

Town of Dallas
Agenda
December 13, 2022
6:00 PM
BOARD OF ALDERMEN
Rick Coleman, Mayor

Sam Martin

Frank Milton

Darlene Morrow

Jerry Cearley, Mayor Pro-Tem

E. Hoyle Withers

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MINUTES FOR BOARD OF ALDERMEN MEETING

November 8, 2022

6:00 PM

The following elected officials were present: Mayor Coleman, Alderman Cearley, Alderwoman Morrow, Alderman Milton, Alderman Martin, and Alderman Withers.

The following staff members were present: Nolan Groce, Development Services Director; Earl Withers, Fire Chief; Sarah Hamrick, Town Clerk; Jonathan Newton, Finance Director; Robbie Walls, Police Chief; Bill Trudnak, Public Works Director; Tom Hunn, Town Attorney; Brandon Whitener, Recreation Director; and Brian Finnegan, Planner; Doug Huffman, Electric Director; Paul Gibson, Electric Supervisor; and Zack Foreman, Assistant Public Works Director.

Mayor Coleman called the meeting to order at 6:00pm.

Mayor Coleman opened with the Invocation and the Pledge of Allegiance to the Flag.

Approval of Agenda:

Alderman Withers motioned to set the agenda with one addition, seconded by Alderwoman Morrow, and carried unanimously.

Approval of Minutes:

Alderman Martin motioned to approve the corrected minutes from the September 13th regular Board Meeting and Alderwoman Morrow seconded this motion and it was carried unanimously.

Alderman Martin motioned to approve the minutes from the October 11th regular Board Meeting and the October 25th Work Session, seconded by Alderman Cearley and carried unanimously.

Recognition of Citizens:

The Mayor opened the floor to the Recognition of Citizens.

Curtis Wilson of 438 S. Gaston Street prayed over the Board of Alderman meeting.

Consent Agenda:

Item 5A Historic Preservation Interlocal Agreement

In an effort to clean up their processes and procedures, the Gaston County Historic Preservation Commission is asking each municipality to update their interlocal agreement with the example attached. This item was discussed at the October 25th Work Session and is being brought back for adoption (Exhibit 5A, 1-4).

Item 5B Proclamation Recognizing Jasmine Celeste Walker Day of Caring

Stacey Walker Thomas has asked for a proclamation recognizing December 5, 2022 as Jasmine Celeste Walker Day of Caring on what would have been Jasmine's 34th birthday. Ms. Thomas conducted the last Day of Caring on December 5, 2017. Ms. Thomas plans to present the Dallas

Rescue Squad with a monetary donation for their great work in taking care of her daughter, as well as a donation to the Dallas Christian Ministry. She also says she plans to conduct roadway cleanup on the roads that Jasmine and her grandmother resided. On Saturday, December 3, 2022, Ms. Thomas plans to set up her hot dog cart at her residence and invite all of Dallas Fire, Rescue, and Police personnel to stop by for a free plate. Her goal is to give back to the community and honor her daughter's legacy of giving. Attached is a proclamation recognizing December 5th as Jasmine Celeste Malker Day of Caring (Exhibit 5B-1).

Item 5C Written Off Accounts

For authorization, are uncollectable accounts from the months of March 2022 – July 2022. These accounts have been notified of their outstanding status in writing that if not paid within the notified timeframe that they would be forwarded to the NC Debt Setoff Program and that this debt would be taken from any State Income Tax Refund they are due, until the debt is satisfied. (The individual account listing that generates the total uncollectable amount due is considered by State statute to be confidential information, and therefore is not public record.) (Exhibit 5C, 1-2).

All three items on the Consent Agenda were approved with a motion by Alderman Milton seconded by Alderman Withers, and carried unanimously.

Public Hearings:

Item 6A Fire Department Ordinance Update

Alderman Martin made a motion to go into the Public Hearing, seconded by Alderman Cearley and carried unanimously.

At the October 25th Work Session, the Board reviewed proposed updates to the Fire Department Ordinance. This ordinance has not been updated in a number of years and needs to be updated to reflect the current structure at the Fire Department. Attached is the ordinance update as reviewed, along with a clean copy that includes the proposed changes. This public hearing has been duly advertised, as required (Exhibit 6A, 1-8).

Chief Withers gave a presentation of the Ordinance update. The Board, the Town Attorney, and Chief Withers discussed the updates.

Alderwoman Morrow made a motion to go out of the Public Hearing, seconded by Alderman Cearley and carried unanimously.

Alderman Cearley made a motion to approve the Ordinance update as presented, seconded by Alderman Martin and carried unanimously.

Old Business:

There was no old business at this time.

New Business:

Item 8A Amended Budget Amendment-FD Grant

At the October 11th Board Meeting a budget amendment was presented, and approved, accepting and allocating a \$35,000 2022 Supplemental Grant from the North Carolina Office of State Fire Marshal. This grant does not require a Town match. The Fire Department plans to use the funds to purchase a variety of items; sets of gear, boots, laptops, door locks, equipment, etc. This grant was not budgeted in the current budget and required a budget amendment to accept the funds and appropriate the purchases. After the budget amendment was approved, Fire Department personnel requested to modify the items they desire to purchase with the grant funds. Based on those modifications, attached is an amended budget amendment to allocate the grant funds accurately to the line items corresponding to the requested modifications (Exhibit 8A, 1-2).

Chief Withers gave a presentation on the Budget Amendment.

Alderman Cearley made a motion to approve the Amendment as presented, seconded by Alderman Milton and carried unanimously.

Item 8B Lower Dallas Hwy/Rosewood Drive Annexation Petition

Annexation Petition 2022-01 was submitted September 29, 2022 by Lynn Clemmer Nix, Stephen Mac Clemmer, and Harold Dean Johnson for their properties located between Lower Dallas Hwy and Rosewood Drive, further identified as Gaston County Parcels 171929, 171930, 208606, 208607, and 222607. These parcels are considered non-contiguous. The five parcels total approximately 22.79 acres and are currently located in Gaston County. The petitioner seeks annexation into the Town of Dallas as part of a Conditional Zoning District, CD- R-5, for inclusion in a larger Single Family Attached (Townhome) development. In order to move forward, staff must be directed to investigate the sufficiency of the petition (Exhibit 8B, 1-12).

The Development Services Director gave a presentation for the Annexation Petition.

Alderman Withers made a motion to direct the Staff to investigate the Petition, seconded by Alderwoman Morrow and carried unanimously.

Item 8C Gaston County Toy Run for Kids Special Events Application

Gary Buckner, on behalf of the Gaston County Toy Run for Kids Organization, is requesting to hold the annual Holiday charity motorcycle ride to provide toys for Christmas to underprivileged children in Gaston County. This year's event will be held on Saturday, December 3rd beginning at 11:45 p.m. and ending at approximately 1:15 p.m. The estimated attendance is 1000-1200 motorcycles and trucks. The ride will enter into Town on East Main St. and travel to the Ingles grocery store parking lot where they will hand out toys. The group will then leave the parking lot, turn left on West Trade St., travel to the Dallas Bessemer City Highway, proceed and out of Town. The group is requesting that 4 trash cans and 2 porta-jons be placed at the west end of the Ingles parking lot on the grass, along with 4 portable barricades (Exhibit 8C, 1-5).

Alderman Withers made a motion to approve the event, seconded by Alderman Cearley and carried unanimously.

The Mayor reminded the Board of upcoming events for the Town

Alderman Cearley made a motion to adjourn, seconded by Alderwoman Morrow and carried unanimously (6:21).

Rick Coleman, Mayor

Sarah Hamrick, Town Clerk

MINUTES FOR BOARD OF ALDERMEN WORK SESSION
November 22, 2022
5:00 PM

The following elected officials were present: Mayor Coleman, Alderman Cearley, Alderman Milton, and Alderman Withers. Alderwoman Morrow and Alderman Martin were absent.

The following Staff members were present: Maria Stroupe, Town Manager; Nolan Groce, Development Services Director; Robbie Walls, Police Chief; Jonathan Newton, Finance Director; Brian Finnegan, Planner; Bill Trudnak, Public Works Director; Sarah Hamrick, Town Clerk; Brandon Whitener, Recreation Director; and Paul Gibson Jr., Electric Supervisor.

Mayor Coleman called the meeting to order at 5:00 pm.

The Mayor then opened with the Pledge of Allegiance to the Flag.

At this time, the Mayor asked if there were any changes to be made to the agenda. The Town Manager and the Mayor, both added a topic for discussion. Alderman Withers made a motion to approve the agenda with the additions, seconded by Alderman Cearley, and carried unanimously.

New Business:

Item 3A Dr. Martin Luther King Jr. Day Event

Alderman Milton has requested that the Town consider adding an event to commemorate Dr. Martin Luther King in conjunction with the annual national holiday. Martin Luther King, Jr. Holiday will be celebrated on Monday, January 16, 2023. In light of various celebrations already planned around Gaston County, consideration for an event to be held on Friday, January 13, 2023 is up for discussion.

Alderman Milton started the discussion and suggested having the event on the Friday before the holiday at the Courthouse square that is similar to the Veterans Day event that is held in November. After discussion, the Board agreed to add it to the calendar.

Item 3B Request to use the Community Room

Chief Withers has received a request to use the Fire Department by the Guardians of the Children organization for their annual GOC Little Guardian Christmas party. Guardians of the Children is a national organization with a chapter in Gastonia. Attached is information taken from their Facebook page. They have been using the Belmont Fire Department for the past number of years, but parking has become a problem, plus they would like to be more centrally located in the County. Their annual party consists of a pot luck that is hosted by the GOC where all of their “adopted” families come together, eat, and the kids receive Christmas presents. The lunch would be from 12 pm – 2 pm with approximately 50-60 in attendance. This gives everyone a chance to meet and fellowship with other children in a similar situation.

Currently, there is no provision to letting outside groups use the Fire Department facility, so all such uses must be approved by the Board (Exhibit 3B-1).

The Town Manager presented the topic for discussion and the Board approved the event.

Item 3C Micro-manufacturing Text Amendment

Scott Jermyn submitted a petition for a text amendment to add “Artisanal & Small Scale Manufacturing/Micro-manufacturing” as a permitted use in the Central Business Perimeter District (B-3P). Mr. Jermyn has met with staff multiple times to discuss the petition, and the attached draft is the result of Mr. Jermyn’s proposal and staff research on allowing small, low impact manufacturing and artisanal crafting into the Town Center District. In addition to the draft text amendment, a staff report and the application submission are also attached for review. Staff is in favor of the proposed change, and at their October 20th meeting the Planning Board voted unanimously to recommend adoption of the text amendment as proposed (Exhibit 3C, 1-6).

The Development Services Director presented the topic to the Board and they decided to bring it back for a public hearing at the December Board meeting.

3D Single-Family Attached Text Amendment

At the September 27th Work Session, the Board reviewed a text amendment petition submitted by David Murray, on behalf of KovalXRobinson, LLC. The amendment would permit, by-right, single-family attached housing in the R-6 zoning district with a minimum lot width of 20 ft., a minimum lot area of 1500 sq. ft., and a minimum side yard exemption. Staff reviewed the petition, and are in support of the change with modifications. The requested minimum lot width of 20 ft. and 1500 sq. ft. lot area should specifically apply to interior lots only. Exterior lots should still be required to have a minimum side yard and are proposed with a minimum lot width of 30 Ft. and minimum lot area of 2100 sq. ft. On 8/18/2022, the Planning Board unanimously voted to send their recommendation with statements of consistency and reasonableness to approve the proposed text amendment as written. A public hearing for the text amendment petition is scheduled for December 13, 2022 (Exhibit 3D, 1-6).

The Development Services Director presented the topic to the Board and they decided to bring it back for a public hearing at the December Board meeting.

3E Bike & Pedestrian Plan

Earlier this year Staff received the Town Bike and Pedestrian Plan final report from Gresham Smith design firm. The study was funded through grant money the Town of Dallas was awarded in 2019 from NCDOT with the support of the Gaston Cleveland Lincoln MPO. The plan was originally discussed at the June 16th Planning Board meeting. Staff noted the comments, and were able to make changes in-house from the existing data. These changes included updating the Town Limits on the maps, updating census data with the most recent numbers, updating the Town area in the text, updating the maps to include the MUP extension to Jersey Boulevard, and

altering map formats for a cleaner representation. The plan was brought back before the Planning Board on October 20th and the vote to recommend approval was unanimous. The plan has been paid in full. Adoption of the plan as is will not produce any additional cost for the Town. Adoption of the plan will provide Town Staff a resource to begin working on improvements for alternative transportation and give a good foundation for future plan updates. Attached is the executive summary. Full documentation of the final draft of the plan and the master plan map of trails and sidewalks throughout the town are available upon request. Board members have been provided a complete hard copy of all documents (Exhibit 3E, 1-4).

The Development Services Director presented the topic to the Board and they decided to bring it back on the consent agenda.

Item 3F Transient Ordinance

At the October Work Session, Staff was directed to look into transient ordinances in the Town. After reviewing the existing Town Code, there is minimal language regarding this. Various communities across the state have enacted ordinance to prevent vagrancy in downtown areas. Ordinances could be drafted to prevent this on Town-Owned/Public Property, such as sidewalks, parks, streets, etc. The Town does not have the authority to enforce such ordinances on private property. The most efficient course of action is for the Police Department to receive trespass authority from property owners. Notices of Violation for illegal campgrounds could be sent, based on Zoning regulations, to require property owners bring their property into compliance. This path would take more time and not address immediate concerns. If there is interest in adopting an ordinance regarding vagrancy on public property, Staff can bring a draft ordinance to the January 24, 2023 Work Session for review.

The Town Manager presented the topic for discussion and the Board agreed to bring it back to the January Board meeting.

Item 3G Affordable Housing

Recently Alderman Milton and Brian Finnegan, Town Planner, attended a seminar on Affordable Housing, due to increased interest in exploring options for the Town to support an effort to encourage affordable housing options for residents. Attached is a high-level overview presentation developed by Mr. Finnegan with information concerning what is considered affordable, state and local demographics, and options available for local government involvement. This is a complex issue and the presentation is intended to begin the process and provide information for future exploration of options. Staff is recommending that a future work session be developed around this topic alone to dig deeper into what options are available and feasible for the Town to support an increase in affordable living opportunities for residents (Exhibit 3G, 1-15).

The Town Manager presented the topic and it will be brought back later for more discussion.

Item 3H Board Meeting Schedule For 2023

The Town Manager presented for discussion the topic of changing the Work Session start time from 5pm to 4pm. The Board discussed and decided to bring this back for discussion.

Item 3I Toy Run

The Mayor presented the topic of waiving the Special Event fee for the Annual Toy Run. The Board decided to bring this back to the consent agenda.

The Town Manager mentioned upcoming events for the Town.

Alderman Cearley made a motion to adjourn, seconded by Alderman Milton and carried unanimously (6:04).

Rick Coleman, Mayor

Sarah Hamrick Ballard, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Proclamation Honoring James William Goudeock

AGENDA ITEM NO. 5A

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

Alderman Withers requested that a proclamation be approved by the Board of Aldermen honoring James William Goudeock for his service to the community. Mr. Goudeock was a member of the Dallas Fire Department and passed away after battling an illness.

Attached is a proclamation honoring James William Goudeock.

MANAGER RECOMMENDATION: Approve the proclamation, as presented.

BOARD ACTION TAKEN:



Proclamation Honoring James William Goude-lock

WHEREAS, James William Goude-lock was born November 6, 1982 in Gaston County to Steve and Rebecca Goude-lock; and

WHEREAS, James Goude-lock worked for his parents at their family-owned business, Goude-lock's Wrecker Service, since he was able to drive; and

WHEREAS, he was an active member of St. Paul's Lutheran Church; and

WHEREAS, James had a passion for serving others and joined the fire service as an Explorer with Agriculture Center VFD in December 1998 when he was 16 years old; and

WHEREAS, James became a member of the Town of Dallas Fire Department in 2018, rising to the rank of Captain in January 2020; and

WHEREAS, he faithfully served the community as a firefighter for over 24 years; and

WHEREAS, James was a devoted husband, father, son, and friend to many; and

WHEREAS, he was dedicated to his family's business as a tow truck operator helping many in need through the years; and

WHEREAS, James lived his life serving others, leaving a legacy that will long be remembered for the impact he made during his many years as a tow truck operator and firefighter; and

WHEREAS, James William Goude-lock passed away on July 22, 2022.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS BY AN AFFIRMATIVE VOTE OF THE BOARD OF ALDERMEN, that the Town of Dallas honors James William Goude-lock's legacy and extends its collective appreciation and gratitude for his service to his community.

Adopted this the 13th of December, 2022 at Dallas, North Carolina.

Attested By:

Rick Coleman, Mayor

Sarah Hamrick, Town Clerk

(SEAL)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Waiver of Special Event Fee for Gaston County Toy Run

AGENDA ITEM NO. 5B

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

At the November 8th Board of Aldermen Meeting a Special Event Request was approved for the Annual Gaston County Toy Run for Kids to be held on Saturday, December 3rd. A special event request approval carries a fee of \$150.00. At the November 23rd Work Session, the Board discussed waiving the fee, as this event benefits the children and families of Dallas.

The Board requested that an item to waive the fee for this event be brought to the next meeting for approval.

MANAGER RECOMMENDATION: Waive the Special Event Fee for the Gaston County Toy Run for Kids, as presented.

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Adoption of Bike and Pedestrian Plan

AGENDA ITEM NO. 5C

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

Earlier this year Staff received the Town Bike and Pedestrian Plan final report from Gresham Smith design firm. The study was funded through grant money the Town of Dallas was awarded in 2019 from NCDOT with the support of the Gaston Cleveland Lincoln MPO.

The plan was originally discussed at the June 16th Planning Board meeting. Staff noted the comments, and were able to make changes in-house from the existing data. These changes included updating the Town Limits on the maps, updating census data with the most recent numbers, updating the Town area in the text, updating the maps to include the MUP extension to Jersey Boulevard, and altering map formats for a cleaner representation. The plan was brought back before the Planning Board on October 20th and the vote to recommend approval was unanimous.

The plan has been paid in full. Adoption of the plan as is will not produce any additional cost for the Town. Adoption of the plan will provide Town Staff a resource to begin working on improvements for alternative transportation and give a good foundation for future plan updates.

Attached is the executive summary. Full documentation of the final draft of the plan and the master plan map of trails and sidewalks throughout the town are available upon request.

The plan was discussed at the November 23rd Work Session and the Board requested it be brought back for adoption.

MANAGER RECOMMENDATION: Approve the proclamation, as presented.

BOARD ACTION TAKEN:



Town of Dallas, NC Bicycle and Pedestrian Plan

EXECUTIVE SUMMARY January 2022

1.0 Project Description

In November 2018, the Town of Dallas, supported by the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO), submitted an application to the North Carolina Department of Transportation (NCDOT) for a 2019 Bicycle and Pedestrian Planning Grant. NCDOT, recognizing the Town's vision for active transportation, subsequently awarded a grant for the development of a Bicycle and Pedestrian Plan.

The Town of Dallas includes approximately 3.08 square miles and is home to over 5900 residents. In recent years, Dallas has begun to experience the higher rates of growth and development activity that brings with it not only challenges to the transportation system and quality of life, but also the opportunity to enhance the existing infrastructure to include multiple modes of transportation to support the community's quality of life. Dallas is currently working on several initiatives for both local and regional connectivity - including the implementation of sidewalks from Dallas Park to Gaston College (linking both to our downtown), establishment of a Safe Routes to School program, and even possible integration into the Carolina Thread Trail network. The recommendations in this Bicycle and Pedestrian Plan will guide the future efforts to enhance the safe accommodation of bicyclists and pedestrians.

The projects recommended in this plan recognize that our bicycle and pedestrian network facilities should accommodate all users:

- Families with small children
- K through 12 school students
- Persons of all abilities to cycle and walk
- Trips between residential areas and commercial/retail/employment/community facility locations
- Recreational activities.

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2.0 Network Recommendations Build upon the MPO Comprehensive Plan

The recommendations build upon the GCLMPO adopted Comprehensive Transportation Plan (CTP) that identifies existing and proposed pedestrian and bicycle facilities in all of Gaston County, including the Town of Dallas. The key features in the MPO CTP pedestrian network include:

- Linking the Town's core and high pedestrian demand areas with surrounding neighborhoods and development nodes
- Identifying missing links within the existing network
- Confirming recommended facilities and facility types based on the demand analysis and public input
- Improving intersections throughout the Town to improve safety and eliminate barriers to walking
- Improving sidewalks to current standards that include ADA accessibility.

Key features of the MPO's recommended bicycle network include:

- Carrying forward most of the CTP proposed bikeways and multi-use paths;
- Expanding the recommended bikeway network to respond to the demand analysis where possible
- Connecting bikeways to existing and proposed Gaston County greenway and trail networks
- Identifying routes that connect Dallas to the greater region
- On-street bike lanes along Main Street, providing a lower stress alternative to Trade Street, and convert existing angle parking to reverse angle parking on Main Street
- Shared-use (with vehicles) bike lane along South Spargo Street to Jagger Park.

3.0 Methodology

The methodology for identifying the bicycle and pedestrian network recommendations included the following elements:

- Start with recommendations identified in the MPO Comprehensive Plan
- Assess demand by analyzing population and employment density, proximity to commercial areas, parks, and schools, and proximity to ACCESS van service
- Review locations of bicycle and pedestrian crashes on the highway network
- Review connections to the Gaston County greenway and trail facilities
- Review specific connections that need improving or enhancement.

Criteria scoring was developed to provide a quantitative assessment of these elements, resulting in the prioritization of the recommended projects.

4.0 Recommendations and Next Steps

The recommended improvements are shown on Figure 1 and detailed on Tables 1 and 2. The recommended Next Steps are as follows:

- City Council adopts the report and its general recommendations.
- The project prioritization list is reviewed by City staff and council and modifications are made as necessitated based on projected funding, construction phasing, and community input.
- Detailed concept plans for the higher priority projects are developed to identify construction constraints such as available right-of-way, environmental resources and required permitting, utility conflicts and other related potential implementation challenges

Table 1 – Sidewalk Improvement Recommendations

ID #	Road	From	To	Project Description	Length (Linear Feet)	Both Sides of Street?	Facility Type	Projected Construction Cost
DP-3	N. Summey Street	E. Trade Street	E. Main Street	Connection from E Trade Street to new sidewalks along E Main Street	456	Y	SW	\$ 310,000
DP-7	S. Maple Street	183 feet North of Lee Street	W. Robinson Street	Addresses network gap in southwest Dallas	516	N	SW	\$ 345,000
DP-9	W. Caroline Street	S. Maple Street	S. Gaston Street	Addresses network gap in southwest Dallas	440	N	SW	\$ 150,000
DP-10	E. Jenkins Street	S. Gaston Street	S. College Street	Addresses network gap in southwest Dallas	417	N	SW	\$ 145,000
DP-12	Wooddale Drive/Cloverdale Lane	Wooddale Court	Robinson Clemmer Road	Connects proposed Jagger Park SUP to Robinson-Clemmer Road, providing enhanced park access to Chapman Pointe Apartments	896	N	SW	\$ 255,000
DP-14	C. Grier Beam Boluward/Friday Park Road	Gastonia Technology Parkway	Old Dallas Highway	Enhances connection between Gaston College and south Dallas across US-321	3,698	N	SW	\$ 1,505,000
DP-5	E. Church Street	S. Willow Street	S. Spargo Street	Addresses network gap in east Dallas	692	Y	SW	\$ 415,000
DP-6	E. Main Street/Old Spencer Mountain Road	S. Davis Street	Westbury Court	Extends town network to Spencer Mountain Village	6,217	Y	SW	\$ 3,340,000
DP-8	S. Oakland Street	600 feet North of W. Robinson Street	W. Robinson Street	Addresses network gap in west Dallas	597	N	SW	\$ 190,000
DP-13	Robinson Clemmer Road	Briarwood Drive	Lower Dallas Highway	Connection from Jagger Park SUP and existing network to proposed SUP along SR-279	5,167	N	SW	\$ 1,210,000
DP-15	Dallas High Shoals Highway	Park Road	W. Trade Street	Enhances access to commercial area for residential development along Park Road	3,099	Y	SW	\$ 2,595,000

Table 2 – Bicycle / Shared Use Path Improvement Recommendations

ID #	Road	From	To	Project Description	Length (Linear Feet)	Facility Type*	Projected Project Cost
DP-2	Dallas Stanley Highway / North Davis Street	Kiser Dairy Road	E. Main Street	On-street bike lanes on both sides of the street. Adequate right-of-way, though additional pavement will be required.	4,835	BL	\$ 1,710,000
DP-4	E. Main Street	N. Gaston Street	N. College Street	On-street bike lanes, constructed where existing on-street parking is present. Alternative implementation of shared lane.	413	BL	\$ 225,000
DP-1	Little Long Creek	Willis Road	NC-275	Shared-use path parallel to Little Long Creek.	8,883	SUP	\$ 4,530,000
DP-1	Little Long Creek	NC-275	Tower Road	Shared-use path parallel to Little Long Creek.	7,572	SUP	\$ 3,705,000
DP-1	Little Long Creek	Tower Road	Long Creek	Shared-use path parallel to Little Long Creek.	8,234	SUP	\$ 4,025,000
DP-11	S. Spargo Street	949 feet South of Webb Street	Wooddale Court	Shared-use path connecting Jagers Park to Chapman Pointe.	1,137	SUP	\$ 655,000
DP-16	Dallas Cherryville Hwy / Leisure Ln / Sportsman Dr.	Gaston College Access Road	653 ft North of the South end of Sportsman Dr.	Shared-use path connecting existing trail in Dallas Park to Gaston College campus.	2,632	SUP	\$ 1,505,000
DP-16A	Dallas Cherryville Hwy	Leisure Ln	Camp Sertoma Rd	Trail connection to Summey Knoll / Eden Glenn. Improved connection to Dallas Park, Gaston College, and downtown Dallas.	3,528	SUP	\$ 2,190,000
DP-19	SR-279	SR-275	Robinson Clemmer Road	Shared-use path on east side of roadway. Potential concurrent implementation with programmed roadway project.	7,406	SUP	\$ 4,015,000
DP-22	SR-275	College Road	N. Walnut Street	Shared-use path, on south side of roadway, to replace sidewalks identified as "needing improvement" in CTP.	2,661	SUP	\$ 2,170,000
DP-20	Park Road	North Street	Willis Road	Shared-lane facility, to consist of signage and pavement markings.	1,304	SL	\$ 20,000
DP-21	North Street / McSwain Road / N. Walnut Road	Park Road	SR-275	Shared-lane facility, to consist of signage and pavement markings.	2,564	SL	\$ 20,000
DP-23	Main Street	N. Maple Street	N. Oakland Street	On-street bike lanes, constructed where existing on-street parking is present. Alternative implementation of shared lane.	360	BL	\$ 200,000
DP-24	Main Street	SR-275	N. Maple Street	Shared-lane facility, to consist of signage and pavement markings.	1,566	SL	\$ 20,000
DP - 25	E. Main Street	N. College Street	E. Main Street	Shared-lane facility, to consist of signage and pavement markings.	2,485	SL	\$ 20,000

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – Electric Customer Billed Charges

AGENDA ITEM NO. 5D

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

As per the Town's Utility Extension Policy, developers are responsible for all costs to attach to the Town's utilities. A budget amendment was approved at the September 13th Board of Aldermen Meeting to appropriate revenue and expenditures for the Davis Hills subdivision to attach to the Town's electric utility.

An updated quote has been received by the Electric Department that includes additional purchases for the project. The attached budget amendment makes provision for those additional costs not included in the previous amendment.

MANAGER RECOMMENDATION: Approve the amendment accepting and appropriating additional Electric Customer Billed Charges for the Davis Hills development, as presented.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: December 13, 2022

Action: Electric Department

Purpose: To Appropriate Additional Customer Billed Charges for Davis Hills Development

Number: EL-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
30	3520	0000	Customer Billed Charges	\$237,500	\$246,500	\$9,000
30	8500	7306	CO: Meters, Transformers, etc	\$197,500	\$206,500	\$9,000

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Text Amendment to Add Single-Family Attached Dwellings to the R-6 Zoning District

AGENDA ITEM NO. 6A

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

At the September 27th and November 22nd Work Sessions, the Board of Aldermen reviewed a text amendment petition submitted by David Murray, on behalf of KovalXRobinson, LLC. The amendment would permit, by-right, single-family attached housing in the R-6 zoning district with a minimum lot width of 20 ft., a minimum lot area of 1500 sq. ft., and a minimum side yard exemption.

Staff reviewed the petition, and are in support of the change, with modifications. The requested minimum lot width of 20 ft. and 1500 sq.ft. lot area should only apply to interior lots. Exterior lots, or end units, should be required to have a minimum side yard of 6', a minimum lot width of 30 ft. and a minimum lot area of 2100 sq. ft.

On 8/18/2022, the Planning Board unanimously voted to send their recommendation, along with statements of consistency and reasonableness, to approve the proposed text amendment as written.

This public hearing has been advertised as required by NCGS §160D-601. Notice of the public hearing was placed in the Gaston Gazette once a week for two successive calendar weeks on Tuesday, November 29th and Tuesday, December 6th.

MANAGER RECOMMENDATION: Approve the text amendment, as presented.

BOARD ACTION TAKEN:

Town of Dallas
210 N. Holland Street
Dallas, NC 28034
704-922-3176

Case# T 2020-02


Petition for Text Amendment

Name of Applicant KovalXRobinson, LLC
Address of Applicant c/o Murray Law Firm, PLLC, 1901 Roxborough Rd., Ste. 120, Charlotte, NC 28211
Contract Information: Telephone 704-940-9095 Email david@murraylawfirm.com; val@kovalbuilders.net

Requested Change(s) to Zoning or Subdivision Ordinance Text Petitioner is seeking to amend the text
in order to allow single-family attached dwellings (townhomes) within the R-6 district with a 20'
minimum lot width, minimum lot area of 1500 sf, and minimum side yard exemption.

Specific Section(s) # Requested Change Section 153.026; Appendix A

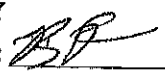
We/I certify that all information provided in this application is accurate to the best of our/my knowledge, information, and belief. Furthermore, by signing this request, we/I agree to pay for advertising costs associated with this petition. We/I understand that this petition must be completed in full and the required fee paid for acceptance.


Signature of Applicant

6/21/22

Date

Fee: \$ 500 plus advertising costs.

OFFICE USE ONLY	
Accepted as complete: <u></u>	Date <u>6/22/22</u>
Action:	
On _____ the Planning Board recommended that this petition be:	Approved <input type="checkbox"/>
	Denied <input type="checkbox"/>
On _____ the Board of Aldermen held a Public Hearing concerning this request. By vote of the Board they:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>

Staff Report

Zoning Text Amendment Request: T-2022-02

Applicants: KovalXRobinson, LLC

Authorized Agent: David Murray, Murray Law Firm

Request: The applicant is requesting to add single-family attached housing (townhomes) to the R-6 zoning district in the Table of Permitted Uses in Appendix C of Chapter 153 in the Town of Dallas Code of Ordinances. Additionally, the applicant is requesting the lot specifications be reduced for such housing with a minimum interior lot width of 20 feet and a minimum interior lot area of 1500 square feet in Appendix A of Chapter 153.

Staff Analysis: The proposed text amendment, if approved, will add single-family attached housing to the R-6 as a by right permitted use. As written, the text amendment will allow townhomes in the densest residential districts in the zoning ordinance with a feasible minimum width requirement for both interior lots and end units.

The request of a 20ft interior lot seems to be within the current industry standards for single-family attached housing. "Missing Middle Housing" lists townhomes ranging from 18-25 feet wide. Looking at current development in the area, there are several townhome neighborhoods that fall in this range. Ryan Homes at Tupelo Townhomes in Gastonia shows interior lots at 22' widths on the recorded plat at bk94 pg100. Villages at Cramerton Mills Townhomes in Cramerton shows a similar width, recorded at bk91 pg100, and the Eagle Park Subdivision in Belmont has a recorded interior lot width of 16.29' at bk83 pg9. The recently approved conditional zoning for Robinson Glenn proposed by DR Horton also showed 20ft interior units on the CD site plan. Current development in the area is building in the average range for townhomes mentioned above. The request of the applicant to build an interior lot at a 20ft width is consistent with the current standards of the area.

Staff set the exterior lot width to a minimum of 30ft. This is 4ft wider than the setback requirements for R-5 & R-6, and 2ft wider than R-8. Given the allowance for narrower lots there is the potential to have taller buildings to compensate. The additional requirement on the side yard would increase the offset from existing neighboring structures as well as intersecting side streets for corner lots to balance the aesthetic of the community. The existing R-6 zone would allow this product to be built in established neighborhoods with older homes that were generally smaller structures with minimal setbacks, so to accommodate for the larger structures in these areas an additional side setback requirement is suggested. Front and rear setback increases would

potentially contribute to this balance, but doesn't seem feasible and isn't suggested at this time. This would be the minimum required side yard, and the end lots would still be subject to the additional ten feet required for all corner lots.

Comprehensive Land Use Plan: The proposed text amendment is consistent with the 2030 Comprehensive Land Use Plan. Existing R-6 zones on the zoning map fall into the Urban Neighborhood, Mixed-Use Neighborhood, and Single Family Residential categories as shown on the Future Land Use Map. All three categories reference single family attached housing (townhomes) as appropriate land use. The Urban Neighborhood and Mixed-Use Neighborhood categories describe blended housing. Allowing townhomes in this district will offer a mix of higher density rental and ownership housing.

Staff Recommendation: The proposed text amendment offers an expansion and increased accessibility to develop housing that is not readily available in Dallas. The proposed language modifies the current restrictions on townhomes to allow for lot standards that meet the design for standard townhome development. Staff is in favor of the petition and recommends the Planning Board recommend approval to the Board of Aldermen.

APPENDIX A: YARD AND HEIGHT REQUIREMENTS FOR RESIDENTIAL DISTRICTS

Zone	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Lot Width (In feet)	Minimum Front and Rear* Yard Depth (In feet)	Individual Minimum Side Yard Depth (In feet)	Minimum Side Yard Depth (In feet)*	Maximum Building Height
R-15	15,000	15,000	100	45	15	15	35 feet
R-12	12,000	12,000	90	40	12	12	35 feet
R-10	10,000	10,000	80	35	10	10	35 feet
R-8	8,000	8,000 single 6,000 1st unit 3,000 additional unit each	70	30	8	8	35 feet
R-6	6,000**	6,000** single 5,000 1st unit 2,500 additional unit each	60**	25	6	6	35 feet
R-5	5,500 **	5,500 ** - 500 SF per attached side	50	25***	6	6	35 feet

RMF		15,000 1st unit 3,500 additional unit each		45	45	45	35 feet
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* An additional ten feet shall be required to the requirements listed above on all side yards which abut a public or private street (corner lots)

** **For R-5 Districts:** Attached housing shall be exempt from side yard setback requirements, and may reduce lot width by 5 feet for each attached side. Further reduction may be permitted through conditional zoning. Attached buildings to include 3 or more units are only allowed with conditional approval regardless of zoning designation. **For R-6 Districts: Single Family Attached Housing (Townhomes) only—interior single lots shall have a minimum required width of 20 feet with no required side setback and a minimum required lot area of 1500 square feet. Exterior units shall have a minimum lot width of 30 feet and a minimum required lot area of 2100 square feet.**

*** Rear setback may be reduced by 5 feet at the discretion of Town Staff if requested to accommodate a larger front setback for parking purposes only. Further reduction may be permitted through conditional zoning.

**** Buildings may exceed 35 feet in height. But for each five feet or fraction thereof of additional height above 35 feet, each yard shall be increased five feet over the minimum requirements. Any height above 45 feet may only be approved through conditional zoning.

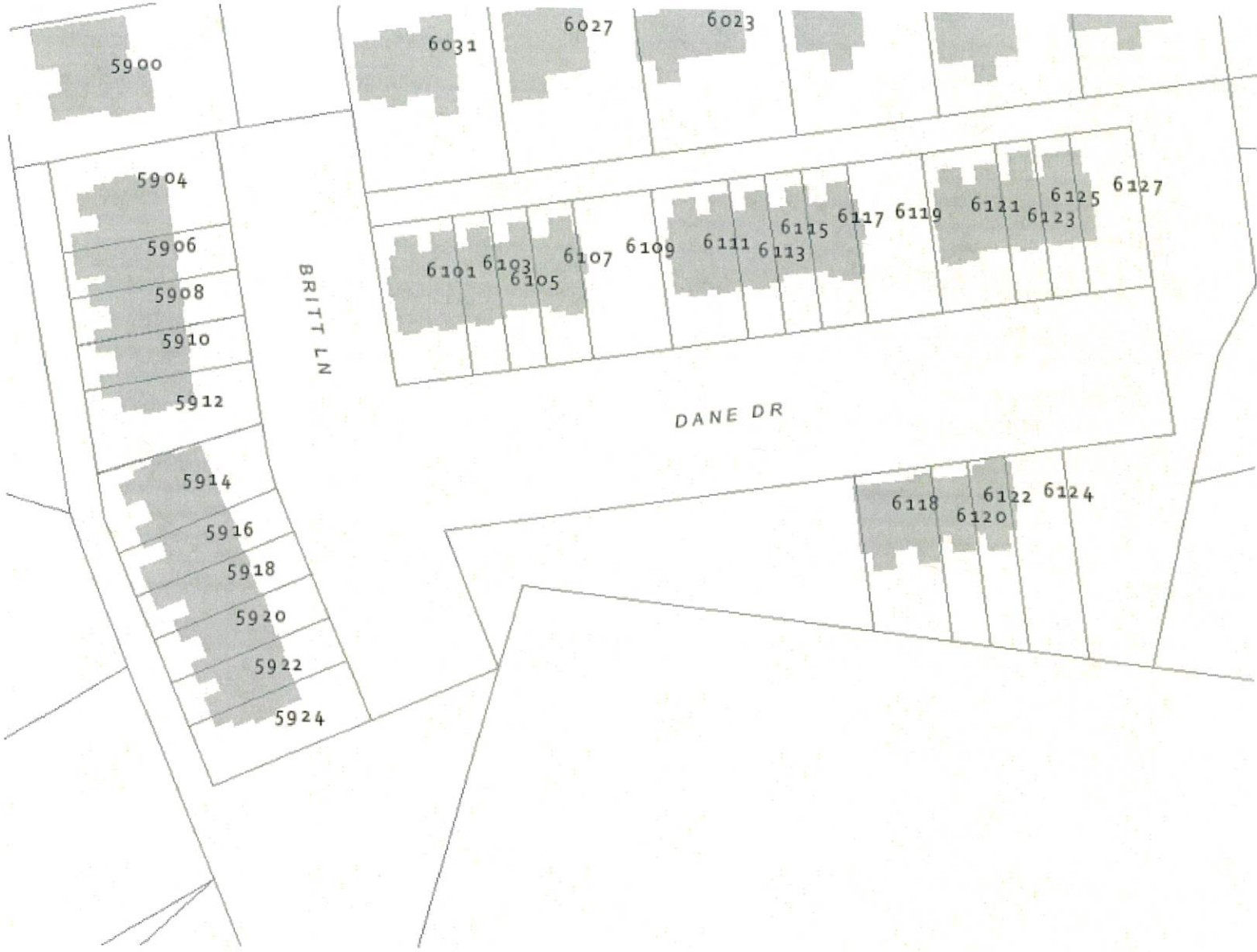
APPENDIX C: PERMITTED USES CHART

	<i>Residential</i>								<i>Office</i>	<i>Business</i>					<i>Industrial</i>
	<i>R-15</i>	<i>R-12</i>	<i>R-10</i>	<i>R-8</i>	<i>R-6</i>	<i>R-5</i>	<i>RMF</i>	<i>RMF-H</i>	<i>O&I-1</i>	<i>BC-1</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-3P</i>	<i>I-2</i>
<i>X: Permitted by right (Supplemental regulations may apply - check town ordinances)</i>															
<i>S: Special Use Permit (Supplemental regulations may apply - check town ordinances)</i>															
Permitted Uses (any use not specified below is eligible to apply for conditional zoning approval)															
RESIDENTIAL															
Single-family dwellings (attached)					X	X									
Single-family dwellings (detached)	X	X	X	X	X	X									
Manufactured/mobile homes					X	X									
Trailer camps/mobile home parks					X										
Multi-family residential				X	X		X	X			S	S	S	S	
Fraternities		S	S	S	S							S			
Homes for the aged and infirm	X	X	X												
Mixed use residential							X	X			S	S		S	
Nursing homes for chronic or convalescent patients	X	X	X												

Sample aerial imagery of single family attached (Townhomes) in Park Place



Printed On: 12/6/2022



Disclaimer: The information provided is not to be considered as a Legal Document or Description. The Map & Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2019.

Sample aerial imagery of duplexes on S Summey Street and quadplex on Starr Street

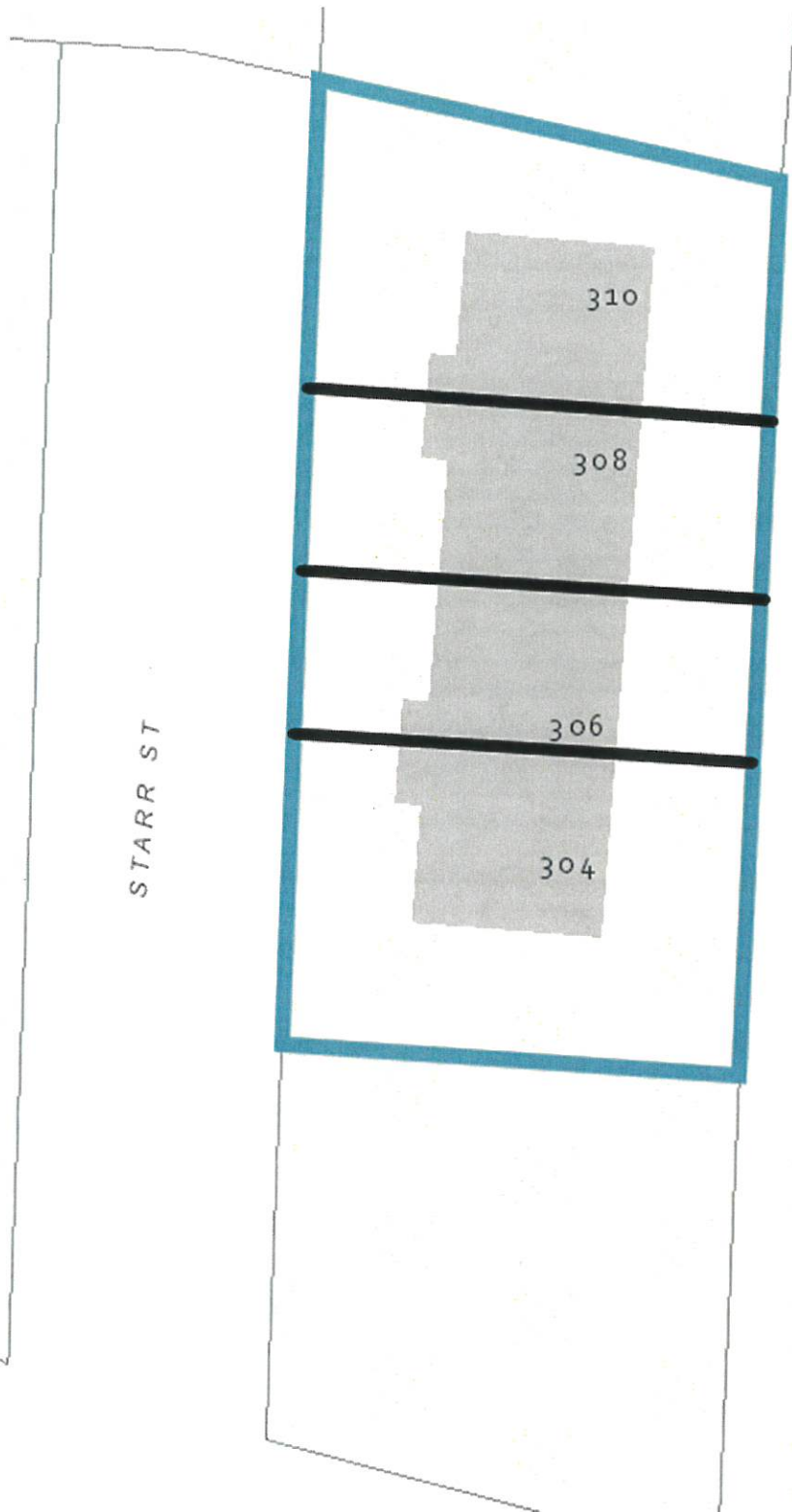


Printed On: 12/6/2022



Disclaimer: The information provided is not to be considered as a Legal Document or Description. The Map & Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2019.

Sample aerial imagery showing what would be possible if the text amendment is approved. The current multifamily quadplex could be subdivided into individual lots and sold rather than solely used as rentals.



Foreclosure/Sheriff Sales

against the party or parties in possession by the clerk of superior court of the county in which the property is sold. Any person who occupies the property pursuant to a rental agreement entered into or renewed on or after October 1, 2021, may, after receiving the notice of sale, terminate the rental agreement, by providing written notice of termination to the landlord, to be effective on a date stated in the notice that is at least 10 days, but no more than 90 days, after the sale date contained in the notice of sale, provided that the mortgagor has not cured the default at the time the tenant provides the notice of termination (NCGS § 45-21.16A(b)(2)). Upon termination of a rental agreement, the tenant is liable for rent due under the rental agreement prorated to the effective date of the termination. If the trustee is unable to convey title to the property for any reason, the sole remedy of the purchaser is the return of the deposit. Reasons of such inability to convey include, but are not limited to, the filing of a bankruptcy petition prior to the confirmation of the sale and reinstatement of the loan without the knowledge of the trustee. If the validity of the sale is challenged by any party, the trustee, at their sole discretion, if they believe the challenge to have merit, may request the court to declare the sale to be void and return the deposit. The purchaser will have no further remedy.

Trustee Services of Corolla, LLC, Substitute Trustee Brock & Scott, PLLC Attorneys for Trustee Services of Corolla, LLC 543 Oleander Drive Suite 200 Wilmington, NC 28404 PHONE: (910) 392-8387 FAX: (910) 392-8387 11/29/22 12/6/22 8084997

Govt Public Notices

On 12/1/2022 Certificate of Need review began for Fresenius Medical Care Belmont Prof F-12299-22. Add 9 daily slots. Written comments due to the Agency by 1/3/23. A public hearing will only be scheduled if requested by 1/23 and sent to DHSR.COM/Comments@hhs.nc.gov or 2704 Mill Service Cir. Raleigh, NC 27699-2704. 819 855-3013 December 6, 2022 8086342

Notice to Creditors

Having qualified as Executor, for the Estate of Pauline T. Passour Filed 2/28/16, this is to notify all persons having claims against the Estate of Pauline T. Passour, deceased, late of Gaston County, North Carolina, to file an itemized verified statement thereof with the undersigned on or before the 17th day of February, 2023, or this notice will be placed in bar of any recovery thereon. All persons indebted to said estate are requested to make prompt settlement. This the 8th day of November, 2022. Lisa P. Cooke, Executor, for the Estate of Pauline T. Passour P. O. Box 443 Dalton, NC 28034 File #22E 1365 November 15, 22, 29, December 6, 2022 8084732

North Carolina Gaston County Notice of Executor. The undersigned, having qualified as Executor of the Estate of Leslie Rosetta Russell, deceased, late of Gaston County, hereby notifies all persons having claims against said Estate to the undersigned on or before the 24th day of February, 2023, or this notice will be placed in bar of their recovery. All persons indebted to the said Estate will please make immediate payment to the undersigned. This the 22nd day of November, 2022. Dina P. Russell, Executor Leslie S. Parker, Executor Estate of Leslie Rosetta Russell c/o Emily H. Leazer, Griffling Leazer, PLLC Attorneys for Estate 518 S. New Hope Rd. Gastonia, NC 28054 11/22, 29, 12/6, 13/2022 8095808

Notice to Creditors

Notice to Creditors Having qualified as Administrator of the Estate of Letta Bell Black Corneer of Gaston County, North Carolina, the undersigned does hereby notify all persons having claims against the estate of said decedent to exhibit them to the undersigned on or before the 4th day of March 2023, or this notice will be placed in bar of their recovery. All persons indebted to the said estate will please make immediate payment to the undersigned. This the 2nd day of December 2022. Personal Representative's Address: Melissa Hopper 451 Davis Road #14 Shelby, NC 28152 Attorney's Address: Martha Wallace KING LAW OFFICES, PLLC 205 S. Dakota Street Shelby, NC 28150 12/6, 13, 20, 27/2022 8149450

ADMINISTRATOR'S NOTICE

In The General Court of Justice Superior Court Division Estate File # 2022 E 000516 STATE OF NORTH CAROLINA County of Gaston The undersigned, having qualified as ADMINISTRATOR of the Estate of KIMBERLY DENISE SMITH, deceased, late of Gaston County, this is to notify all persons, firms and corporations having claims against said estate to present them to the undersigned on or before the 22nd day of February, 2023, (which date is three months after the day of the first publication of this notice) or this notice will be placed in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned. This 22nd day of November, 2022. ANNE S WHITLOW, 5412 LITTLE MTN ROAD GASTONIA, NC 28056 ADMINISTRATOR of the Estate of KIMBERLY DENISE SMITH, deceased Nov. 22, 29, Dec. 6, 13, 2022 #909402

Public Notices

CITY OF HIGH SHOALS Request for Proposal Administration The City of High Shoals has been awarded a Community Development Block Grant (CDBG) in the amount of \$950,000 by the North Carolina Department of Commerce, Rural Economic Development Division (REDD). The grant consists of the rehabilitation of approximately 7 single family homes located throughout the City. The High Shoals City Council is requesting proposals for grant administration services to assist the governing body in the administration of this project in compliance with all applicable requirements under the CDBG Program. Copies of the detailed request for proposals (RFP), including a description of the services to be provided by respondents, the minimum content of responses, and the factors to be used to evaluate the responses, can be obtained by contacting City of High Shoals, PO Box 6, 101 Thomkins Street, High Shoals, NC 28077, or by calling (704) 735-1451. Complete proposals should be mailed to: City of High Shoals, CDBG Program, PO Box 6, 101 Thomkins Street, High Shoals, NC 28077. For more information, contact the High Shoals City Clerk's office at (704) 735-1451. The City of High Shoals is an Equal Opportunity Employer and invites the submission of proposals from minority and women-owned firms. The City of High Shoals invites from a certified Section 3 business concerns. Section 3 applies if the contract is over \$100,000 for non-construction contracts.

Public Notices

The highest bidder of the public sale shall be required to pay IN FULL the amount of the successful bid at the conclusion of the execution of the sale (subject to the motion of the sale as by law provided). The successful bid amount shall be paid in cash or certified funds (payable to the Gaston County Sheriff's Office). The Sheriff's Office, at its discretion, define and allow a reasonable time within which to deliver the successful bid amount to that office. The successful bidder shall also be responsible for the payment of any excise/transfer taxes due to the Register of Deeds office, and all recording fees at the appropriate time. In accordance with G.S. 105-272(1), this Notice of Sale has been sent to the taxpayer and any lienholder(s) of record by first-class and certified mail, return receipt requested and has been posted on the property. Notice of Sale will be published as required by G.S. 1-339.52. This the 26th day of October, 2022. Alan Cloninger, Sheriff of Gaston County Exhibit A BEING the full contents of Lot No. 7, Block D of the subdivision known as THE SUBDIVISION, as shown on Map No. 3, a copy of which is recorded in the Office of the Register of Deeds for Gaston County in Plat Book 4, Page 51, to which reference is hereby made for a more full and complete description of said lot by metes and bounds. For file reference, see Deed Book 4105 of Page 371 of the Gaston County Public Registry. Parcel # 160918 Address: 326 Sunray Drive, Lincolnton, NC 13022 12/13/22 7970264

Public Notices

This information is available in Spanish or any other language upon request. Please contact Brandi Strango, City Clerk, at (704) 735-1453 or call 101 Thomkins Street, High Shoals, NC 28077 for accommodations for this request. *Esta información está disponible en español o cualquier otro idioma bajo petición. Por favor, póngase en contacto con Brandi Strango al (704) 735-1453 o en el 101 Thomkins Street, High Shoals, NC 28077 de alojamiento para esta solicitud. December 6, 2022 #8150751

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 22 CVS 990 MELODY D. HAITHCOCK Plaintiff, vs. MARCUS W. THOMAS Defendant.

NOTICE OF SERVICE OF PROCESS

BY: JASON T.O. Marcus W. Thomas TAKE NOTICE that a pleading in the form of a Complaint has been filed in the above-entitled action. The nature of the relief being sought is recovery for personal injury and other damages from an automobile wreck, which occurred on July 18, 2020. You are required to make defense to such pleadings no later than forty (40) days from the first publication of this notice; and upon your failure to do so, the party seeking service against you will apply to the court for a relief sought. This the 22nd day of November, 2022. R. STEVE BOWDEN & JENNIFER E. BOWDEN ATTORNEYS AT LAW FOR THE FIRM.

NOTICE OF PUBLIC HEARING

TEXT AMENDMENT TOWN OF DALLAS, NC Notice is hereby given that the Town of Dallas will hold a public hearing on the below listed proposed code text amendments on Tuesday, December 13, 2022, at 6:00 PM in the Fire Station Community Room at 209 West Main St., Dallas, NC 28024. F-2022-03 R-4 Single Family Attached Housing. David Murray, on behalf of the applicant, LLC, has submitted a petition for a text amendment to allow single lot attached housing (townhomes) as a by-right use in the Residential R-4 Zoning District. The proposed text amendment will add townhomes as a right development in R-4 as noted in Appendix C: Table of Permitted Uses in Chapter 153 of the Town Code of Ordinances, and will add the following notation to Appendix A: Yard and Height Requirements for Residential Districts: "For R-4 Districts: Single lot attached housing (townhomes) only—interior minimum required width of 20 feet with no required side setbacks, and a minimum required lot area of 1500 square feet. Exterior units shall have a minimum lot width of 30 feet and a minimum required lot area of 2100 square feet." All interested persons are invited and encouraged to attend this meeting in person or via Zoom. For person requiring special assistance, please contact Town Hall at 704-922-3176 at least 48 hours in advance. For more information, email Brian Brinnagan at brinnagan@dallascnc.net. November 29, December 6, 2022 8102651

Public Notices

NOTICE OF PUBLIC HEARING - TEXT AMENDMENT TOWN OF DALLAS, NC Notice is hereby given that the Town of Dallas will hold a public hearing on the below listed proposed code text amendments on Tuesday, December 13, 2022 at 6:00 PM in the Fire Station Community Room at 209 West Main St., Dallas, NC 28024. T-2022-03 Micromanufacturing. Scott Jermyn has submitted a petition for a text amendment to add "Artisanal & Small Scale Manufacturing; Micromanufacturing" as a by-right permitted use in the B-3P Zoning District to Appendix C: Permitted Uses of Chapter 153 in the Town of Dallas Code of Ordinances. There are also proposed supplemental use regulations to be added to Section 153.050 in advance. For more information, email Brian Brinnagan at brinnagan@dallascnc.net. 11/29/22 12/6/22 8102650

NOTICE OF SUBSTITUTION OF TRUSTEE'S SALE OF REAL ESTATE

UNDER AND BY VIRTUE OF DEED OF TRUST CONTAINED IN THAT CERTAIN DEED OF TRUST EXECUTED AND DELIVERED BY FANITA SMITH, UNMARRIED, DATED THE 26TH DAY OF NOVEMBER 2003 AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR GASTON COUNTY, NORTH CAROLINA, IN DEED BOOK 385 OF PAGE 489 AND AS A CONDITION OF DEFAULT IN THE PAYMENT OF THE INDEBTEDNESS THEREBY SECURED AND FAILURE TO CARRY OUT THE OBLIGATIONS PURSUANT TO SAID DEED OF TRUST, THE UNDERSIGNED SUBSTITUTION TRUSTEE WILL ESPOUSE FOR ORIGIN OF SAULTION TO THE HIGHEST BIDDER FOR CASH AT THE PUBLIC SERVICE SALE IN THE COUNTY COURT HOUSE OF GASTON COUNTY, IN THE CITY OF GASTONIA, NORTH CAROLINA, AT 11:00 AM ON DECEMBER 13, 2022, all that certain parcel of land more particularly described as follows: IMPROVEMENTS: House and lot/condominium/lot/LEGAL DESCRIPTION: Lying and being situate in the County of Gaston, North Carolina, and being more particularly described as follows: Being all of LOT 44, HUDSON ESTATES SUBDIVISION, according to the plat thereof, recorded in PLAT BOOK #7, PAGE 4, in the Office of the Register of Deeds of Gaston County, North Carolina. The foregoing is a portion of the property conveyed to Land Investments Development, Inc. as set forth in that deed recorded in Book 3797 at Page 570 in the Gaston County Registry. ADDITIONAL POSSIBLE STREET ADDRESSES FOR REFERENCE PURPOSES ONLY: 3425 Salsola Drive, Gastonia, NC 28054

NOTICE OF PUBLIC HEARING

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Public Notices

Guardian ad Litem for the unknown and/or incompetent heirs/viewers of Fanita Smith, Trustee, was in the Trustee's sole discretion, delay the sale for up to one year as provided in NCGS §45-21.21. In the event that this sale is one of residential real property with less than 15 rental units, in order for the Trustee's sale, the notice of sale, terminate the rental agreement upon 10 days' written notice to the landlord, but no more than 90 days, after the sale date contained in the notice of sale, provided that the mortgagor has not cured the default at the time the tenant provides the notice of termination. Upon termination of a rental agreement, the tenant is liable for rent due under the rental agreement prorated to the effective date of the termination. Should the property be purchased and the tenant is not the purchaser, the tenant shall be responsible for the tax of forty-five (45) cents per square foot in advance. For more information, email Brian Brinnagan at brinnagan@dallascnc.net. 11/29/22 12/6/22 8102650

NOTICE OF PUBLIC HEARING

TEXT AMENDMENT TOWN OF DALLAS, NC Notice is hereby given that the Town of Dallas will hold a public hearing on the below listed proposed code text amendments on Tuesday, December 13, 2022, at 6:00 PM in the Fire Station Community Room at 209 West Main St., Dallas, NC 28024. F-2022-03 R-4 Single Family Attached Housing. David Murray, on behalf of the applicant, LLC, has submitted a petition for a text amendment to allow single lot attached housing (townhomes) as a by-right use in the Residential R-4 Zoning District. The proposed text amendment will add townhomes as a right development in R-4 as noted in Appendix C: Table of Permitted Uses in Chapter 153 of the Town Code of Ordinances, and will add the following notation to Appendix A: Yard and Height Requirements for Residential Districts: "For R-4 Districts: Single lot attached housing (townhomes) only—interior minimum required width of 20 feet with no required side setbacks, and a minimum required lot area of 1500 square feet. Exterior units shall have a minimum lot width of 30 feet and a minimum required lot area of 2100 square feet." All interested persons are invited and encouraged to attend this meeting in person or via Zoom. For person requiring special assistance, please contact Town Hall at 704-922-3176 at least 48 hours in advance. For more information, email Brian Brinnagan at brinnagan@dallascnc.net. November 29, December 6, 2022 8102651

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SELL YOUR CAR/BOAT A PET GET A BIRTHDAY HOE BUY A BOAT FIND A TREASURE GET A MASSAGE TAKE A HANDYMAN

Check out the classified section everyday.

STATEMENTS OF CONSISTENCY AND REASONABLENESS **FOR** TEXT AMENDMENT ADOPTION

The proposed text amendment to Appendices A & C of Chapter 153 of the Town of Dallas Code of Ordinances is consistent with the 2030 Comprehensive Land Use Plan. The addition of townhomes to the R-6 zoning district supports the designation of Urban Neighborhood and Mixed-Use Neighborhood categories on the Future Land Use Map and is therefore a reasonable amendment and in the Town's best interest.

STATEMENTS OF CONSISTENCY AND REASONABLENESS **AGAINST** TEXT AMENDMENT ADOPTION

The proposed text amendment to Appendices A & C of Chapter 153 of the Town of Dallas Code of Ordinances is inconsistent with the 2030 Comprehensive Land Use Plan. The addition of townhomes to the R-6 district dilutes denser housing options and reduces the potential for commercial/residential mixed use properties in the Urban Neighborhood and Mixed-Use Neighborhood categories on the Future Land Use Map and is therefore an unreasonable request and not in the Town's best interest.

Statement Adopted: _____

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: B-3P Text Amendment to Add Small Scale Manufacturing/Micro-Manufacturing as a Permitted Use

AGENDA ITEM NO. 6B

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

Scott Jermyn submitted a petition for a text amendment to add “Artisanal & Small Scale Manufacturing/Micromanufacturing” as a permitted use in the Central Business Perimeter District (B-3P). Mr. Jermyn has met with staff multiple times to discuss the petition, and the attached draft is the result of his proposal and staff research on allowing small, low impact manufacturing and artisanal crafting into the Town Center District.

In addition to the draft amendment, a staff report and the application submission are also attached for review. Staff is in favor of the proposed change, and at the October 20th Planning Board meeting it was voted unanimously to recommend adoption of the text amendment as proposed.

This public hearing was advertised as required by NCGS §160D-601. Notice of the public hearing was placed in the Gaston Gazette once a week for two successive calendar weeks on Tuesday, November 29th and Tuesday, December 6th.

MANAGER RECOMMENDATION: Approve the text amendment, as presented.

BOARD ACTION TAKEN:

Town of Dallas
210 N. Holland Street
Dallas, NC 28034
704-922-3176

Case# T-2022-03

Petition for Text Amendment

Name of Applicant SILVER EDGE REALTY
Address of Applicant 105 S. GASTON STREET
Contract Information: Telephone 704.400.4288 Email SCOTT@THEFAIRWOOD226.COM

Requested Change(s) to Zoning or Subdivision Ordinance Text _____

ENGINEERING, DESIGN PLANNING & LIGHT METAL
DEVELOPMENT
Artisanal & Small Scale Manufacturing (Micromanufacturing)

Specific Section(s) # Requested Change _____

We/I certify that all information provided in this application is accurate to the best of our/my knowledge, information, and belief. Furthermore, by signing this request, we/I agree to pay for advertising costs associated with this petition. We/I understand that this petition must be completed in full and the required fee paid for acceptance.

Scott Jamyn
Signature of Applicant

8/3/2022
Date

Fee: \$ 500 plus advertising costs.

OFFICE USE ONLY

Accepted as complete: [Signature]

Date 8/30/22

Action:

On _____ the Planning Board recommended that this petition be: Approved
Denied

On _____ the Board of Aldermen held a Public Hearing concerning this request. By vote of the Board they: Approved Denied

Staff Report

Zoning Text Amendment Request: T-2022-03

Applicant: Scott Jermyn, Silver Edge Realty

Request: The applicant is requesting to add Artisanal and Small Scale Manufacturing (Micromanufacturing) as a permitted use in the Central Business Perimeter (B-3P) District on the Table of Permitted Uses in Appendix C of Chapter 153, the Town of Dallas Zoning Ordinance.

Staff Analysis: Micromanufacturing in downtowns and surrounding properties is a growing practice. Using micromanufacturers to help occupy vacant buildings and keep downtown districts active is not unusual. The included sample ordinances from Asheville, Charlotte, and Lubbock, TX show three different approaches to allowing the use in downtown. Lubbock shows the use permitted in almost every commercial district as a limited use, which is a use permitted by right but is subject to additional regulations within the ordinance. Charlotte shows a similar approach, but is less restrictive. Asheville's ordinance uses verbiage that is more specific, and appears to aim more toward artisanal producers. There is also a distinction between whether the use has a direct impact on surrounding property. In the event it does produce an impact on adjacent property the use it only permitted with an approved special use permit.

Staff has been researching micromanufacturing and has drafted the attached proposed language. There does not seem to be a need for a special use permit to allow a micromanufacturer, although if the Board wishes to change the proposal to require one staff is open to the suggestion. The additional regulations proposed to add to 153.050 should be sufficient to regulate potential impacts manufacturing facilities able to operate in the allowable floor area could create. The language in G.1 and G.2.a were included to encourage onsite sales and events, and to accommodate potential mixed uses for companies that wish to produce and sell products at one location. These types of micromanufacturers would be an added benefit to the downtown area since they also provide desired retail storefronts in addition to occupying an otherwise vacant building.

The attached map shows the existing B-3P in the town. Most of the existing B-3P is along the East Trade Street corridor and a few sections on West Trade near US 321, with the rest creating north and south borders to the Central Business District in the center of town. This would not directly impact the existing town center, or dilute the retail/restaurant uses desired for the core district. But the addition would help expand potential use in these surrounding areas to help spark growth and revitalization.

Comprehensive Land Use Plan: The proposed text amendment offers the potential to expand accessibility of properties in the B-3P District to small businesses. The first policy outlined in Section 4 of the 2030 Comprehensive Plan specifically mentions creating an environment aimed at small business development. There are also goals outlined to revitalize downtown. This addition to the B-3P will help fill vacant buildings around the immediate downtown hub.

Staff Recommendation: Since the 2030 Comprehensive Plan outlines further Economic Development, specifically for small businesses and downtown redevelopment, the proposal to add Micromanufacturing as a permitted use, with the additional restrictions, would benefit the community and has staff support. Overall, this is a positive addition that could help fill and maintain our commercial district.

APPENDIX C: PERMITTED USES CHART

	Residential								Office	Business					Industrial
	R-15	R-12	R-10	R-8	R-6	R-5	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
<p><i>X: Permitted by right (Supplemental regulations may apply - check town ordinances)</i></p> <p><i>S: Special Use Permit (Supplemental regulations may apply - check town ordinances)</i></p> <p><i>X*: Permitted Use subject to Special Regulations found in 153.050</i></p>															
Permitted Uses (any use not specified below is eligible to apply for conditional zoning approval)															

INDUSTRIAL/MANUFACTURING															
Artisanal & Small Scale Manufacturing; Micro-manufacturing														X*	
Auto wrecking or junk yards															S
Automobile accessories - manufacturing, servicing, processing, assembling, and fabricating															X
Bedding fabrication															X
Bedding, pillows and carpets - manufacturing, servicing, processing, assembling, and fabricating															X
Bottling plants															X
Building materials - manufacturing, servicing, processing, assembling, and fabricating															X

§ 153.050 SUPPLEMENTAL USE REGULATIONS

(G) Artisanal & Small Scale Manufacturing; Micro-Manufacturing uses within the Central Business Perimeter Zoning District shall be subject to the following regulations.

(1) *Gross Floor Area.* The gross floor area shall not exceed 3,500 square feet. This restriction only applies to floor area dedicated to production and does not include floor area designated for retail space, consultation, or demonstrations.

(2) *Outdoor Storage and Operations.* Outdoor storage and production operations are prohibited within the B-3P Zoning District.

(a) For artisanal uses, outdoor sales may be allowed when permitted with an approved temporary use permit following §153.050.D.

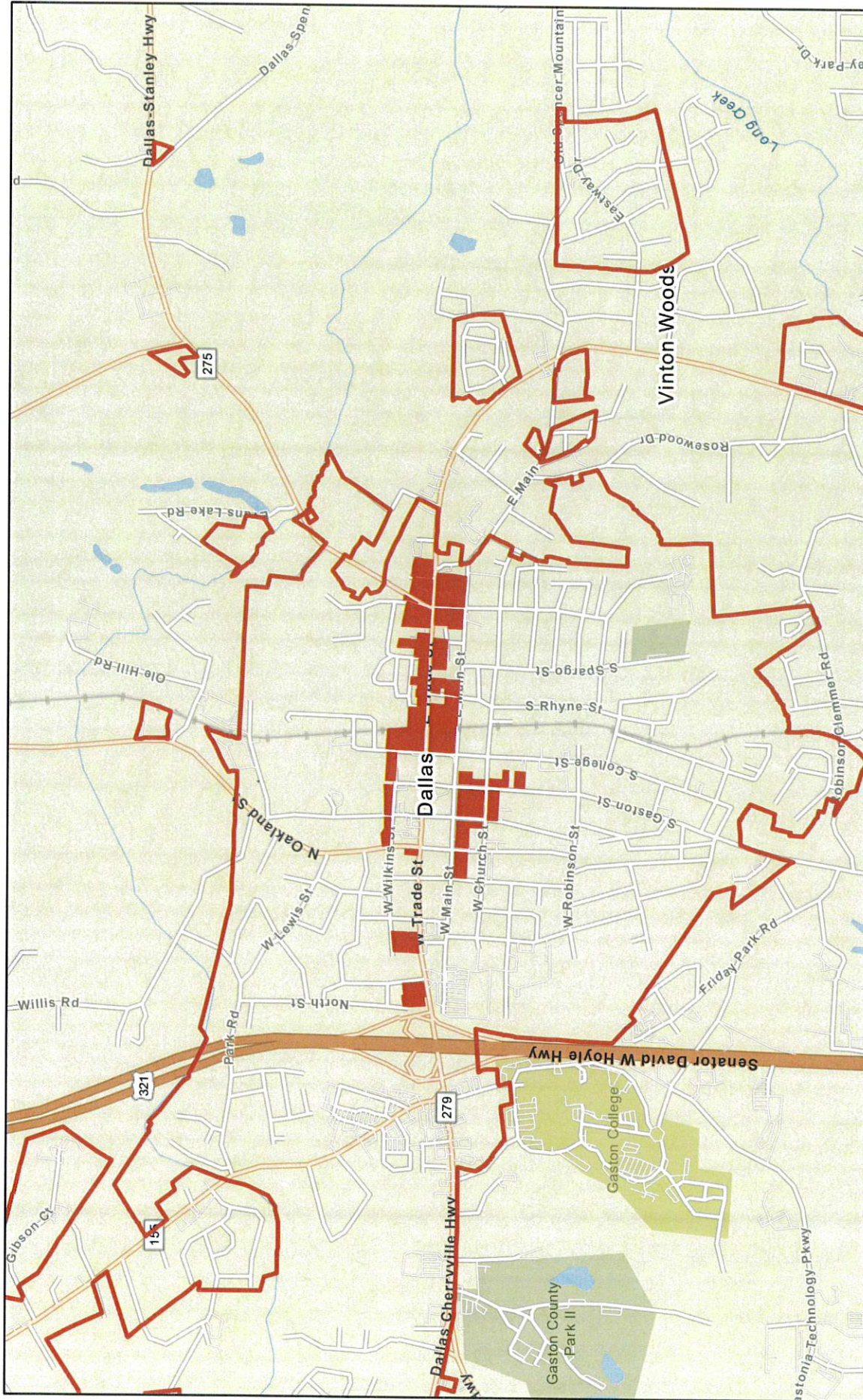
(3) *Production Hours.* For any manufacturing or fabrication processes that produce noise, vibrations, odors, or any other byproduct detectable from adjacent properties shall not operate outside the hours of 8AM to 6PM.

(4) *Loading and Unloading Accommodations.* No deliveries or shipments shall be conducted off-premise in a manner that directly impedes the flow of traffic in any way.

§ 153.002 DEFINITIONS.

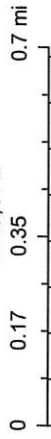
MICROMANUFACTURING. Small scale production, including *ARTISINAL* and *SMALL SCALE MANUFACTURING*. These terms include the retail or business-to-business production of artisan goods that are produced indoors using small hand tools or light machinery, including but not limited to: woodworking, metalwork, ceramics, glass work, sculptures, furniture making, clothing or textiles, soap, signs, and non-alcoholic food and beverage processing. Production of this level is low impact, and functions in work areas 3500 square feet or less.

B-3P District



9/8/2022

1:26,572



State of North Carolina DOT, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,

Public Notices

having been substituted as Trustee in said Deed of Trust, and the holder of the note evidencing said default having directed that the undersigned Substitute Trustee offer for sale at the courthouse door of the county courthouse where the property is located, or at the usual and customary location of the county courthouse for conducting the sale on December 7, 2022 at 10:00 AM, and will sell to the highest bidder for cash the following described property situated in Gaston County, North Carolina, to wit: Being all of Lot #5 of Colowba Hills, Phase 3, Map 2, as shown on a map thereof recorded in Map Book 77 at Page 128, Gaston County Registry.

Save and except any releases, deeds of release or prior conveyances of record. Said property is commonly known as 3862 Broadview Lane, Gastonia, NC 28656. A certified check only (no personal checks) of five percent (5%) of the purchase price, or Seven Hundred Fifty Dollars (\$750.00), whichever is greater, will be required at the time of the sale. Following the expiration of the statutory upset bid period, all remaining amounts are immediately due and owing. THIRD PARTY PURCHASERS MUST PAY THE EXCISE TAX AND THE RECORDING COSTS FOR THEIR DEED.

Said property to be offered pursuant to this Notice of Sale is being offered for sale, transfer and conveyance "AS IS WHERE IS." There are no representations or warranties relating to the title or any physical, environmental, health or safety conditions existing in, on, or relating to the property being offered for sale. This sale is made subject to all prior liens, unpaid taxes, any unpaid land transfer taxes, special assessments, easements, rights, or encumbrances of record. To the best of the knowledge and belief of the undersigned, the current owner(s) of the property herein Shaven Ruffin and Charles Tenants with the right of survivorship.

An Order for possession of the property may be issued pursuant to G.S. § 42-129 in favor of the purchaser and against the party or parties in possession by the clerk superior court of the county in which the property is sold. Any person who occupies the property pursuant to a rental agreement entered into or renewed on or after October 1, 2007, may, after receiving the notice of sale, terminate the rental agreement by providing written notice of termination to the landlord, not to be effective on a date stated in the notice that is not less than 10 days but not more than 90 days after the date contained in the notice of sale, provided that the mortgagee has not cured the default of the time the tenant provides the notice of termination (NCGS § 45-21.16A(b)(2)). Upon termination of a rental agreement, the tenant is liable for rent due under the rental agreement prorated to the effective date of termination.

IN THE MATTER OF THE FORECLOSURE OF A DEED OF TRUST EXECUTED BY PHENIC K. KEELY DATED JUNE 1, 2005 AND RECORDED IN BOOK 413 AT PAGE 1802 AND MODIFIED BY AGREEMENT DATED JUNE 9, 2016 IN BOOK 489 AT PAGE 707 IN THE GASTON COUNTY PUBLIC REGISTRY, NORTH CAROLINA.

Under and by virtue of the power and authority contained in the above-referenced deed of trust and because of default in the payment of the secured debt and failure to perform the covenants contained therein and pursuant to demand of the holder of the secured debt, the undersigned will expose for sale at public auction at the usual place of sale at the Gaston County courthouse at 10:00AM on December 7, 2022, the following described real estate and any improvements situated thereon, in Gaston County, North Carolina, and being more particularly described in that certain Deed of Trust executed Stephen C. Keely on dated June 1, 2005 to secure the original principal amount of \$117,000.00, and recorded in Book 413 of Page 1802 of the Gaston County Public Registry. The terms of the said Deed of Trust may be modified by other instruments appearing in the public record. Additional identifying information regarding the collateral property is below and is believed to be accurate, but no representation or warranty is intended.

Address of property: 441 Cox Lake Road, Stanley, NC 28164 Tax Parcel ID: 203424 Present Record Owners: Stephen C. Keely The record owner(s) of the property according to the records of the Register of Deeds, Loree Stephen C. Keely. The property to be offered pursuant to this notice of sale is being offered for sale, transfer and conveyance AS IS, WHERE IS. Neither the Trustee nor the holder of the note secured by the deed of trust being foreclosed, nor the officers, directors, attorneys, employees, agents or authorized representative of either the Trustee or the holder of the note make any representation or warranty relating to the title or any physical, environmental, health or safety conditions existing in, on, or relating to the property offered for sale. Any and all responsibilities or liabilities arising out of or in any way relating to any such condition expressly are disclaimed. This sale is subject to all prior liens and encumbrances and unpaid taxes and assessments including transfer tax associated with the foreclosure. A deposit of five percent (5%) of the amount of the bid or seven hundred fifty dollars (\$750.00), whichever is greater, is required from the highest bidder and must be tendered in the form of certified funds at the time of the sale. Cash will not be accepted. This sale will be held open ten days for upset bids as required by law. After the expiration of the upset bid period, all remaining amounts are IMMEDIATELY DUE AND OWING. REMIT FUNDS IN A TIMELY MANNER WILL RESULT IN A DECLARATION OF DEFAULT AND ANY DEPOSIT WILL BE CREDITED TO THE PURCHASER AT THE TIME OF ANY SALE. IF THE SALE IS SET ASIDE FOR ANY REASON, THE PURCHASER OF THE SALE SHALL BE ENTITLED ONLY TO A RETURN OF THE DEPOSIT PAID. THE PURCHASER SHALL HAVE NO FURTHER RECOURSE AGAINST THE MORTGAGEE, THE MORTGAGEE'S SUBSTITUTION TRUSTEE OR THE ATTORNEY OF ANY OF THE FOREGOING.

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of the termination. If the trustee is unable to convey title to the property for any reason, the sole remedy of the purchaser is the return of the deposit. Reasons of such inability to convey include, but are not limited to, the filing of a bankruptcy petition prior to the confirmation of the deed, and reinstatement of the loan without the knowledge of the trustee. If the validity of the sale is challenged by any party, the trustee, in its sole discretion, if they believe the challenge to have merit, may request the court to declare the sale to be void and return the deposit. The purchaser shall have no further remedy.

Trustee Services of Carolina, LLC, 1305 W. Main Street, Suite 200, Charlotte, NC 28202. Substituted Trustee Brock & Scott, PLLC, 543 Oleander Drive Suite 200, Wilkesboro, NC 28693. Phone: (710) 392-4988 Fax: (710) 392-4987 File No.: 17-027-F02 11/22, 11/29 805371

IN THE GENERAL COURT OF JUSTICE OF NORTH CAROLINA SUPERIOR COURT DIVISION GASTON COUNTY

IN THE MATTER OF THE FORECLOSURE OF A DEED OF TRUST EXECUTED BY LACHELLE ADDISON AND RODRICK ADDISON DATED MAY 6, 2019 AND RECORDED IN BOOK 590 AT PAGE 770 IN THE GASTON COUNTY PUBLIC REGISTRY, NORTH CAROLINA.

Under and by virtue of the power and authority contained in the above-referenced deed of trust and because of default in the payment of the secured debt and failure to perform the covenants contained therein and pursuant to demand of the holder of the secured debt, the undersigned will expose for sale at public auction at the usual place of sale at the Gaston County courthouse at 10:00AM on December 7, 2022, the following described real estate and any improvements situated thereon, in Gaston County, North Carolina, and being more particularly described in that certain Deed of Trust executed Lachelle Addison and Rodrick Addison on dated May 6, 2019 to secure the original principal amount of \$117,000.00, and recorded in Book 590 of Page 770 of the Gaston County Public Registry. The terms of the said Deed of Trust may be modified by other instruments appearing in the public record. Additional identifying information regarding the collateral property is below and is believed to be accurate, but no representation or warranty is intended.

Address of property: 441 Cox Lake Road, Stanley, NC 28164 Tax Parcel ID: 203424 Present Record Owners: Stephen C. Keely The record owner(s) of the property according to the records of the Register of Deeds, Loree Stephen C. Keely. The property to be offered pursuant to this notice of sale is being offered for sale, transfer and conveyance AS IS, WHERE IS. Neither the Trustee nor the holder of the note secured by the deed of trust being foreclosed, nor the officers, directors, attorneys, employees, agents or authorized representative of either the Trustee or the holder of the note make any representation or warranty relating to the title or any physical, environmental, health or safety conditions existing in, on, or relating to the property offered for sale. Any and all responsibilities or liabilities arising out of or in any way relating to any such condition expressly are disclaimed. This sale is subject to all prior liens and encumbrances and unpaid taxes and assessments including transfer tax associated with the foreclosure. A deposit of five percent (5%) of the amount of the bid or seven hundred fifty dollars (\$750.00), whichever is greater, is required from the highest bidder and must be tendered in the form of certified funds at the time of the sale. Cash will not be accepted. This sale will be held open ten days for upset bids as required by law. After the expiration of the upset bid period, all remaining amounts are IMMEDIATELY DUE AND OWING. REMIT FUNDS IN A TIMELY MANNER WILL RESULT IN A DECLARATION OF DEFAULT AND ANY DEPOSIT WILL BE CREDITED TO THE PURCHASER AT THE TIME OF ANY SALE. IF THE SALE IS SET ASIDE FOR ANY REASON, THE PURCHASER OF THE SALE SHALL BE ENTITLED ONLY TO A RETURN OF THE DEPOSIT PAID. THE PURCHASER SHALL HAVE NO FURTHER RECOURSE AGAINST THE MORTGAGEE, THE MORTGAGEE'S SUBSTITUTION TRUSTEE OR THE ATTORNEY OF ANY OF THE FOREGOING.

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demand of the holder of the secured debt, the undersigned will expose for sale at public auction at the usual place of sale at the Gaston County courthouse at 10:00AM on December 7, 2022, the following described real estate and any improvements situated thereon, in Gaston County, North Carolina, and being more particularly described in that certain Deed of Trust executed Lachelle Addison and Rodrick Addison, dated May 6, 2019, to secure the original principal amount of \$117,000.00, and recorded in Book 504 of Page 770 of the Gaston County Public Registry. The terms of the said Deed of Trust may be modified by other instruments appearing in the public record. Additional identifying information regarding the collateral property is below and is believed to be accurate, but no representation or warranty is intended.

Trustee Services of Carolina, LLC, 1305 W. Main Street, Suite 200, Charlotte, NC 28202. Substituted Trustee Brock & Scott, PLLC, 543 Oleander Drive Suite 200, Wilkesboro, NC 28693. Phone: (710) 392-4988 Fax: (710) 392-4987 File No.: 17-027-F02 11/22, 11/29 805371

IN THE GENERAL COURT OF JUSTICE OF NORTH CAROLINA SUPERIOR COURT DIVISION GASTON COUNTY

IN THE MATTER OF THE FORECLOSURE OF A DEED OF TRUST EXECUTED BY LACHELLE ADDISON AND RODRICK ADDISON DATED MAY 6, 2019 AND RECORDED IN BOOK 590 AT PAGE 770 IN THE GASTON COUNTY PUBLIC REGISTRY, NORTH CAROLINA.

Under and by virtue of the power and authority contained in the above-referenced deed of trust and because of default in the payment of the secured debt and failure to perform the covenants contained therein and pursuant to demand of the holder of the secured debt, the undersigned will expose for sale at public auction at the usual place of sale at the Gaston County courthouse at 10:00AM on December 7, 2022, the following described real estate and any improvements situated thereon, in Gaston County, North Carolina, and being more particularly described in that certain Deed of Trust executed Lachelle Addison and Rodrick Addison on dated May 6, 2019 to secure the original principal amount of \$117,000.00, and recorded in Book 590 of Page 770 of the Gaston County Public Registry. The terms of the said Deed of Trust may be modified by other instruments appearing in the public record. Additional identifying information regarding the collateral property is below and is believed to be accurate, but no representation or warranty is intended.

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this notice, and upon your failure to do so, the party seeking service against you will apply to the court for the relief sought. J. STEVE BOWDEN & JENNIFER E. BOWDEN ATTORNEYS AT LAW FOR THE FIRM

of Jennifer E. Bowden Jennifer E. Bowden Box 20185 Greenboro, NC 27400 (336)373-0981 Attorney for Plaintiff 11/29, 12/6, 12/13/22 810514

NOTICE OF FORECLOSURE SALE Under and by virtue of the power of sale contained in a certain Deed of Trust made by Bron A. Ickard (OWNERS): Bron A. Ickard Regional Operations MGR 15001500, dated June 22, 2006, and recorded in Book No. 4232, of Page 128 in Gaston County Registry, North Carolina, default having been made in the payment of the promissory note secured by the deed of trust and the undersigned, Substitute Trustee Services of Carolina, LLC, having been substituted as Trustee in said Deed of Trust, I am, as an officer duly recorded in the records of the Register of Deeds of Gaston County, North Carolina and the holder of the note evidencing said indebtedness having directed that the Deed of Trust be foreclosed and the property be sold at public auction at the usual place of sale at the Gaston County courthouse at 10:00AM on December 7, 2022, the following described real estate and any improvements situated thereon, in Gaston County, North Carolina, and being more particularly described as follows: Parcel ID: 101553 Being the full contents of Parcel ID: 101553 as shown on a plat recorded in Map Book 6, Page 43 in the Gaston County Registry, North Carolina. Together with the improvements located thereon; said property located at 911 North Weldon Street, Gastonia, North Carolina.

BEING the same property conveyed to the Trustee by the Construction, Inc. by Substitute Trustee Services of Carolina, LLC recorded 2/1/2005 in Book 809, Page 2116 in the Gaston County Registry, North Carolina. Tax ID 101555. Trustee, may, in its sole discretion, if it believes the challenge to have merit, may request the court to declare the sale to be void and return the deposit. The purchaser shall have no further recourse against the mortgagee, the mortgagee's substitution trustee or the attorney of any of the foregoing.

A deposit of five percent (5%) of the purchase price, or seven hundred fifty dollars (\$750.00), whichever is greater, is required and must be tendered in the form of certified funds at the time of the sale. Cash will not be accepted. This sale will be held open ten days for upset bids as required by law. After the expiration of the upset bid period, all remaining amounts are IMMEDIATELY DUE AND OWING. REMIT FUNDS IN A TIMELY MANNER WILL RESULT IN A DECLARATION OF DEFAULT AND ANY DEPOSIT WILL BE CREDITED TO THE PURCHASER AT THE TIME OF ANY SALE. IF THE SALE IS SET ASIDE FOR ANY REASON, THE PURCHASER OF THE SALE SHALL BE ENTITLED ONLY TO A RETURN OF THE DEPOSIT PAID. THE PURCHASER SHALL HAVE NO FURTHER RECOURSE AGAINST THE MORTGAGEE, THE MORTGAGEE'S SUBSTITUTION TRUSTEE OR THE ATTORNEY OF ANY OF THE FOREGOING.

Special Notice For Leasehold Tenants residing on the property: be advised that an Order for Possession of the property may be issued in favor of the purchaser. Also, if your lease began or was renewed on or after October 1, 2007, you may, after receiving the notice of sale, terminate the rental agreement by providing written notice of termination to the landlord, not to be effective on a date stated in the notice that is not less than 10 days but not more than 90 days after the date contained in the notice of sale, provided that the mortgagee has not cured the default of the time the tenant provides the notice of termination (NCGS § 45-21.16A(b)(2)). Upon termination of a rental agreement, the tenant is liable for rent due under the rental agreement prorated to the effective date of termination.

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terminate the rental agreement by providing written notice of termination to the landlord, not to be effective on a date stated in the notice that is not less than 10 days but not more than 90 days after the date contained in the notice of sale, provided that the mortgagee has not cured the default of the time the tenant provides the notice of termination. Upon termination of a rental agreement, the tenant is liable for rent due under the rental agreement prorated to the effective date of the termination. SUBSTITUTEE TRUSTEE SERVICES, INC. SUBSTITUTEE TRUSTEE

c/o Hutchens Law Firm P.O. Box 1028 4137 Ramsey Street Fayetteville, North Carolina 28311 Phone No: (910) 864-3068 Htns@aia.hutchenslawfirm.com Fax No: 1028 - 4275 Nov. 22, 29, 2022 8652006

NOTICE OF PUBLIC HEARING AND TEXT AMENDMENT TOWN OF DALLAS, NC Notice is hereby given that the Town of Dallas will hold a public hearing on the below listed proposed code text amendment action. The hearing will be held before the Town Board of Aldermen at their regularly scheduled meeting on Tuesday, December 13, 2022 at 6:00 PM in the Fire Station Community Room, 209 West Main St., Dallas, NC 28034. 2-2022-R-4 Single Family Attached Housing. David Murray on behalf of Koval/Robinson LLC, has submitted a petition for a code text amendment to allow single family attached housing in the Residential R-4 Zoning District. The proposed text amendment will add townhomes as by right in the Town of Dallas as noted in Appendix C, Table of Permitted Uses in Chapter 153 of the Town Code of Ordinances, and will add the following to the Appendix C, Table of Permitted Uses: "For R-4 Districts: Single Family Attached Housing (Townhomes) shall have a minimum lot width of 20 feet setback and a minimum required lot area of 1500 square feet. Exterior units shall have a minimum lot width of not less than a minimum required lot area of 1500 square feet. Exterior units shall have a minimum lot width of not less than a minimum required lot area of 1500 square feet. All interested persons are invited and encouraged to attend this meeting in person or via Zoom. For person requiring special assistance, please contact Town Hall, 704-922-3716 at least 48 hours prior to the meeting. Brian Finneegan, small Brian Finneegan, Town Planner, at bfinneegan@dallasnc.net November 29, December 6, 2022 810525

NOTICE OF PUBLIC HEARING - TEXT AMENDMENT TOWN OF DALLAS, NC Notice is hereby given that the Town of Dallas will hold a public hearing on the below listed proposed code text amendment action. The hearing will be held before the Town Board of Aldermen at their regularly scheduled meeting on Tuesday, December 13, 2022 at 6:00 PM in the Fire Station Community Room, 209 West Main St., Dallas, NC 28034. 2-2022-43 Micromanufacturing. Scott Jarman has submitted a petition for a text amendment to add Artisanal & Small Scale Manufacturing as a permitted use in the B-3P Zoning District to Appendix C, Permitted Uses in Chapter 153 of the Town of Dallas Code of Ordinances. There are also proposed supplemental use revisions to be added to Section 153.030 (G). The proposed text amendment will allow small scale manufacturing and production of goods in the Business Perimeter District with the Town. All interested persons are invited and encouraged to attend this meeting in person or via Zoom. For person requiring special assistance, please contact Town Hall at 704-922-3716 at least 48 hours prior to the meeting. Brian Finneegan, Town Planner, at bfinneegan@dallasnc.net 11/29/22/12/6/22 810265

NOTICE OF SUBSTITUTEE TRUSTEE'S SALE OF REAL ESTATE UNDER AND BY VIRTUE OF THE power and authority contained in that certain Deed of Trust executed and delivered by Famila Smith, married, dated the 24th day of November, 2003, and recorded in Book 504 of Page 770 of the Register of Deeds for Gaston County, North Carolina, and being more particularly described as follows: Parcel ID: 101553 Being the full contents of Parcel ID: 101553 as shown on a plat recorded in Map Book 6, Page 43 in the Gaston County Registry, North Carolina. Together with the improvements located thereon; said property located at 911 North Weldon Street, Gastonia, North Carolina.

BEING the same property conveyed to the Trustee by the Construction, Inc. by Substitute Trustee Services of Carolina, LLC recorded 2/1/2005 in Book 809, Page 2116 in the Gaston County Registry, North Carolina. Tax ID 101555. Trustee, may, in its sole discretion, if it believes the challenge to have merit, may request the court to declare the sale to be void and return the deposit. The purchaser shall have no further recourse against the mortgagee, the mortgagee's substitution trustee or the attorney of any of the foregoing.

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Carolina, and being more particularly described as follows: Being all of LOT 44, HUDSON ESTATES SUBDIVISION, according to the plat thereof, recorded in PLAT BOOK PAGE 10 of the Office of the Register of Deeds of Gaston County, North Carolina. The land is a portion of the property conveyed to Long Investment Development, Inc. as set forth in that deed recorded in Book 1097 of Page 573 in the Gaston County Registry. ADDITIONAL POSSIBLE STREET ADDRESS FOR PURPOSES ONLY: 2425 Solada Drive, Gastonia, NC 28054

Notice & Disclaimer: The listed street address may be incorrect and is stated here for informational and reference purposes only. The Substitute Trustee makes no certifications or warranties that said street address is accurate or correct. It is each potential bidder's duty to determine with higher own title examination that said street address is correct and matches the above description. The above legal notice is being given that the property being sold and shall be controlling. PRESENT RECORD OWNERS as reflected on the records of the Register of Deeds not more than 10 days prior to posting the notice of sale are: Lorrie Ryan Campbell, Heir and Spouse, if any; Tiffany Lynch, Heir and Spouse, if any; Brandon Lynch, Heir and Spouse, if any; or the unknown and/or minor or incompetent heirs/divisees of Family. Trustee may, in the Trustee's sole discretion, delay the sale for up to one hour as provided in NCGS §45-21.12. In the event that this sale is one of residential real property with less than 15 residential units, as provided in NCGS §45-21.29 in favor of the purchaser and against the purchaser and parties in possession by the Clerk of Superior Court of the County in which the property is sold. Any person who occupies the property pursuant to a rental agreement entered into or renewed on or after October 1, 2007, may, after receiving the notice of sale, terminate the rental agreement by providing written notice of termination to the landlord, not to be effective on a date stated in the notice that is not less than 10 days but not more than 90 days after the date contained in the notice of sale, provided that the mortgagee has not cured the default of the time the tenant provides the notice of termination (NCGS § 45-21.16A(b)(2)). Upon termination of a rental agreement, the tenant is liable for rent due under the rental agreement prorated to the effective date of the termination. SUBSTITUTEE TRUSTEE SERVICES, INC. SUBSTITUTEE TRUSTEE

c/o Hutchens Law Firm P.O. Box 1028 4137 Ramsey Street Fayetteville, North Carolina 28311 Phone No: (910) 864-3068 Htns@aia.hutchenslawfirm.com Fax No: 1028 - 4275 Nov. 22, 29, 2022 8652006

NOTICE OF PUBLIC HEARING - TEXT AMENDMENT TOWN OF DALLAS, NC Notice is hereby given that the Town of Dallas will hold a public hearing on the below listed proposed code text amendment action. The hearing will be held before the Town Board of Aldermen at their regularly scheduled meeting on Tuesday, December 13, 2022 at 6:00 PM in the Fire Station Community Room, 209 West Main St., Dallas, NC 28034. 2-2022-43 Micromanufacturing. Scott Jarman has submitted a petition for a text amendment to add Artisanal & Small Scale Manufacturing as a permitted use in the B-3P Zoning District to Appendix C, Permitted Uses in Chapter 153 of the Town of Dallas Code of Ordinances. There are also proposed supplemental use revisions to be added to Section 153.030 (G). The proposed text amendment will allow small scale manufacturing and production of goods in the Business Perimeter District with the Town. All interested persons are invited and encouraged to attend this meeting in person or via Zoom. For person requiring special assistance, please contact Town Hall at 704-922-3716 at least 48 hours prior to the meeting. Brian Finneegan, Town Planner, at bfinneegan@dallasnc.net 11/29/22/12/6/22 810265

NOTICE OF SUBSTITUTEE TRUSTEE'S SALE OF REAL ESTATE UNDER AND BY VIRTUE OF THE power and authority contained in that certain Deed of Trust executed and delivered by Famila Smith, married, dated the 24th day of November, 2003, and recorded in Book 504 of Page 770 of the Register of Deeds for Gaston County, North Carolina, and being more particularly described as follows: Parcel ID: 101553 Being the full contents of Parcel ID: 101553 as shown on a plat recorded in Map Book 6, Page 43 in the Gaston County Registry, North Carolina. Together with the improvements located thereon; said property located at 911 North Weldon Street, Gastonia, North Carolina.

BEING the same property conveyed to the Trustee by the Construction, Inc. by Substitute Trustee Services of Carolina, LLC recorded 2/1/2005 in Book 809, Page 2116 in the Gaston County Registry, North Carolina. Tax ID 101555. Trustee, may, in its sole discretion, if it believes the challenge to have merit, may request the court to declare the sale to be void and return the deposit. The purchaser shall have no further recourse against the mortgagee, the mortgagee's substitution trustee or the attorney of any of the foregoing.



STATEMENTS OF CONSISTENCY AND REASONABLENESS **FOR** TEXT AMENDMENT ADOPTION

The proposed text amendment to allow Small Scale/Micro-Manufacturing in the B-3P district is consistent with the Economic Development policies of the 2030 Comprehensive Land Use Plan because it will diversify possible commercial uses in the Town Center District and support small business growth and expansion. The petition is therefore reasonable and in the Town's best interest.

STATEMENTS OF CONSISTENCY AND REASONABLENESS **AGAINST** TEXT AMENDMENT ADOPTION

The proposed text amendment to allow Small Scale/Micro-Manufacturing in the B-3P district is inconsistent with the 2030 Comprehensive Land Use Plan. The Town Center District focuses solely on retail, dining, and residential uses, and micro-manufacturing is not an intended use in this area. Since this use is not a focus for the subject district, this amendment would be unreasonable and not in the Town's best interest.

Statement Adopted: _____

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Calendar Year 2023 Board of Aldermen Meeting Schedules

AGENDA ITEM NO. 8A

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

Attached is the Board of Aldermen regular monthly meeting schedule, as well as the monthly work session schedule, for calendar year 2023. Upon approval, these schedules will be filed as required by NCGS §143-318.12.

MANAGER RECOMMENDATION: Approve the 2023 Meeting Schedules, as presented.

BOARD ACTION TAKEN:

Town of Dallas Board of Aldermen 2023 Meeting Schedule

Tuesday, January 10, 2023	6:00 pm	Community Room
Tuesday, February, 14, 2023	6:00 pm	Community Room
Tuesday, March 14, 2023	6:00 pm	Community Room
Tuesday, April 11, 2023	6:00 pm	Community Room
Tuesday, May 9, 2023	6:00 pm	Community Room
Tuesday, June 13, 2023	6:00 pm	Community Room
Tuesday, July 11, 2023	6:00 pm	Community Room
Tuesday, August 8, 2023	6:00 pm	Community Room
Tuesday, September 12, 2023	6:00 pm	Community Room
Tuesday, October 10, 2023	6:00 pm	Community Room
Tuesday, November 14, 2023	6:00 pm	Community Room
Tuesday, December 12, 2023	6:00 pm	Community Room

Board meetings are held in the Community Room located at the Dallas Fire Station.

Town of Dallas
Board of Aldermen 2023 Work Session Schedule

Tuesday, January 24, 2023	5:00 pm	Community Room
Tuesday, February, 28, 2023	5:00 pm	Community Room
Monday, March 6, 2023 (Strategic Planning)	11:30 am	Community Room
Tuesday, March 28, 2023 (Budget)	5:00 pm	Community Room
Tuesday, April 25, 2023 (Budget)	5:00 pm	Community Room
Tuesday, May 23, 2023	5:00 pm	Community Room
Tuesday, June 27, 2023	5:00 pm	Community Room
Tuesday, July 25, 2023	5:00 pm	Community Room
Tuesday, August 22, 2023	5:00 pm	Community Room
Tuesday, September 26, 2023	5:00 pm	Community Room
Tuesday, October 24, 2023	5:00 pm	Community Room
Tuesday, November 28, 2023	5:00 pm	Community Room
Tuesday, December 26, 2023	No Work Session Scheduled	

Board work sessions are held in the Community Room located at the Dallas Fire Station.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: FY2023-24 Budget Calendar

AGENDA ITEM NO. 8B

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

Each year the Town establishes a calendar for the preparation of the upcoming fiscal year's budget. Attached is a proposed calendar for the FY2023-24 budget process, including a Strategic Planning Meeting on Monday, March 6, 2023. The Planning Meeting would be held in the Community Room at the Fire Department beginning with lunch at 11:30 am and then the meeting beginning at 12:00 pm. This meeting typically lasts 4 hours.

Two Budget Work Sessions are scheduled: 1) Tuesday, March 28, 2023 and 2) Tuesday, April 25, 2023. These work sessions will be held at the Fire Department Community Room at 5:00 pm with dinner available at 4:30 pm. An additional Budget Work Session can be held in conjunction with the regularly scheduled work session on May 23, 2023, if necessary.

Attached is the proposed Budget Calendar for FY2023-24.

MANAGER RECOMMENDATION: Approve the proposed FY2023-24 Budget Calendar, as presented.

BOARD ACTION TAKEN:

Town of Dallas FY 2024 Budget Calendar

Date	Description
January 13, 2023	Budget Forms to Department Heads
February 3, 2023	Department Heads forward Proposed Budget Requests to Town Manager and Finance Officer
February 15 - February 17, 2023	Department Meetings on Proposed Budget Requests
March 6, 2023	Strategic Planning Meeting to Discuss Goals
March 28, 2023	Budget Worksession
April 6 - April 10, 2023	Department Meetings on Proposed Budget Requests (if necessary)
April 25, 2023	Budget Worksession
May 18, 2023	Draft Budget Submitted to Board
June 13, 2023	Adoption of Budget Ordinance
June 30, 2023	End of FY23

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Damaged Meter Repair/Replacement Fee

AGENDA ITEM NO. 8C

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

Increasingly the Town is having to replace water meters that have been damaged, mainly due to being run over with vehicles. These meters have become quite costly, particularly to replace. Attached is a proposed addition to the Fee Schedule to charge the actual repair/replacement cost when a water meter has been damaged by the customer.

MANAGER RECOMMENDATION: Approve the proposed Meter Repair/Replacement Fee, as presented.

BOARD ACTION TAKEN:

TOWN OF DALLAS - WATER AND SEWER SERVICE FEES

STANDARD TAP AND PRIVILEGE FEES

	<u>3/4" WATER TAP</u>	<u>4" SEWER TAP</u>
Privilege Fee	\$610.00	\$610.00
Residential Tap Inside	\$1,129.00	\$1,605.00
Residential Tap Outside	\$1,245.00	\$1,723.00
Commercial Tap	Cost	Cost
Road Bore Fee	\$365.00	\$365.00
Water Tap >1"	Cost	
Sewer Tap > 5' in depth and/or 20' in lateral length		Cost

IRRIGATION TAPS

Residential Outside Yard Meter w/Tee	\$365.00
Residential Outside Yard Meter 3/4" Tap	\$1,129.00
Residential Outside Yard Meter 1"	\$1,129.00
Residential Irrigation Tap >1"	Cost
Commercial Irrigation Tap	Cost

UNAUTHORIZED METER ACCESS/UNSAFE METER USE

\$200.00

DAMAGED METER REPAIR/REPLACEMENT

Cost

System Development Fees			
Meter Size	Meter Ratio	Water	Sewer
3/4"	1.00	\$1,794	\$1,745
1"	1.67	\$2,989	\$2,908
1.5"	3.33	\$5,979	\$5,816
2"	8.33	\$14,946	\$14,540
3"	16.67	\$29,893	\$29,079
4"	33.33	\$59,786	\$58,159
6"	53.33	\$95,657	\$93,054
8"	93.33	\$167,400	\$162,845
10"	183.33	\$328,822	\$319,874

- 1) System Development Fees shall be based on water meter size. If only sewer service is requested, then fee will be based on estimated water service size.
- 2) System Development Fees for Multi-Family development shall be based on ¾" meters for each unit within the complex, not on a master meter size or other method of calculation.
- 3) Fire Flow shall not be metered and shall not be assessed a System Development Fee.
- 4) System Development Fees for irrigation services shall only include water fees. Combination services shall be reviewed by the Town and calculated at the time of the request for service.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Changing Bonding Requirements for Finance Officer

AGENDA ITEM NO. 8D

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

Due to the General Assembly's recent enactment of Section 9(a) of S.L. 2022-53, that the minimum coverage amount for finance officers will increase as of January 1, 2023 for units of local government and public authorities with "annually budgeted funds" in excess of \$500,000. Effective January 1, 2023, the governing board of a local government or public authority subject to G.S. §159-29(a) must fix the amount of the finance officer's faithful performance bond to equal or exceed the greater of (1) \$50,000 or (2) an amount equal to 10 percent of the unit's "annually budgeted funds" up to a cap of \$1,000,000.

Our current Finance Officer's bond is set to expire January 1, 2023, so the Board needs to set a bond that is equal to or exceeds the minimum coverage listed above and authorize the payment of premiums for the bond coverage amount.

The Town of Dallas' current annually budgeted funds for FY2022-23 is approximately \$19.8 million dollars.

Staff is recommending that the performance bond be set at the \$1,000,000 cap. Once the Board sets the bond amount, application will be made for a new Finance Officer Bond in that amount. At the January 10, 2023 meeting, a budget amendment to appropriate funds for the new bond and a resolution setting the bond amount will be brought for action. Bonds for \$1,000,000 can range as high as \$6,000.

MANAGER RECOMMENDATION: Set the Finance Officer bond amount at \$1,000,000, as presented.

BOARD ACTION TAKEN:

SECTION 9.(a) G.S. 159-29 reads as rewritten:

"§ 159-29. Fidelity bonds.

(a) The finance officer shall give a true accounting and faithful performance bond with sufficient sureties in an amount to be fixed by the governing board, ~~not less than fifty thousand dollars (\$50,000).~~ board. A person may not be appointed as a finance officer if the person is unable to obtain the bond required by this section. The premium on the bond shall be paid by the local government or public authority. The amount of the bond fixed by the governing board may not be less than the greater of the following:

- (1) Fifty thousand dollars (\$50,000).
- (2) An amount equal to ten percent (10%) of the unit's annually budgeted funds, up to one million dollars (\$1,000,000).

(b) Each officer, employee, or agent of a local government or public authority who handles or has in his custody more than one hundred dollars (\$100.00) of the unit's or public authority's funds at any time, or who handles or has access to the inventories of the unit or public authority, shall, before being entitled to assume his duties, give a faithful performance bond with sufficient sureties payable to the local government or public authority. A person who is unable to secure the bond required by this section cannot assume the duties for which a bond is required under this section. The governing board shall determine the amount of the bond, and the unit or public authority may pay the premium on the bond. Each bond, when approved by the governing board, shall be deposited with the clerk to the board.

If another statute requires an officer, employee, or agent to be bonded, this subsection does not require an additional bond for that officer, employee, or agent.

(c) A local government or public authority may adopt a system of blanket faithful performance bonding as an alternative to individual bonds. If such a system is adopted, statutory requirements of individual bonds, except for elected officials and for finance officers and tax collectors by whatever title known, do not apply to an officer, employee, or agent covered by the blanket bond. However, although an individual bond is required for an elected official, a tax collector, or finance officer, such an officer or elected official may also be included within the coverage of a blanket bond if the blanket bond protects against risks not protected against by the individual bond."

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Letter of Assurance to Ingles Markets, Inc. Concerning Landscaping

AGENDA ITEM NO. 8E

MEETING DATE: 12/13/2022

BACKGROUND INFORMATION:

In order to proceed with recording the rights of way needed from Ingles Markets, Inc. to complete the sale of 642 W. Carpenter St. to Gaston Aquatics, Ingles has requested assurance from the Town of Dallas that any landscaping disturbed during construction of the Aquatic Center be replaced.

Attached is a letter proposed to be sent to Ingles Markets, Inc. confirming that any landscaping disturbed as a result of construction will be replaced at the expense of the responsible party.

Once approved the letter will be forwarded to Ingles Markets, Inc. to facilitate with recording the needed rights of way.

MANAGER RECOMMENDATION: Approve the letter of assurance to Ingles Market, Inc., as presented.

BOARD ACTION TAKEN:



Mayor

Rick Coleman

Aldermen

Jerry Cearley
Sam Martin
Frank Milton
Darlene Morrow
Hoyle Withers

Town Manager

Maria Stroupe

Town Clerk/HR

Sarah Hamrick

Finance

Jonathan Newton

Town Attorney

J. Thomas Hunn

Police

Robert Walls

Electrical

J. Doug Huffman

Public Works

Bill Trudnak

Development Svc

Nolan Groce

Fire Chief

Earl Withers III

Recreation

Brandon Whitener

Town of Dallas
210 N. Holland St.
Dallas, NC 28034

Phone:

704-922-3176

Fax:

704-922-4701

Web Page:

www.dallasnc.net



December 13, 2022

W. Daniel Hicks, Jr.
Law Offices of W. Daniel Hicks, Jr., LLC
555 Sun Valley Drive
Suite N4
Roswell, GA 30076

Dear Mr. Hicks;

As requested, the Town of Dallas Board of Aldermen extend their collective assurance that, when granted the rights of way necessary to facilitate the construction of an Aquatics Center by Gaston Aquatics at 642 W. Carpenter St., Dallas, NC 28034, any screening and landscaping currently belonging to Ingles Markets, Inc. that may be disturbed during construction will be replaced at the cost of the responsible party.

The Town of Dallas, as per §153.063 *Screening and Landscaping* of our Zoning Code, requires development abutting residential districts to meet screening requirements. With the development of the property at 715 W. Trade St., Dallas, NC, Ingles Markets, Inc. installed the required screening and landscaping per the Zoning Code.

If any of the screenings and landscaping installed by Ingles Markets, Inc. are disturbed as a result of construction at 642 W. Carpenter St., Dallas, NC, the Town of Dallas will require the responsible party to repair and replace such back to their current state all at the expense of the responsible party.

Sincerely,

Town of Dallas Mayor and Board of Aldermen

Mayor Rick Coleman

Mayor Pro-Tem Jerry Cearley

Alderman Frank Milton

Alderman Sam Martin

Alderwoman Darlene Morrow

Alderman Hoyle Withers

