

**Town of Dallas**  
**Agenda**  
**October 11, 2022**  
**6:00 PM**  
**BOARD OF ALDERMEN**  
**Rick Coleman, Mayor**

**Sam Martin**

**Frank Milton**

**Darlene Morrow**

**Jerry Cearley, Mayor Pro-Tem**

**E. Hoyle Withers**

<b>ITEM</b>	<b>SUBJECT</b>	<b>Page</b>
<b>1.</b>	<b>Invocation and Pledge of Allegiance to the Flag</b>	
<b>2.</b>	<b>Approval of Agenda with Additions or Deletions</b>	
<b>3.</b>	<b>Approval of Minutes</b>	
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<b>5.</b>	<b>Consent Agenda (to be acted on collectively, unless removed for further discussion)</b>	
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<b>10.</b>	<b>Closed Session:</b>	

## 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 two 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).

Aldерwoman 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.

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**  
**September 27, 2022**  
**4:00 PM**

The following elected officials were present: Mayor Coleman, Alderman Cearley, Alderman Milton, Alderman Withers, 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; David Lingafelt, Code Enforcement Officer; Doug Huffman, Electric Director; and Tom Hunn, Town Attorney.

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

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

At this time, the Mayor asked if there were any changes to be made to the agenda. The Town Manager added a Closed Session to the end of the meeting. Alderman Withers made a motion to approve the agenda with the addition, seconded by Alderman Milton, and carried unanimously.

**New Business:**

*Item 3A Speed Limit Change on Dallas Stanley Hwy*

Town Engineering Consultant, Johnny Denton, has suggested the Town reach out to NCDOT in regard to the current speed limit on Dallas Stanley Highway (NC 275)). The current speed limit is 45 MPH. Mr. Denton recommends requesting the speed limit be reduced to 35 MPH from E. Trade St. (NC 279) to 1,000 feet beyond Evans Lake Road. The currently under construction Davis Hills Subdivision will add 87 homes, with access on the eastern and western sides of NC 275. Leonard Greene is a proposed 120-unit multi-family complex off of Evans Lake Road. These developments, along with existing speeds, could cause traffic issues in the future along that roadway.

Below is an excerpt from the NCDOT website on the process of changing a speed limit:

## ^ How can I get a speed limit changed?

[Contact the N.C. Department of Transportation](#) to request a speed zone study. Changing residential and business development often affect operating speed conditions and might warrant changes in the speed limit.

NCDOT looks at [several criteria when setting speed limits](#), including the alignment of the roadway, sight distance, the average speed of traffic, crash history and development along the road.

NCDOT does not normally lower speed limits on dead-end roads less than a mile long.

If the Board is interested, Town Staff can begin reaching out to NCDOT Staff and begin the process to potentially decrease speed in that area (Exhibit 3A-1).

The Board discussed that this would be a good decision.

### *Item 3B Façade Grant Program Modifications*

Development Services Staff has reviewed the existing Façade Improvement Grant Program language and are recommending the program be modified in several ways. 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.

Main changes to the program included in the recommendation:

- Reduced grant allocation from \$20,000 per façade to \$5,000 per façade, with a \$20,000 max

- Tie grant allocation specifically to commercial buildings, not existing businesses

- Specific sites/buildings are limited to the maximum grant amount every three (3) years

Attached is the recommended Façade Improvement Grant Program for review (Exhibit 3B, 1-5).

The Board discussed the grant program and decided to bring the topic back to the October Agenda meeting.

### *Item 3C Text Amendment - Add Single-Family Attached Dwellings to R-6 Zoning District*

On June 21, 2022 David Murray, on behalf of Koval X Robinson, LLC, submitted a petition for a text amendment to allow single-family attached housing to the R-6 zoning district with a minimum lot width of 20 ft., a minimum lot area of 1500 sq. ft., and minimum side yard exemption. Staff reviewed the petition and are in support of the change with modifications. The requested minimum lot width of 20 ft. and 1500 sq. ft. lot area should specifically apply to interior lots only. Exterior lots should still be required to have a minimum side yard and are recommended with a minimum lot width of 30 ft. and minimum lot area of 2100 sq. ft. On

8/18/2022, the Planning Board unanimously voted to send their recommendation with statements of consistency and reasonableness to approve the proposed text amendment as written. The recommended language in the attached text amendment was drafted based on recent development interest the Town has seen, as well as townhome standards currently in the market. Staff recommends approving the proposed text amendment since the change will add the option to provide middle housing to areas designated for denser and more urban mixed housing in the 2030 Future Land Use Plan (Exhibit 3C, 1-5).

The Board decided to advertise the text Amendment for a Public Hearing at the October Agenda meeting.

### *3D System Development Fees for Multi-Family Development*

Denis Blackburne, with Woda Cooper Companies, Inc., has requested the Town consider modifying the current System Development Fee Schedule, specifically for multi-family housing projects. System Development fees are one-time charges assessed to new water and/or sewer customers for their use of system capacity and provide a way to recover up-front system capacity costs from those using that capacity. These fees must be used to maintain and/or upgrade the water and/or sewer systems. The current fee schedule states "System Development Fees for Multi-Family development shall be based on  $\frac{3}{4}$ " meters for each unit within the complex, not on a master meter size or other method of calculation."

Costs are as follows for a  $\frac{3}{4}$ " meter:

\$1,794 – Water

\$1,745 – Sewer

\$3,539 - Total

For the proposed 120-unit project and a community building with a 1" meter, the system development fees would be \$430,577 under the current calculation. Mr. Blackburne requests the Town remove note 2) under the system development fee schedule and charge the fees based on actual meter size. For this development there would be a 2" meter (\$29,486 w/s) for each of three buildings in the complex and a 1" meter (\$5,897 w/s) for the community center. These would result in a total fee of \$94,355. Also attached is a copy of the fees supplied to Woda Cooper in February 2021 for their review prior to beginning the project (Exhibit 3D, 1-14).

The Board discussed the fee schedule and decided against it and not to bring back to a meeting.

### *3E Minimum Housing Code*

Attached is a proposed Minimum Housing Code as drafted by the Town Attorney and reviewed by Development Services Staff and the Town Manager. If this draft is acceptable to the Board of



Aldermen, it will be brought to the October 11<sup>th</sup> meeting for approval and implementation (Exhibit 3E, 1-25).

The Board and Staff discussed the Housing Code and decided to bring back for the October Agenda meeting.

#### *Item 3F Code Enforcement Procedures*

At the September 13<sup>th</sup> Board of Aldermen meeting, an item was added to the agenda to discuss code enforcement procedures as Item 8D. This item was similar in nature to Item 8A, which was a discussion on nuisance trash abatement. It was determined that these items should be dealt with simultaneously and would take more discussion with Town Staff and the Town Attorney. These items were tabled until the September 27<sup>th</sup> Work Session. This discussion will be held to determine the best methods for enforcing the Town's ordinances and the abatement methods to pursue.

The Board and Staff discussed the Code Enforcement Procedures.

#### *Item 3G 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. Attached is a portion of the Rural Transformation Grant Fund Guidelines.

Staff has met and discussed possible projects for a grant application and recommend the following:

- 1 – Main Street and Downtown investment and revitalization efforts – Install new lights, ped heads, and paver crosswalks at the intersection of Gaston and Main St.; and install paver crosswalks at the intersection of Trade and Main St. to complete the perimeter of the Court Square. Also, a rebranding campaign and wayfinding signage throughout the key areas of Town.
- 2- Community enhancements that spur economic growth – Purchase the Smyre-Pasour House for rehabilitation to commercial use.
- 3- Initiatives that help create resilient neighborhoods – Installation of bathroom facilities and equipment at the Town's parks.

Application could be made for a combination of some or all of the three potential projects. Board direction on possible projects for this application is necessary to proceed. Grant applications are open now, but must be submitted by November 1, 2022 (Exhibit 3G, 1-6).

The Board discussed the Transformation and decided to bring back to the October Agenda meeting.

**Closed Session:**

To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. NCGS §143-318-11(3)

Alderman Withers made a motion to go into closed session, seconded by Alderwoman Morrow and carried unanimously (6:04).

Alderman Martin made a motion to go out of closed session, seconded by Alderman Milton and carried unanimously.

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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: Budget Amendment – Equipment Received After June 30<sup>th</sup>

AGENDA ITEM NO. 5A

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

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MANAGER RECOMMENDATION: Approve the budget amendment, as presented.

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BOARD ACTION TAKEN:

**Town of Dallas**  
Budget Amendment

Date: October 11, 2022

Action: Stormwater Fund Amendment

Purpose: To Budget for Equipment Received After End of FY2021/2022

Number: STW-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
40	3999	0000	Fund Balance Appropriated	\$112,919	\$126,219	\$13,300
40	7100	7400	Capital Outlay: Equipment	\$0	\$12,900	\$12,900
40	7100	1111	Freight Charges	\$250	\$650	\$400

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Approval Signature  
(Town Manager)

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – Code Enforcement Abatement

AGENDA ITEM NO. 5B

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

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MANAGER RECOMMENDATION: Approve the budget amendment, as presented.

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BOARD ACTION TAKEN:

**Town of Dallas  
Budget Amendment**

Date: October 11, 2022

Action: General Fund Amendment

Purpose: To Budget for Abatement/Demolition Charges

Number: GF-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3520	0000	Customer Billed Charges	\$5,385	\$10,385	\$5,000
10	4110	8400	Abatement/Demolition Chgs	\$0	\$5,000	\$5,000

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Approval Signature  
(Town Manager)

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – NC Risk Management Grant

AGENDA ITEM NO. 5C

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

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MANAGER RECOMMENDATION: Approve the budget amendment, as presented.

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BOARD ACTION TAKEN:

**Town of Dallas  
Budget Amendment**

Date: October 11, 2022

Action: General Fund Amendment

Purpose: To Accept and Appropriate a Grant from NC Risk Management

Number: PD-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3463	0000	NCIRMA Safety Grant	\$10,000	\$10,450	\$450
10	5100	3600	Uniforms	\$20,300	\$20,750	\$450

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Approval Signature  
(Town Manager)



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – 2022 Supplemental Fire Grant

AGENDA ITEM NO. 5D

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

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MANAGER RECOMMENDATION: Approve the budget amendment, as presented.

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BOARD ACTION TAKEN:

**Town of Dallas**  
**Budget Amendment**

Date: October 11, 2022

Action: General Fund Amendment

Purpose: To Accept and Appropriate a Grant from NC Fire Marshal Supplemental Grant

Number: FD-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3462	0000	NC Grant - Fire Dept	\$36,100	\$71,100	\$35,000
10	5200	3601	Bunker Gear	\$11,200	\$31,690	\$20,490
10	5200	3400	Departmental Supplies	\$6,800	\$12,700	\$5,900
10	5200	3400	Equipment	\$15,501	\$24,111	\$8,610

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Approval Signature  
(Town Manager)

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Minimum Housing Code

AGENDA ITEM NO. 6A

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

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MANAGER RECOMMENDATION: Approve the Minimum Standard Housing Code as presented.

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BOARD ACTION TAKEN:

## **MINIMUM STANDARD HOUSING CODE**

### **§ 150.35 TITLE.**

This subchapter shall be known and may be cited as “The Minimum Standard Housing Code of the Town of Dallas, North Carolina,” and will be hereinafter called “the Code” or “this subchapter.”

### **§ 150.36 EXERCISE OF POLICE POWER; FINDING; PURPOSE.**

- (A) Pursuant to G.S., § 160D-1201 it is hereby found and declared by the Board of Aldermen of the Town that there exists in the Town, dwellings which are unfit for human habitation are detrimental to the welfare and dangerous and injurious to the health and safety of the people of the state and to the residents of the Town. A public necessity exists for the repair, vacating, closing, or demolition of such dwellings. Whenever the Town finds that there exists within the Town’s planning and development regulation jurisdiction, dwellings that are unfit for human habitation due to deterioration or dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise detrimental to the welfare of the residents of the Town, power is conferred upon the Town to exercise its police powers to repair, vacate, close, or demolish the dwellings consistent with the provisions of the Minimum Standard Housing Code of the Town of Dallas, North Carolina
- (B) In order to protect the health, safety and welfare of the residents of the Town as authorized by G.S. § 160A-174, it is the purpose of this subchapter to establish minimum standards of occupancy of all buildings used for human habitation as expressly authorized by Chapters 160A and 160D, to provide procedures for the repair, vacating, closing and demolition of buildings not conforming to the minimum standards of fitness, as expressly authorized by G.S. § 160D-1203 § 160D-1205 and this Code.
- (C) Abandoned Structures. Upon the governing Board finding any abandoned structure to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. The Town may provide for the repair, closing, or demolition of such structure pursuant to the same provisions and procedures as are prescribed by this ordinance for the repair, closing, or demolition of dwellings found to be unfit for human habitation.

### **§ 150.37 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include

the future, words in the masculine gender include the feminine and neuter, words in the feminine and neuter gender include the masculine, and the singular number includes the plural and the plural number includes the singular, Whenever the word dwelling is used in the Code, it shall be construed as though it is followed by the words "or any part thereof."

**ALTER or ALTERATION.** Any change or modification in construction or occupancy.

**APPROVED.** Approved by the Housing Inspector or his or her authorized agent.

**AREA.** As applied to the dimensions of a building, means the maximum horizontal projected area of the building at grade. See **FLOOR AREA**.

**ATTIC STORY.** Any story situated wholly or partly in the roof, so designated, arranged or built as to be used for business, storage, or habitation.

**BASEMENT OR CELLAR.** A portion of a building located partly underground but having more than one-half of its clear floor-to-ceiling height (by cubic measurement) above the average grade of the adjoining ground, and having direct access to light and air from windows located above the level of the adjoining ground.

**BUILDING CODE.** Any edition, together with all adopted amendments and supplements thereto, of the State Building Code or of the State Uniform Residential Building Code, or any other building rules or regulations adopted by the Town relating to the construction, alteration, repair or removal of various types of buildings and structures.

**DETERIORATED OR DILAPIDATED.** A dwelling which is unfit for human habitation and can be repaired altered, or improved to comply with all of the minimum standards established by this subchapter, **at a cost not in excess of 50% of its value**, as determined by the Housing Inspector pursuant to G.S. § 160D-1203(3) and 150.43(B).

**DILAPIDATED.** A dwelling which is unfit for human habitation and can be repaired, altered or improved to comply with this subchapter only **at a cost in excess of 50% of its value**, as determined by the Housing Inspector pursuant to G.S. § 160D-1203(3) and 150.43 (B).

**DWELLING.** Any unit, multiple unit, apartment(s), building, structure, manufactured home, or mobile home, or part thereof, used and occupied to be used for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of Chapter 160D and this Code, the term does not include recreational vehicle, if used solely for a seasonal vacation purpose pursuant to G.S. §160D-102 nor any temporary shelter as hereinafter defined.

**EXTERMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making fumigating, trapping or by any other recognized and legal pest elimination method approved by the Housing Inspector.

**FLOOR AREA.** The area included with surrounding walls of a building exclusive of vent shafts and courts.

**GARBAGE.** The animal and vegetable waste resulting from handling preparation, cooking and consumption of food or other matter subject to decomposition, decay, putrefaction, or the generation of noxious or offensive gases or odors, or which, may serve as breeding or feeding material for flies, insects, or animals.

**HEATING.** The following definitions shall apply to heating installations.

- (1) **CENTRAL HEATING BOILERS AND FURNACES.** Heating furnaces and boilers shall include warm air furnaces, floor-mounted, direct-fired unit heaters or water boilers, and steam boilers operating at not in excess of 15 pounds of gauge pressure, used for heating of building or structures.
- (2) **CHIMNEY.** A vertical shaft of masonry, reinforced concrete or other approved non-combustible, heat resisting material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gas fuel.
- (3) **FLUE.** A vertical passageway for products of combustion.
- (4) **VENT PIPE.** As applied to heating, means a pipe for removing products of combustion from gas appliances.
- (5) **WATER HEATER.** A device for the heating and storage of water to be used for other than heating or industrial purposes.

**HOUSING INSPECTOR.** The public officer authorized to exercise the powers of the Code, and the designation includes his or her duly authorized representative.

**INFESTATION.** The presence, within or around a dwelling, of any insects, rodents or other pests in a number so as to constitute a menace to the health, safety or welfare of the occupants of the public.

**OCCUPANT.** Any person, over one year of age, living, sleeping, cooking or eating in or having actual possession of, a dwelling.

**OPENABLE AREA.** The part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a dwelling, or part thereof, in which the dwelling or part thereof are let.

**ORDINARY MINIMUM WINTER CONDITIONS.** The temperature for the previous 15- year period.

**OWNER.** Any person(s) who jointly or severally:

- (1) Holds the title in fee simple and every mortgagee of record.; or
- (2) Has charge, care or control of any dwelling or dwelling unit, as owner or representative of the owner, or as a fiduciary of the estate of the owner. It is specifically noted that any person meeting the definition of OWNER shall be bound to comply with the provisions of the Code to the same extent as though he or she were an OWNER under the definition of division (1) above.

**PARTIES IN INTEREST.** All individuals, associations, and corporations that have interests of record in a dwelling and any that are in possession of a dwelling, pursuant to G.S. § 160D-1202.

**PERSON.** A natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.

**PLUMBING.** The practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure or conveyance; also, the practice and materials used in the installation maintenance extension or alteration of storm water, liquid waste or sewage and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

**PUBLIC AUTHORITY.** Any housing authority or any officer that is in charge of any department or branch of the government of the Town, relating to health, fire, building regulations, or other activities concerning dwellings in the local government.

**PUBLIC OFFICER.** The officer authorized by ordinances adopted under this Article to exercise the powers prescribed by the ordinances and by this Article.

**RUBBISH.** Combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

**SUBSTANDARD DWELLING.** A dwelling, which does not meet the basic minimum requirements of this Code for the use.

**SUPPLIED.** Paid for, furnished or provided by or under the control of the owner operator.

**TEMPORARY SHELTER.** Any tent, or other similar personal property used for human shelter which is designed to be a temporary shelter, and which is not attached to the ground, or another structure or to any utilities system on the same premises for not more than 30 consecutive days.

UNFIT FOR HUMAN HABITATION. Conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness pursuant to G.S. §160D-1205 or one or more of the requirements, standard and conditions established by this Code.

**WALLS.**

- (1) BEARING WALL. A wall which supports any vertical load in addition to its own weight.
- (2) EXTERIOR WALL. A wall, bearing or non-bearing, which is used as an enclosing wall for a building, but which is not necessarily suitable for use as a part wall or fire wall.
- (3) FOUNDATION WALL. A wall below the first floor extending below the adjacent ground level and serving as support for a wall, pier, column or other structural part of a building.

**§ 150.38 SCOPE.**

- (A) The provisions of the Code shall apply to the construction, alteration, repair, equipment, use, occupancy location, maintenance, removal and demolition of every dwelling or appurtenances connected or attached to any dwelling, regardless of build date.
- (B) No provision of this Code shall be held to deprive any federal or state agency, or any municipal authority having jurisdiction, of any power or authority which it had on the effective date of this subchapter or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.
- (C) The provisions of this Code shall apply to all mobile homes and house trailers used as a residential occupancy and are considered dwellings.

**§ 150.39 EXISTING BUILDING.**

The provisions of this Code shall apply to any dwelling, irrespective of when the dwelling was constructed, altered or repaired.

- (A) If, within any period of 12 months, alterations or repairs are made to an existing building costing in excess of 50% of the then physical value of the building the building shall be made to conform to the requirements of the Building Code for new buildings.
- (B) If an existing building is damaged by fire or otherwise in excess of 50% of its then physical value before the damage is repaired, it shall be made to conform to the requirements of the Building Code for new buildings.



- (C) If the cost of the alterations or repairs, or the amount of the damage, is more than 25%, but not more than 50% of the then physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of the Building Code for the new building to an extent as the Building Code may determine.
- (D) Repairs and alterations not covered by the preceding divisions of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity or hazard, may be made with the same kind of materials as those of which the building is constructed.
- (E) For the purposes of this section, the "physical value" of a building or structure as herein before defined shall be determined by the Housing Inspector, and he or she shall use as a guideline the fair market value of the building exclusive of land.

**§ 150.40 MAINTENANCE OF BUILDINGS.**

- (A) All buildings or structures both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition.
- (B) All devices or safeguards which are required by this Code in a building when erected, altered or repaired, shall be maintained in good working order.
- (C) The owner, or his or her designated agent shall be responsible for the maintenance of buildings, structures and premises to the extent set out in §150.43.

**§ 150.41 ADMINISTRATION.**

The Housing Inspector is hereby designated the public officer pursuant to Article 12 of Chapter 160D of the North Carolina General Statutes. The Housing Inspector shall have all powers, duties and authority pursuant to Chapter 160A and Article 12 of Chapter 160D of the North Carolina General Statutes in addition to those powers conferred upon the Housing Inspector pursuant to this Code and who shall exercise those duties so provided for.

- (1) DUTIES. It shall be the duty of the Housing Inspector, including but not limited to the following:
  - (a) To investigate and to inspect all dwellings located in the Town in order to determine which dwellings are unfit for human habitation as well as to carry out the general spirit and purpose of this Code;
  - (b) To enforce the provisions of this Code and to take action, alone or together with other appropriate departments and agencies, public or

private, as may be necessary to carry out the general spirit and purpose of this Code;

- (c) To keep adequate records of all activity conducted pursuant to this Code, including, but not limited to, an inventory of those buildings, dwelling units and rooming units that do not meet the minimum standards of the fitness prescribed by this Code;
  - (d) To report annually to the Board of Aldermen concerning the work of his or her department, and specifically the housing section, during the preceding year; and
  - (e) To perform each and every duty necessary and incidental to the fulfillment of the general spirit and purpose of this Code.
- (2) **POWERS.** Pursuant to Article 12 of Chapter 160D of the N.C.G.S and more specifically the additional powers of the Housing Inspector pursuant to N.C.G.S. § 160D-1210 in addition to and as provided and prescribed by this subchapter, the Housing Inspector is hereby authorized to exercise any powers necessary or convenient to carry out and effectuate the general spirit, purpose and provisions of this Code, including specifically, but not limited to, the following:
- (a) To investigate the dwelling conditions in the Town in order to determine which buildings are unfit for human habitation;
  - (b) To administer oaths, affirmations, examine witnesses and receive evidence;
  - (c) To enter upon premises for the purpose of making examinations and inspections in a manner that will be the least possible inconvenience to the persons in possession;
  - (d) To appoint and fix the duties of officers, agents and employees necessary to carry out the purpose of this Code; and
  - (e) To delegate any of his or her functions and powers under this Code to other officers and other agents.
- (3) **RECORDS.** The Housing Inspector shall keep, or cause to be kept, a record of the business of the Housing Division. The records of the Housing Division shall be open to the public inspection.
- (4) **NO UTILITY SERVICES.** The Town shall not provide (either public or private) utility services such as water, sewer, electricity, gas and the like, to any substandard building or dwelling unit which becomes vacant until the building or dwelling unit has been inspected, brought into compliance with this Code and the Building Code, and a valid certificate of compliance as required has been issued. This requirement

shall not preclude the temporary use of the utility services as may be deemed necessary during construction, repair or alteration. The Housing Inspector shall be responsible for making the determination as to when the "temporary services" may be necessary.

- (5) NO PERMIT. No building, plumbing, electrical, gas or other permit, as may be required, for an addition alteration or repair of an existing substandard building or dwelling unit shall be issued until a time as an inspection of the property has been made to determine the feasibility of rehabilitation of the building or dwelling unit.

#### **§ 150.42 MINIMUM STANDARDS OF FITNESS.**

All dwellings shall provide for a safe and healthful environment with living facilities arranged and equipped to assure such safe and healthful environment.

No person shall occupy or allow another to occupy, or hold out for intended use for human habitation any dwelling which does not comply with the conditions set out in G.S. § 160D-1205 in addition to the requirements, standards and conditions as set out in this Code or for which a valid certificate of compliance has not been issued by the Housing Inspector.

Minimum requirements, standards, and conditions contained in G.S. § 160D-1205 in addition to the standards, requirements and conditions, contained in this Code, are the fundamental requirements, standards and conditions imposed and mandated by the Town.

Pursuant to G.S. § 160D-1205 and this Code, the Housing Inspector may determine a dwelling is unfit for human habitation, if the officer finds that any defective condition exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction.

- (1) Defective conditions may include any of the following without limiting the generality any of the of the foregoing:

- (a) Defects therein increasing the hazards of fire, accident, or other calamities;
- (b) Lack of adequate ventilation, or light, or sanitary facilities;
- (c) Dilapidation;
- (d) Disrepair;
- (e) Structural defects; or
- (f) Uncleanliness.

(A) MINIMUM STANDARDS FOR PLUMBING SYSTEMS AND EQUIPMENT.

1) Shall contain not less than the following:

- i. A connection to a potable water supply and to the public sewer supply and to the public or other approved sewage disposal system;
- ii. A kitchen sink, lavatory, tub or shower and a water closet, all in good working condition and installed in accordance with the adopted Plumbing Code, and located within the dwelling and accessible to the occupants. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user;
- iii. Plumbing all of which meets the standards of the adopted Plumbing Code and which is in a state of good repair and in good working order;
- iv. Connections to the kitchen sink, lavatory and tub or shower of an adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply; and
- v. Installations of all hot water heating appliances according to the Plumbing Code adopted by the Town and capable of supplying a continuous source of hot water, on demand, to all the required fixtures at a temperature of not less than 120°F.

(B) MINIMUM STANDARDS FOR VENTILATION AND LIGHTS.

1) Every dwelling shall contain not less than the following:

- i. Windows and the like: every habitable room shall have at least one window or skylight facing directly to the outdoors;
- ii. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of the room;
- iii. Whenever walls or other portions of structures face a window of any like room and the light obstruction structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, the window shall not be deemed to face directly to the outdoors and shall be included as contributing to the required minimum total window area;

- iv. Whenever the only window in the top of the room is a skylight type window in the top of the room, the total window area of the skylight shall equal at least 15% of the total floor area of the room;
- v. Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient;
- vi. All fixtures, receptacles, equipment and wiring should be maintained in a state of good repair, safe, capable of being used and installed in accordance with the electric Code adopted by the Town; and
- vii. The minimum capacity of the service supply and the main disconnect switch shall be sufficient to carry adequately the total load as required by the electrical code adopted by the Town.

(C) MINIMUM STANDARDS FOR HEATING.

- 1) Every building, dwelling shall have facilities for providing heat in accordance with either divisions (i) or (ii) below, as well as complying with division (iii) below.
  - i. Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat each dwelling to which it is connected with minimum temperature of 70°F measured at a point three feet above the floor during ordinary minimum winter conditions.
  - ii. Other heating facilities. Where a central or electric heating system is not provided each dwelling shall be provided with sufficient fireplaces, chimney flues or gas vents whereby heating appliances may be connected so as to furnish a minimum temperature of 70°F measured at a point three feet above the floor during ordinary minimum winter conditions.
  - iii. Installation and maintenance. Heating appliances and facilities shall be installed in accordance with the Building Code adopted by the Town and shall be maintained in a safe and good working condition.

(D) MINIMUM STANDARDS FOR SPACE, USE AND LOCATION.

- 1) Every dwelling shall contain not less than the following:
  - i. Dwelling unit. Every dwelling shall contain at least 150 square feet of habitable floor area for the first occupant at least 100 square feet

of additional habitable floor area for each of the next three occupants and at least 75 square feet of additional habitable floor area for each additional occupant.

- ii. Room sizes.
  - a) Every dwelling shall contain at least the minimum room size in each habitable room as required by the Building Code adopted by the Town.
  - b) In every dwelling, every room occupied for sleeping purposed by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.
- iii. Floor area calculation. Floor area shall be calculated on the basis of habitable room area; however, closet area and hall area within the dwelling, where provided, may count for more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.
- iv. Ceiling height. At least one half of the floor area of every habitable room shall have a ceiling height of at least seven feet.
- v. Cellar. No cellar shall be used for living purposes.
- vi. Basements. No basement shall be used for living purposes unless:
  - a) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness and condensation.
  - b) The total window area, total openable window area and ceiling height are equal to this required for habitable rooms; and
  - c) The required minimum window area of every habitable room is entirely above the grade adjoining the window area, except where the window or windows face a stairwell, window well or access way.

(E) MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE.

- 1) Every dwelling shall comply with the following:
  - i. Exterior foundation wall and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight, water-tight and rodent-proof; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.
  - ii. Interior floors, walls and ceilings. Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load placed thereon.
  - iii. Interior floors, walls and ceilings. Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load placed thereon.
  - iv. Stairs, porches and appurtenances. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
  - v. Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit the floor to be easily kept in a clean and sanitary condition.
  - vi. Supplied facilities. Every supplied facility piece of equipment or utility, which is required under this Code shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.
  - vii. Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.
  - viii. Egress. Every dwelling shall be provided with means of egress as required by the Building Code adopted by the Town.
  - ix. Noxious weeds. Every yard and all exterior property areas of a dwelling shall be kept free of noxious weeds or plant growth which

are in excess of 12 inches, and which cause or threaten to cause a hazard detrimental to the public health and safety.

(F) MINIMUM STANDARDS FOR CONTROL OF INSECTS, RODENTS AND INFESTATIONS.

- 1) Every dwelling shall at least comply with the following:
  - i. Screens. For protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.
  - ii. Rodent control. Every basement or cellar window used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or other approved device as will effectively prevent their entrance.
  - iii. Infestation. Every occupant of a dwelling containing a single dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination; whenever his or her dwelling is the only one infested. Notwithstanding caused by failure to the actual owner to maintain a dwelling in a rodent proof or reasonably insect-proof condition, extermination shall be the responsibility of the actual owner, as opposed to the tenant/occupant. Whenever infestation exists in two or more of the dwellings containing two or more dwelling units, extermination thereof shall be the responsibility of the owner, and not the tenants.
  - iv. Rubbish. Every dwelling shall be supplied with adequate rubbish storage facilities.
  - v. Garbage. Every dwelling shall have adequate garbage disposal facilities or garbage storage containers, having a capacity of not more than 30 gallons per each container.

(G) MINIMUM STANDARDS FOR STRUCTURAL CONDITION.

- 1) Every dwelling shall at least comply with the following:
  - i. Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not



be rotten deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

- ii. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- iii. Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- iv. Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in a condition so that they will not fail or collapse.
- v. Adequate facilities for egress in case of fire or panic shall be provided.
- vi. Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness and shall be maintained in a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- vii. The roof, flashing, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather- and water-tight.
- viii. There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of failing, or in a condition or location as to constitute a fire hazard.
- ix. There shall be no use of the ground for floors, or wood floors on the ground.

**§ 150.43 PROCEDURE FOR ENFORCEMENT.**

**(A) INVESTIGATION, COMPLAINT, AND HEARING.**

- 1) Whenever a petition is filed (charging that any dwelling in the Town is unfit for human habitation) by a Public Authority, by at least five residents of the Town, or whenever it appears to the Housing Inspector upon inspection a dwelling in the Town is unfit for human habitation; the Housing inspector shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a Complaint stating the charges in that respect and containing a notice that an administrative hearing will be held before the Housing Inspector or the Housing Inspector's designated agent, at a time and place within the county in which the property located.

- 2) The hearing shall be not less than ten (10) days nor more than thirty (30) days after the serving of the Complaint.
- 3) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.
- 4) If applicable, notice of the hearing shall also be given to at least one of the persons signing a petition relating to the unsafe building.
- 5) Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard.
- 6) The rules of evidence prevailing in courts of law shall not be controlling in administrative hearings before the Housing Inspector.
- 7) At the hearing the Housing Inspector may determine pursuant to G.S. § 160D-1205 or The Minimum Standard Housing Code of the Town of Dallas, that a dwelling is unfit for human habitation if the Housing Inspector finds conditions existing in the dwelling that render it dangerous or injurious to the health, safety or welfare of the dwelling occupants or the occupants of the neighboring dwellings, or other residents of the Town. The defective conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness or especially dangerous to life because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring, inadequate lighting, heating, lack of a potable water supply and to the public sewer supply or the public or approved sewage disposal system or means of egress or failure in any way to conform to the minimum standards set forth in Article 12 of Chapter 160D of the North Carolina General Statutes; or failure in any way to conform to the Minimum Standard Housing Code of the Town of Dallas beginning Chapter 150.35;
- 8) Every owner of dwelling shall give the Housing Inspector free access to the dwelling at all reasonable times, pursuant to this Code, for the purposes of any inspection, examination or survey being conducted by the Housing Inspector or his or her office for purposes of ensuring compliance with Article 12 of Chapter 160D and with this Code.
- 9) Every occupant of a dwelling shall give the owner thereof access to any part of the dwelling at all reasonable times for the purpose of the owner's making the repairs or alterations as are necessary to effect compliance with the provisions of this Code, or with any lawful order issued pursuant to the provisions of this Code. Additionally, every occupant of a dwelling shall give

the Housing Inspector free access to the dwelling at all reasonable times, pursuant to this Code, for the purposes of any inspection, examination or survey for purposes of ensuring compliance with Article 12 of Chapter 160D and with this Code.

(B) ORDERS.

If, after notice and an administrative hearing, the Housing Inspector determines the dwelling under consideration is unfit for human habitation, the Housing Inspector shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner ONE OF THE FOLLOWING ORDERS, AS APPROPRIATE:

- (1) ORDER #1 –DETERIORATED DWELLING- If the repair, alteration, or improvement of the dwelling can be made at a reasonable **cost not in excess of 50%** of dwelling's (structure only) value, as determined by the Housing Inspector:
  - a. the owner, within a minimum of 30 days but not to exceed 90 days, as specified in the order, shall be ordered, directed and required to repair, alter, or improve the dwelling and render the dwelling fit for human habitation and in compliance with Article 12 of Chapter 160D of the North Carolina General Statutes and this Code.
  - b. The Housing Inspector may order and require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities.
  - c. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C) of this section.
- (2) ORDER #2 -DILAPIDATED DWELLING- If the repair, alteration, or improvement of the dwelling can only be made at a **cost in excess of 50%** of dwelling's (structure only) value, as determined by the Housing Inspector:
  - a. The owner, within a minimum of 30 days but not to exceed 90 days as specified in the order, shall be ordered, directed and

required to repair and bring the dwelling into conformity with this Code

- b. The Housing Inspector shall order, direct and require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities.
- c. If proper repairs as provided for in the above subsection (a) and (b) are not made with the specified time the Owner shall be ordered, directed and required to remove or demolish the dwelling within a minimum of 30 days but not to exceed 90 days. time. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (C) of this section.
- d. Except in emergency situations endangering the immediate health, safety or welfare of any persons, there shall be no demolition of an unsafe dwelling until the owner has first had a reasonable opportunity to bring it into conformity with this Code, within a minimum of 30 days but not to exceed 90 days. time.
- e. Notwithstanding any other provision of law or code, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949.

#### (C) PLACARDING

- (1) If the owner fails to comply with an order of the Housing Inspector to repair, alter, or improve or to vacate and close and remove or demolish the dwelling, the Housing Inspector may cause the dwelling to be repaired, altered, or improved or to be vacated, closed, and demolished.
- (2) The Housing Inspector may cause to be posted on the main entrance of the dwelling so closed a placard with the following words:

- i. "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful. "Occupation of a building so posted shall constitute a Class 1 misdemeanor" pursuant to G.S. § 160D-1203(4) and this subsection of the Code as approved and adopted by the Town.
- (3) The duties of the Housing Inspector set forth in this subdivision shall not be exercised until the governing board shall have by ordinance ordered the Housing Inspector to proceed to effectuate the purpose of this Article with respect to the particular property or properties that the Housing Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance.
  - (4) This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

(D) DEMOLITION.

- (1) If the owner fails to comply with an order of the Housing Inspector to vacate and remove or demolish the dwelling, the Housing Inspector may cause such dwelling to be vacated and removed or demolished.
- (2) The duties of the Housing Inspector set forth in this subdivision shall not be exercised until the governing Board shall have by ordinance ordered the Housing Inspector to proceed to effectuate the purpose of this Article with respect to the particular property or properties that the Housing Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with Article 12 of Chapter 160D of the North Carolina General Statutes and the Minimum Standard Housing Code of the Town of Dallas; 30 days is the minimum hereby established as such a reasonable opportunity and time
- (3) This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

(E) ABANDONMENT OF INTENT TO REPAIR.

- (1) If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subdivision (C) of this section or after the Housing Inspector issues an order or proceedings

have commenced under Article 12 of Chapter 160D of the North Carolina General Statutes or the Minimum Standard Housing Code of the Town of Dallas, regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the governing Board may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the Town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in the Town, then in such circumstances, the governing Board may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days.
  - b) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.
- (2) This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Housing Inspector shall effectuate the purpose of the ordinance.

(F) CIVIL PENALTY

- (1) All violations of this section that are not remedied by the deadline given through an order of repair, alteration or improvement, or vacancy, closing or removal or demolition shall subject the offender to a civil penalty to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 30 days following the given deadline in addition those remedies provided for in § 150.43.

- (2) Each day that the occupancy of the same after the time prescribed in the order of its repair, alteration and improvement, or its vacancy, closing and removal or demolition continues after the prescribed time shall constitute a separate and distinct offense as outlined in § 150.43.
  - (3) Each day that the occupancy of the same after the time prescribed in the order of its repair, alteration and improvement, or its vacancy, closing and removal or demolition continues after the prescribed time shall constitute a separate and distinct offense as outlined in § 150.43.
  - (4) Each day's continuing violation shall be a separate and distinct offense, and subject to penalties as outlined in § 150.43.
- (G) VIOLATIONS. Violations of this chapter may also be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in § 150.43. Violations of the provisions of this Chapter shall not be considered a misdemeanor, per G.S. § 14.4.

(H) LIENS.

- (1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Housing Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
- (2) If the real property upon which the cost was incurred is located in the Town, then the amount of the cost is also a lien on any other real property of the owner located within the Town limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.
- (3) If the dwelling is removed or demolished by the Housing Inspector, the Town shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Housing inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

- (4) Nothing in this section shall be construed to impair or limit in any way the power of the local government to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(I) CIVIL ACTION.

- (1) If any occupant fails to comply with an order to vacate a dwelling, the Housing Inspector may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. If the summons appears to have been duly served and if at the hearing the Housing Inspector produces a certified copy of an ordinance adopted by the governing Board pursuant to subdivision (4) of this section authorizing the Housing Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of such judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing Board has ordered the Housing Inspector to proceed to exercise his duties under subdivisions (C) and (D) of this section to vacate and close and/or remove and demolish the dwelling.
- (2) Additional notices to affordable housing organizations. Whenever a determination is made pursuant to subdivision (2) of this section that a dwelling must be vacated and closed, or removed or demolished, any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the Housing Inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Housing Inspector or clerk shall



certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Housing Inspector to wait 45 days before causing removal or demolition.

(j) APPEALS FROM ORDERS OF HOUSING INSPECTOR AND DECISIONS FROM HOUSING APPEALS BOARD.

- (1) A Housing Appeals Board as provided by G.S. § 160D-305 is hereby designated and shall be comprised of the Town of Dallas Board of Adjustment (hereafter called the Board).
- (2) An appeal from any decision or order of the Housing Inspector is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, Board, or commission of the local government.
- (3) Any appeal from the Housing Inspector shall be taken within 10 days from the entering of the decision or service of the order by filing with the Housing Inspector and with the Board a notice of appeal that shall specify the grounds upon which the appeal is based.
- (4) Upon the filing of any notice of appeal, the Housing Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made.
- (5) When an appeal is from a decision of the Housing Inspector refusing to allow the person aggrieved thereby to do any act, the decision remains in force until modified or reversed.
- (6) When any appeal is from a decision of the Housing Inspector requiring the person aggrieved to do any act, the appeal has the effect of suspending the requirement until the hearing by the Board, unless the Housing Inspector certifies to the Board, after the notice of appeal is filed with the Housing Inspector, that because of facts stated in the certificate, (a copy of which shall be furnished to the appellant), a suspension of the requirement would cause imminent peril to life or property. In that case the requirement is not suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Housing Inspector, by the Board, or by a court of record upon petition made pursuant to subsection (m) of this section.

- (7) The Board shall fix a reasonable time for hearing appeals, shall give due notice to all parties, and shall render its decision within a reasonable time.
- (8) Any party may appear in person or by agent or attorney.
- (9) The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it has all the powers of the Housing Inspector,
- (10) The concurring vote of four (4) of the five (5) members of the Board is necessary to reverse or modify any decision or order of the Housing Inspector.
- (11) The Board also has power in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.
- (12) Every decision of Board is subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.
- (13) Any person aggrieved by an order issued by the Housing Inspector or a decision rendered by Board may petition the superior court for an injunction restraining the Housing Inspector from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Housing Inspector pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within 20 days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It is not necessary to file bond in any amount before obtaining a temporary injunction under this subsection.
- (14) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation Article 12 of Chapter 160D of the North Carolina General Statutes or the Minimum Standard Housing Code of the Town of Dallas adopted under authority of Article 12 of Chapter 160D of the North Carolina General Statutes or any valid order or decision of the Housing Inspector or Board made pursuant Article 12 of Chapter 160D of the North Carolina General Statutes or the Minimum Standard Housing Code of the Town of Dallas adopted under

authority of Article 12 of Chapter 160D of the North Carolina General Statutes, the Housing Inspector or Board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling.

**§ 150.44 METHODS OF SERVICE OF COMPLAINTS, NOTICES, ORDERS AND APPEALS**

- (A) Complaints and/or Orders and/or Appeals issued by Housing Inspector or the Housing Appeal Board Pursuant Article 12 of Chapter 160D of the North Carolina General Statutes and/or the Minimum Standard Housing Code of the Town of Dallas adopted under authority of Article 12 of Chapter 160D of the North Carolina General Statutes shall be served upon owners and/or parties in interest, either personally or by certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.
- (B) If the identities of any owners or parties in interest or the whereabouts of any owners or parties in interest are unknown and cannot be ascertained by the Housing Inspector in the exercise of reasonable diligence, or, if the owners or parties in interest are known but have refused to accept service by certified mail, and the Housing Inspector makes an affidavit to that effect, then the serving of the complaint or order upon the owners or persons in interest may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of Article 12 of Chapter 160D of the North Carolina General Statutes. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

**§ 150.45 CONFLICT.**

- (A) In the event any provision, standard or requirement of the Minimum Standard Housing Code of the Town of Dallas is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health safety and welfare of the residents of the Town shall prevail.

**150.46 SUPPLEMENTAL NATURE OF ARTICLE 12 OF G.S CHAPTER 160D AND THIS CODE**

- (A) Nothing in Article 12 of G.S Chapter 160D and this Code shall be construed to abrogate or impair the powers of the courts or of any department of any local government to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof. The powers conferred by Article 12 of Chapter 160D shall be supplemental to the powers conferred by any other law in carrying out the provisions of the ordinances.

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Façade Improvement Grant Program Modifications

AGENDA ITEM NO. 8A

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

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**MANAGER RECOMMENDATION:** Approve the modified Façade Improvement Grant Program, as presented.

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**BOARD ACTION TAKEN:**



## Town of Dallas

### Façade Improvement Grant Program

#### **Purpose**

The Town of Dallas has a primary goal of improving the appearance of the Central Business District promoting economic development. To aid in achieving that goal, the Façade Improvement Grant Program will encourage architecturally appropriate improvements to commercial buildings.

Improving the physical appearance of downtown buildings promotes economic growth by attracting and retaining businesses, enticing customers, and halting property value deterioration in the district. The program also helps preserve downtown's unique physical resources.

#### **Goals**

- ◆ Promote facade rehabilitation in the Central Business District
- ◆ Preserve the unique character of the downtown's historic buildings
- ◆ Encourage aesthetic compatibility for improvements to façades
- ◆ Encourage the use of quality materials, good design, and workmanship in the rehabilitation of downtown properties
- ◆ Promote an attractive environment for downtown investment

#### **Eligibility**

1. A façade is defined as an individual storefront or commercial building side which faces a public right-of-way or is otherwise visible to the general public.
2. Commercial buildings must be located within the Central Business District as defined by the Town of Dallas Zoning Map, or along Trade Street between N. Summey Street and U.S. 321.
3. The following shall be ineligible: tax delinquent property, utility delinquent property, national franchises, and retail chains.
4. Owner or tenants of buildings are eligible to apply; however, the owner must sign the application.
5. Determination of eligibility will be made by the Development Services Director.

#### **Grant Award**

1. The Grant Review Committee will consider application for grants of up to fifty (50%) percent of eligible costs.
2. Qualifying projects are eligible for a grant at a minimum of \$500 and a maximum of \$10,000 per façade, up to a maximum of \$15,000 total for a multi-façade renovation.
3. Grant payments will be made in the form of reimbursement upon completion of the project in a manner acceptable to the Town.
4. The façade improvements must remain in place for three full years from the date of completion. If not, the property owner must repay the grant amount in full.
5. Applicant site/building is limited to the maximum grant amount allowed every five (5) years from the award date, unless the property is sold. If the property is sold, the property will then be eligible after three (3) years from the grant award date.
6. The Town reserves the right to amend and/or discontinue the grant at their sole discretion.

**Requirements**

1. All rehabilitation funded through grant awards under this program must be performed in accordance with the Town standards for rehabilitation (Exhibit A); Town of Dallas Ordinances and Code Requirements, such as building codes, zoning regulations, etc.; and the following guidelines in making façade improvements under this program.
2. Approval for funds must be made prior to the beginning of the project. No awards will be given to a project begun or completed prior to application.
3. All projects must be completed within one (1) year of the date that the grant is awarded. Any extension beyond one (1) year must be requested by the owner and approved by the Town or funds may be rescinded.
4. Grants may only be used to finance exterior renovations.
5. A minimum of two (2) quotes are required for each project element.
6. Since each application will be different, and reviewed on a case-by-case basis, the applicant may be required to submit additional information. The intent of the Façade Grant Program application process is not to burden the applicant business with extensive research, but to provide the Review Committee with information to make appropriate recommendations and decisions.
7. Façade Grant Program applications will be reviewed by the Review Committee, and will depend on the availability of funds.

**Eligible Costs**

Eligible costs can include, but are not limited to the following:

- ◆ Exterior painting of previously painted surfaces and/or paint removal
- ◆ Tuckpointing of brick; repair/replacement of stone, stucco, or other masonry elements
- ◆ Removal of siding, false facades, and in-fill brick
- ◆ New, more appropriate signage
- ◆ New or replacement of awnings
- ◆ Replacement of transom glass and business signage
- ◆ If fencing is part of a larger project, it will be considered only if it has extraordinary architectural character such as a wrought iron fence with masonry piers.
- ◆ Other

**Ineligible Costs**

- ◆ General maintenance
- ◆ Construction of false fronts
- ◆ Painting of previously unpainted surfaces
- ◆ Interior rehabilitation or decoration
- ◆ Roof and chimney repairs
- ◆ Demolition of historic features
- ◆ Sandblasting
- ◆ Installation of aluminum, vinyl, or other inappropriate building materials
- ◆ Permitting fees
- ◆ Landscaping
- ◆ Common fences such as stockade, bound-on board, picket, and chain link
- ◆ Other

**How to Apply**

**Step 1: Pre-Application (to be completed by the APPLICANT)**

Meet with Development Services Department staff prior to submitting an application. Discuss the project, the process, and the time frame. This is also a time for the applicant to ask questions.

**Step 2: Application (to be completed by the APPLICANT)**

Submit the completed application to the Development Services Department:

Contacts information

Project description

Project plans, specifications, cost estimates, materials to be used, color choices, and methodology

Signed copy of Façade Grant Program Guidelines

**Step 3: Façade Grant Application Review (to be completed by the TOWN)**

Reviewed by Development Services Staff

Reviewed by Façade Grant Review Committee

Additional Information may be requested

Projects will be evaluated by the Review Committee based on Evaluation Scoring System

**Step 4: Post-Application, Pre-Work (to be completed by the APPLICANT)**

Once approved for the grant, but BEFORE any work begins, submit:

Copy of Permits (Zoning & Building)

Other documentation upon request

**Step 5: Complete the Project (to be completed by the APPLICANT)**

**Step 6: Reimbursement**

Include:

Copies of all invoices

Copies of all cancelled checks for each paid invoice

Signed waiver from each contractor (if applicable)

Other receipts

Other documentation upon request

**Disclaimer**

The Town reserves the right to disqualify the applicant from the grant if all program guidelines are not followed, or for other reasons deemed appropriate by the Town. In cases of disqualification, the applicant will forfeit all rights to reimbursement.

1. The property owner is responsible for ensuring all work is consistent with the program and the design as approved. The Town will be available for consultation and to provide clarification, if necessary.
2. The Town must approve any changes in work and note such changes on the application.
3. Town staff may conduct periodic inspections to ensure compliance with technical specifications.
4. Deviations from the approved plan may disqualify the applicant from the grant program. In cases of disqualification, the applicant will forfeit all rights to reimbursement.



### **Grant Examples**

1. A property owner applies for a façade improvement grant for new signage. The attached signage meets zoning requirements and two project quotes are provided, at \$2,500 and \$2,000. The applicant receives a matching grant of 50% of the lowest estimate, which equals \$1,000.
2. A property owner applies for a façade grant for tuckpointing to the front and side façade of a commercial building. Two project estimates are provided at \$35,000 and \$32,500. Each façade is eligible for a matching grant of \$10,000, up to a maximum of \$15,000 for the total project. Therefore, the maximum grant of \$15,000 is awarded.
3. A property owner receives a façade grant of \$3,500 to improve historical features on a front façade. The scope of work then changes, resulting in the rear façade being replaced, along with interior renovations. The grantee failed to notify the Town of the changes, which were not eligible under the façade improvement grant program, resulting in disqualification and no grant reimbursement.

### **Exhibit A**

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided, where possible.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved, if at all possible.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved, if at all possible.
6. Every effort shall be made to repair deteriorated historic features rather than replace. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence, whenever possible.
7. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## Town of Dallas Façade Grant Program Application

Applicants(s) Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Business Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Property Owner(s) Name: \_\_\_\_\_

Does the applicant own the building    YES    NO (if no, property owner must sign below)

The understood applicant(s) affirm:

- Work done prior to grant approval is not eligible for funding;
- The project will be completed within one (1) year from date of approval;
- I/We have read and understand the conditions, processes, and guidelines of this grant program and shall abide by its provisions;
- Acquiring all required permits is the responsibility of the applicant; and
- The information submitted herein is true and accurate to the best of my/our knowledge.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Submit the application to:  
Development Services Department  
210 N Holland Street  
Dallas, NC 28034

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Rural Transformation Grants

AGENDA ITEM NO. 8B

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

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**MANAGER RECOMMENDATION:** Approve the draft , as presented, to include any projects approved for the grant application.

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**BOARD ACTION TAKEN:**

## *Rural Engagement and Investment Program*

### **I. FUND OVERVIEW**

[NC Session Law 2021-180](#) and the associated appropriation committee report allocated \$50 million of Coronavirus State Fiscal Recovery Funds (SFRF) from the American Rescue Plan Act (ARPA) of 2021 to the North Carolina Department of Commerce, Rural Economic Development Division (REDD), to administer a new Rural Transformation Grant program. Accordingly, the REDD has established the Rural Transformation Grant Fund as part of its Rural Engagement and Investment (RE&I) Program. The RTGF (\$50 million in (ARPA) funding) will provide grant resources, training, technical assistance, and education programs to local governments to help communities acquire critical resources, advance project implementation, build local capacity, and respond to critical issues relating to COVID-19 pandemic and recovery. The RTGF will help rural communities revitalize main street and downtown districts, seed and advance initiatives that build local capacity, revitalize, and strengthen neighborhoods, foster small business recovery/sustainability, and support economic growth. REDD will administer RTGF in accordance with State law and the [US SFRF Treasury Guidance](#), such as the [Final Rule](#), [the FAQs](#), and [the Compliance and Reporting Guidance](#). RTGF and associated agreements will also follow compliance requirements of the [Uniform Guidance \(2 CFR 200\)](#) and [09 NCAC 03M](#).

### **II. PURPOSE OF THE FUND**

The fund will support projects under four programs:

- **Downtown Revitalization**
- **Resilient Neighborhoods**
- **Community Enhancement for Economic Growth**
- **Rural Community Capacity Building**

These programs will support projects that:

- Provide **public improvements that help retain businesses** and attract customers to business districts.
- Support **downtown economic development** initiatives that are intended to help retain and create jobs, spur private investment, support small businesses, and leverage main street and downtown districts as economic engines.
- Facilitate **business building improvements** by allowing businesses to rehabilitate or restore buildings to support business growth and sustainability, and lead to the creation of full-time jobs.

- Create **resilient neighborhoods** through community development, neighborhood revitalization, community resiliency, economic investments, and quality of life improvements.
- Increase the **local government capacity** of rural and distressed communities through training, technical assistance, and educational programs that help units of government increase administrative efficiencies, enhance public service delivery, support COVID-19 pandemic recovery efforts, and create sustainability.
- Support **community enhancements for economic growth** through the acquisition of land and buildings, the preparation/development of neighborhood properties and business sites, and the removal of non-historic structural and physical barriers for the purpose of enhancing community growth and economic development opportunities.

### III. ELIGIBLE APPLICANTS

Units of local government located within Tier 1 and Tier 2 Counties, and Rural Census Tracts in Tier 3 Counties, are eligible for this program. For the purposes of this program, units of local government are defined as municipal or county governments within the state of North Carolina. REDD shall prioritize disbursing grants to units of local government serving populations that are negatively impacted by the COVID-19 pandemic at a disproportionate level when compared to the rest of the State, or located in a Qualified Census Tract as defined by the United States Department of Housing and Urban Development.

REDD may also give special consideration to applicants requesting funding for projects located in designated Main Street and Small-Town Main Street communities in Tier 1 Counties, Tier 2 Counties, or Rural Census Tracts in Tier 3 Counties.

### IV. ELIGIBLE ACTIVITIES

Projects funded by the RTGF may include the following types of activities:

Rural Transformation Grant Fund Eligible Activity – Downtown Revitalization Program	Description
Public Improvements	Improvements to publicly owned buildings for community wide use, lots, alleys, and streetscapes, parking facilities, restrooms, waterfront developments, and parks to address disproportionate public or private negative economic impacts from the pandemic in a downtown qualified census tract.

Mixed-Use Downtown Development	Improvements to publicly owned property for community wide use that will leverage the rehabilitation of privately owned existing buildings or new construction infill development to address disproportionate negative economic impacts from the pandemic, in areas zoned and developed for a mix of uses. The mix of uses may include two or more of the following: retail, restaurant, service, professional, nonprofit, governmental, institutional, or residential. Such public improvements may be made to any of the following: buildings, facades, lots, alleys, and streetscapes, parking, infrastructure, etc. in a downtown qualified census tract.
Small Business Improvements	Public Improvements and planning studies to address disproportionate private negative economic impacts from the pandemic, that will leverage the rehabilitation of privately owned downtown commercial and mill buildings that may house small businesses, including exterior and interior improvements, for the purpose of business retention, expansion or recruitment activities that retain or create jobs. Public improvements may be made to any of the following: buildings, facades, lots, alleys, and streetscapes, parking, infrastructure, historic preservation studies, ordinances, etc. in a downtown qualified census tract.
Training & Technical Assistance	Community, county or regional training and technical assistance, organized and sponsored by a local government, to address disproportionate private negative economic impacts from the pandemic and leverage asset based downtown economic development in a downtown qualified census tract. Such training and technical assistance may include small scale manufacturing cohort development, downtown revitalization, historic preservation, workforce or affordable housing, tourism-based destination development, etc., and may be conducted by private consultants.
Planning	The development of plans for the public sector to address disproportionate private negative economic impacts from the pandemic in a downtown qualified census tract, by furthering the development of historic preservation initiatives, public improvements, technology, and/or infrastructure in a qualified census tract. Such plans, which may be prepared by private consultants, are

	intended to help a community leverage other funding opportunities and resources.
Industry Improvements	The implementation of publicly owned improvements that will aid impacted industries in the travel, tourism and hospitality sector, or businesses that experienced at least 8% employment loss, to address disproportionate negative economic impacts from the pandemic. Such public improvements may include any of the following: buildings, facades, lots, alleys, and streetscapes, parking, infrastructure, etc., in a downtown qualified census tract.

Rural Transformation Grant Fund Eligible Activity - Resilient Neighborhoods Program	Description
Affordable Permanent Housing	Local government activities that support the development of new affordable housing and improvements to existing affordable housing, including permanent supportive housing. Housing may be single-family or multifamily. All activities must provide or improve housing for low-income households and communities.
Neighborhood Improvements and Facilities	Activities that will improve the health and safety of the neighborhood including a facility defined as a place open to the public that provides services that are traditionally provided by the government or owned and operated by a nonprofit. This category includes temporary residences for people experiencing homelessness.
Small Business Assistance	Assistance for-profit businesses with 100 or fewer employees that have been disproportionately impacted by COVID-19. Businesses must commit to creating LMI jobs or be owned by LMI person(s) if a microenterprise business with 5 or fewer persons.
Nutritional and Healthy Initiatives	Creation of healthy living initiatives, development of health and nutrition educational programming; and elimination of food deserts.
Mixed-use Development	The rehabilitation of an existing building to allow mixed use of residential and commercial spaces. The focus is on small scale developments defined as 30 residential units or less; however, larger developments will be reviewed for consideration.

Rural Transformation Grant Fund Eligible Activity - Community Enhancement for Economic Growth Program	Description
Property Acquisition	Costs associated with acquiring and securing legal title of vacant or abandoned properties and other costs by the public sector, to position the property for current or future productive use.
Secure Abandoned Properties	Rehabilitation, renovation, maintenance, or costs to make secure vacant or abandoned properties by the public sector, to reduce their negative impact.
Environmental Remediation	Removal and remediation of environmental contaminants or hazards from vacant or abandoned properties by the public sector, when conducted in compliance with applicable environmental laws or regulations
Demolition Paired with Neighborhood Revitalization	Demolition or deconstruction of non-historic vacant or abandoned buildings (including residential, commercial, or industrial buildings) by the public sector, paired with greening or other lot improvements as part of a strategy for neighborhood revitalization.
Lot Cleanup and Greening	Greening or cleanup of vacant lots, as well as other efforts to make vacant lots safer for the surrounding community.

Rural Transformation Grant Fund Eligible Activity - Rural Community Capacity Building Program	Description
Best Practices Research Activities	Communities learn from other communities that are similarly sized and/or situated who have been engaged in growing their local economies through a variety of public/private partnerships and initiatives (e.g., greenway development, outdoor recreation facilities, place-based economic development programs, etc.)
Branding and Marketing	Use of a consultant to produce community branding to include a brand logo or image, a marketing plan for the commercial district or downtown, and social media with the purpose of attracting visitors and tourists to communities.
Schematic/Conceptual Renderings	Development of visual renderings of proposed projects to advance investment and funding opportunities. For example, to capture ideas offered by participants in a community planning session or charette.



Training & Technical Assistance	The development of community, county or regional training and technical assistance for communities to leverage asset based economic development. Training should convey the concept that a diversified local economy helps communities become more resilient. It should also emphasize the vital roles that local governments (and associated organizations) play in supporting existing business communities and the growth of new businesses/entrepreneurs.
Strategic Planning and Implementation of Local Projects	The development of plans for local units of government that will further the development public improvements, technology, and infrastructure that promote economic development. Plans are intended to leverage a community's ability to apply for funding opportunities.  Locally identified projects that advance strategic goals and priorities are also eligible for funding.

#### V. ELIGIBLE PROJECT AREAS

Projects located within Tier 1 and Tier 2 Counties, and Rural Census Tracts in Tier 3 Counties, are eligible for funding. Funding prioritization will be given to proposals which demonstrate that activities will benefit communities negatively impacted by the COVID-19 pandemic at a disproportionate level when compared to the rest of the State (as defined in Section III. Eligible Applicants) or located in a qualified census tract, as defined by the United States Department of Housing and Urban Development. Applicants must describe how a specific community has been more disproportionately impacted by the COVID-19 pandemic as compared to the rest of the State.

#### VI. FUNDING AMOUNTS

The maximum grant amount is **\$950,000 per grantee**, with some restrictions for specific activities. There is no minimum grant amount. Applicants should consider feasibility as it relates to the overall cost of any project. Grant administration costs are limited to five percent (5%) of the awarded grant total. Applicants that receive funding approval for project(s) may charge the cost of application preparation to a current RTGF program if procurement procedures consistent with Uniform Guidance (2 CFR 200) and 09 NCAC 03M are followed. No more than \$3,500 may be charged to the RTGF for the preparation of the application if a grant is awarded. This cost would be included in the maximum of five percent (5%) allowed for administration. No other costs incurred prior to grant awards are eligible for reimbursement.



Resolution by the Board of Aldermen of the Town of Dallas Application for North Carolina Department of  
Commerce Rural Transformation Grant Fund Rural Engagement & Investment Program  
(Insert Project Name)

---

**WHEREAS**, the Town of Dallas has indicated its desire to assist in development efforts within Dallas; and

**WHEREAS**, the Board fully supports the proposed project, (Insert Project Name), which will result in the (Insert appropriate program activities) at (Insert location); and

**WHEREAS**, the Board wishes to pursue a formal application for (Insert Program Category) in the amount of (Insert amount requested) from the North Carolina Department of Commerce, Rural Transformational Grant Fund, Rural Engagement & Investment Program;

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

That the Town of Dallas is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program in order to provide assistance to benefit (Insert Project Name);

That this Resolution shall take effect immediately upon its adoption.

Adopted this the 11<sup>th</sup> of October, 2022 at Dallas, North Carolina.

Attested by:

\_\_\_\_\_  
Rick Coleman, Mayor

\_\_\_\_\_  
Sarah Hamrick, Town Clerk



Resolution by the Board of Aldermen of the Town of Dallas Application for North Carolina Department of  
Commerce Rural Transformation Grant Fund Rural Engagement & Investment Program  
(Insert Project Name)

---

CERTIFICATION

The undersigned duly qualified and acting Town Clerk of the Town of Dallas does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Aldermen duly held on the 11<sup>th</sup> day of October, 2022; and further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 11<sup>th</sup> day of October, 2022.

\_\_\_\_\_  
Sarah Hamrick, Town Clerk

(SEAL)

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Contract Approval - Purchase from Sunshine Solomon Solutions

AGENDA ITEM NO. 8C

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

---

MANAGER RECOMMENDATION: Approve the purchase contract with Sunshine Solomon Solutions in the amount of \$122,000 for the purchase of transformers, as presented.

---

BOARD ACTION TAKEN:

# **Progressive Engineering Consultants, Inc.**

P.O. Box 690638, Charlotte, NC 28227-7011

Telephone : (704) 545-7327

Fax : (704) 545-2315

progress@pecinc.net

September 22, 2022

Town of Dallas  
700 Ferguson Street  
Dallas, NC 28034-1625  
Attn: Mr. Doug Huffman

**Subject: Award Recommendation  
50 kVA Single-Phase Padmounted Transformers**

Gentlemen:

Sealed proposals were received, publicly opened and read on September 20, 2022, for the purchase of twenty (20) rebuilt 50 kVA Padmounted Distribution Transformers. Sunbelt Solomon Solutions submitted the only proposal received in the amount of \$122,000.00 exclusive of state and local taxes. This proposal meets the specifications and therefore it is our recommendation that the Town accept this proposal as submitted.

Please notify us of your decision in order that we may prepare the necessary contract documents for execution. If you have any questions or comments, please feel free to call.

Best regards,

**PROGRESSIVE ENGINEERING CONSULTANTS, INC.**

  
Robert F. Thomas, Jr.

Attachment

**Town of Dallas  
Dallas, North Carolina**

**50 kVA Padmounted Distribution Transformers (Rebuild)**

Bid Date: Tuesday, September 20, 2022

Bidder	Sumbelt Solomon Solutions	
Bid Bond	NR	
	Section 1	Qty
50 kVA Padmounted Distribution Transformers (Rebuild)	20	122,000.00
	Total Bid	\$122,000.00
Manufacturer	Sumbelt Solomon Solutions	
Delivery	45-55 Weeks ARD	
Terms	Net 30	
Exceptions	See Proposal	

**MEMORANDUM**

**Date:** September 22, 2022

**To:** Maria Stroupe, Town Manager

**Thru:** James D. Huffman, Electrical Director

**From:** Jonathan Newton, Finance Director

**Subject:** Motion to award a contract to Sunbelt Solomon Solutions for (20) 50 kVa single phase padmounted (rebuilt) transformers. The bid meeting was held on Tuesday, September 20, 2022.

Attached is the recommendation letter and tabulation sheet from Progressive Engineering Consultants, Inc.

**Recommendations:** We recommend that the Town Board award the contract to low bidder, Sunbelt Solomon Solutions in the amount of \$122,000.00

  
James Douglas Huffman  
J. Doug Huffman, Electric Director

  
Jonathan Newton  
Jonathan Newton, Finance Director

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: ARPA Funds Grant Project Ordinance Amendment

AGENDA ITEM NO. 8D

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

---

**MANAGER RECOMMENDATION:** Approve the Amended ARPA Grant Project Ordinance, as presented.

---

**BOARD ACTION TAKEN:**





**Grant Project Ordinance for the Town of Dallas American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds**

**BE IT ORDAINED** by the Board of Aldermen of the Town of Dallas, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1:** This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLFRF). The Town of Dallas (Town) has received the first tranche in the amount of \$764,395.852. The total allocation is \$1,528,791.64, with the remainder to be distributed to the Town within 12 months of the first tranche. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**Section 2:** The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and pends all its SLFRF funds for the provision of government services.

**Section 3:** The following amounts are appropriated for the project and authorized for expenditure:

<b>Internal Project Code</b>	<b>Product Description</b>	<b>Expenditure Category</b>	<b>Cost Object</b>	<b>Appropriation of CSLFRF Funds</b>
WS-01	Water/Sewer Maintenance Services for period of July 1, 2022 through June 30, 2023	6.1	Salaries	\$373,800
WS-02	Waste Water Treatment Services for period of July 1, 2022 through June 30, 2023	6.1	Salaries	\$112,200
WS-03	Water Treatment Services for period of July 1, 2022 through June 30, 2023	6.1	Salaries	\$100,000
	Unassigned			\$942,791.64
	<b>TOTAL</b>			\$1,528,791.64



**Section 4:** The following revenues are anticipated to be available to complete the project:

<b>ARP/CSLFRF Funds:</b>	\$942,791.64
Transfer to Enterprise Fund (Water)	\$586,000.00
<b>Total:</b>	\$1,528,791.64

**Section 5:** The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and Town’s Uniform Guidance Allowable Costs and Principles Policy.

**Section 6:** The Finance Officer is hereby directed to report the financial status of the project to the Board of Aldermen on a quarterly basis.

**Section 7:** Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer, and to the Town Clerk.

**Section 8:** This grant ordinance expires on December 31, 2026, or when all of the ARP/CSLFRF funds have been obligated and expended by the Town, whichever comes first.

Motion by \_\_\_\_\_ to adopt the Grant Project Ordinance for ARP/CSLFRF funds, seconded by \_\_\_\_\_, and carried by the following vote:

Ayes:

Nays:

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Rick Coleman

Attested: \_\_\_\_\_  
Sarah Hamrick, Town Clerk

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Special Event Request – Gaston County Museum-Dia de Muertos 2

AGENDA ITEM NO. 8E

MEETING DATE: 10/11/2022

### BACKGROUND INFORMATION:

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.

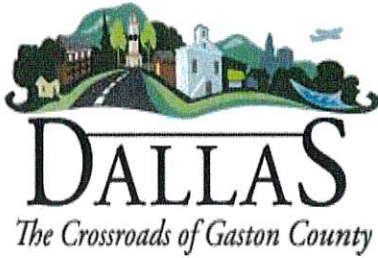
The Museum is requesting that the 100 block of W. Main St. be closed from 8:00 am until 8:00 pm. They are not requesting any trash cans or electrical hookups.

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**MANAGER RECOMMENDATION:** Approve the Special Events Application by the Gaston County Museum for Dia de Muertos 2, as presented.

---

**BOARD ACTION TAKEN:**



## Special Events/ Activities Application

Town of Dallas  
 210 North Holland Street  
 Dallas, NC 28034-1625  
 (704) 922-3176  
 Fax: (704) 922-4701

The purpose of this application is to provide information about your event or activity in order for the Town of Dallas to best assist you. Depending on the specific event, a permit application and/or fee(s) from other departments may be required. The applicant is responsible for providing complete and accurate information on the application, The applicant is responsible for notifying the Town of Dallas of any changes. **A complete application must be submitted by no later than 5:00 p.m. on the Tuesday preceeding the date of the Board meeting at which the event is to be approved, for an event which is to occur no sooner than 14 days following its date of approval.**

### APPLICATION INFORMATION

<b>Name of Event:</b>	<input type="text" value="Dia de Muertos 2"/>		
<b>Facility Requested:</b>	<input type="text" value="Court Square and Main Street in front of the Museum"/>		
<b>Applicant Name:</b>	<input type="text" value="Alexander Brooks"/>		
<b>Organization:</b>	<input type="text" value="Gaston County Museum of Art and History"/>		
<b>Mailing Address:</b>	<input type="text" value="131 West Main Street"/>		
<b>City / State / Zip:</b>	<input type="text" value="Dallas, NC 28034"/>		
<b>Daytime Phone:</b>	<input type="text" value="704.922.7681"/>	<b>Cell:</b>	<input type="text" value="980.257.6832"/>
		<b>E-Mail:</b>	<input type="text" value="Alexander.Brooks@gastonnc.gov.com"/>
<b>Description of the Event:</b>	<input type="text" value="Festival celebrating the Day of the Dead holiday with dancers, art, activities, music and food"/>		
	<input type="text"/>		
<b>Does the event have a Facebook, Twitter, or other social networking page:</b>	<input type="text" value="yes"/>		
<b>If yes, please list URL(s):</b>	<input type="text"/>		
<b>Date (s) Requested for Event:</b>	<input type="text" value="Nov 5, 2022"/>		
<b>Event Start Time:</b>	<input type="text" value="10:00am"/>	<b>Event End Time:</b>	<input type="text" value="6:00 pm"/>
<b>Road Closure Time Begins (if applicable):</b>	<input type="text" value="8:00 am"/>	<b>Road Closure Time Ends:</b>	<input type="text" value="8:00 pm"/>
<b>Set Up Begins:</b>	<input type="text" value="9:00 am"/>	<b>Set Up Ends:</b>	<input type="text" value="10:00am"/>
<b>Preferred Date &amp; Time of Inspection (if required):</b>	<input type="text" value="day of"/>		
<b>Estimated Attendance:</b>	<input type="text" value="200+"/>		
<b>The Event is:</b>	<input type="checkbox"/>	<b>Private (by invitation only)</b>	or <input checked="" type="checkbox"/> <b>Open to General Public</b>
<b>Describe the procedures to be used for selecting vendors and exhibitors for this event:</b>			
<input type="text" value="Artists and performers will be directly booked by the museum. Vendors will apply for permission via the museum website."/>			
<input type="text"/>			

**Applicant's Signature:** Alexander S. Brooks      **Date:** 27 Sept 2022

A pre-event meeting may be required and will be scheduled to include appropriate staff. The event applicant must attend the meeting.

## TENTS / CANOPIES / MEMBRANE STRUCTURES

Will tents/canopies/membrane structures be used for events? (proceed to next section.)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No (if no proceed to next section.)
# of Canopies		(fabric structure that is open without sidewalls on 75% or more of perimeter)
# of Tents		(fabric structure that is enclosed with sidewalls on more than 25% of perimeter)
# of Membrane structures		(air supported or air inflated structure)
Other type of structure (provide description) <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>		

\*Notes\*

## VOICE / MUSIC AMPLIFICATION

Are there any musical entertainment features related to your event? (proceed to next section.)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No (if no proceed to next section.)
If yes, state the number of stages, number of bands and type of music:		
Number of stages:	1	Number of Bands: <span style="border: 1px solid black; width: 50px; text-align: center;">2</span>
Type(s) of music:	There will be one DJ providing music throughout the event and one band performing that afternoon	
Will your event use amplified sound:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please indicate times:	Start Time: <span style="border: 1px solid black; width: 60px; text-align: center;">10:00am</span>	Finish Time: <span style="border: 1px solid black; width: 60px; text-align: center;">6:00 pm</span>
Will sound checks be conducted prior to the event?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please indicate times:	Start Time: <span style="border: 1px solid black; width: 60px; text-align: center;">9 am</span>	Finish Time: <span style="border: 1px solid black; width: 60px; text-align: center;">10 am</span>

\* Must comply with Town of Dallas general entertainment ordinance.

## HAZARDOUS MATERIALS

Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.		
Will there be any portable heaters?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will there be any deep fat fryers?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will there be any fireworks, lasers, torches, candles or pyrotechnics?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will generators or electrical power be used?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, provide electrical load data and location of connection. In the case of extraordinary use or hookups, fees may apply.		

## RIDES / ATTRACTIONS

Does the event include mechanical rides, or other similar attractions?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, company name?		
Company address:		
List details, if any:		
Applicants contracting with amusement ride companies are required to provide the Town of Dallas with a certificate of insurance, naming applicant and the Town of Dallas (if applicable) as additional insured on general liability.		
<b>ALL rides must be inspected and approved by The Department of Labor.</b>		

## VENDORS

A vendor is anyone who is serving, selling, sampling, or displaying food, beverages, merchandise or services

Does the event include food vendors? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If the event will have food vendors, please check the following that apply: <input type="checkbox"/> Served <input checked="" type="checkbox"/> Sold <input type="checkbox"/> Catered <input type="checkbox"/> Prepared Outdoors		
Does the event include food concession and/or cooking areas? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other) <i>(Use additional sheet if necessary)</i>		
<b>Vendor</b>	<b>Cooking Method</b>	<b>Food Item</b>
Torres Taqueria	Electric	Mexican Food
Las Pinas	No cooking	juice and fruit snacks

Food and beverages shall not be sold at an event unless approved and licensed, if necessary by the Gaston County Health Department. Event organizers are responsible for arranging health inspections for their event.

List all other commercial vendors who will be present during the event (serving, selling, sampling, or displaying).

VENDOR NAME	ADDRESS	PHONE NUMBER (S)
Unknown at this time, but can provide a list closer to event if needed		

## EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed.

*(Use additional sheet of paper if necessary)*

DATE	TIME	ACTION	ADDITIONAL NOTES
	10 am	Blessing of the ofrenda / General shopping, arts and crafts	
	11 am	Traditional Dancers	
	12 am	Performance - not yet confirmed	
	1 pm	Traditional Dancers	
	2-4 pm	/ General shopping, arts and crafts	
	5 pm	band performance	

## SERVICES

The Town of Dallas does not provide amenities such as portable washrooms/toilets, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as event clean up, traffic control, etc.

### TRASH CONTAINERS

In order to determine what types of containers best suit the needs of the event, please answer the following questions:

Will the event be serving/selling/distributing beverages?  Yes  No

If yes, in what containers will they come packaged in?

aluminum cans  glass bottles/jars  plastic bottles/jugs/jars

How many trash cans are you requesting for trash?

How many recycle carts are you requesting?

Delivery Location?

Date and Time for rollout carts to be emptied?

Date and Time for rollout carts to be picked up?

Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Clean-up fees may be incurred because of an applicant's failure to clean and/or restore the site following the event. If you reasonably believe that no litter will be generated during your event, please state this in your plan.

### PUBLIC PROPERTY CLEAN-UP

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event?

*Museum will provide trash containers and will handle all clean up from event.*

### SAFETY AND SECURITY (CHECK ALL TYPES OF SECURITY USED)

Stage Security  Event Area Security  Road Closure Security

Other

Overnight Security From  :  To  :

Dates & Times security will be on site:

Security provided by:  Number of Security Personnel:

*Applicant may be required to hire sworn off-duty Town of Dallas police officers or Sheriff's Department personnel to provide security to insure public safety. The Town of Dallas will determine the number of security personnel required on site.*

## SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets and the surrounding area. The plan should include the following information:

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, etc.
- Identify location of all cooking devices and open flames; generators and fuel storage.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.

## ROUTE AND TRAFFIC PLAN

<input type="checkbox"/> <b>PARADE</b> (Includes floats, vehicles, and persons)	<input type="checkbox"/> <b>BICYCLES</b>
<input type="checkbox"/> <b>MARCH OR WALK</b> (persons only)	<input type="checkbox"/> <b>FOOT RACE</b>
<input type="checkbox"/> <b>VEHICLES ONLY</b> (Includes motorcycles)	
<input type="checkbox"/> <b>OTHER</b> (Description: <input style="width: 80%;" type="text"/>	
Number of Persons: <input style="width: 50px;" type="text"/>	% Children: <input style="width: 50px;" type="text"/>
Number of Vehicles: <input style="width: 50px;" type="text"/>	Vehicle Types: <input style="width: 150px;" type="text"/>
Number of Animals: <input style="width: 50px;" type="text"/>	Kinds: <input style="width: 150px;" type="text"/>
<b>DESCRIBE BELOW THE EVENT ROUTE. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT.</b> (Example: The "GENERIC AWARENESS RUN" may include a 5k, a 10k, and a Fun Run).	
<div style="background-color: #cccccc; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 20px; margin-bottom: 5px;"></div>	

## ROAD CLOSURES

If your event involves road closures, a parade, a foot or bike race, any type of procession, or more than one location, attach a Route and Traffic Plan. Include the required information (listed below) and any additional information you believe applies to your event. When planning a moving route, the Dallas Police Dept. is available to assist you.

- NC and US roadways will also require approval from the NCDOT.
- The proposed route to be traveled including the requested starting and termination point. Please also clarify the directions of movement of your event.
- Routing plans for traffic. Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.
- Whether the event will occupy all or a portion of the street(s) requested for use.
- Proposed locations for barricades, signs and police/volunteers.
- The provision of twenty foot (20') minimum emergency access lanes throughout the event site.
- White temporary water base paint can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes Home, Home Depot, etc.).

**Please Note:** All road closure requests will be strictly reviewed by the Town of Dallas. Approval, denial, or modification of all road closure requests are at the sole discretion of the Town of Dallas. The Town has final discretion over your Route and Traffic Plan including, but not limited to the route, placement and number of all barricades, signs, and police/volunteer locations.

**DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PERMIT FROM THE TOWN OF DALLAS. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.**

Applicant's Signature: Alexander S. Brooks Date: 27 Sept 2022

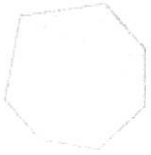




# Dia de Muertos

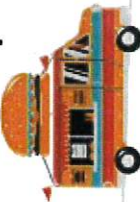


at the Gaston County Museum!



150

**Torres Taqueria!**



**Dance Performance!**



W Main St



Main St



**Arts and Crafts**

Gaston County Museum

**Music**



W Main St

W Main St

S Gaston St

S Gaston St

131

115

105

**Outdoor activities!**



**Altar**

S Holland St

S Holland St

N Holland St

N Holland St