

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

The Town Council of the Town of Stallings met for its regular meeting on September 11, 2023, at 7:00 p.m. at the Stallings Government Center, 321 Stallings Road, Stallings, North Carolina.

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

Those absent were: Council Member Taylor-Rae Drake.

Staff present were: Alex Sewell, Town Manager; Erinn Nichols, Assistant Town Manager/Town Clerk; Chief Dennis Franks; Max Hsiang, Planning Director; Kevin Parker, Town Engineer; Jamie Privuznuk, Finance Officer; Eunice McSwain, Parks and Recreation Director; and Melanie Cox, Town Attorney.

Invocation, Pledge of Allegiance and meeting called to order

Mayor Wyatt Dunn welcomed everyone to the meeting and delivered the invocation. Mayor Dunn led the Pledge of Allegiance and held a moment of silence in remembrance of 9-11/Patriot Day. He then called the meeting to order.

Public Comments

No one was present for public comments.

1. Approval of Consent Agenda Items

- A. Minutes from the following meetings:
 - (1) 08-14-2023
- B. Amended Budget Ordinance 4 – Police Bullet Proof Vest
- C. Amended Budget Ordinance 5 – PD Grant: School Resource Officer Union County Public School Reimbursement
- D. Union County Order of Collection and Settlement Report
- E. Sidewalk Study Approval*
Moved to Agenda Item 10.A.

Mayor Dunn requested removing Consent Agenda Item 1.E., *Sidewalk Study Approval*, and add it to the regular Agenda. Council Member Scholl made the motion to approve the Consent Agenda Items as amended. The motion was seconded by Council Member Hall which passed unanimously by Council. The *Amended Budget Ordinance 4 – Police Bullet Proof Vest*; the *Amended Budget Ordinance 5 - PD Grant*:

School Resource Officer Union County Public School Reimbursement; and the *Union County Order of Collection and Settlement Report* are attached to these minutes and therefore incorporated herein.

2. Reports

A. Report from the Mayor

Mayor Dunn had no report.

B. Reports from Council Members/Town Committees

No Council Members had any reports.

C. Report from Town Manager/Town Departments

Engineering Director Parker informed the Council that FEMA had updated the flood rate insurance maps and some of the updated areas affected Stallings residents. The residents could comment on the updates at a public comment period on that Wednesday in the Union County Government Center.

3. Agenda Approval

Mayor Dunn requested adding Agenda Item 11.A. as *Sidewalk Study Approval*. Town Manager Sewell requested adding NCGS 143-318.11(a)(4) to the closed session in Agenda Item 11.

Council Member Richardson made a motion to approve the Agenda with the above noted changes. The motion was passed unanimously by Council after a second from Council Member Grooms.

4. Parks and Recreation - Parks Hours Ordinance (*Second and Final Read*)

Parks and Recreation Director Eunice Donnelly reminded the Council that the Parks and Recreation Department wanted to assign appropriate park hours into our Code of Ordinances. With the opening of the new greenway, along with the expanding park system, it was in the community's best interest to set a parameter around when it was allowed/not allowed to be on Town's Park Property. This would allow our Police Department to remove patrons from park property outside of the operational hours.

Council Member Hall made the motion to approve *Ordinance Amending Code of Ordinances, Title IX General Regulations, Chapter 92 Parks and Recreation* which sets parks and trails hours. Council Member Scholl second the motion to which Council unanimously approved. The *Ordinance Amending*

Code of Ordinances, Title IX General Regulations, Chapter 92 Parks and Recreation is attached to these minutes and therefore incorporated herein.

5. Sewer Capacity Study Contract

Engineering Director Kevin Parker explained to the Council that in accordance with Council's vision for downtown creation, as discussed in the 2023 Annual Retreat, Council budgeted \$100,000 in FY 2024 for a sanitary sewer study to analyze options for providing sewer capacity to two areas identified for downtown creation: 1. The area surrounding Town Hall and the Stallings Road/Old Monroe Road intersection and 2. The area surrounding the Atrium Hospital.

The deliverable of the study would provide information regarding future needs, action items, challenges and constraints, and cost breakdowns that would assist Council with future decisions to provide sanitary sewer capacity in accordance with Council's vision of downtown creation in the two identified areas.

Chip Smith with Kimley Horn was present to answer any questions from the Council.

Council Member Richardson made the motion to authorize the Town Manager to execute the contract with Kimley-Horn to perform the Sanitary Sewer Study for a fee of up to \$100,000. The motion received Council's unanimous support after a second from Council Member Grooms.

6. 325 Stallings Road

A. Demolition Costs

B. Asbestos Removal Costs

Engineering Director Parker reminded the Council that it directed Staff to determine the costs associated with the demolition of 325 Stallings Road. Staff received an estimate of \$16,800 for the total cost of demolition of the single-family home and the barn towards the rear of the property. Staff also had a hazardous material (HAZMAT) inspection performed on the home and asbestos was identified throughout the building. Staff obtained two estimates to remove the asbestos, and the lowest quote was provided by Piedmont Quality Air for approximately \$16,851.21. Both the costs of the demolition and HAZMAT removal were not incorporated into the FY2024 Budget.

Council held consensus not to move forward with either of the items associated with 325 Stallings Road at that time and to discuss at next year's budget meeting.

7. Town Hall HVAC Design

Engineering Director Parker explained to the Council that Town Hall had been experiencing persistent issues with the HVAC system, mainly caused by the HVAC units being undersized and the ductwork inefficiently routed. Staff had communicated these issues to Council and in FY2023 Council approved an approximately \$390,000 budget for redesign and construction of Town Hall's HVAC system (\$40K for design and \$350K for construction).

Staff anticipated this HVAC design portion of the project would cost approximately \$50,000, and during the FY2024 budgetary discussions, Council approved a \$30,000 budget for the HVAC redesign with the understanding that Staff would need to comply with the Mini Brooks Act associated with engineering and architectural design services.

Staff received and reviewed 11 submittals of qualifications to which CPL was determined to be the most qualified firm to perform the HVAC design work. CPL provided Staff with a proposal to accommodate the \$30,000 Council-approved budget which encompasses a 50% design package, including an opinion of probable construction costs. The 50% design package, in conjunction with the estimate, would offer a clearer picture of construction scope and estimated costs, allowing Staff to further analyze options to propose to Council for decision. The cost for the 100% design from CPL was \$54,000.

After discussion, Council Member Richardson made the motion to authorize the Town Manager to execute a contract with CPL for the full design, at an amount up to \$54,000, which the expectation of staff to request a lower price from CPL. Council Member Scholl seconded the motion to which the Council unanimously gave full approval.

8. Twin Pines

A. Mini Brooks Act

Engineering Director Parker reminded the Council that Kimley-Horn had been consistently assisting Staff with the Twin Pines Flood Mitigation and Stream Restoration Project, recently completing hydraulic modeling and a 30% concept design for the project. The final design must be coordinated and permitted through the United States Army Corps of Engineers, in addition to other State and Federal Agencies, and this design and permitting process was expected to take approximately nine months with expectations to begin construction during the dry season in early FY 2025 (Summer 2024). Kimley-Horn had provided Staff with a proposal to complete final design and permitting estimated at \$49,800.

Staff acknowledged Kimley-Horn’s qualifications and expertise in hydraulic analysis, stream/wetland design, and their familiarity with permitting through the United States Army Corps of Engineers and other State and Federal Agencies. Additionally, pursuing a formal RFQ process for this project, in accordance with North Carolina General Statute 143-64.31 (Mini Brooks Act), would cause an approximate 1.5-month delay impacting the design completion and anticipated construction date of Summer 2024. In an effort to prevent additional delays, Staff requested Council waive the requirements of the Mini Brooks Act.

B. Final Design Contract Approval

Council Member Richardson made the motion to waive the requirements of the Mini Brooks Act, approving the Resolution stating such, and authorize the Town Manager to execute the final flood mitigation and stream restoration design contract with Kimley-Horn, for an amount of \$49,800, with staff requesting additional savings from Kimley-Horn. Council Member Scholl second this motion. The motion was passed unanimously by Council. The *Resolution to Exempt the Town of Stallings from the Competitive Proposal Provisions of NCGS §143-64.31* pertaining to this project is attached to these minutes and therefore incorporated herein.

9. October Trivia Night Beer and Wine Sales Approval

Parks and Recreation Director Eunice Donnelly explained that it would like to contract with craft-beer and wine providers to sell alcohol at “Ghouls Night Out”, a family trivia night in Stallings Municipal Park on Thursday, October 26, 2023.

Town Ordinance 130.02 prohibited the consumption and possession of alcoholic beverages at Town sponsored special events but allowed for exceptions to be made by the Town Council on a case-by-case basis stating “Exceptions to the provisions of this section can only be made by the Town Council on a case-by-case basis. Such exemptions shall apply to the annual barbeque event.”

Council Member Hall made a motion to approve the exception to Town Ordinance 130.02 to allow alcohol sales at Ghouls Night Out. The motion received Council’s unanimous support after a second from Council Member Ayers.

10. Regional Sewer Collaboration Discussion (Ayers)

Council Member Ayers explained that he learned through the regional WUMA group that county commissioners denied Marvin proposal for sewer options. Therefore, Marvin requested all WUMA members join a regional sewer authority. Council Member Ayers requested that Council consider this option for discussion at a later date.

Council Member Richardson made a motion to suspend the rules in order to reorder and move Agenda Item 11.A. to Agenda Item 10.A. The motion received the unanimous support of Council after a second from Council Member Scholl.

10.A. Sidewalk Study Approval

Original Agenda Item 1.E.

Engineering Director Parker explained in accordance with the Town's Sidewalk Policy, Staff was expected to inventory and inspect all the Town's pedestrian infrastructure every three years. To ensure the Town was staying in compliance with the Sidewalk Policy, Council approved a \$50,000 budget to perform a comprehensive right-of-way assessment in FY2024.

Staff received two quotes to perform the comprehensive right-of-way assessment and Precision Infrastructure Management provided the lowest quote at \$37,250.

Council Member Ayers made the motion to authorize the Town Manager to execute a contract with Precision Infrastructure Management for a fee of up to \$40,000, with staff requesting additional savings from Precision Infrastructure Management, to conduct the sidewalk study to which Council Member Scholl seconded. The motion was passed unanimously by Council.

11. Closed Session Pursuant to NCGS 143-318.11(a)(3)and(4)

Council Member Hall made the motion to go into closed sessions pursuant to NCGS 143-318.11(a)(3)and(4). Council Member Ayers seconded the motion which was approved unanimously by Council.

Council recessed into closed session at 8:14 p.m. and reconvened back into open session at 8:37 p.m.

12. Adjournment

Council Member Ayers moved to adjourn the meeting, seconded by Council Member Hall, and the motion received unanimous support. The meeting was adjourned at 8:37 p.m.

Approved on October 10, 2023.

s/Wyatt Dunn

Wyatt Dunn, Mayor

s/Erinn Nichols

Erinn E. Nichols, Town Clerk

Approved as to form:

s/Cox Law Firm, PLLC

Cox Law Firm, PLLC