



May 22, 2023
 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. | 7:10 p.m. | Consent Agenda A. ABO 16 – Insurance Proceeds B. ABO 17 – Sanitation – New Homes C. ABO 18 – K9 Lily Medical Procedures D. ABO 19 – CALEA Grant Award E. ABO 20 – P3 Construction Agreement F. Union County’s Community Development Block Grant (CDBG) Approval Letter | Wyatt Dunn, Mayor | Approve Consent Agenda |
| 2. | 7:13 p.m. | Agenda Approval | Wyatt Dunn, Mayor | Approve Agenda |
| 3. | 7:15 p.m. | TX23.04.01 – Biltong, Jerky, and Similar Meat Production, and Distribution A. To allow the use of biltong, jerky, and similar meat production, and distribution into the Industrial (IND) zoning district. (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness | Patrick Blaszyk, Planning Technician | Approve/Deny |
| 4. | 7:35 | TX23.04.02 A. To request General Contractor’s Office with fenced outdoor storage into the US-74 Commercial (C-74) zoning district with Outdoor Storage supplemental regulations (S10.1-36) (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness | Max Hsiang, Planning Director | Approve/Deny |

| | | | | |
|-----------|------------------|---|---------------------------|--------------------|
| 5. | 7:55 p.m. | Potter/Pleasant Plains Construction Agreement(s) | Alex Sewell, Town Manager | Approve agreements |
| 6. | 8:05 p.m. | Adjournment | Wyatt Dunn, Mayor | Motion to adjourn |

AMENDED BUDGET ORDINANCE – NO. 16

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: | | | | |
| Revenue: | | | | |
| Insurance Proceeds for Police Department | 10-10-3839-806 | \$ 5,542 | \$ 11,547 | \$ 6,005 |
| Expense: | | | | |
| Vehicle Maintenance - Insurance Reimbursed | 10-10-4310-125 | \$ - | \$ 6,005 | \$ 6,005 |

Explanation: Staff respectfully requests you to receive the insurance proceeds funds for the repair of the 2021 Dodge Charger and to amend the FY2022-2023 Budget Ordinance to increase the Town Police Department's *Insurance Proceeds* revenue budget (\$5.5K) and to increase the Police Department's *Vehicle Maintenance - Insurance Proceeds* Expense Budget (\$0) accordingly.

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 22th day of May, 2023.

Wyatt Dunn, Mayor

Erinn Nichols, Deputy Town Manager/Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC

AMENDED BUDGET ORDINANCE – NO. 17

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: | | | | |
| Expense Budget: Sanitation | 10-30-4710-039 | \$ 1,110,000 | \$ 1,160,000 | \$ 50,000 |
| Expense Budget: Transfer from General Fund Contingency | 10-99-9910-097 | \$ 88,300 | \$ 38,300 | \$ (50,000) |

Explanation: Staff respectfully requests you to transfer from General Fund *Contingency* Budget (\$88K) to the *Environmental Protection Appropriation Unit Sanitation* Expense Budget (\$1.1M) the amount of \$50,000 to cover new trash and recycling services provided to new homes in Stallings and to amend the FY23 annual Budget Ordinance accordingly.

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 22th day of May, 2023.

Wyatt Dunn, Mayor

Erinn Nichols, Deputy Town Manager/Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC



MEMO



To: Mayor and Council
Via: Alex Sewell, Town Manager
From: Dennis Franks, Chief of Police
Date: May 11, 2023
RE: Budget Amendment for K9 Lily's Medical Expenses

Purpose: The purpose of this memo is to request Finance to increase revenue and expense line items, in the police department budget, to allow Stallings Police Department ("SPD") to utilize donation funds to pay for K9 Lily's cancer treatment.

Background: In April 2023, K9 Lily was diagnosed with terminal cancer. Council approved the SPD setting up a Go Fund Me page to raise funds to pay for Lily's treatment. Detective Smith's Go Fund Me account and additional donors raised a total of \$8,547.29.

Requested Action: I am requesting Council to approve an increase to the *Lily K9 Medical Revenue and Expense Budgets* in the SPD operating budget, which allows for the donated funds to be used for K9 Lily's cancer treatment and to adopt the amended FY23 Budget Ordinance accordingly. (See the "Amended Budget Ordinance – No. 18" for details.)

cc: Jamie Privuznak, Finance Officer

AMENDED BUDGET ORDINANCE – NO. 18

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: | | | | |
| Revenue Budget: Lily (K9) Donors | 10-10-3839-441 | \$ - | \$ 8,547.29 | \$ 8,547.29 |
| Expense Budget: Lily (K9) Medical Expenses | 10-10-4310-061 | \$ - | \$ 8,547.29 | \$ 8,547.29 |

Explanation: Staff respectfully requests you to receive the donor funds (\$8.5K) for K9 Lily's medical expenses; to increase the *Lily K9 Donors* revenue budget and the *Lily (K9) Medical Expenses* expense budgets by \$8,547.29; and to amend the FY23 Budget Ordinance accordingly.

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 22th day of May, 2023.

Wyatt Dunn, Mayor

Erinn Nichols, Deputy Town Manager/Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC



MEMO



To: Mayor and Council
Via: Alex Sewell, Town Manager
From: Dennis Franks, Chief of Police
Date: May 11, 2023
RE: budget amendment CALEA expenses

Purpose: The purpose of this memo is to request Finance to increase revenue and expense line items, in the police department budget, to allow Stallings Police Department (“SPD”) to utilize grant funds to pay for ongoing CALEA expenses.

Background: In January 2022, the SPD was given approval to apply for a North Carolina Governor’s Crime Commission grant that would assist the department in its efforts to complete the CALEA accreditation process. The SPD was awarded this grant in late 2022.

This is a two-year grant award, received from the N.C. Department of Public Safety, Governor’s Crime Commission. Of total grant award (\$29,650): Year 1 is \$12,075 and Year 2 is \$17,575. These amounts will be budgeted in FY23 and FY24 respectively. The dollars are federal, Byrne Justice Assistance Grant funding source and “passed through” the NCDOT, Governor’s Crime Commission to the SPD.

Requested Action: I am requesting Council to approve an increase to the SPD Governor’s Crime Commission revenue and expense line budgets (\$12K) for expenditures related to the ongoing CALEA accreditation process. (See “Amended Budget Ordinance #19” and the NC Dept of Public Safety, Governor’s Crime Commission “Grant Award” letter.)

cc: Jamie Privuznak, Finance Officer

AMENDED BUDGET ORDINANCE – NO. 19

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: | | | | |
| Revenue Budget: | | | | |
| Governor's Crime Commission Grant | 10-10-3430-310 | \$ - | \$ 12,075.00 | \$ 12,075.00 |
| Expense Budget: | | | | |
| Grant Expense - GCC | 10-10-4410-090 | \$ - | \$ 12,075.00 | \$ 12,075.00 |

Explanation: Staff respectfully requests you to receive Year 1 of a two-year federal grant award (\$12K); to increase the *Governor's Crime Commission Grant* revenue and *Grant Expense - GCC* expense budgets by \$12,075; and to amend the FY23 Budget Ordinance accordingly. This grant is to pay for ongoing Stallings Police Department's ongoing CALEA accreditation expenses.

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 22th day of May, 2023.

Wyatt Dunn, Mayor

Erinn Nichols, Deputy Town Manager/Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC

**AMENDED BUDGET ORDINANCE – NO. 20
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: | | | | |
| Revenue Budget: | | | | |
| Transfer to Capital Project Fund from General Fund - PPP3 | 10-99-9840-097 | \$ - | \$ 258,397.04 | \$ 258,397.04 |
| Transfer in from General Fund to Capital Project Fund - PPP | 41-00-3984-096 | \$ - | \$ 258,397.04 | \$ 258,397.04 |
| Transfer from General Fund PPP3 Revenue Budget | 41-00-3984-097 | \$ 1,161,330.17 | \$ 1,419,727.21 | \$ 258,397.04 |
| Expense Budget: | | | | |
| Capital Outlay - Bldgs/Structures | 41-85-8170-058 | \$ - | \$ 1,419,727.21 | \$ 1,419,727.21 |

Explanation: Staff respectfully requests you to transfer \$258,397.04 from the General Fund to the Capital Project Fund "PPP3"; to increase the current PPP3 Capital Project revenue budget to \$1,419,727.21; to increase the expense budget *Capital Outlay - Bldgs/Structures* to \$1,419,727.21 per the Construction Agreement and to amend the current Project Ordinance

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 22th day of May, 2023.

Wyatt Dunn, Mayor

Erinn Nichols, Deputy Town Manager/Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC



April 25, 2023

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

Dear Mr. Sewell,

Union County would like to invite your community to renew participation in the Union County Community Development Block Grant Entitlement Consortium. The Community Development Block Grant (CDBG) Program is a federal program that provides funding for housing and community development activities. Congress created the program when it passed the Housing and Community Development Act of 1974. The program is administered by the United States Department of Housing and Urban Development (HUD). Beginning in 2016, Union County receives a direct allocation of funds from HUD annually, through the CDBG program. The national objectives of the program are to benefit low- and moderate-income persons, prevent or eliminate slums or blight, and address urgent community development needs. These objectives are met by providing decent housing, suitable living environments, and expanded economic opportunities, primarily for the benefit of low- and moderate-income people.

To date Union County has received approximately \$6 million in CDBG funds to assist with community development needs throughout member governments located within Union County. CDBG competitive grant funds are available to members of the Union County CDBG Consortium and nonprofit organizations in Union County. The purpose of this letter is to thank you for your past participation in the County's CDBG program, and to encourage you to remain involved in our successful municipal-county partnership in the future.

Every three years it is necessary to requalify our CDBG program with HUD. To accomplish this, each municipality within Union County is given certain options. At this time, you may continue your association with Union County's CDBG program for the next three years, beginning 2024, or elect to opt-out—or exclude—your jurisdiction for the three-year period.

Please understand that if you decide to continue your participation in the County's CDBG program, you may not withdraw for three years, and you will not be eligible for funding under the State of North Carolina's CDBG program. By remaining active in our CDBG program, however, your community will continue to have access to the annual CDBG funding.

County Manager's Office
500 North Main Street
Monroe, NC 28112
T 704.283.3636
unioncountync.gov



Unfortunately, if you opt-out of the County's program, your municipality and its residents will not have access to CDBG funds from Union County unless you specifically elect to be included in the future.

Please send a formal letter notifying the County of your municipality's participation or non-participation in the CDBG program **no later than June 1, 2023**. All letters should be signed and sent to the following individual:

Sara Scheirer, Local Disaster Recovery Manager
Union County
500 N. Main Street, Suite 918
Monroe, NC 28112
Sara.Scheirer@unioncountync.gov

| Timeline for Cooperative Agreement Process | |
|--|---------------|
| Action Needed | Due Date |
| Notification to non-participating municipalities about the ability to join | May 1, 2023 |
| Notification to participating municipalities about renewal | May 1, 2023 |
| Notification of municipalities intent to participate or not-participate | June 1, 2023 |
| Execution of Cooperative Agreements by municipalities | June 30, 2023 |
| Submission of all Cooperative Agreements to HUD | July 30, 2023 |

My hope is that you will choose to continue your involvement with the Union County CDBG program. Please feel free to contact Sara Scheirer at 704-283-3558 if you have any questions or would like more information concerning our program. I look forward to the opportunity to continue supporting your municipality's community development activities.

Sincerely,

Clayton Voignier, Interim Assistant County Manager
Union County
T 704.283.3687
M 980.322.6484
Clayton.Voignier@unioncountync.gov

TEMPLATE FOR NEW MUNICIPALITIES NOTICE OF INTENT TO PARTICIPATE

Date

Clayton Voignier
Interim Assistant County Manager
Union County
500 N. Main Street, Suite 918
Monroe, NC 28112

Re: Union County CDBG Program-Notice of Intent to Participate

Dear Mr. Voignier,

This letter hereby serves as (insert municipality)'s official notice of intent to participate in the Union County CDBG program. (Insert municipality) will enter into a Cooperative Agreement with the Union County Community Development Block Grant (CDBG) program for Fiscal Years 2024-2026.

Thank you for your assistance and we look forward to partnering with Union County to deliver community development activities in our community to improve the lives of our residents.

Sincerely,

(Town Executive name and Title)

**Union County
Government**

EST. 1842

CDBG – Stallings Presentation

February 8, 2021



What is CDBG?

- CDBG – Community Development Block Grant
- U.S. Federally funded program that provides funding for housing and community development.
- Union County receives a direct allocation of funds annually.
- Funds are available to Union County Urban Consortium members (Monroe, Wingate, Marshville, Waxhaw, Stallings, and Weddington) Indian Trail, Wesley Chapel, and Fairview have expressed interest in joining.
- Only low to moderate income projects qualify.

Low to Moderate Income



FY 2020 INCOME LIMITS DOCUMENTATION SYSTEM

[HUD.gov](https://www.hud.gov) [HUD User Home](#) [Data Sets](#) [Fair Market Rents](#) [Section 8 Income Limits](#) [MTSP Income Limits](#) [HUD LIHTC Database](#)

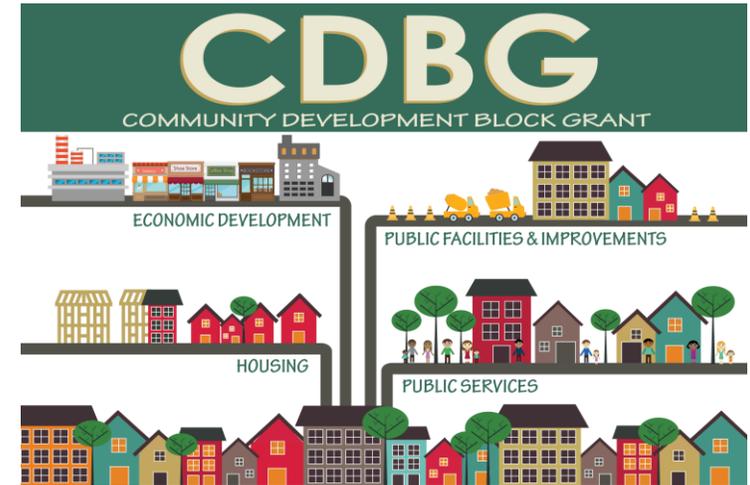
FY 2020 Income Limits Summary

Selecting any of the buttons labeled "Explanation" will display detailed calculation steps for each of the various parameters.

| FY 2020 Income Limit Area | Median Family Income Explanation | FY 2020 Income Limit Category | Persons in Family | | | | | | | |
|---|---|---|-------------------|--------|--------|---------------|--------|--------|--------|--------|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Charlotte-Concord-Gastonia, NC-SC HUD Metro FMR Area | \$83,500 | Very Low (50%) Income Limits (\$) Explanation | 29,250 | 33,400 | 37,600 | 41,750 | 45,100 | 48,450 | 51,800 | 55,150 |
| | | Extremely Low Income Limits (\$)* Explanation | 17,550 | 20,050 | 22,550 | 26,200 | 30,680 | 35,160 | 39,640 | 44,120 |
| | | Low (80%) Income Limits (\$) Explanation | 46,800 | 53,450 | 60,150 | 66,800 | 72,150 | 77,500 | 82,850 | 88,200 |

What can be funded?

- Acquisition of real property
- Clearance and demolition
- Rehabilitation of residential and non-residential structures
- Public facilities and improvements, such as water/sewer, streets, neighborhood centers
- Code enforcement
- Public services
- Special economic development and job creation/retention activities



What has been funded?

- City of Monroe – Sidewalk Project
- Town of Wingate – Waterline Projects, Sewer Outfall Project, Sidewalk Project
- Town of Waxhaw – Sidewalk Project
- Town of Marshville – Water & Sewer Projects
- Union County – Waterline Project, Senior Nutrition Meal Delivery Pilot Well Program
- CDBG-CV
 - Crisis Assistance Ministry – Crisis Intervention
 - Crisis Assessment – Rental Assistance
 - Homeless Shelter – Hunger Services
 - Turning Point – PPE and Sanitation of DV Shelter
 - Heart for Monroe – Food Boxes
 - Loaves and Fishes – Food for Homeless
 - Council on Aging – PPE & Home Equipment Modification
 - UC WIC – Increased Staffing



Why should Stallings continue to participate?

- Stallings continued participation would increase the annual allocation Union County receives.
- It reduces the administrative burden to Stallings
- The ability to work with county staff to identify projects, and project areas
- There is no financial commitment from the town

Why shouldn't Stallings participate?

- Stallings would not be eligible to apply directly to the state for CDBG funds.

Questions?





MEMO

To: Town Council
 From: Patrick Blaszyk, Planning Technician
 Date: 5/22/2023
 Re: TX23.04.01 - Biltong, Jerky, and Similar Meat Production, and Distribution

Request

To allow the use of biltong, jerky, and similar meat production, and distribution into the Industrial (IND) zoning district.

History

The use of biltong production was in operation in the Town of Stallings for over 20 years (according to the applicant). Over the years, the Stallings Development Ordinance was modified and re-written, making this use non-conforming, but grandfathered in. The facility was not in use for over 2 years (730 days), which made the use no longer grandfathered in.

Staff Recommendation

Staff recommends approval to help increase the number of commercial business opportunities in the town per the Town of Stallings Economic Development Plan.

Amendment: TX23.04.01

| # | L = listed use CZ = conditional zoning S = Use listed with additional standards SUP = Special Use Permit Reference SIC and NAICS code for further data on the listed uses. | 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 (CP 485) | Vehicle Service/Repair (VSR) | Business Center (BC) | Industrial (IND) | Heavy Industry Overlay (HIO) |
|----|--|------------------|--|---|---|------------------|-------------|------------------|------------------|-------------------------|--|------------------------------|----------------------|------------------|------------------------------|
| 1 | LIGHT INDUSTRIAL USES | | | | | | | | | | | | | | |
| 2 | Animal Feeds | CZ (10.2-4) | | | | | | | | CZ (10.2-4) | | | S(10.1-36) | S (10.1-36) | |
| 3 | Apparel and Finished Fabric Products | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 4 | Assembly of components manufactured off site, Final | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 5 | Audio, Video and Communications Equipment | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 6 | Bakery Products | | | | S (10.1-36) | | | | | S (10.1-36) | | | S(10.1-36) | S (10.1-36) | |
| 7 | Beverage Products and/or Bottling | CZ (10.2-4) | | | | | | | | CZ (10.2-4) | CZ (10.2-4) | | S(10.1-36) | S (10.1-36) | |
| 8 | Bicycle Parts and Accessories | | | | | | | | | | | S (10.1-36) | S(10.1-36) | S (10.1-36) | |
| 9 | Biltong, jerky, and similar meats production & distribution | | | | | | | | | | | | | L | |
| 10 | Brooms and Brushes | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 11 | Computer and Office Equipment | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |

**Table 8.1 - Table of Uses
Section 2 - Manufacturing Industry**

| # | 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) | Business Center (BC) | Industrial (IND) | Heavy Industry Overlay (HIO) |
|----|--|------------------|--|---|---|------------------|-------------|------------------|------------------|-------------------------|---------------------------------------|------------------------------|----------------------|------------------|------------------------------|
| 1 | LIGHT INDUSTRIAL USES | | | | | | | | | | | | | | |
| 2 | Animal Feeds | CZ (10.2-4) | | | | | | | | CZ (10.2-4) | | | S(10.1-36) | S (10.1-36) | |
| 3 | Apparel and Finished Fabric Products | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 4 | Assembly of components manufactured off site, Final | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 5 | Audio, Video and Communications Equipment | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 6 | Bakery Products | | | | S (10.1-36) | | | | | S (10.1-36) | | | S(10.1-36) | S (10.1-36) | |
| 7 | Beverage Products and/or Bottling | CZ (10.2-4) | | | | | | | | CZ (10.2-4) | CZ (10.2-4) | | S(10.1-36) | S (10.1-36) | |
| 8 | Bicycle Parts and Accessories | | | | | | | | | | | S (10.1-36) | S(10.1-36) | S (10.1-36) | |
| 9 | Biltong, jerky, and similar meats production & distribution | | | | | | | | | | | | | L | |
| 10 | Brooms and Brushes | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 11 | Computer and Office Equipment | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 12 | Electrical Equipment | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 13 | Furniture and Fixtures | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 14 | Glass Products from Purchased Glass | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 15 | Household Appliances | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 16 | Leather Products (not including tanning) | CZ (10.2-4) | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 17 | Lighting and Wiring Equipment | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 18 | Manufactured Housing and Wood Buildings | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 19 | Medical, Dental and Surgical Equipment | | | | | | | | | | | S (10.1-36) | S(10.1-36) | S (10.1-36) | |
| 20 | Photographic Equipment and Supplies | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 21 | Pottery and Related Products | S (10.1-36) | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 22 | Sign manufacture | | | | | | | | | | | S (10.1-36) | S(10.1-36) | S (10.1-36) | |
| 23 | Sporting Goods and Toys | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 24 | Textile Products (no dyeing and finishing) | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | |
| 25 | HEAVY INDUSTRIAL USES | | | | | | | | | | | | | | |
| 26 | Ammunition, Small Arms | | | | | | | | | | | | | S (10.1-36) | |
| 27 | Asbestos, Abrasive and Related Products | | | | | | | | | | | | | | CZ (10.2-16) |
| 28 | Batteries | | | | | | | | | | | | | | CZ (10.2-16) |
| 29 | Chemicals, Paints and Allied Products | | | | | | | | | | | | | | CZ (10.2-16) |
| 30 | Concrete, Cut Stone and Clay Products | | | | | | | | | | | | | S (10.1-36) | |
| 31 | Dairy Products | CZ (10.2-4) | | | | | | | | | | | | S (10.1-36) | |
| 32 | Fabricated Metal Products | | | | | | | | | | | S (10.1-36) | | S (10.1-36) | |
| 33 | Floor Coverings (including carpet) | | | | | | | | | | | | | S (10.1-36) | |
| 34 | Foundries Producing Iron & Steel Products/Materials | | | | | | | | | | | S (10.1-36) | | | CZ (10.2-16) |
| 35 | Hazardous Industry | | | | | | | | | | | | | | CZ (10.2-16) |
| 36 | Hazardous &/or Radioactive Waste (Transport/Storage/Incineration) | | | | | | | | | | | | | | CZ (10.2-16) |
| 37 | Heating Equipment and Plumbing Fixtures | | | | | | | | | | | | | S (10.1-36) | |
| 38 | Industrial Equipment and Commercial Machinery | | | | | | | | | | | | | S (10.1-36) | |



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX23.04.01

REQUEST: To allow the use of biltong, jerky, and similar meat production and distribution into the Industrial (IND) Zoning District.

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

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

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

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

THEREFORE, The Town Council hereby votes that the proposed zoning/text amendment is consistent/inconsistent and reasonable/unreasonable 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 **APPROVES/DENIES** the proposed amendment and stated that the Town Council finds and determines that the zoning/text amendment is consistent/inconsistent and reasonable/unreasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

1. This text amendment promotes more commercial development opportunities in accordance with the Town’s Economic Development Plan.
2. The proposed use is consistent with the Comprehensive Land Use Plan.

Adopted this the ___ day of _____, 2023.

Mayor

Attest:

Town Clerk



MEMO

To: Town Council
 From: Max Hsiang, Planning Director
 Date: 5/22/2023
 Re: TX23.04.02 – General Contractors Office request in C-74

Request:

The applicant submitted a text amendment application to request a General Contractor’s Office with fenced outdoor storage in the US-74 Commercial (C-74) zoning district with Outdoor Storage supplemental regulations (S10.1-36).

10.1-36 Outdoor Storage:

(A.) Applicable to any Zoning Districts where Table 8.1, appearing in Article 8 of this Ordinance, includes the Outdoor Storage of materials associated with a use listed with additional standards.

(B.) Exclusions include licensed motor vehicles titled to a resident and/or occupant of the property, provided such vehicles do not violate the provisions of Section 10.1-22 of this article.

(C.) Performance Standards for Outdoor Storage:

(1.) In all zoning districts where storage of bulk materials, inventory, customer-owned property, and/or equipment is stored outdoors more than three (3) consecutive calendar days, the site shall:

(a.) consist of a minimum of five (5) acres;

(b.) provide for the screening and buffering along all site perimeter of the area designated for Outdoor Storage on an approved site plan with a Type D Buffer, except where the site abuts an adjacent Zoning District requiring the provision of a Buffer Yard in accordance with Table 11.1 appearing in Article 11 of this Ordinance.

History:

In February 2023, code enforcement issued an outdoor storage violation for 100 Sherin Ln. The property has extended its violation notice with this text amendment to allow General Contractors with fenced outdoor storage with S10.1-36 supplemental regulations.

If the Council does not approve the text amendment, a violation notice to remedy the use and outdoor storage will be mailed to the property owner.

Staff Recommendation:

Staff recommends approving TX23.04.02 per the Stallings Economic Development Plan, recommending increasing the number of businesses in Stallings, remedies potential code violations on the site, and Planning Board recommended approval.

Amendment to the Use Table: TX23.04.02

| # | L = listed use CZ = conditional zoning S = Use listed with additional standards SUP = Special Use Permit Reference SIC and NAICS code for further data on the listed uses. | Agriculture (AG) | Single Family Residential (SFR-1, SFR-2, SFR-3 & SFR-MH) | Multi-Family Residential Transitional (MFT) | Traditional Neighborhood Development Overlay (TND/O) | 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) | Business Center (BC) | Industrial (IND) | Heavy Industry Overlay (HIO) |
|-----|---|------------------|--|---|--|------------------|-------------|------------------|------------------|-------------------------|---------------------------------------|-------------------------------|----------------------|------------------|------------------------------|
| 138 | OFFICE USES | | | | | | | | | | | | | | |
| 139 | Accounting, Auditing or Bookkeeping Services | | | | L | L | | L | L | L | L | | L | | |
| 140 | Administrative or Management Services | | | | L | L | | L | L | L | L | | L | | |
| 141 | Advertising Agency | | | | L | L | | L | L | L | L | | L | | |
| 142 | Architect, Engineer or Surveyor's Office | | | | L | L | | L | L | L | L | | L | | |
| 143 | Dental, Medical or Related Office | | | | L | L | L | L | L | L | L | | L | | |
| 144 | Employment Agency, Personnel Agency | | | | L | L | L | L | L | L | L | | L | | |
| 145 | Finance or Loan Office | | | | L | L | | L | L | L | L | | L | | |
| 146 | General Contractors Office w/ Fenced Outside Storage | | | | | | | | | S(101-36) | | | S(101-36) | S(101-36) | |
| 147 | General Contractors Offices without Outside Storage | | | | | | | | | L | | L | L | L | |
| 148 | Government Office | L | | | L | L | L | L | L | L | L | | L | | |
| 149 | Home Occupation | S(101-21) | S(101-21) | S(101-21) | S(101-21) | S(101-21) | S(101-21) | S(101-21) | S(101-21) | S(101-21) | S(101-21) | | S(101-21) | S(101-21) | |
| 150 | Insurance Agency (w/on-site claims inspections) | | | | L | L | | | L | L | L | | L | | |

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 Reference SIC and NAICS code for further data on the listed uses. | 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) | Business Center (BC) | Industrial (IND) | Heavy Industry Overlay (HIO) | |
|-----|---|------------------|--|---|---|------------------|-------------|------------------|------------------|-------------------------|---------------------------------------|------------------------------|----------------------|------------------|------------------------------|---------------|
| 116 | Landfill, Demolition Debris, Minor and Major (RESERVED) | | | | | | | | | | | | | | | |
| 117 | Landscape Services | L | | | | | | | | S (10.1-36) | | | S(10.1-36) | S (10.1-36) | | |
| 118 | Laundromat, Coin-Operated | | | | | L | | | L | L | | | | | | |
| 119 | Laundry or Dry Cleaning | | | | L | L | | L | L | L | L | | | | | |
| 120 | Library | | | | L | L | L | L | L | | | | | | | |
| 121 | Lighting Sales and Service | | | | S (10.1-36) | S (10.1-36) | | | S (10.1-36) | S (10.1-36) | | | S(10.1-36) | S (10.1-36) | | |
| 122 | Manufactured Home/Dwelling Sales | | | | | | | | CZ | | | | | | | |
| 123 | Manufacturing & Industry (see Table 8.1, sect. 2) | | | | | | | | | | | | | | | |
| 124 | Market - Tailgate (Fresh Foods & "Food Trucks")(as Temporary Use - see Article 15) | | | | | | | | | | | | | | | |
| 125 | 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) | | |
| 126 | Martial Arts Instructional Schools | | | | L | L | | L | L | L | | | L | L | | |
| 127 | Metal Coating and Engraving | | | | | | | | | | | | | | | SUP (10.2-16) |
| 128 | Metal Processing | | | | | | | | | | | | | | | SUP (10.2-16) |
| 129 | Migrant Labor Housing (RESERVED) | | | | | | | | | | | | | | | |
| 130 | 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) | S (10.1-36) | | |
| 131 | Motorcycle Sales (new & used), Parts and Service | | | | | | | | | S (10.1-36) | | S (10.1-36) | | | | |
| 132 | Moving and Storage Service | | | | | | | | S (10.1-36) | S (10.1-36) | | S (10.1-36) | S(10.1-36) | S (10.1-36) | | |
| 133 | Museum or Art Gallery | | | | L | L | L | L | L | L | L | | L | | | |
| 134 | Musical Instrument Sales | | | | L | L | | L | L | L | | | L | | | |
| 135 | Newsstand | | | | L | L | L | L | L | L | L | | L | | | |
| 136 | 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) | | | | | | |
| 137 | Office Machine Sales | | | | L | L | | | L | L | L | | S(10.1-36) | S (10.1-36) | | |
| 138 | OFFICE USES | | | | | | | | | | | | | | | |
| 139 | Accounting, Auditing or Bookkeeping Services | | | | L | L | | L | L | L | L | | L | | | |
| 140 | Administrative or Management Services | | | | L | L | | L | L | L | L | | L | | | |
| 141 | Advertising Agency | | | | L | L | | L | L | L | L | | L | | | |
| 142 | Architect, Engineer or Surveyor's Office | | | | L | L | | L | L | L | L | | L | | | |
| 143 | Dental, Medical or Related Office | | | | L | L | L | L | L | L | L | | L | | | |
| 144 | Employment Agency, Personnel Agency | | | | L | L | L | L | L | L | L | | L | | | |
| 145 | Finance or Loan Office | | | | L | L | | L | L | L | L | | L | | | |
| 146 | General Contractors Office w/ Fenced Outside Storage | | | | | | | | | S (10.1-36) | | | S(10.1-36) | S (10.1-36) | | |
| 147 | General Contractors Offices without Outside Storage | | | | | | | | | L | | L | L | L | | |
| 148 | Government Office | L | | | L | L | L | L | L | L | L | | L | | | |
| 149 | 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) | S (10.1-21) | | |
| 150 | Insurance Agency (w/on-site claims inspections) | | | | L | L | | L | L | L | L | | L | | | |
| 151 | Insurance Agency (without on-site claims inspections) | | | | L | L | | L | L | L | L | | L | | | |
| 152 | Law Office | | | | L | L | L | L | L | L | L | | L | | | |
| 153 | Medical, Dental or Related Office | | | | L | L | L | L | L | L | L | | L | | | |
| 154 | Office Uses Not Otherwise Classified | | | | L | L | | L | L | L | L | | L | L | | |
| 155 | Real Estate Office | | | | L | L | | L | L | L | L | | L | | | |
| 156 | Service Contractors Offices w/Fenced Outside Storage | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | | |
| 157 | Service Contractors Offices without Outside Storage | | | | | | | | | L | | L | L | L | | |
| 158 | Stock, Security or Commodity Broker | | | | L | L | | L | L | L | L | | L | | | |
| 159 | Temporary Real Estate Office (see Article 15) | | | | | | | | | | | | | | | |
| 160 | Travel Agency | | | | L | L | | L | L | L | L | | | | | |
| 161 | Optical Goods Sales | | | | L | L | L | L | L | L | L | | L | | | |
| 162 | Outside Storage Uses Not Otherwise Classified | | | | | | | | | | | | S(10.1-36) | S (10.1-36) | | |
| 163 | Paint and Wallpaper Sales | | | | S (10.1-36) | S (10.1-36) | | | S (10.1-36) | S (10.1-36) | | | S(10.1-36) | S (10.1-36) | | |



TEXT AMENDMENT APPLICATION

315 Stallings Road
Stallings, NC 28104
704-821-8557
Fax 704-821-6841

Date Filed: _____ Fee Paid: _____

Fee: \$500

Applicant Information

Applicant Name: Liquid Management, LLC

Address: 100 Sherin Lane, Stallings, NC 28104

Phone: (704) 882-1700 Email: astegall@themisergroupinc.com

Proposed Text Amendment - Include Article and Section Numbers

To allow General Contractor's office with fenced
outdoor storage (S-10. 1-36 - 5 acres) in C-74.

Please include a statement addressing the following:

- 1) In order to maintain sound, stable and desirable development within the planning jurisdiction of the Town of Stallings, it is intended that this ordinance be amended to:
 - (a.) To correct manifest error in the ordinance;
 - (b.) Because of changed or changing conditions in a particular neighborhood or community as a whole; and/or
 - (c.) To promote and forward the purposes of the adopted Stallings Land Use Plan.
- 2) It is the further intent of this ordinance that if amended it will promote the general health, safety, and welfare of the citizens of Stallings.

Completed applications must be filed with the Planning Office no later than the first business day of the month in order to be placed on the Planning Board and Town Council agendas. For additional information or assistance, call the Town of Stallings Planning Office at (704) 821-8557.

Applicant Signature:  Date: 3/13/23



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX23.04.02

REQUEST: To allow General Contractor's Office with fenced outdoor storage into the US-74 Commercial (C-74) zoning district with Outdoor Storage supplemental regulations (S10.1-36).

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

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

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

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

THEREFORE, The Town Council hereby votes that the proposed text amendment is **consistent/inconsistent** and **reasonable/unreasonable** 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 **APPROVES/DENIES** the proposed amendment and stated that the Town Council finds and determines that the zoning/text amendment is **consistent/inconsistent** and **reasonable/unreasonable** with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

1. This text amendment promotes more commercial development opportunities in accordance with the Town's Economic Development Plan.
2. The proposed use is consistent with the Comprehensive Land Use Plan.

Adopted this the __ day of _____, 2023.

Mayor

Attest:

Town Clerk



MEMO

To: Town Council

From: Alex Sewell, Town Manager

Date: 5/16/23

RE: U-5112 – Potter-Pleasant Plains Intersection Project

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

Background:

- One of the Town Council’s top priorities is encouraging the completion of critical state intersection projects including U-5112.
- 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 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 freed up equivalent funds that could potentially be put towards U-5112.
- 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.
- 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 December 2023 if there are no issues with material shortages.
- On 11/28/23, the Town Council approved the first of two supplemental agreements needed to turn over the project to NCDOT and close out the right-of-way phase of the Potter/Pleasant Plains Intersection (U-5112) project. Since the original agreement expired, a new one was needed.
- In February, the NCDOT Chief Engineer executed the first agreement.

Update:

- On 4/28/23, NCDOT sent the Town a finalized draft of the construction agreement.
- The Town Attorney has reviewed the agreement.
- The draft construction agreement would require the Town to pay an additional \$1,419,727.21 (\$1,600,000 minus reimbursements as outlined below:

| Construction Agreement | |
|-------------------------------|------------------------|
| Total Local Dollars | \$ 1,600,000.00 |
| Match for Stallings Invoices | \$ 155,627.68 |
| Match for NCDOT Expend. | \$ 3,429.81 |
| Review and Inspec Agreement | \$ 10,948.46 |
| Survey | \$ 500.00 |
| Septic Service | \$ 4,800.00 |
| Legal Fees | \$ 4,966.84 |
| Remaining Local Funds | \$ 1,419,727.21 |

- The draft construction agreement requires the Town to provide payment upon full execution of the Agreement indicating that “[t]his shall be considered the Municipality’s full and complete payment.”
- NCDOT reports the following for the letting of this project: “We are still looking at this fall for letting. I think it is November actually, but it could be December.”
- Regarding any further Town costs related to right-of-way/utilities, NCDOT indicated that “All utilities that are still in conflict are located within existing ROW and are there by encroachment. They should be moved at the utility owner’s expense. We are not anticipating any additional [Town] costs to be incurred at this time.”

Council Action Requested: Staff are requesting Council to take the following action:*

- 1.) Approve entering into the enclosed construction agreement with NCDOT.
- 2.) Authorize the Town Manager to execute and implement the agreement on the Town’s behalf including issuing payment.

*Note: Council will also need to approve the related budget amendments to effectuate this.

AGREEMENT OVERVIEW

DATE: 4/28/2023

NORTH CAROLINA
UNION COUNTY

PROJECT NUMBERS

PARTIES TO THE AGREEMENT:

TIP NUMBER: U-5112
WBS ELEMENT (PE):
WBS ELEMENT (ROW):
WBS ELEMENT (CON): 42374.3.1
FUNDING WBS:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

AND

TOWN OF STALLINGS

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF TIP Project (“Project”): widening improvements to Potters Road (SR 1357) and construction of selected turn lanes at the intersection with Pleasant Plains Road (SR 1364) in Stallings.

ESTIMATED COST OF THE PROJECT: \$6,700,000

COSTS TO OTHER PARTY: \$1,419,727.21

DEPARTMENT’S FUNDING: \$5,280,272.79

PAYMENT TERMS: The Municipality shall provide payment upon full execution of the Agreement. This will be considered the Municipality’s full and complete payment.

MAINTENANCE: Department

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: When work is complete and all terms are met.

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**.

The parties to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the

parties with respect to its subject matter and supersedes any previous communication or agreements that may exist.

I. WHEREAS STATEMENTS

WHEREAS, this Agreement is made under the authority granted to the **Department** by the North Carolina General Assembly under General Statutes of North Carolina (NCGS), particularly Chapter 136-66.1 and 136-66.3; and,

WHEREAS, the **Department** and the **Municipality** have agreed that the jurisdictional limits of the Parties, as of the date of entering the agreement for the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the Parties hereto for the purposes of this Agreement; and,

WHEREAS, the Parties had previously entered into Accounts Payable agreements (#4600 and #10896) for the reimbursement of eligible costs incurred by the Municipality for right of way acquisition costs related to this Project; and,

WHEREAS, the **Municipality** has requested that the **Department** perform the construction phase of this Project with reimbursement for the costs thereof by the **Municipality** as hereinafter set out; and,

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

II. RESPONSIBILITIES

- The **Department** shall be responsible for all phases of project delivery to include planning, design, utility relocation, construction and maintenance as shown in the **PROJECT DELIVERY** Provision, unless specific maintenance responsibilities are assigned to the **Municipality**.
- The **Municipality** shall be responsible for right of way acquisition (per previous agreements) and payment as shown in the **COSTS AND FUNDING** Provision.

III. PROJECT DELIVERY REQUIREMENTS

A. PLANNING, DESIGN, AND CONSTRUCTION

The **Department** will be responsible for preparing the environmental and/or planning document, obtaining any environmental permits and preparing the project plans and specifications.

The **Department** shall construct the Project in accordance with the plans and specifications for the Project. The **Department** shall administer the construction contract for said Project. All work shall be done in accordance with Departmental standards, specifications, policies and procedures.

B. RIGHT OF WAY ACQUISITION

The **Municipality** will be responsible for acquiring any needed right of way required for the Project in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

C. MUNICIPAL UTILITY RELOCATIONS

RESPONSIBILITIES

The **Municipality** shall be responsible for the relocation and adjustment of all municipally owned utilities in conflict with the Project and shall exercise any rights that it may have under any franchise to effect all necessary changes, adjustments, and relocations of communications and electric power lines; underground cables, gas lines, and, and other pipelines or conduits; or any privately- or publicly-owned utilities.

1. Said work shall be performed in a manner satisfactory to the **Department** prior to the **Department** beginning construction of the Project. The **Municipality** shall make every effort to promptly relocate said utilities in order that the **Department** will not be delayed in the construction of the Project.
2. The **Municipality** shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits, whichever is greater, of the Project.
3. The Department, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing manholes, meter boxes, and valve boxes at no expense to the Municipality.
4. The **Department** shall not be liable for any work that the **Municipality** undertakes with respect to said utility relocation.

COSTS AND FUNDING

5. If applicable, the **Department** will reimburse the **Municipality** in accordance with NCGS 136-27.1. A separate utility agreement may be prepared to address these costs and payment terms.

UTILITY RELOCATION BY DEPARTMENT

6. If the **Municipality** requests the **Department** to include the relocation and/or adjustment of municipally owned utilities in its construction contract provisions, and the **Department** agrees, then a separate utility agreement will be prepared to state the cost estimate and

the reimbursement terms, if applicable. The **Municipality** shall reimburse the **Department** all or a portion of the costs associated with said relocation, in accordance with NCGS 136-27.1. Reimbursement will be based on final project plans and actual costs of relocation.

D. MAINTENANCE

Upon completion of the Project:

1. The **Department** shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the “Policy on Street and Driveway Access to North Carolina Highway,” and department criteria.
2. The roadway improvements that are within state-owned right of way shall be considered a part of the State Highway System and shall be owned and maintained by the **Department**.

IV. COSTS AND FUNDING

A. PROJECT COSTS

The Municipality has agreed to participate in Project costs as follows:

The estimated cost of the Project is \$6,700,000. The Municipality shall participate in project costs up to a maximum of \$1,419,727.21. This will be considered the Municipality’s full and complete participation in the construction phase. The Department is responsible for all costs that exceed \$6,700,000.

B. DOWNPAYMENT

The Municipality shall provide a down payment for the construction phase of the Project upon full execution of this Agreement, in accordance with directions on the cover memo. The Department shall not proceed with the construction phase

V. STANDARD PROVISIONS

A. Agreement Modifications

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a written Supplemental Agreement.

B. Assignment of Responsibilities

The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

C. Agreement for Identified Parties Only

This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

D. Other Agreements

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality to meet the terms of this Agreement. The Department is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

E. Authorization to Execute

The parties hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective parties to the terms contained herein.

F. DocuSign

Department and Municipality acknowledge and agree that the electronic signature application DocuSign may be used, at the sole election of the Department or the Municipality, to execute this Agreement. By selecting "I Agree," "I Accept," or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, Department and Municipality consent to be legally bound by the terms and conditions of Agreement and that such act constitutes Department's signature as if actually signed by Department in writing or Municipality's signature as if actually signed by Municipality in writing. Department and Municipality also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. Department and Municipality acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

G. Debarment Policy

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from

participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

H. Indemnification

To the extent authorized by state and federal claims statutes, the Municipality shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the Department, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns to the extent allowed by law, from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Agreement. The Department shall not be liable and shall be held harmless from any and all third-party claims that might arise on account of the Municipality's negligence and/or responsibilities under the terms of this agreement.

I. Availability of Funds

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

J. Gift Ban

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

SIGNATURE PAGE

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

TOWN OF STALLINGS

Authorized Signer: _____

FED TAX ID NO: _____

Print Name: _____

REMITTANCE ADDRESS:

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Act:

Finance Officer: _____

Print Name: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

BY: _____

TITLE: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 10/6/2022 (DATE)

**ACCOUNTS RECEIVABLE
TIP AGREEMENT – CONSTRUCTION COSTS
1000015539**

ACCOUNTS RECEIVABLE
TIP AGREEMENT-PROJECT COSTS
CONSTRUCTION
1000XXXXX