

Town of Dallas
Agenda
January 10, 2023
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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A.		
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MINUTES FOR BOARD OF ALDERMEN MEETING

December 13, 2022

6:00 PM

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

The following staff members were present: Maria Stroupe, Town Manager; Nolan Groce, Development Services Director; Earl Withers III, 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; Brian Finnegan, Planner; Doug Huffman, Electric Director; David Lingafelt, Code Enforcement Officer, and Paul Gibson Jr., Electric Supervisor.

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:

The Town Manager added a closed session to the agenda and added a corrected attachment to 8E. Alderman Milton made a motion to approve the agenda with the addition and the correction of 8E, seconded by Alderman Cearley and carried unanimously.

Approval of Minutes:

Alderman Martin motioned to approve the minutes from the November 8th regular meeting and the November 22nd work session, Alderman Cearley seconded this motion and it was carried unanimously.

Recognition of Citizens:

The Mayor recognized Doug Huffman, the Electric Director, for his retirement of 30 years from the Town of Dallas Electric Department.

Consent Agenda:

Item 5A Proclamation Honoring James Goudelock

Alderman Withers requested that a proclamation be approved by the Board of Aldermen honoring James William Goudelock for his service to the community. Mr. Goudelock was a member of the Dallas Fire Department and passed away after battling an illness. Attached is a proclamation honoring James William Goudelock (Exhibit 5A-1).

The Mayor read the Proclamation aloud and the Fire Chief gave each family a copy of the Proclamation.

Item 5B Special Event Fee for Gaston County Toy Run

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.

Item 5C Adoption of Bike and 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. The plan was discussed at the November 23rd Work Session and the Board requested it be brought back for adoption (Exhibit 5C,1-4).

Item 5D Budget Amendment for Additional Electric Customer Billed Charges

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 (Exhibit 5D-1).

Alderman Cearley made a motion to approve all items on the Consent Agenda, seconded by Alderwoman Martin and carried unanimously.

Public Hearings:

Item 6A R-6 Zoning District Text Amendment

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

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 (Exhibit 6A, 1-11).

The Development Services Director gave a presentation on the text amendment. The Board had questions and concerns with the amendment and decided to table it to the February 14th meeting.

Alderman Milton made motion to continue the public hearing at the February 14th meeting, seconded by Alderman Martin and carried unanimously.

Public Hearings:

Item 6B B3-P Micro-Manufacturing Text Amendment

Alderman Martin made a motion to go into the public hearing, seconded by Alderwoman Morrow and carried unanimously.

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 (Exhibit 6B, 1-8).

The Town Planner gave a presentation on the amendment and answered all questions from the Board and Mayor.

Alderman Cearley made a motion to go out of the public hearing, seconded by Alderman Milton and carried unanimously.

Alderman Milton made a motion to approve the amendment as presented with the consistency statement, seconded by Alderman Cearley and carried unanimously.

Old Business:

There was no old business at this time.

New Business:

Item 8A Calendar Year 2023 Board of Aldermen Meeting Schedules

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 (Exhibit 8A, 1-2).

The Town Manager gave a presentation on the meeting schedules.

Alderman Milton made a motion to approve the schedules, seconded by Alderman Martin and carried unanimously.

Item 8B FY2023-24 Budget Calendar

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 (Exhibit 8B-1).

The Town Manager presented the calendar to the Board for approval.

Alderman Martin made a motion to approve the calendar, seconded by Alderwoman Morrow and carried unanimously.

Item 8C Meter Damage Fee

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 (Exhibit 8C-1).

The Town Manager presented the replacement fees to the Board. The Board and Town staff discussed the fees and the Board decided to table the topic.

Item 8D Changing Bonding Requirements for Finance Officer

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 (Exhibit 8D-1).

The Town Manager presented the change requirements to the Board.

Alderman Martin made a motion to approve the changes, seconded by Alderman Milton and carried unanimously.

Item 8E Letter of Assurance to Ingles Markets, Inc. Concerning Landscaping

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 (Exhibit 8E, 1-2).

The Town Manager presented the letter to the Board.

Alderman Cearley made a motion to approve the letter, seconded by Alderwoman Morrow and carried unanimously.

Manager's Report:

The Town Manager reminded the Board of upcoming events.

Closed Session:

G.S. §143-318.11: To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and this public body.

Alderman Martin made a motion to go into the Closed Session, seconded by Alderwoman Morrow and carried unanimously (7:03).

No action taken.

Alderman Martin made a motion to go out of the Closed Session, seconded by Alderwoman Morrow and carried unanimously.

Alderman Martin made a motion to adjourn, seconded by Alderwoman Morrow and carried unanimously (7:23).

Rick Coleman, Mayor

Sarah Hamrick Ballard, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment for Finance Officer's Bond

AGENDA ITEM NO. 5A

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

As discussed at the December 13, 2022 meeting, the General Assembly recently increased the minimum coverage amount for finance officer's bonds.

Application has been made for a new bond for our Finance Officer and the following budget amendment, in the amount of \$1,300, is to appropriate funds to cover the increased cost of this bond.

MANAGER RECOMMENDATION: Approve the budget amendment appropriated funds to cover the increased cost of the Finance Officer's bond in compliance with updated State Law, as presented.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: January 10, 2023

Action: General Fund Amendment

Purpose: To Budget for Increased Cost of Finance Officer's Bond

Number: 2

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3999	0000	Fund Balance Appropriated	\$476,971	\$478,271	\$1,300
10	4100	6400	Insurance and Bonds	\$32,459	\$33,759	\$1,300

 Approval Signature
 (Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment for NCLM Safety Grant

AGENDA ITEM NO. 5B

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

Dallas' Water Department was awarded the North Carolina League of Municipalities Safety Grant to purchase four Gas Detection Meters and Gas Meter Calibrator. The total cost of the equipment is \$5,296 and the grant is a 50/50 match. The Town will cover \$2,648 of the cost and the grant will cover the remaining \$2,648.

Attached is a budget amendment accepting and appropriating the grant funds, along with funds to cover the additional amount needed from the Town for the purchase.

MANAGER RECOMMENDATION: Approve the budget amendment accepting and appropriating funds for the NCLM Safety Grant, as presented.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: January 10, 2023

Action: Water/Sewer Fund Amendment

Purpose: To Accept and Appropriate NCLM Safety Grant Funds

Number: WS-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
20	3455	0	Grant Revenue	\$0	\$2,648	\$2,648
20	3999	0000	Fund Balance Appropriated	\$16,300	\$18,948	\$2,648
20	8100	3400	Equipment	\$7,412	\$12,708	\$5,296

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment for Completion of Sewer Interconnect Project

AGENDA ITEM NO. 5C

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

The Sewer Interconnect project between Dallas and Gastonia was budgeted in the FY2021-22 budget year. Due to supply delays, the project was not completed until the Fall of 2022, resulting in the final invoicing falling in the current budget year. No funds were budgeted in this current year, as during the budget preparation process it was anticipated that the project would be completed prior to this budget.

Attached is a budget amendment appropriating funds to pay the final invoicing for the completion of the sewer interconnect project.

MANAGER RECOMMENDATION: Approve the budget amendment appropriating funds to pay the final invoicing for the sewer interconnect project, as presented.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: January 10, 2023

Action: Water/Sewer Fund Amendment

Purpose: To Appropriate Funds for Final Invoicing of Sewer Interconnect Project

Number: WS-003

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
20	3999	0000	Fund Balance Appropriated	\$18,948	\$81,177	\$62,229
20	8300	7500	Capital Outlay: Construction	\$0	\$62,229	\$62,229

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Resolution Accepting EEG Grant

AGENDA ITEM NO. 5D

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

In the 2022 grant cycle, Dallas was awarded an Environmental Enhancement Grant (EEG) from the North Carolina Department of Justice (NCDOJ) in the amount of \$49,500 to assist in addressing a critical streambank stabilization at the end of a 36" storm drainage pipe that discharges into Dallas Creek.

Attached is a resolution accepting the grant funds for this project.

MANAGER RECOMMENDATION: Approve the resolution to accept the EEG grant from the NCDOJ, as presented.

BOARD ACTION TAKEN:



Resolution Accepting North Carolina Department of Justice Environmental Enhancement Grant Funds

WHEREAS, the North Carolina Department of Justice has offered an Environmental Enhancement Grant in the amount of \$49,500 to the Town of Dallas to assist in addressing a critical streambank stabilization at a storm drainage pipe discharge into Dallas Creek; and

WHEREAS, the Town of Dallas intends to perform said project in accordance with the agreed scope of work.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS

That the Town of Dallas does hereby accept the North Carolina Department of Justice grant offer of \$49,500.

That the Town of Dallas does hereby give assurance to the North Carolina Department of Justice that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Maria Stroupe, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such documents as may be required by the North Carolina Department of Justice.

Adopted this the 10th of January, 2023 at Dallas, North Carolina.

Attested by:

Rick Coleman, Mayor

Sarah Ballard, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: FY 2021-22 Audit Presentation

AGENDA ITEM NO. 8A

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

Auditors from Lowdermilk Church & Co., L.L.P. will be in attendance to present the Fiscal Year 2021-2022 Independent Auditors' Report.

MANAGER RECOMMENDATION: Accept the audit, as presented.

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Award Engineering Contract for Pump Station

AGENDA ITEM NO. 8B

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

Per State requirements, any engineering services in excess of \$50,000 must be contracted using a RFQ (Request for Qualifications) process.

An RFQ for engineering services was sent out for an upgrade to the Dallas Stanley Highway Pump Station. As required, a panel board of four employees reviewed the RFQ responses and graded the responders on a numerical scale to obtain the high score.

Diamond Engineering had the highest score average. Staff is recommending in the attached memo that the contract for engineering services be awards to Diamond Engineering.

MANAGER RECOMMENDATION: Award the contract for engineering services associated with the project to upgrade the Dallas Stanley Highway Pump Station to Diamond Engineering, as presented.

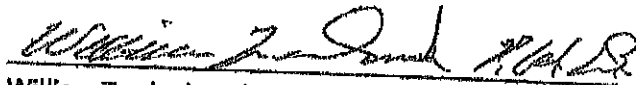
BOARD ACTION TAKEN:

MEMORANDUM

Date: December 29, 2022
To: Maria Stroupe, Town Manager
Thru: William Trudnak, Public Works Director
From: Jonathan Newton, Finance Director
Subject: Motion to award a contract to Diamond Engineering for engineering services for Dallas/Stanley Highway Pump Station Rehabilitation. The RFQ's were due by 3:00 PM on December 21, 2022. Of that, a panel board of four employees was formed to rate the RFQ's on qualifications.

Diamond Engineering had the higher scoring average. The other bidder was The Wooten Company

Recommendations: We recommend that the Town Board award the contract to Diamond Engineering in the amount of 15% of the construction cost. This will include all work through final certification and as-built to NCDEQ.



William Trudnak, Public Works Director



Jonathan Newton, Finance Director

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: 642 W. Carpenter St. Easement Agreement

AGENDA ITEM NO. 8C

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

Attached is an Easement Agreement with Ingles Markets, Inc. concerning 642 W. Carpenter St. This agreement is for review and possible adoption by the Town, as another step in the process of selling the property to Gaston Aquatics, Inc.

MANAGER RECOMMENDATION: Review the attached easement agreement and consider adopting, as presented.

BOARD ACTION TAKEN:

Prepared by and Return to:
Marie M. Anders, Attorney
Michael, Elting, & Anders, PLLC
124 W. Catawba Ave.
Mt. Holly, NC 28120

STATE OF NORTH CAROLINA

COUNTY OF GASTON

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (hereinafter this “**Agreement**”) is made to be effective as of the _____ day of December, 2022, by and between **INGLES MARKETS, INCORPORATED**, a North Carolina corporation (“**Owner**”), and the **TOWN OF DALLAS**, a North Carolina political subdivision (the “**Town**”), with and **TRUIST BANK**, a North Carolina corporation (successor by merger to Branch Banking and Trust Company, a North Carolina corporation), as administrative agent for the beneficiary of the hereinafter described Deed of Trust (“**Lender**”), joining in the execution hereof for the purposes hereinafter set forth in numbered Paragraph 5 below.

RECITALS:

- A. Owner is the owner of that certain property known as 715 W. Trade Street, in the Town of Dallas, Gaston County, North Carolina, being the property described in that certain Deed recorded in Book 4297, Page 1969 in the Gaston County Registry, and being known (now or formerly) as Gaston County Parcel No. 212804 (hereinafter the “**Owner Property**”).
- B. The Town is the owner of that certain property lying along US Highway 321 (limited access highway), Gaston County, North Carolina, as more fully described in that certain Deed recorded in Book 4442 at Page 783 in the Gaston County Registry, and being known (now or formerly) as Gaston County Parcel No. 212805 (hereinafter the “**Town Property**”).
- C. The Town is under contract to convey the Town Property to Gaston Aquatics, Inc., a North Carolina not-for-profit corporation (“**Gaston Aquatics**”) for purposes of development and use as an aquatic

center (the “**Aquatic Center**”) for the benefit of the Town of Dallas and its residents or others as an amenity; and

- D. To provide public access to and from the Town Property and the Aquatic Center, the Town and Gaston Aquatics desire to construct and develop an extension of West Carpenter Street (the “**West Carpenter Extension**”) from the current westerly public terminus of West Carpenter Street westward over certain properties shown as “**Ingles Parcel 1**” (containing 0.430 acres), “**Ingles Parcel 2**” (containing 0.065 acres) and “**Board of Education Parcel**” (containing 0.323 acres), each as shown on that certain plat entitled “**Survey of: Dedication of Road Right-of-Way to Serve Gaston County PID# 212805 for the Purpose of Economic Development**” prepared for the Town of Dallas by Diamond Engineering, PLLC, dated August 4, 2022 (File# 22-0804) and bearing the Certification under Seal of Johnny H. Denton, North Carolina Professional Land Surveyor No. L-3555 (the “**Plat**”). A copy of the Plat is attached hereto as **Exhibit A** and by this reference made a part hereof, and the Plat likewise has been recorded at Plat Book ____, Page ____, in the Office of the Register of Deeds of Gaston County, North Carolina. The areas of Ingles Parcel 1, Ingles Parcel 2 and the Board of Education Parcel as shown on the Plat are herein collectively referred to as the “**Right-of-Way Area**”).
- E. Ingles Parcel 1 and Ingles Parcel 2 of the Right-of-Way Area (collectively, the “**Ingles Right-of-Way Areas**”) are located upon the Owner Property and, to facilitate dedication and acceptance of the Right-of-Way Area as a public street, the Town has requested that Owner dedicate or confirm dedication of the Ingles Right-of-Way Areas by execution and delivery of this Agreement and conveyance of a right-of-way easement over and across such Ingles Right-of-Way Areas for the West Carpenter Extension as herein provided.
- F. The Town likewise has requested that the Gaston County Board of Education (the “**Gaston BOE**”), being the owner of the parcel of land containing the Board of Education Parcel shown on the Plat, dedicate the Board of Education Parcel by conveyance of a right-of-way easement over and across such Board of Education Parcel for the West Carpenter Extension, and the Gaston BOE has agreed to dedicate the Board of Education Parcel and has conveyed or agreed to convey a right-of-way easement over and across same for such purposes prior to or on or about the date hereof.
- G. Predicated and in reliance upon certain agreements of the Town hereinafter described (and defined below as the Town Covenants), Owner is willing so to dedicate the Ingles Right-of-Way Areas and grant and convey right-of-way easements over same for the West Carpenter Extension as so requested, together with related construction and slope easements as herein provided.
- H. The Owner Property is presently encumbered by a certain Deed of Trust, Security Agreement, Assignment of Leases and Rents and Fixture Filing (“**Deed of Trust**”) dated November 22, 2019, given by Owner to TRSTE, Inc., a Virginia corporation (inclusive of any successor thereto, the “**Trustee**”), for the benefit of Branch Banking and Trust Company, a North Carolina banking corporation (“**BB&T**”), in its capacity as Administrative Agent (“**Administrative Agent**”) for the Secured Parties as defined in Loan Agreement (as heretofore modified or amended, the “**Loan Agreement**”) dated November 22, 2019, between Owner, as borrower, the lenders from time to time party to such Loan Agreement and Administrative Agent, with Lender having succeeded to the

interest of BB&T as Administrative Agent for the Secured Parties under the Loan Agreement by corporate merger.

AGREEMENT:

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and the Town hereby agree as follows, with Lender joining in the execution hereof for the purposes hereinafter set forth in numbered Paragraph 5 below:

1. Owner, for itself and for its successors and assigns, hereby grants, bargains, sells and conveys unto the Town, and its respective successors and assigns, and their respective employees, agents, contractors, licensees, lessees, customers, invitees and the public, a non-exclusive perpetual easement and public right-of-way (the "**Right-of-Way**") over the Ingles Right-of-Way Areas, as shown on the Plat, for use by the general public for the purpose of vehicular and pedestrian access, ingress, egress and regress to and from existing West Carpenter Drive to the Town Property over and across portions of the Owner Property within the Ingles Right-of-Way Areas.

2. The Town, or its successor in interest to the Town Property, will construct road improvements to public street standards as necessary to develop and open the West Carpenter Extension (the "**Project**"), including (without limitation) grading and filling to create a slope transition in compliance with road construction standards, placement of temporary erosion control measures as required during construction (which erosion control measures shall be removed upon completion of the Project) and installation of curb and gutter within the Ingles Right-of-Way Areas.¹ The Project shall be designed, engineered and constructed in accordance with plans and specifications developed to satisfy the Town of Dallas public road standards and otherwise approved by the Town. Without limitation, the Town agrees that the plans and specifications will and must be designed to appropriately accommodate drainage from the Owner Property based upon the existing condition thereof and so that drainage from the West Carpenter Extension will not adversely impact Owner's use of the Owner Property. The Town shall reasonably coordinate with Owner in good faith with respect to the timing of the construction activities pertaining to the Project and so as to (without limitation) keep the existing southerly entrance and exit to and from the Owner Property open in a reasonable manner at all times during Owner's regular business hours upon the Owner Property. Following completion of the Project, the Town will accept the West Carpenter Extension into the Town of Dallas public road system and be responsible, at no cost to Owner beyond ordinary payment of ad valorem taxes, for maintenance and repair of West Carpenter Street as a public street. The agreements of the Town set forth in this numbered Paragraph 2 and numbered Paragraph 3 following are, collectively, the "**Town Covenants**" for purposes of this Agreement.

3. Chapter 153.063 of the Code of the Town of Dallas, entitled "Screening and Landscaping" (the "**Landscaping Ordinance**"), requires development abutting residential districts to meet screening and landscaping requirements as further outlined in the said Landscaping Ordinance. As a result, the Landscaping Plan on the Owner Property dated May 1, 2007, and on file with the Town (the "**Landscaping**"),

¹ Will all of the construction work be contained within the Right-of-Way Area shown on the Plat, or are temporary construction easements needed beyond the bounds of the Ingles Right-of-Way Areas themselves? Similarly, do any separate slope and/or drainage easements beyond the bounds of the Ingles Right-of-Way Areas need to be conveyed in order to facilitate construction of the Project? If temporary construction easements, slope and/or drainage easements are also required, additional language will need to be included in the Agreement.

Plan”) requires certain screening measures as further described in said Landscaping Plan (with such measures [including, without limitation, existing 6' wooden privacy fencing and certain landscaping] being herein, collectively, the “**Screening**”) at the eastern and southern boundaries of the Owner Property. In the event that the construction of the Project or maintenance of the West Carpenter Extension as herein described results in the removal of any of the Screening that causes the Owner Property to be out of compliance with the Landscaping Ordinance or otherwise results in any damage to the Screening (including, specifically, but without limitation, the existing 6' wooden privacy fencing upon the Owner Property), then the Town agrees to replace the Screening to a level that brings the Owner Property back into compliance with the Landscaping Ordinance or otherwise to repair and restore the Screening to its condition existing prior to the removal or damage, as the case may be. It is further understood and agreed by the Town that any replacement of Screening at a location or locations that differ from the location or locations of the existing Screening shall be in the general vicinity of the existing Screening and subject to Owner's approval of the replacement location(s), not to be unreasonably withheld, delayed or conditioned.

4. Owner hereby grants, bargains, sells, and conveys unto the Town, its successors and assigns, a utility easement within the Right of Way for the installation of underground utility lines, including, but not limited to, the following: electric, gas, water, sewer, cable, or fiber optic.

5. Lender joins in the execution of this Agreement in its capacity as Administrative Agent for the Secured Parties as beneficiary with respect to the Deed of Trust for the purposes of (a) consenting to Owner's execution and delivery of this Agreement and (b) agreeing that the easements and rights in favor of the Town under this Agreement will not be disturbed in any way by the exercise by Lender or Trustee of rights or remedies under the Deed of Trust, Loan Agreement or any other documents executed and delivered in connection therewith (collectively, the “**Loan Documents**”) and that, in the event of foreclosure of the Deed of Trust or in the event Lender takes title to the property conveyed thereby by way of a deed in lieu of foreclosure or otherwise exercises any remedies under the Loan Documents, the rights, privileges and easements of the Town under this Agreement shall not be terminated, disturbed or impaired. Except as provided in the foregoing sentence, however, the Deed of Trust remains in full force and effect and, except as expressly provided herein, nothing herein contained shall be deemed to affect the priority of the lien or security title created by the Deed of Trust in any respect as to any other matters placed of record subsequent to execution and recordation of the Deed of Trust. This Consent is and shall be binding upon Lender and its successors, successors-in-title and assigns, including (without limitation) any purchaser at a foreclosure under and with respect to the Deed of Trust.

TO HAVE AND TO HOLD the aforesaid easements with all privileges and appurtenances thereto belonging unto the Town, its successors and assigns, subject to the terms and conditions hereof.

***[BALANCE OF PAGE LEFT INTENTIONALLY BLANK;
SIGNATURES AND ACKNOWLEDGMENTS SET FORTH ON FOLLOWING PAGES]***

IN WITNESS WHEREOF, Owner and the Town have caused this Agreement to be executed in their respective names by their duly authorized signatories, with seals affixed hereto, on the dates of execution hereinbelow set forth for each party, effective as of the day, month and year first above written, with Lender joining in the execution hereof for the purposes set forth in numbered Paragraph 5 foregoing.

OWNER:

INGLES MARKETS, INCORPORATED,
a North Carolina corporation

By: _____
Name: _____
Title: _____

(CORPORATE SEAL)

Date of Execution: January __, 2023

NOTARY ACKNOWLEDGMENT

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I certify that _____ personally appeared before me this day, acknowledging to me that he or she signed the foregoing document on behalf of Ingles Markets, Incorporated, as its _____.

Date: January __, 2023

_____, Notary Public
Type or Print Notary Name

My Commission Expires: _____

(Notarial Seal)

[SIGNATURES AND ACKNOWLEDGMENTS CONTINUED ON FOLLOWING PAGES]

[SIGNATURES AND ACKNOWLEDGMENTS CONTINUED FROM PRIOR PAGE]

GRANTEE:

TOWN OF DALLAS,
a North Carolina political subdivision

By: _____
Rick C. Coleman, Mayor

Attest: _____
Sarah Hamrick, Town Clerk

(TOWN SEAL)

Date of Execution: January __, 2023

STATE OF NORTH CAROLINA

NOTARY ACKNOWLEDGMENT

COUNTY OF GASTON

I, _____, a Notary Public in and for Gaston County and said State, do hereby certify that Rick C. Coleman personally came before me this day and acknowledged that he is Mayor of the TOWN OF DALLAS, a North Carolina political subdivision, and that by authority duly given and as the act of the Board of Aldermen of the Town of Dallas, NC, the foregoing instrument was signed in its name by Rick C. Coleman as its Mayor, sealed with its corporate seal, and attested by Sarah Hamrick as its Town Clerk.

Witness my hand and notarial seal, this _____ day of January 2023.

_____, Notary Public

My commission expires: _____

(Notarial Seal)

[SIGNATURES AND ACKNOWLEDGMENTS CONTINUE ON FOLLOWING PAGE]

[SIGNATURES AND ACKNOWLEDGMENTS CONTINUED FROM PRIOR PAGE]

LENDER:

TRUIST BANK,

a North Carolina corporation and successor to
Branch Banking and Trust Company, in its capacity
as Administrative Agent for the Secured Parties
under the Deed of Trust, joining in the execution
hereof for the purposes set forth in numbered
Paragraph 5 above

By: _____

Name:

Title:

Date of Execution: January __, 2023

STATE OF _____

COUNTY OF _____

I certify that _____ personally appeared before me this day, acknowledging to me
that he or she signed the foregoing document on behalf of Truist Bank, a North Carolina corporation, as its

Date: _____

_____, Notary Public
Type or Print Notary Name

My Commission Expires: _____

(Notarial Seal)

EXHIBIT A

Plat (including depiction and description of Right-of-Way Areas)

[To Be Attached]²

² Note: Even if we attach a metes and bounds description of the portions of the Owner Property subject to the easements set forth in this Agreement, the description previously attached wasn't complete, as it only described one of the two Ingles parcels to be subject to the right-of-way easement.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Davis Hills Phase I Final Subdivision Plat

AGENDA ITEM NO. 8D

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

HDP Davis Hills LLC (TrueHomes) has submitted a final recording plat for their property to be known as Davis Hills Phase I. Approval of this plat will create 25 of the approved 87 maximum new parcels for the project. The property is located east and west of Dallas Stanley Highway, to the South of Evans Lake Road, and North of Davis Street. The property is located within the corporate limits of Dallas and is zoned Conditional Zoning District R-6 (Cluster Development Overlay).

The Board of Aldermen approved the preliminary subdivision plat by a unanimous vote on March 8, 2022.

Town of Dallas Water, Sewer, and Electric will serve the lots.

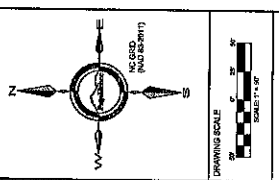
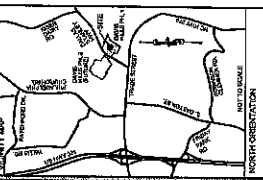
The owners plan to post a bond for the public improvements not yet constructed. This final plat, or any portion of its recordation, is subject to the bond being reviewed and approved by Town Staff and the Town Attorney. No building permit will be issued until the bond is approved and final plat is recorded.

The final subdivision plat is in substantial conformance with the plans as originally submitted and meets requirements of the Town of Dallas Subdivision Ordinance. Therefore, the provided resolution for the approval of the plat is recommended for approval.

MANAGER RECOMMENDATION: Approve the resolution approving final recording plat for Davis Hills Phase I, as presented.

BOARD ACTION TAKEN:

Providence
 Providence Land Group, PLLC
 11000 North Central Expressway, Suite 200
 Dallas, Texas 75243
 NO PART OF THIS TO BE RECORDED

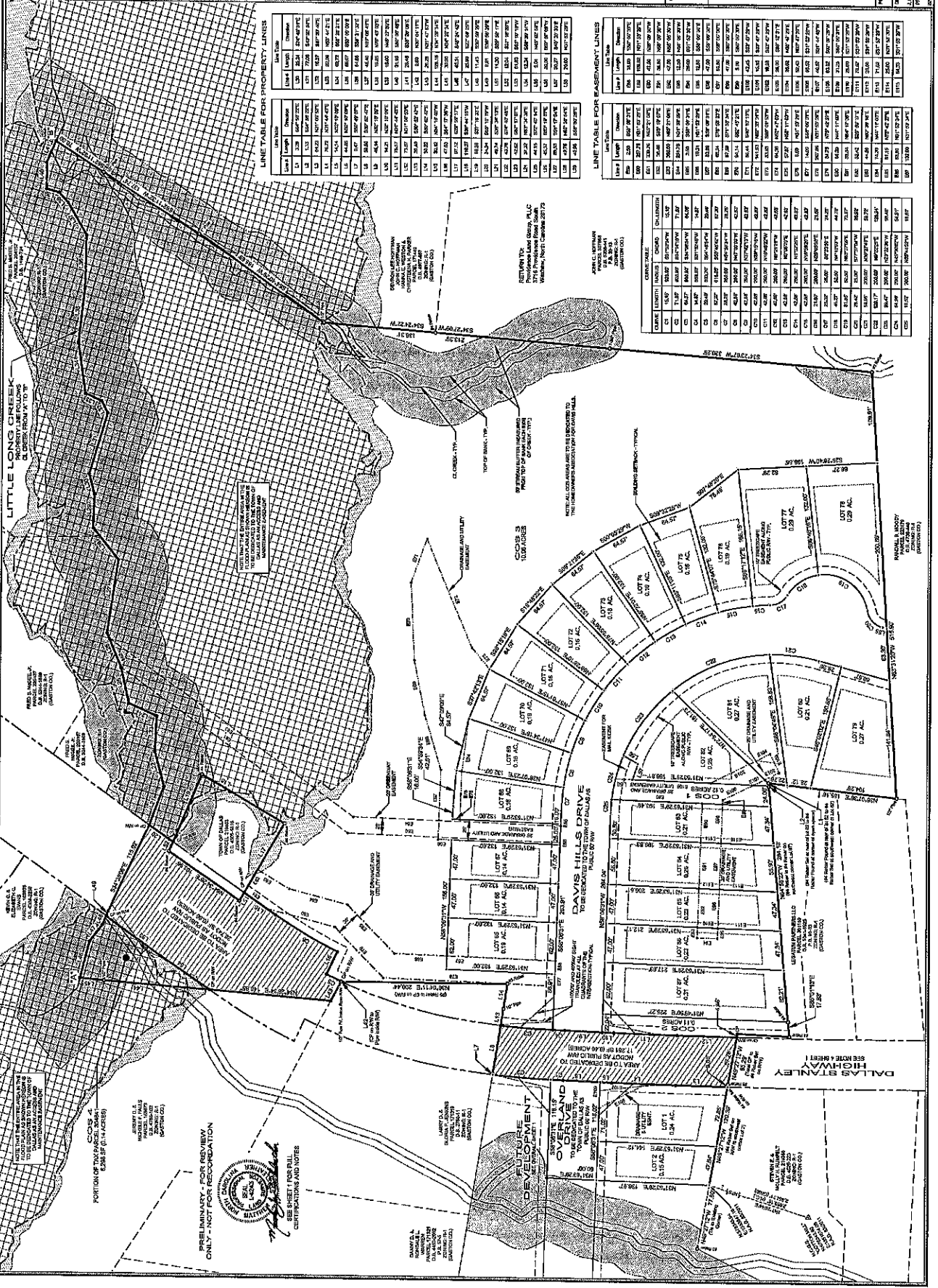


FINAL PLAT FOR
DAVIS HILLS PHASE 1
 TOWN OF DALLAS
 GASTON COUNTY
 NORTH CAROLINA
 PARCEL NUMBER
 PORTION OF 30641
 DEED REFERENCE
 538-2148

OWNER
HEIP DAVIS HILLS LLC
 11000 NORTH CENTRAL EXPRESSWAY
 SUITE 200
 DALLAS, TEXAS 75243

ABBREVIATIONS
 C-CORPORATE
 P-PARTNERSHIP
 S-SINGLE MEMBER LLC
 S-CORPORATE
 S-LLC
 S-LLP
 S-TRUST
 S-INDIVIDUAL
 S-OTHER ENTITY

DATE: **NOVEMBER 13, 2022**
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NUMBER: [Number]
 SHEET: **2 OF 2**



LINE TABLE FOR PROPERTY LINES

Line	Length	Bearing
L1	25.00	S89°47'00\"
L2	25.00	S89°47'00\"
L3	25.00	S89°47'00\"
L4	25.00	S89°47'00\"
L5	25.00	S89°47'00\"
L6	25.00	S89°47'00\"
L7	25.00	S89°47'00\"
L8	25.00	S89°47'00\"
L9	25.00	S89°47'00\"
L10	25.00	S89°47'00\"
L11	25.00	S89°47'00\"
L12	25.00	S89°47'00\"
L13	25.00	S89°47'00\"
L14	25.00	S89°47'00\"
L15	25.00	S89°47'00\"
L16	25.00	S89°47'00\"
L17	25.00	S89°47'00\"
L18	25.00	S89°47'00\"
L19	25.00	S89°47'00\"
L20	25.00	S89°47'00\"
L21	25.00	S89°47'00\"
L22	25.00	S89°47'00\"
L23	25.00	S89°47'00\"
L24	25.00	S89°47'00\"
L25	25.00	S89°47'00\"
L26	25.00	S89°47'00\"
L27	25.00	S89°47'00\"
L28	25.00	S89°47'00\"
L29	25.00	S89°47'00\"
L30	25.00	S89°47'00\"
L31	25.00	S89°47'00\"
L32	25.00	S89°47'00\"
L33	25.00	S89°47'00\"
L34	25.00	S89°47'00\"
L35	25.00	S89°47'00\"
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L44	25.00	S89°47'00\"
L45	25.00	S89°47'00\"
L46	25.00	S89°47'00\"
L47	25.00	S89°47'00\"
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L67	25.00	S89°47'00\"
L68	25.00	S89°47'00\"
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L70	25.00	S89°47'00\"
L71	25.00	S89°47'00\"
L72	25.00	S89°47'00\"
L73	25.00	S89°47'00\"
L74	25.00	S89°47'00\"
L75	25.00	S89°47'00\"
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L93	25.00	S89°47'00\"
L94	25.00	S89°47'00\"
L95	25.00	S89°47'00\"
L96	25.00	S89°47'00\"
L97	25.00	S89°47'00\"
L98	25.00	S89°47'00\"
L99	25.00	S89°47'00\"
L100	25.00	S89°47'00\"

LINE TABLE FOR EASEMENT LINES

Line	Length	Bearing
E1	10.00	S89°47'00\"
E2	10.00	S89°47'00\"
E3	10.00	S89°47'00\"
E4	10.00	S89°47'00\"
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E17	10.00	S89°47'00\"
E18	10.00	S89°47'00\"
E19	10.00	S89°47'00\"
E20	10.00	S89°47'00\"
E21	10.00	S89°47'00\"
E22	10.00	S89°47'00\"
E23	10.00	S89°47'00\"
E24	10.00	S89°47'00\"
E25	10.00	S89°47'00\"
E26	10.00	S89°47'00\"
E27	10.00	S89°47'00\"
E28	10.00	S89°47'00\"
E29	10.00	S89°47'00\"
E30	10.00	S89°47'00\"
E31	10.00	S89°47'00\"
E32	10.00	S89°47'00\"
E33	10.00	S89°47'00\"
E34	10.00	S89°47'00\"
E35	10.00	S89°47'00\"
E36	10.00	S89°47'00\"
E37	10.00	S89°47'00\"
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E97	10.00	S89°47'00\"
E98	10.00	S89°47'00\"
E99	10.00	S89°47'00\"
E100	10.00	S89°47'00\"

CONVEYANCE TABLE

Lot	Area	Owner	Deed Reference
LOT 1	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 2	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 3	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 4	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 5	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 6	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 7	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 8	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 9	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
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LOT 13	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 14	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 15	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 16	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 17	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 18	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 19	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 20	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 21	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 22	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 23	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
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LOT 41	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 42	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
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LOT 63	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
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LOT 67	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 68	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 69	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 70	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 71	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 72	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 73	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 74	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 75	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
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LOT 78	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 79	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 80	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 81	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 82	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 83	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148
LOT 84	0.18 AC.	HEIP DAVIS HILLS LLC	538-2148



Resolution Approving Final Recording Plat for Davis Hills Phase I

WHEREAS, Davis Hills Phase I is a major subdivision within the Town of Dallas with an approved preliminary subdivision plat that complies with Town policies and standards; and

WHEREAS, the required public improvement for the new development has been completed, bonded, or provided for in accordance with Town Ordinance; and

WHEREAS, the developer has submitted a final recording plat creating 25 of the allowable 87 new parcels, in substantial conformance with the plans as originally submitted, and meets the requirements of the Town of Dallas Subdivision Ordinance;

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS

That the final recording plan for Davis Hills Phase I be approved.

Adopted this the 10th of January, 2023 at Dallas, North Carolina.

Attested by:

Rick Coleman, Mayor

Sarah Ballard, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Code Enforcement – Ordinance to Placard

AGENDA ITEM NO. 8E

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

The Town of Dallas has received multiple minimum housing complaints regarding the structure at 403 N. Davis St.

After performing on-site inspections on October 17, 2022, Code Enforcement Officer, David Lingafelt, sent mailed notices to the registered property owners on October 25, 2022. The notice was also placed on the front door of the property.

After due notice, an administrative hearing was held on November 14, 2022 at 11:00 am. Police Chief Robert Walls and Code Enforcement Officer David Lingafelt were in attendance. No other parties in interest attended the hearing.

Findings of facts deemed the property a deteriorated dwelling, unfit for human habitation. Findings were sent to property owners on November 15, 2022, with a repair order deadline of December 16, 2022.

The property owner has failed to comply with the order and Code Enforcement is seeking Board approval to placard the property, as required by NCGS §150.43(C). An ordinance has been provided by Staff for approval to placard the property.

MANAGER RECOMMENDATION: Approve the resolution to placard 403 N. Davis St., as presented.

BOARD ACTION TAKEN:

ORDINANCE NO. _____

AN ORDINANCE ORDERING TO VACATE AND CLOSE THE DWELLING AT 403 NORTH DAVIS STREET, DALLAS, NORTH CAROLINA PURSUANT TO THE HOUSING ORDINANCE, CHAPTER 150, OF THE TOWN OF DALLAS CODE OF ORDINANCES AND CHAPTER 160D OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF DONALD W. STAFFORD RESIDING AT 403 NORTH DAVIS STREET, DALLAS, NORTH CAROLINA AND TERRY STAFFORD RESIDING AT 1637 MARTIN ROAD, KINGS MOUNTAIN, NORTH CAROLINA.

WHEREAS, the dwelling located at 403 North Davis Street in the Town of Dallas has been found by the Town Housing Inspector to be in violation of the Housing Ordinance, Chapter 150, of the Town of Dallas Code of Ordinances and the owners thereof have been ordered to repair, alter or improve or vacate or close said dwelling, all pursuant to the Housing Ordinance, Chapter 150, of the Town of Dallas Code of Ordinances and Chapter 160D of the General Statutes of North Carolina; and

WHEREAS, the Housing Inspector, after notice and hearing, stated in writing his findings of fact and issued an order directing and requiring the owner(s) to repair, alter and improve the structure, and

WHEREAS, said owner(s) have failed to comply with said order served by registered mail on November 17, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen, that the Housing Inspector is hereby ordered to cause the owners to vacate and close the dwelling located at 403 North Davis Street in the Town of Dallas, and to post on the main entrance of the dwelling a placard containing the following: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful" all in accordance with the Housing Ordinance, Chapter 150, of the Town of Dallas Code of Ordinances, Chapter 160D of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

Adopted, this the 10th day of January, 2023.

ATTEST:

Rick Coleman, Mayor

Sarah Ballard, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Planning Board/Board of Adjustment Reappointment – C. Wilson

AGENDA ITEM NO. 8F

MEETING DATE: 1/10/2023

BACKGROUND INFORMATION:

Curtis Wilson's current three-year term on the Planning Board/Board of Adjustment has expired. Mr. Wilson has expressed interest in continuing service on both Boards.

The Board of Aldermen may reappoint him for another three-year term to be served January 2023 – January 2026.

Mr. Wilson has been, and continues to be, an asset to the Town's appointed boards and Staff recommends his reappointment to serve.

MANAGER RECOMMENDATION: Reappoint Mr. Curtis Wilson to a three-year term on the Planning Board/Board of Adjustment, as presented.

BOARD ACTION TAKEN: