

**Town of Dallas**  
**Agenda**  
**November 8, 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

October 11, 2022

6:00 PM

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

The following staff members were present: Maria Stroupe, Town Manager; Nolan Groce, Development Services Director; Matt Kanupp, Assistant 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 Mayor asked to add the subject of the Gaston Aquatics Center to the Agenda. Alderman Milton made a motion to approve the Agenda with the addition, seconded by Alderwoman Morrow and carried unanimously.

### **Approval of Minutes:**

Alderwoman Morrow motioned to approve the minutes from the September 27<sup>th</sup> Work Session and bring back the minutes from the September 13<sup>th</sup> Regular Meeting after a correction is made and Alderman Cearley seconded this motion and it was 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.

Mike Fields of 1333 Philadelphia Church Road thanked the Town Staff for their hard work in preparing for the up-coming storm and made mention that the Dallas Ministry needs donations of food, medical supplies, etc.

Cathy Cloninger of 601 McSwain Street, was in attendance, and is running for Gaston County Commissioner to represent the Dallas Township.

**Consent Agenda:**

*Item 5A Budget Amendment- Equipment Received after June 30*

A motor grader attachment was budgeted and ordered in the 2021/2022 Fiscal Year, but was not available until mid-September. This item was not carried over into the current 2022/0223 Fiscal Year as it was still anticipated to be received before June 30, 2022. Attached is a budget amendment to add the purchase for the motor grader attachment that is now available for pickup to the current budget (Exhibit 5A-1).

*Item 5B Budget Amendment-Abatement Fees/Customer Bills Charges*

As Code Enforcement procedures are strengthened and abatement costs may become more frequent, a budget amendment needs to be made to provide for enforcement abatement costs. Currently, there is not provision for these expenses in the FY 2022/2023 budget. Attached is a budget amendment making provision for abatement costs incurred due to code enforcement actions (Exhibit 5B-1).

*Item 5C Budget Amendment- NC Risk Management*

The Police Department has received a grant in the amount of \$450.00 for soft body vest from North Carolina Risk Management. There is no Town match for this grant. This grant was not budgeted in the current budget and requires a budget amendment to accept the funds and appropriate the vest purchase. Attached is a budget amendment accepting the NC Risk Management grant and appropriating the funds to make the vest purchase (Exhibit 5C-1).

*Item 5D Budget Amendment- Supplemental Fire Department Grant*

The Fire Department has received 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, hose, equipment, etc. This grant was not budgeted in the current budget and requires a budget amendment to accept the funds and appropriate the purchases. Attached is a budget amendment accepting the NC Office of State Fire Marshal 2022 Supplemental grant and appropriating the funds to make the purchases (Exhibit 5D-1).

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

**Public Hearings:**

*Item 6A Minimum Housing Code*

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

A proposed Minimum Standard Housing Code Ordinance was drafted by the Town Attorney and reviewed by Development Services Staff and the Town Manager. The final document resulting from the collaboration was reviewed at the September 27<sup>th</sup> Board of Aldermen Work Session by the Board and is presented for adoption. Upon adoption of the Minimum Standard Housing Code, the code will be put into enforcement by the Town (Exhibit 6A, 1-25).

The Board, the Town Attorney, and the Town's Code Enforcement Officer discussed the process and the Board agreed to adopt the ordinance as presented.

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

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

**Old Business:**

There was no old business at this time.

**New Business:**

*Item 8A Façade Improvement Grant Program Modifications*

At the September 27<sup>th</sup> Work Session, the Board reviewed proposed changes to the Façade Improvement Grant Program. The purpose of the modification is to provide clarification to applicants and staff, ensuring an efficient review process; and to apply the grant to commercial buildings, not necessarily existing businesses. After discussion, the Board made some modifications to the proposal. Attached is the modified Façade Improvement Grant Program that includes the changes requested during the work session review. Changes to the program include:

Reduced grant allocation from \$20,000 per façade to \$10,000 per façade, with a \$15,000 max

Tie grant allocation specifically to commercial buildings, not existing businesses

Specific sites/buildings are limited to the maximum grant amount every five (5) years

Buildings would be eligible for another grant three (3) years if there is an ownership change

Attached is the recommended Façade Improvement Grant Program for review (Exhibit 8A, 1-5).

The Town Manager gave the presentation for the grant program. She, and the Town's Development Services Director, answered the Board's questions.

Alderwoman Morrow made a motion to approve the façade with the changes, seconded by Alderman Milton and carried unanimously.

*Item 8B Rural Transformation Grants*

NC Session Law 2021-80 has allocated \$50 million of Coronavirus State Fiscal Recovery Funds (CSFRF) from the American Rescue Plan Act (ARPA) of 2021 to the NC Department of Commerce, Rural Economic Development Division (REDD), to administer a new Rural Transformation Grant program. The maximum grant amount is \$950,000 per grantee and there is no match requirement from the Town. The grant application can include multiple projects. Attached is a portion of the Rural Transformation Grant Fund Guidelines. Staff recommended three potential projects for a grant application that were discussed at the September 27<sup>th</sup> Work Session. After discussion, the Board decided to proceed with applying for the grant under the category of Main Street and Downtown investment and revitalization efforts for the following: to install new lights, ped heads, and paver crosswalks at the intersection of Gaston and Main St.; install paver crosswalks at the intersection of Holland and Main St.; a rebranding campaign, and wayfinding signage throughout the key areas of Town. The Board decided not to pursue grants funds to purchase and rehabilitate the Smyre-Pasour House to attract businesses to the location, or to install bathroom facilities and equipment at the Town's parks. Board Members were to contact the Town Manager over the week following the Work Session with any additional ideas that could be included in the grant application. At the current time, no additional ideas have surfaced. In order to apply for the Rural Transformation Grant, the attached draft resolution must be approved, to include the final determined scope of projects (Exhibit 8B, 1-8).

Alderman Withers made a motion to approve the draft resolution as is, seconded by Alderwoman Morrow and carried unanimously.

*Item 8C Contract Approval-Purchase from Sunshine Solomon Solutions*

At the September 14<sup>th</sup> Board of Aldermen meeting a budget amendment was approved to provide for the purchase of transformers and other equipment for use in the Davis Hills Subdivision. Although the customer will be billed for materials and labor required for the infrastructure in the subdivision, a provision had to be made for the expenses incurred by the Town related to the infrastructure. A Request for Quote was distributed for the purchase of transformers needed for the Davis Hills project. Bids were publicly opened on September 20, 2022. Attached is the bid sheet and recommendation from Progressive Engineering Consultants, Inc. who facilitated the bid process along with the Staff recommendation to accept the proposal from Sunbelt Solomon Solutions. In accordance with N.C.G.S. §143-129 and the Town's Purchasing Policy, the Board of Aldermen must award purchase contracts for purchases of \$90,000 and greater obtained through the formal bid process (Exhibit 8C, 1-3).

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

*Item 8D ARPA Funds Grant Project Ordinance Amendment*

As per US Treasury guidance, the American Rescue Plan Act (ARPA) Grant Project Ordinance must be amended as funds are obligated or expended to reflect those obligations. Following is the Amended Grant Project Ordinance reflecting the transfer of funds to the Water/Sewer Fund for salary supplanting, as per the original grant project ordinance. As these funds continue to be expended, or the remaining unassigned balance is obligated and spent, further budget amendments will be presented, as per US Treasury guidance (Exhibit 8D, 1-2).

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

*Item 8E Special Event Request-Gaston County Museum-Dia de Muertos 2*

The Gaston County Museum is requesting to hold a Dia de Muertos event on Saturday, November 5, 2022. The event will be a festival to be held in front of the Museum as a free public celebration of Dia de Muertos. The event would be held from 10:00 am until 6:00 pm with an estimated attendance of 200 people. There will be music, dancing, art, food trucks, and family fun. The Museum is requesting that the 100 block of W. Main St. be closed from 8:00 am until 8:00 pm. They are not requesting any trash cans or electrical hookups (Exhibit 8E, 1-6).

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

*Item 8F Gaston County Aquatics Center*

The Town's attorney, Tom Hunn, gave an update on the issues with proceeding with the Aquatics Center. After discussion, the Board asked Mr. Hunn to reach out to the Aquatic Centers attorney to see how to proceed.

The Town Manager reminded the Board of up-coming events for the Town.

Alderman Cearley made a motion to adjourn, seconded by Alderwoman Morrow, and carried unanimously (7:17).

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Rick Coleman, Mayor

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Sarah Hamrick, Town Clerk

## MINUTES FOR BOARD OF ALDERMEN MEETING

September 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; and David Lingafelt, Code Enforcement Officer.

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:**

There were three additions to the agenda. Alderman Martin motioned to set the agenda, seconded by Alderwoman Morrow, and carried unanimously.

### **Approval of Minutes:**

Alderman Cearley motioned to approve the minutes from the August 9th regular Board of Aldermen Meeting. Alderman Milton seconded this motion and it was carried unanimously.

### **Recognition of Citizens:**

The Mayor opened the floor to the Recognition of Citizens.

Mike Fields of 1333 Philadelphia Church Rd asked that the Board consider having a 9/11 Memorial tribute next year. Mr. Fields also gave recognition to all Town Employees for their hard work and he mentioned the Facebook recognition of officers in the Police Department that have completed classes/certificates.

Donetta Cooper who is with Kepro, is an organization that offers assistance to citizens in need for such things as utilities, housing, mental health assistance, and assists with vaccine events.

Zack Bryson, 517 E. Cloninger St., expressed his concerns with the construction of the new development behind his neighborhood and issues with a condemned home near his residence.

**Consent Agenda:**

*Item 5A Public Power Week Proclamation*

October 2-8, 2022 is designated as Public Power Week in order to promote the value of public power in our community, and to recognize and support the Electric Department in their operations (Exhibit 5B-1).

*Item 5B Budget Amendment to Receive Insurance Reimbursement*

During one of the summer storms, the Public Utilities Warehouse sustained lightening damage to several of our systems. The attached budget amendment receives the reimbursement as revenue and appropriates it to Maintenance and Repair Warehouse accounts (Exhibit 5B-1).

*Item 5C Budget Amendment for 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. The Davis Hills development will become a customer of our electric utility and therefore, will be responsible for the infrastructure construction in the development. The infrastructure must be constructed to Town of Dallas specifications before being accepted and connected to our system. During the budget process, there was some question as to whether Davis Hills would be an electric customer of Dallas or Duke Energy, so there was no provision made in the budget for Customer Billed Charges for this development. Attached is a budget amendment for the cost of transformers, supplies, and labor that the Town will provide for this project that will be billed to the developer (Exhibit 5C-1).

*Item 5D Budget Amendment Accepting Additional SCIF Grant*

In the 2021 Appropriations Act (SL-2021-180) approved by the North Carolina General Assembly, the Town of Dallas was appropriated a \$100,000 State Capital and Infrastructure Fund (SCIF) Directed Grant for repairs and renovation of downtown facilities. This funding has been budgeted for the renovation of 208 N. Holland St. In the 2022 Appropriation Act (SL-2022-74), the Town was appropriated an additional \$80,000 to be added to the original \$100,000 grant. Receipt of the additional funding should facilitate the renovation of 208 N. Holland St. largely with State funding and minimal use of Town funds. Attached is a budget amendment accepting and appropriating the additional \$80,000 in State grant funding (Exhibit 5D-1).

*Item 5E Budget Amendment Allocating ARPA Funds*

At the August 9<sup>th</sup> Board of Aldermen Meeting an ARPA Grant Project Ordinance was approved designating \$586,000 in ARPA funding to the Water/Sewer Fund to supplant salaries. The



attached budget amendment makes the necessary changes to the budget in accordance with the ARPA Grant Project Ordinance (Exhibit 5E-1).

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

**Public Hearings:**

There were no Public Hearings at this time.

**Old Business:**

There was no old business at this time.

**New Business:**

*Item 8A Nuisance Trash Abatement*

Nuisance trash has increasingly become an eyesore around Town. Chapter 51 of the Town's Code of Ordinances addresses nuisances with §51.99 setting forth penalties for non-compliance. Attached is a copy of this section of the ordinance. While the process for dealing with nuisances is outlined in §51.99, no abatement fee has been approved. In order to address this issue, Staff is recommending establishing a Nuisance Trash Abatement fee to be assessed to the property owner, if they do not take measures to address the issue of trash on their properties when notified as outlined by the ordinance. The recommendation is to make the fee "Full Reimbursement Cost" with a 1-hour minimum charge. Full Reimbursement Cost includes labor, equipment, and dumping fees. Once the abatement fee is approved, it will be added to the Town's Fee Schedule and enforcement of nuisance trash will be implemented (Exhibit 8A-1).

After much discussion between the Town Attorney, the Board members, and Town Staff it was determined to table this discussion for the September 27<sup>th</sup> Work Session.

Alderman Milton made a motion to table the discussion, seconded by Alderwoman Morrow, and carried unanimously.

Alderman Martin made a motion to change the time for the September 27<sup>th</sup> Work Session to 4:00pm. Seconded by Alderwoman Morrow, and carried unanimously.

*Item 8B Men of Vision and Encouragement (MOVE) Special Event Request*

The East Dallas Men of Vision and Encouragement (MOVE) have requested to use Jagers Park on Saturday September 24<sup>th</sup> (Rain date of Saturday, October 1<sup>st</sup>) for a Community Block Party. The event will be open to the public and will focus on food, fun, and fellowship in the community. The event time will be 10:00 am – 4:00 pm. MOVE is requesting three (3) trash

cans and use of electric hookups. No street closures are being requested. Attached is information concerning the group, along with the application (Exhibit 8B, 1-7).

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

*Item 8C Resolution for State Grant Assistance for an Asset Inventory and Assessment of the Town's Lead Service Line Inventory*

All community and public water supply systems must comply with the EPA's Lead and Copper Rule Revisions (LCRR) that went into effect December 16, 2021. Compliance requires an inventory of all service lines by October 16, 2024. In order to complete the inventory and comply with the requirement, Town Staff would like to apply for an Asset Inventory and Assessment Grant to facilitate this process. In order to make the application, a resolution approved by the Board of Aldermen is required. Attached is the resolution approving the Town's application for an Asset Inventory and Assessment Grant to complete a Lead Service Line Inventory (Exhibit 8C, 1-2).

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

*Item 8D Code Enforcement*

It was determined to table this discussion with Item 8A at the September 27<sup>th</sup> Work Session at 4pm.

*Item 8E 9/11 Memorial Service*

Alderman Milton added the discussion of having a 9/11 Memorial Service for the Town next year. The Board decided to bring it back next year for Special Events.

The Town Manager reminded the Board of up-coming events for the Town.

Alderman Cearley made a motion to adjourn, seconded by Alderman Milton and carried unanimously (7:17).

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Rick Coleman, Mayor

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Sarah Hamrick, Town Clerk

**MINUTES FOR BOARD OF ALDERMEN WORK SESSION**  
**October 25, 2022**  
**5:00 PM**

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

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; Earl Withers, Fire Chief; Sarah Hamrick, Town Clerk; Brandon Whitener, Parks and Recreation Director; and Doug Huffman, Electric Director.

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 additions or deletions to be made to the agenda. The topics of the Cotton Ginning Tractor Parade, the drainage on South Gaston Street, and the areas transient situation were added to the agenda. Alderman Milton made a motion to approve the agenda with the additions, seconded by Alderman Cearley, and carried unanimously.

*Item 2A Introduction of new Town Employees*

Chief Walls introduced the newest Police Officer for the Town, Officer Kyle Honeycutt. Officer Honeycutt has been with the Town for seven weeks now. The Parks and Recreation Director introduced the new Parks and Recreation Assistant, Mr. Nick Daniello. Mr. Daniello has been with the Town for four weeks now.

**New Business:**

*Item 3A 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. If agreed upon, the agreement will be brought back to a regular meeting for adoption (Exhibit 3A, 1-3).

This topic will be brought back to the November 11<sup>th</sup> Board Meeting for approval.

*Item 3B Proposed Ordinance Changes-Fire Department*

Attached are proposed changes to the Town's Fire Department Ordinance. This ordinance has not been updated in a number of years and needs to be updated to reflect the current structure.

Once the updates are agreed upon, the ordinance will be brought to a regular meeting for adoption (Exhibit 3B, 1-4).

This topic will be brought back to the November 11<sup>th</sup> Board Meeting for approval.

*Item 3C Cotton Ginning Tractor Parade*

The Mayor added the discussion of the Special Events fees paid for the Cotton Ginning Parade in October. The Board decided to bring the topic back to discuss whether or not to charge fees for such non-profit events.

*Item 3D Drainage on South Gaston Street*

The Mayor asked for an update on the drainage situation on South Gaston Street. The Board asked the Staff to get more information on this topic and bring back for discussion.

*Item 3E Area Transient Situation*

Alderman Milton brought the topic up of the areas transient situation for discussion. The Board discussed the topic and asked that the Staff look at the ordinances for this type of situation.

The Town Manager reminded the Board of several upcoming events for the Town and the Town's employees.

Alderman Cearley made a motion to adjourn, seconded by Alderwoman Morrow and carried unanimously (5:41).

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Rick Coleman, Mayor

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Sarah Hamrick, Town Clerk

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Historic Preservation Interlocal Agreement

AGENDA ITEM NO. 5A

MEETING DATE: 11/8/2022

### BACKGROUND INFORMATION:

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 25<sup>th</sup> Work Session and is being brought back for adoption.

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MANAGER RECOMMENDATION: Approve the Historic Preservation Interlocal Agreement with Gaston County, as presented.

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BOARD ACTION TAKEN:

**AGREEMENT DESIGNATING A JOINT HISTORIC PRESERVATION COMMISSION  
AND REQUESTING THAT GASTON COUNTY ACT AS A CERTIFIED LOCAL  
GOVERNMENT**

This is an agreement between the County of Gaston (“County”) and the Town of Dallas (“Town/City”) requesting the Gaston County Historic Preservation Commission to exercise those powers and duties given to it by and under the North Carolina General Statutes 160D and the Gaston County Historic Preservation by-laws within the Town of Dallas planning jurisdiction, as well as to act on the Town’s behalf as a Certified Local Government.

**1. Designation of a Joint Historic Preservation Commission**

Pursuant to the authority provided in Section 160D of the North Carolina General Statutes, the County and Town hereby designate the Gaston County Historic Preservation Commission as a joint historic preservation commission to be governed by the statutory sections cited above and provisions set forth in the Gaston County Historic Preservation Commission Ordinance, as established in the Ordinance and Resolution creating the Historic Preservation Commission and its amendments, as found in Resolution 90-124, 91-26, and 93-308. The Commission shall have the authority to exercise, within the planning jurisdiction of the Town, all the powers and duties given to it by said statutes as well as the Gaston County Historic Preservation Commission By-Laws. These powers and duties shall include but are not limited to identification and designation of local historic districts and landmarks as provided in N.C. Gen. Stat. §160D, provided that any such designation be submitted to and approved by both the Town and the County. The Commission shall have the sole authority for issuing Certificates of Appropriateness for any designated landmark.

**2. County Amendments to the Gaston County Historic Preservation Commission Ordinance**

If the County proposes any amendment to the Gaston County Historic Preservation Commission Ordinance, it will provide the Town written notice of the proposed amendment and provide the Town reasonable opportunity to review and comment on the proposed amendment before the County holds a public hearing on the amendment.

**3. Funding Commission**

As established in the Ordinance creating the Historic Preservation Commission and subsequent amendments, the County will provide the staffing, materials, and funding it deems necessary to support the Commission's basic duties.

**4. Termination of Agreement**

The Town may terminate this agreement by providing the County a 90-day written notice of its intent to terminate. The County may terminate this Agreement by providing the

Town with a 90-day written notice of its intent to terminate. Any landmarks within the jurisdiction of the Town after withdrawal from the Agreement become the responsibility of the Town, provided that it has passed an ordinance to create a local preservation commission. Landmarks in the jurisdiction of the Town with no preservation commission will be de-designated by the Gaston County Historic Preservation Commission.

**5. Entire Agreement**

This Agreement constitutes the entire agreement between the Parties and it supersedes any and all prior representations and agreements, whether oral or written, between the Parties. No such prior representations or agreements may be offered or considered to vary the terms of this Agreement, or to determine the meaning of any of its provisions.

**6. Severability**

In the event that any provision of this Agreement is declared invalid for any reason by a court of competent jurisdiction, said finding will not affect the remaining provisions of this Agreement.

**7. No Third-Party Beneficiaries**

This Agreement is binding upon all Parties hereto, by and through their officials, agents, employees, and successors. This Agreement is enforceable only by the Parties. No person or entity is intended to be a third-party beneficiary of the provisions of the Agreement for purposes of any civil, criminal, or administrative action, and accordingly, no person or entity may assert any claim or fight as a beneficiary or protected class under the Agreement.

**8. Rights of Third-Parties**

This Agreement is not intended to impair or expand the rights of any person or organization seeking relief against the County or the Town, or any officer or employee thereof, for their conduct or the conduct of any officer or employee. Accordingly, it does not alter legal standards governing any such claims by third parties, including those arising under state or federal law.

**9. Effective Date**

This Agreement shall become effective between the County and the Town after adoption by both the County Board of Commissioners and the governing body of the Town of Dallas.

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Name

Mayor of Town of Dallas

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Date

ATTEST

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Name

Town Clerk of Town of Dallas

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Date

APPROVED AS TO FORM:

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Name

Town Attorney

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Date



\_\_\_\_\_  
Name, Chairman

Gaston County Board of Commissioners

\_\_\_\_\_  
Date

ATTEST

\_\_\_\_\_  
Name

County Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Name

County Attorney

\_\_\_\_\_  
Date

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Proclamation Recognizing Jasmine Celeste Malker Day of Caring

AGENDA ITEM NO. 5B

MEETING DATE: 11/8/2022

### BACKGROUND INFORMATION:

Stacey Malker Thomas has asked for a proclamation recognizing December 5, 2022 as Jasmine Celeste Malker Day of Caring on what would have been Jasmine's 34<sup>th</sup> 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 5<sup>th</sup> as Jasmine Celeste Malker Day of Caring.

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MANAGER RECOMMENDATION: Approve the proclamation, as presented.

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BOARD ACTION TAKEN:



Proclamation Recognizing Jasmine Celeste Malaker Day of Caring

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**WHEREAS**, on December 5, 2022, Jasmine Celeste Malaker would have celebrated her 34<sup>th</sup> birthday; and

**WHEREAS**, Jasmine battled a very rare bone disease since the age of 12, but lost her life to the disease on January 17, 2017; and

**WHEREAS**, Jasmine was an honor student all of her years in school and each school she attended presents a Jasmine Celeste Malaker award annually to a student with high academic achievement; and

**WHEREAS**, throughout her illness, Jasmine remained positive, faithful, and caring; and

**WHEREAS**, in her memory the Malaker family and friends, along with former coaches and friends from Highland School of Technology; plan to provide service to the Dallas community by cleaning up area streets, making donations to the Dallas Rescue Squad and Dallas Christian Ministry, and provide a free meal to public safety personnel.

**NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS**, that the Town of Dallas recognizes the efforts of the Malaker family and others to provide a Day of Caring in the Dallas community in honor of Jasmine Celeste Malaker.

Adopted this the 8<sup>th</sup> of November, 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: Uncollectable Accounts in the Amount of \$14,391.69 to be Submitted to NC Debt Set Off

AGENDA ITEM NO. 5C

MEETING DATE: 11/8/2022

BACKGROUND INFORMATION:

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.)

MANAGER RECOMMENDATION: Authorize uncollectable accounts totaling \$14,391.69 be submitted to the NC Debt Setoff Program.

BOARD ACTION TAKEN:

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Fire Department Ordinance Update

AGENDA ITEM NO. 6A

MEETING DATE: 11/8/2022

### BACKGROUND INFORMATION:

At the October 25<sup>th</sup> 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.

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MANAGER RECOMMENDATION: Approve the ordinance update, as presented.

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BOARD ACTION TAKEN:

## CHAPTER 35: FIRE DEPARTMENT

Section

### *General Provisions*

- [35.01](#) Organization
- [35.02](#) Duties of Chief
- [35.03](#) General authority
- [35.04](#) Following fire equipment
- [35.05](#) Interfering with firefighters or fire apparatus
- [35.06](#) Only firefighters may ride on trucks without permission
- [35.07](#) Interfering with fire alarm apparatus
- [35.08](#) Giving false alarm of fire forbidden
- [35.09](#) Protection of fire hose
- [35.10](#) No burning of garbage, rubbish or leaves; items of exception by permit

### *Fire Limits*

- [35.25](#) Description
- [35.26](#) Regulations within fire limits

## GENERAL PROVISIONS

### § 35.01 ORGANIZATION.

- (A) The Fire Department shall be a **volunteer organization**, and shall consist of a Chief and a sufficient number of firefighters to maintain and operate the Department.

**A-The Fire Department shall be a combination department consisting of volunteers and part time paid personnel, and shall consist of a Chief and a sufficient number of firefighters to maintain and operate the department.**

- (B) The Department may, from time to time, adopt its own rules and regulations governing the Department, subject to the approval of the Board of Aldermen.

(Prior Code, § C-I-1)

### § 35.02 DUTIES OF CHIEF.

The duties of the Chief, subject to supervision by the Board of Aldermen, shall be as follows:

- (A) General control of the Department, the personnel, apparatus and fire alarm systems;

(B) To command the Department and supervise the firefighting and extinguishing of all fires and to have the authority to keep away from the vicinity of all fires, any and all idle, disorderly or suspicious persons;

(C) He or she shall inspect or cause to be inspected all trucks and other equipment of the Fire Department each and every week to ascertain that the equipment is being kept in proper condition. He or she shall, **when asked**, report annually to the Board of Aldermen the condition of all equipment;

(D) He or she shall inspect or cause to be inspected **annually**, all fire hydrants and fire alarm systems at least once every three months and shall make a report of the inspection to the Board of Aldermen; and

(E) Fire Inspector: (note: because of state regulations, the Board of Aldermen signed an agreement with the county to handle most of the function of Fire Inspector).

(1) The Chief is to assume the functions of Fire Inspector. As such, he or she or his or her designated agent shall have authority to enter any and all premises, at a reasonable time, for purposes of inspection.

(2) He or she shall make annual inspections of all structures **greater than 5,000 square feet, all educational facilities, all financial institutions, and any structure that contains hazardous materials**, located within the fire limits.

(3) He or she shall, upon receipt of a complaint, forthwith investigate.

(4) He or she, **or their designee**, shall investigate the causes of fires and shall keep records of his or her findings as to origin, location owner, extent of damage and amount of insurance carried. The findings must be reported to the State Insurance Commissioner at regular intervals.

(5) ~~He or she shall cause the removal of fire hazards by serving proper order to owner or agent of premises in question, the order to state a reasonable time limit. Failure to comply with the order shall be considered a misdemeanor.~~

(Prior Code, § C-I-2)

### **§ 35.03 GENERAL AUTHORITY.**

(A) The officer in command shall have authority to summon aid and no citizen so summoned may refuse to help in extinguishing the fire or in protecting exposed property.

(B) During the continuance of a fire, the Fire Chief, his or her assistant, or the Mayor shall have authority to call upon any citizen to render assistance in pulling down or demolishing any building or in removing goods or furniture from a building on fire or in danger of fire, but not without the consent of the officer of the Fire Department. **or the Police Department which may be in charge.**

(C) It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the Fire Department.

(D) In the event of an alarm of fire, the apparatus of the Fire Department responding to it, shall have the right-of-way in and upon all streets, lanes, alleys and other public ways.

(E) The drivers of vehicles, upon the approach of fire apparatus, shall immediately bring their vehicle to a stop on the right-hand side of the street in the direction in which they are facing and shall not move their vehicle until the apparatus has passed.

(Prior Code, § C-I-3) Penalty, see § [10.99](#)

**§ 35.04 FOLLOWING FIRE EQUIPMENT.**

It shall be unlawful to follow any fire apparatus which is responding to a call by automobile or any other vehicle, unless it is used for transporting firefighters to the scene of fire, at a distance closer than one city block, or to pass the apparatus or to park within the same block in which fire is in progress.

(Prior Code, § C-I-4) Penalty, see § [10.99](#)

**§ 35.05 INTERFERING WITH FIREFIGHTERS OR FIRE APPARATUS.**

No person shall interfere with a firefighter in the discharge of his or her duty, or hinder him or her in the performance of the duty; nor shall any person other than members of the Fire Department loiter about any fire station, or change, handle or meddle in any manner with any fire engine or any other fire apparatus.

(Prior Code, § C-I-5) Penalty, see § [10.99](#)

**§ 35.06 ONLY FIREFIGHTERS MAY RIDE ON TRUCKS WITHOUT PERMISSION.**

No person other than a bona fide member of the Fire Department shall mount any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of the engine, wagon or other apparatus.

(Prior Code, § C-I-6) Penalty, see § [10.99](#)

**§ 35.07 INTERFERING WITH FIRE ALARM APPARATUS.**

No person shall interfere carelessly or willfully with the fire alarm system, or injure the poles, wires, boxes or other apparatus connected therewith.

(Prior Code, § C-I-7) Penalty, see § [10.99](#)

**§ 35.08 GIVING FALSE ALARM OF FIRE FORBIDDEN.**

No person shall give or cause to be given any false alarm of fire by means of the fire alarm system or otherwise.

(Prior Code, § C-I-8) Penalty, see § [10.99](#)

**§ 35.09 PROTECTION OF FIRE HOSE.**



It shall be unlawful for any person, firm or corporation to drive over, or in any way damage or mutilate any fire hose while in use at a fire or otherwise.

(Prior Code, § C-I-9) Penalty, see § [10.99](#)

**§ 35.10 NO BURNING OF GARBAGE, RUBBISH OR LEAVES; ITEMS OF EXCEPTION BY PERMIT.**

No person shall burn any garbage, rubbish or leaves within the corporate limits of the town. Permit may be issued by the **Fire Chief** ~~Town Clerk~~, under controlled conditions, to burn off gardens and vacant lots.

(Prior Code, § C-I-10) Penalty, see § [10.99](#)

## **FIRE LIMITS**

**§ 35.25 DESCRIPTION.**

The fire limits for the town shall include that section of the town known as the Public Square, Courthouse Square and all property facing the Public Square for 150 feet from the sidewalk.

(Prior Code, § C-II-1)

**§ 35.26 REGULATIONS WITHIN FIRE LIMITS.**

No construction or alterations of any kind or description shall be made in the above set out fire limits without a building permit and without full compliance with ordinances governing construction in the town.

(Prior Code, § C-II-2) Penalty, see § [10.99](#)

## 📖 CHAPTER 35: FIRE DEPARTMENT

Section

### *General Provisions*

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- (A) The Fire Department shall be a combination department consisting of volunteers and part time paid personnel, and shall consist of a Chief and a sufficient number of firefighters to maintain and operate the department.
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(B) To command the Department and supervise the firefighting and extinguishing of all fires and to have the authority to keep away from the vicinity of all fires, any and all idle, disorderly or suspicious persons;

(C) He or she shall inspect or cause to be inspected all trucks and other equipment of the Fire Department each and every week to ascertain that the equipment is being kept in proper condition. He or she shall, when asked, report annually to the Board of Aldermen the condition of all equipment;

(D) He or she shall inspect or cause all fire hydrants to be inspected annually;

(E) Fire Inspector: (note: because of state regulations, the Board of Aldermen signed an agreement with the county to handle most of the function of Fire Inspector).

(1) The Chief is to assume the functions of Fire Inspector. As such, he or she, or his or her designated agent, shall have authority to enter any and all premises, at a reasonable time, for purposes of inspection.

(2) He or she shall make annual inspections of all structures greater than 5,000 square feet, all educational facilities, all financial institutions, and any structure that contains hazardous materials, located within the fire limits.

(3) He or she shall, upon receipt of a complaint, forthwith investigate.

(4) He or she, or their designee, shall investigate the causes of fires and shall keep records of his or her findings as to origin, location owner, extent of damage and amount of insurance carried. The findings must be reported to the State Insurance Commissioner at regular intervals.

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(C) It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the Fire Department.

(D) In the event of an alarm of fire, the apparatus of the Fire Department responding to it, shall have the right-of-way in and upon all streets, lanes, alleys and other public ways.

(E) The drivers of vehicles, upon the approach of fire apparatus, shall immediately bring their vehicle to a stop on the right-hand side of the street in the direction in which they are facing and shall not move their vehicle until the apparatus has passed.

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(Prior Code, § C-I-5) Penalty, see § [10.99](#)

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**§ 35.26 REGULATIONS WITHIN FIRE LIMITS.**

No construction or alterations of any kind or description shall be made in the above set out fire limits without a building permit and without full compliance with ordinances governing construction in the town.

(Prior Code, § C-II-2) Penalty, see § [10.99](#)

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Amended Budget Amendment – 2022 Supplemental Fire Grant

AGENDA ITEM NO. 8A

MEETING DATE: 11/8/2022

### BACKGROUND INFORMATION:

At the October 11<sup>th</sup> 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.

MANAGER RECOMMENDATION: Approve the amended budget amendment, as presented.

BOARD ACTION TAKEN:

Quantity	Description	Cost each	total	Line item
6	sets of gear (jacket, pants)	3035.00 each	18,210.00	3601
6	pairs of boots	400.00 each	2,400.00	3601
8	pairs of gloves	112.50 each	900.00	3601
1	Rescue bumper for E-630	7,757.51	7,757.51	3400
2	laptops for offices	600.00 each	1,200.00	3400
20	SCBA identifiers	70.00 each	1,400.00	3400
1	set of door locks for front and back door	3,122.10	3,122.10	3300

34,989.61

Line item 3601	21,510.00
Line item 3400	10,357.51
Line item 3300	3,122.10

34,989.61

**Town of Dallas**  
Budget Amendment

Date: November 8, 2022

Action: General Fund Amendment

Purpose: To Amend Budget Amendment FD-001 for Modifications Requested by the Fire Department for Purchases Associated with Receipt of the 2022 Supplemental Fire Grant

Number: FD-001A

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	5200	3601	Bunker Gear	\$31,690	\$32,710	\$1,020
10	5200	3300	Departmental Supplies	\$12,700	\$9,922	(\$2,778)
10	5200	3400	Equipment	\$24,111	\$25,859	\$1,748

\_\_\_\_\_  
Approval Signature  
(Town Manager)



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Lower Dallas Road/Rosewood Drive Annexation Petition

AGENDA ITEM NO. 8B

MEETING DATE: 11/8/2022

### BACKGROUND INFORMATION:

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.

---

MANAGER RECOMMENDATION: Direct staff to investigate the sufficiency of Annexation Petition 2022-01.

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BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

**PETITION FOR ANNEXATION**

PETITION NUMBER: 2022-01

Contiguous

Non-Contiguous

DATE: 7/29/2022

FEE: \$500.00

Current Property Use: Residential Requested Zoning: CD-B-5

Planned Property Use: Residential

**To the Board of Aldermen of the Town of Dallas:**

We, the undersigned owners of real property, respectfully request that the area described as

1305 Lower Dallas, 1125 Rosewood Drive, DALLAS, NC 28034, further

identified as parcel ID # 208606, 171930, 208607, 171929,

222607, be annexed to the Town of Dallas.

**Print owner name(s) and information:**

Name Lynn Clemmer Nix

Phone 704-678-2893

Address 501 Robinson Clemmer Road Dallas, NC 28034

Name Stephen Mac Clemmer

Phone 704-678-2893

Address 501 Robinson Clemmer Road Dallas, NC 28034

Name Harold Dean Johnson

Phone 704-861-3258

Address 1125 Rosewood Drive Dallas, NC 28034

**Attachments included with Petition:**

1. Legal description (as noted in property deed)
2. Letter outlining reasons for annexation request
3. List of Abutting Property Owners
4. Survey or Plat suitable for recordation
5. \$500 Fee

Owner's Signature: Lynn Clemmer Nix Date: 8/3/2022

Owner's Signature: Stephen mac Clemmer Date: 8-3-2022

Owner's Signature: Harold Dean Johnson Date: 8-7-2022

Received By: Nolan Steel Date: 9-29-2022

All those certain parcels of land, situated, lying and being in the Dallas Township, Gaston County, State of North Carolina, and more particularly described as follows:

Rosewood Tract:

Parcel #208607; 5.372 acres.

Beginning at (POINT OF BEGINNING) a nail found in a pipe being the northeast corner of land owned now or formerly by the Linda Kay Myers Life Estate as recorded in deed book 4174, page 2267 of the Gaston County Register of Deeds, said point being also located S66-51-31E 23.50' from a found concrete monument, thence with the southern line of land owned now or formerly by Long Creek Memorial Baptist Church as recorded in deed book 88, page 277 in the Gaston County Register of Deeds S68-36-37E 553.77' to a 3/4" rebar found, thence with the western line of land owned now or formerly by Lynn Nix and Steven Mac Clemmer as recorded in deed 5224, page 1813 in the Gaston County Register of Deeds for (2) calls and distances to points, 1) S04-43-17W 252.97' to a #4 rebar found with a 3/4" rebar witness, 2) S14-29-01W 138.16' to a #4 rebar found with a 3/4" rebar witness, thence with the northern line of land owned now or formerly by Lynn Nix and Steven Mac Clemmer as recorded in deed 5224, page 1813 in the Gaston County Register of Deeds for (2) calls and distances to points, 1) N75-28-47W 69.20' to a 1/2" iron pipe found, 2) N78-16-52W 501.50' to a point, said point being further located S78-16-52E 4.58' from a 1" rebar found on the Northwest corner of the Lynn Nix and Stephen Mac Clemmer property, thence with the margin of Rosewood Drive, also known as State Road #2271 for (2) calls and distances to points, 1) N02-37-56W 51.28' to a point, 2) N14-27-30W 135.50' to a 1.5" pipe found on the southwest corner of land owned now or formerly by Kare Lambert and Crystal Lambert as recorded in deed 5345, page 461 in the Gaston County Register of Deeds, thence with the Lambert property for (2) calls and distances to points, 1) S87-39-09E 181.55' to the base of a bent 1.5" pipe found, 2) N09-08-56W 147.82' to a 2" pipe found, thence with the eastern line of land owned now or formerly by the Linda Kay Myers Life Estate as recorded in deed book 4174, page 2267 of the Gaston County Register of Deeds N09-12-00W 149.62' to the POINT AND PLACE OF BEGINNING.

Tract 1:

Parcel #171930; 0.624 acres.

Beginning at (POINT OF BEGINNING) a point in the centerline of State Road #279, also known as Lower Dallas Highway, said point also being the southeast corner of land owned now or formerly by Lynn Nix and Steven Mac Clemmer as recorded in deed 5224, page 1813 in the Gaston County Register of Deeds, thence with the centerline of State Road #279 S10-35-00W 123.73' to a point, thence with the northern line of the

Lynn Nix and Stephen mac Clemmer property N70-03-00W 226.50', passing a #4 rebar set at 30.04' to a 3/4" rebar found, thence with the Lynn Nix and Stephen mac Clemmer property for (2) calls and distances to points, 1) N14-26-00E 122.84' to a #4 rebar set, 2) S70-00-00E 218.17' passing a #5 rebar found at 188.12' to the centerline of State Road #279 being the POINT AND PLACE OF BEGINNING.

Tract 2:

Parcel #171929; 0.839 acres.

Beginning at (POINT AND PLACE OF BEGINNING) a point in the centerline of State Road #279, also known as Lower Dallas Highway, said point also being the southeast corner of land owned now or formerly by Lynn Nix and Steven Mac Clemmer as recorded in deed 5224, page 1813 in the Gaston County Register of Deeds, thence with the centerline of State Road #279 S10-35-00W 126.84' to a point, thence with the northern line of land owned now or formerly by Jackson B. and Melinda E. Beard as recorded in the Gaston County Register of Deeds N67-38-42W 284.62', passing a 1" square pipe found at 27.25', to a 1/2" iron rod found, thence with the Lynn Nix and Steven Mac Clemmer property for (3) calls and distances to points, 1) N14-40-08W 127.46' to a #4 rebar found, 2) S74-23-17E 109.96' to a 3/4" rebar found, 3) S70-03-00E 226.50', passing a #4 rebar set at 196.46' to a point in the centerline of State Road #279 being the POINT AND PLACE OF BEGINNING.

Tract 3:

Parcel #222607; 13.082 acres.

Beginning at (POINT OF BEGINNING) a 1" rebar found on the eastern margin of Rosewood Drive, also known as State Road #2271, thence with the southern line of land owned now or formerly by Harold Dean Johnson as recorded in deed 4115, page 2342 of the Gaston County Register of Deeds for (2) calls and distances to points, 1) S78-16-52E 506.08' to a 1/2" iron pipe found, 2) S75-28-47E 69.20' to a #4 rebar found with a 3/4" rebar witness, said point also being the southwest corner of land owned now or formerly by Lynn Nix and Steven Mac Clemmer as recorded in deed 5224, page 1813 in the Gaston County Register of Deeds, thence with the southern line of the Lynn Nix and Steven Mac Clemmer property S72-10-28E 90.13' to a #4 rebar found, thence with the western line of land owned now or formerly by Lynn Nix and Steven Mac Clemmer as recorded in deed 5224, page 1813 in the Gaston County Register of Deeds S14-40-08E 127.46' to a 1/2" iron rod found, thence with the western line of the Southwest Dallas neighborhood block 2C for (4) calls and distances to points, 1) S24-27-43W 291.97' to the base of a 1/2" pipe found, 2) S23-46-23W 204.71' to the base of a flat bar, 3) S41-23-16W 168.56' to a #4 rebar found, 4) S17-10-34W 30.45' to an iron pin found being the northeast corner of land owned now or formerly by Fe C. Michalak

as recorded in deed 4747, page 614 in the Gaston County Register of Deeds, thence with the Northern line of the Michalak property S89-09-30W 511.93' to a point in the centerline of State Road 2271, also known as Rosewood Drive, passing an iron pin found at 481.41', thence with State Road 2271 for (6) calls and distances to points, 1) N09-02-05W 122.88', 2) N00-32-24W 201.07', 3) N06-39-45E 149.34', 4) N29-24-29E 47.71', 5) N24-32-26E 99.10', 6) N18-20-36E 300.00' to the POINT AND PLACE OF BEGINNING.

Tract 4:

Parcel # 208606; 2.869 acres.

Beginning at (POINT OF BEGINNING) a 3/4" rebar found on the southern line of land owned now or formerly by Long Creek Memorial Baptist Church as recorded in deed book 88, page 277 in the Gaston County Register of Deeds, thence with said line S68-40-50E 100.07' to a concrete monument found, thence with the southern line of land owned now or formerly by Terri Herring Falls and Anita Herring McCall as recorded in deed 015E, page 1652 of the Gaston County Register of Deeds S70-26-39E 315.85' to a #5 rebar found on the western right of way of State Road #279, also known as Lower Dallas Highway, thence with the right of way of State Road #279 S10-49-47W 250.80' to a #5 rebar at the northeast corner of land owned now or formerly by Lynn Nix and Steven Mac Clemmer as recorded in deed 5224, page 1813 in the Gaston County Register of Deeds, thence with the Lynn Nix and Steven Mac Clemmer line for (4) calls and distances to points, 1) N70-00-00W 188.12' to a #4 rebar set, 2) S14-26-00W 122.84' to a 3/4" rebar found, 3) N74-23-17W 109.96' to a #4 rebar found, 4) N72-10-28W 90.13' to a #4 rebar found with a 3/4" rebar witness, said point also being the southeast corner of land owned now or formerly by Harold Dean Johnson as recorded in deed 4115, page 2342 and map book 70, page 34 in the Gaston County Register of Deeds, thence with the eastern line of the Harold Dean Johnson property (2) calls and distances to points, 1) N14-29-01E 138.16' to a #4 rebar found with a 3/4" rebar witness, 2) N04-43-17E 252.97' to a 3/4" rebar found, being the POINT AND PLACE OF BEGINNING.



August 1, 2022

**RE: TOWN OF DALLAS VOLUNTARY ANNEXATIONS PARCELS #171929, 171930, 208606, 208607, 222607**

Dear Town of Dallas Staff,

DR Horton (applicant) and the underlying property owners request annexation of parcels **Pin #171929, 171930, 208606, 208607, 222607** into the Town of Dallas corporate limits. Our request for annexation is based on the desire for city provided services (Police, Fire, Sanitation, Power, Sewer and Water). These parcels lie in the Town of Dallas Annexation interlocal agreement area and are non-contiguous.

Thank you,

A handwritten signature in black ink that reads "Logan J. Creech".

Logan Creech  
Land Entitlement Project Manager  
D.R. HORTON  
8025 Arrowridge Boulevard  
Charlotte, NC 28273  
lfreech@drhorton.com  
Cell: 704-470-7073

PIN	Subject Property	Property Owner
3557439321	514 Buckle Bee Rd	Betty M Huffstetler
3557543306	1116 Rosewood Dr	Christopher Duncan Stokes
3557632547	1321 Lower Dallas Hwy	Dale Barkley & Vicky Barkley
3557631493	1327 Lower Dallas Hwy	Earl Baynard & Ava S Baynard
3557637817	1302 Lower Dallas Hwy	Earl J Benton
3557630141	1413 Rosewood Dr	Eric Glenn Clemmer Irrevocable Trust
3557525569	1165 Rosewood Dr	Fe C Michalak
3557548206	1125 Rosewood Dr	Harold Dean Johnson
3557632770	1313 Lower Dallas Hwy	Jackson B Beard & Melinda E Beard
3557646024	1216 Lower Dallas Hwy	Jason S Meeks
3557543138	1126 Rosewood Dr	Jennifer Renee Darby
3557532152	1168 Rosewood Dr	John Aaron Berryhill & Tina Duncan Berryhill
3557545343	1119 Rosewood Dr	Kare Lambert & Crystal Lambert
3557533967	1136 Rosewood Dr	Kendell Jonathan Cribb
3557545427	1115 Rosewood Dr	Linda Kay Myers Life Estate
3557546774	210 Long Creek Church Rd	Long Creek Memorial Baptist
3557646284	1208 Lower Dallas Hwy	Otis J Holder & Jane M Holder
3557532686	NO ASSIGNED ADDRESS	Ronald Ray Shives & Dixie H Shives
3557533715	NO ASSIGNED ADDRESS	Ronald Ray Shives & Dixie H Shives
3557532413	1160 Rosewood Dr	Stephen Fine
3557643382	1209 Lower Dallas Hwy	Terri Herring Falls & Anita Herring McCall
3557631206	1407 Lower Dallas Hwy	Vickie Ann Wiggins
3557646144	1212 Lower Dallas Hwy	Vinh Syboutlan

Mailing Address	Mailing City	Mailing Sta	Mailing Zip
P O BOX 766	Dallas	NC	28034
1116 ROSEWOOD DR	Dallas	NC	28034
316 E CONGRESS ST	Lincolnton	NC	28092
1327 LOWER DALLAS HWY	Dallas	NC	28034
1302 LOWER DALLAS RD	Dallas	NC	28034
PO BOX 111	Casar	NC	28020
1124 EAST PARK DR	Gastonia	NC	28054
1125 ROSEWOOD DR	Dallas	NC	28034
13 REDNECK RDG	Dallas	NC	28034
1216 LOWER DALLAS HWY	Dallas	NC	28034
1126 ROSEWOOD DR	Dallas	NC	28034
1168 ROSEWOOD DR	Dallas	NC	28034
1119 ROSEWOOD DRIVE	Dallas	NC	28034
1136 ROSEWOOD DR	Dallas	NC	28034
1115 ROSEWOOD DR	Dallas	NC	28034
PO BOX 484	Dallas	NC	28034
1600 UPPER TUSKEEGEE RD	Robbinsville	NC	28771
312 ROSEWOOD DR EXT	Dallas	NC	28034
312 ROSEWOOD EXT	Dallas	NC	28034
1160 ROSEWOOD DR	Dallas	NC	28034
312 E WASHINGTON AVE	Bessemer City	NC	28016
1407 LOWER DALLAS HWY	Dallas	NC	28034
1212 LOWER DALLAS HWY	Dallas	NC	28034





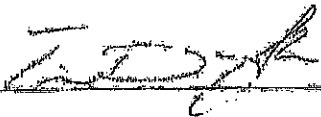
**REZONING PETITION SIGNATURE SHEET**

**Rezoning Attachment**

**Petitioner: DR Horton**

The undersigned, as the petitioner for the rezoning of the parcels of land that are designated as Parcel #s .171929, 171930, 208606, 208607, and 222607 in Gaston County, North Carolina, requests the rezoning as more particularly described in the associated Rezoning Application.

**Petitioner: DR Horton**

Signature:  \_\_\_\_\_

Name (Printed): TIM DERFLAX \_\_\_\_\_

Title: LAND ENTITLEMENT MANAGER \_\_\_\_\_

Date: 7/29/22 \_\_\_\_\_

REZONING PETITION JOINDER AGREEMENT

Petitioner: DR. Horton

The undersigned, as the petitioner for the rezoning of the parcels of land that are designated as Parcel #s 171929, 171930, 208506, and 222607 in Gaston County, North Carolina and which is subject of the attached Rezoning Application, hereby joins in this Rezoning Application. If the application is a conditional rezoning, hereby agrees to the rezoning as more particularly depicted on the related Rezoning Site Plan and to subsequent changes to the rezoning site plan as part of this Rezoning Application.

LYNN CLEMMER NIX  
STEPHEN MAC CLEMMER  
501 ROBINSON CLEMMER ROAD  
DALLAS, NORTH CAROLINA 28034

LYNN CLEMMER NIX

Signature: Lynn Clemmer Nix

Name (Printed): Lynn Clemmer Nix

Title: \_\_\_\_\_

Date: 8/3/2022

STEPHEN MAC CLEMMER

Signature: Stephen Mac Clemmer

Name (Printed): STEPHEN MAC CLEMMER

Title: \_\_\_\_\_

Date: 8/3/2022

REZONING PETITION JOINDER AGREEMENT

Petitioner: DR Horton

The undersigned, as the petitioner for the rezoning of the parcels of land that are designated as Parcel # 208607 in Gaston County, North Carolina and which is subject of the attached Rezoning Application, hereby joins in this Rezoning Application. If the application is a conditional rezoning, hereby agrees to the rezoning as more particularly depicted on the related Rezoning Site Plan and to subsequent changes to the rezoning site plan as part of this Rezoning Application.

HAROLD DEAN JOHNSON  
1125 ROSEWOOD DRIVE  
DALLAS, NORTH CAROLINA 28084

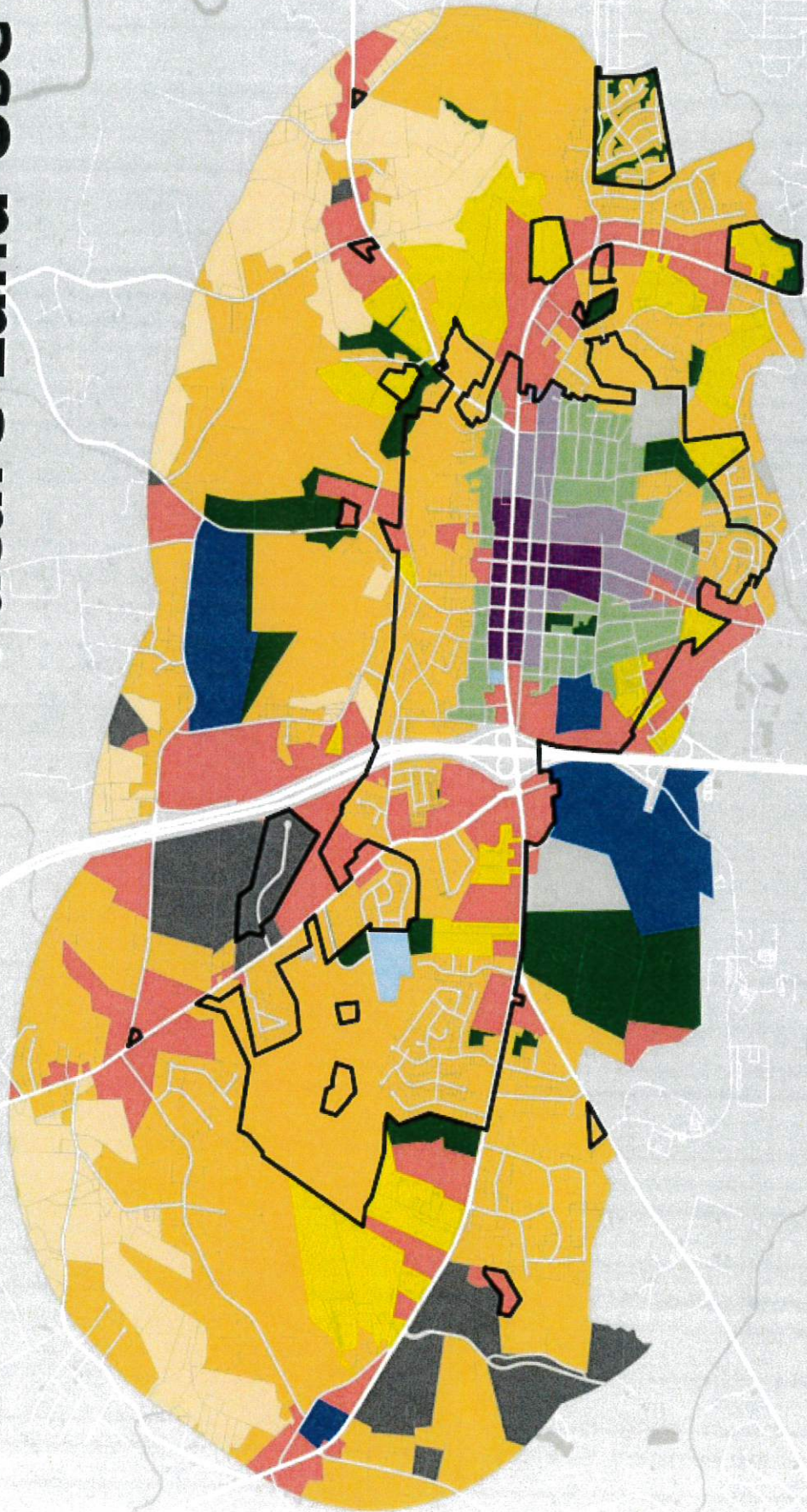
Signature: Harold Dean Johnson

Name (Printed): Harold Dean Johnson

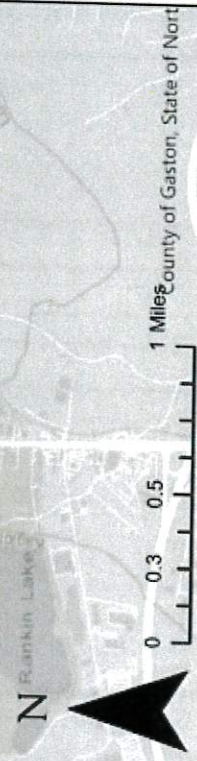
Title: \_\_\_\_\_

Date: 7-7-22

# Future Land Use Map



	Education campus		Rural living
	Government facility		Single-family residential
	Health care campus		Suburban mixed-used center
	Industrial		Town center
	Mixed-use neighborhood		Urban neighborhood
	Multifamily residential		Municipal Limits
	Recreational open space		



Map created by  
Centralina Regional Council 2022



TOWN OF  
**DALLAS**  
North Carolina