONS
 - i. NCDOT has indicated that the federal government would likely request back funds received by the Town thus far (approximately \$1.216 million). NCDOT did not know if there would be any other penalties. If Council wishes to pursue this option, staff will research further.
 - ii. The Town would forego the benefit of project expenses paid/incurred by the Town to date.
 - iii. The intersection would continue to function poorly and there would be no anticipated timeframe/plan of when/how it would be fixed.
 - iv. Would likely be controversial with members of the public and likely increase distrust/confidence in the Town with some.
 - v. Could hinder our ability to get certain grants in the future.