

## MINUTES FOR BOARD OF ALDERMEN MEETING

July 14, 2015

6:00 PM

The following elected officials were present: Mayor Coleman, Alderman Cearley, Alderman Huggins, Alderwoman Morrow, Alderwoman Malker-Thomas, and Alderman Withers.

The following staff members were present: Jim Palenick, Interim Town Manager; Maria Stroupe, Administrative Services Director; Gary Buckner, Police Chief; Doug Huffman, Electric Director; Bill Trudnak, Public Works Director; Steve Lambert, Fire Chief; Jack Kiser, Development Services Director; and Anne Martin, Recreation Director. Town Attorney, Tom Hunn, was absent.

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

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

Mayor Coleman asked if there were any additions or deletions to the agenda. Ms. Malker-Thomas asked to add Item 8C as a discussion concerning a rededication of Jagers Park. Mr. Withers made a motion to set the agenda, including the addition; seconded by Ms. Malker-Thomas; and carried unanimously.

Mr. Huggins made motion to approve the minutes from the June 9<sup>th</sup> Regular Meeting, the June 23<sup>rd</sup> Called Meeting, the June 23<sup>rd</sup> Work Session, and the June 29<sup>th</sup> Work Session; seconded by Ms. Morrow, and carried unanimously.

### **Consent Agenda:**

None

### **Recognition of Citizens:**

Mr. Fred Green and Ms. Nina Green, 304 Pinkney Road, Dallas, spoke in opposition to the annexation of the Ole Dallas Brewery. They are concerned about patrons driving under the influence from the establishment and for the noise possibly generated. They see no benefit to the surrounding citizens and have a petition circulating among the area residents.

Ms. Mary Boyce, 518 E. Peachtree St., Dallas, spoke concerning illegal fireworks that were set off in her neighborhood. Each year someone sets off fireworks between July 3<sup>rd</sup> and 5<sup>th</sup>. They shoot them off onto houses, cars, yards, etc. They leave debris six feet into yards and in the road. The fireworks make a lot of noise and are dangerous. Since they are illegal, she believes they should be stopped.

Mr. David Drysdale, 504 W. Trade St., spoke in favor of the annexation of the Ole Dallas Brewery. Dallas has a history of manufacturing and this is a manufacturer. This is a new industry to the country and to our area. Local brewers keep dollars local. Encouraging small businesses will help the area to grow.

Mr. Beau Norwood, 113 Kingstree Dr., Dallas, wanted to clarify that the brewery was announced publicly in the Gaston Gazette as a rezoning in June 2014, which was approved.

Mr. Fred Green spoke again and said he was not opposed to the brewery, but to the alcohol sales and music festivals planned. He realizes that the brewery is already up and running.

### **Employee Recognition:**

None

### **Special Events & Requests for In-Kind Services:**

Item 8A was request for approval for the 2015 Annual Labor Day Weekend Celebration. This year's Annual Labor Day Weekend Celebration will be held on Saturday, September 5<sup>th</sup> and will again feature a concert with The Fantastic Shakers. The event would include the following street closures: W. Main St. from Gaston St. to Oakland St and Holland St. from Trade St. to Church St. Also included is a request for approval to operator a beer tent as a fundraiser for the Dallas Historic Courthouse Foundation. If the beer tent is approved, Staff will organize volunteers to plan, maintain, and operate the beer tent in a similar fashion to last year. This activity generated net proceeds of approximately \$1300 in 2013 for the Foundation and \$1000 in 2014. Mr. Cearley made a motion to approve the 2015 Annual Labor Day Weekend Celebration as presented, including street closures and alcohol sales; seconded by Ms. Walker-Thomas; and carried unanimously.

Item 8B was a request for approval of "Friends of Debbie" Cancer Fundraiser on August 8<sup>th</sup>. Ms. Susan Cloninger, representing a group called "Friends of Debbie" has submitted a request to hold a breast cancer fundraiser to provide financial support to current cancer-sufferer "Debbie" on Saturday, August 8<sup>th</sup> from 4:00 pm to 10:00 pm. The event will consist of barbeque food sales, a corn hole tournament, and live music. They are requesting to close the portion of E. Main Street from the Country Kitchen parking lot edge to Gaston Street, essentially the area in front of the Dallas Pub. Mr. Huggins made a motion to approve the "Friends of Debbie" Fundraiser as presented, seconded by Ms. Morrow, and carried unanimously.

Item 8C was the added item from Ms. Walker Thomas concerning a rededication of Jagers Park. She proposed organizing an event to be held on Saturday, August 15<sup>th</sup> beginning at 10:00 am, to include hot dogs and drinks and activities for children. The details were yet to be determined. Ms. Walker-Thomas made a motion to approve a rededication event at Jagers Park as presented, seconded by Mr. Withers, and carried unanimously.

### **Public Hearings:**

Item 9A was a request to open and close the continued public hearing on the Special Use Permit Application to site a cell tower near E. Church St. and S. College St., and to accept the applicant's withdrawal. Mr. Cearley made a motion to enter into a public hearing, seconded by Ms. Walker Thomas, and carried unanimously. The public hearing for this matter was last continued from the June 9, 2015 regular Board of Aldermen meeting. On June 15, 2015 the town received a request from the applicant for withdrawal of their application (Exhibit A) On June 18, 2015, the Planning Board re-opened their continued public hearing, accepted the request to withdraw, and then closed the public hearing. Mr. Withers voted to exit the Public Hearing, seconded by Mr. Cearley, and carried unanimously. Mr. Huggins made a motion to accept the applicant's request for withdrawal, seconded by Ms. Morrow, and carried unanimously.

Item 9B was a public hearing on the request to rezone a 1.95 Acre property at 508 W. Trade St. from R-12 Single-Family Residential, to B3-P Central Business-Perimeter; Earl H. Withers, Jr. et. al., Applicants. Ms. Walker-Thomas made a motion to enter into a public hearing, seconded by Ms. Morrow, and carried unanimously. Mr. Withers asked to be excused from the vote, as this property belongs to his family. The Board accepted his request. The Planning Board reviewed and unanimously recommended approval of the rezoning as submitted. (Exhibit B) Mr. David Callahan, 506 W. Wilkins St., lives directly behind the property. He is concerned about a decrease in property values, as no one has said what type of business is going to be put on the property. Mr. Kiser stated that at this time that is not known, but the Town must allow any uses allowed by the zoning applied to the property. He also reminded the Board that any decision made must be based on the zoning alone, not on any stated or speculated use. Mr. Cearley made a motion to exit the Public Hearing, seconded by Ms. Walker-Thomas, and carried unanimously. Mr. Huggins made a motion to rezone the property as outlined, including the Statement of Consistency and Reasonableness as included in the Staff Report; seconded by Ms. Morrow, and carried unanimously.

Mr. Withers rejoined the meeting.

### **Old Business:**

Item 10A was a request to formally relinquish Federal CMAQ Grant authorization for sidewalk project funding assistance. In 2013, the Town applied for, and was granted, a NCDOT-Administered Federal sidewalk construction grant under the Congestion Mitigation/Air Quality (CMAQ) program in an amount equal to 80% of construction costs, but not exceeding \$190,000 in total, for a sidewalk extension to run along Dallas High Shoals Highway to a tie-in at Park Road. At the time it was estimated that the Town's total required local match funding, including engineering and design, would be \$47,000 (based on the Town's engineer's estimates). Unfortunately, a number of factors have contributed to the project being significantly delayed to the point that we were finally to the point (this summer) of preparing to work with NCDOT to bid the project. However, having budgeted \$47,000 total in the FY2015-16 Street Department budget for this project, the latest, detailed engineer's estimate suggests the construction cost for the project, depending upon whether we purchase Right-of-Way or Build a retaining wall for one section will be approximately \$295,000 to \$308,000; or \$58,000 to \$72,000 over budget, not including engineering costs. There is not means to fund this deficit besides using unreserved General Fund fund balance and Staff does not believe this project is of high enough priority to merit using the additional funds from Fund balance. As such, it is the recommendation of Staff to formally relinquish this grant authorization and use the \$47,000 in budgeted sidewalk funds to do the next series of replacement sidewalks based on a priority list. With all of the Federal requirements that must be met to achieve and qualify for this grant, this is one example where it is simply no longer worth accepting the funds. Staff believes it is not in the Town's best interest. Ms. Morrow made a motion to formally relinquish the Federal CMAQ Grant Authorization for sidewalk project funding assistance as outlined, seconded by Mr. Cearley, and carried unanimously.

Item 10B was a request to amend the current T.O.P. T.I.E.R. Program policy guidelines to increase the cap minimum on façade grants. Given that the Economic Development Fund which supports the T.O.P. T.I.E.R. Grant program is well capitalized, and the fact that the currently limit on the Façade Grant is 50% reimbursement for eligible expenses on only those expenses up to \$10,000, Staff feels that the cap could be amended to allow for recipients to receive up to an additional \$5,000 if they spend more than \$10,000 and up to \$30,000. Specifically, for that tier of eligible expenditure, recipients would then have the possibility of receiving 25% reimbursement up to a second \$5,000 maximum—meaning that those spending \$30,000 or more could receive \$10,000 in combined total Façade grants. Ms. Malaker-Thomas made a motion to amend the T.O.P. T.I.E.R. Program policy guidelines as presented and seconded by Mr. Withers. The motion was defeated by the following vote: YAYS – Aldermen Malaker-Thomas and Withers, NAYS – Aldermen Cearley, Huggins, and Morrow.

Item 10C was a determination of petition sufficiency and setting public hearing for the Cloninger-Brooks Noncontiguous Annexation request. During the June 9<sup>th</sup> Board of Aldermen meeting a noncontiguous annexation request was received from Cliff and Robin Cloninger, and Jerry and Pat Brooks for the annexation of property located at 136 Durkee Lane, Dallas. A small craft brewery operated by Chris Cloninger, Cliff Cloninger, Beau Norwood, and Kyle Britton is located on the property. In accordance with North Carolina General Statutes, the Board requested the Town Clerk to examine the petition and determine whether it met the requirements of G.S. §160A-58.2. The Clerk has determined that it does meet the requirements. (Exhibit C) Based on the Clerk's determination, the Board of Aldermen must set a Public Hearing on the annexation request. Mr. Cearley made a motion to set a public hearing for Tuesday, August 11, 2015 at 6:00 pm for discussion of the proposed annexation at 136 Durkee Lane, Dallas; seconded by Ms. Malaker-Thomas; and carried unanimously.

#### **New Business:**

Item 11A was a request to amend the Town of Dallas Fee Schedule to add a fee for voluntary annexation petitions. As discussed at the June 23<sup>rd</sup> Work Session, the costs, as well as staff effort, associated with processing petitions for voluntary annexation can be significant. Advertisements noticing the Statute-required public hearings alone can cost up to \$1,000. Presently, there is no authorization on the Fee Schedule to assess any fees for the submissions of petitions for voluntary annexations. To remedy this, Staff is proposing amending the existing Fee Schedule to require a fee for submitting a petition for voluntary annexation which would set at \$100 to cover the considerable staff time and effort for processing; as well as having the petitioner cover any "out-of-pocket" costs accrued by the Town, such as newspaper advertisements and postage as might be required. These fees would be assessed whether the annexation is ultimately

approved or not. Mr. Huggins made a motion to approve a \$100 + costs incurred fee for voluntary annexation petitions as outlined, seconded by Mr. Cearley, and carried unanimously.

Item 11B was a request to adopt a policy concerning petitions for voluntary annexations. As discussed at the June 23<sup>rd</sup> Work Session, it is appropriate to establish a clear and consistent policy, in advance, when dealing with the issue of petitions for voluntary annexation into the corporate limits of the Town of Dallas. Based on the discussions, a proposed policy has been developed for review. (Exhibit D) Ms. Malaker-Thomas made a motion to approve the policy as presented, seconded by Mr. Withers, and carried unanimously.

Item 11C was a request to authorize and approve engineering consulting services to evaluate the Water Treatment Plant operations. As has been recently reported, the Water Treatment Plant has been requiring an ever-escalating quantity of chemicals to achieve treatment standards, and in the process the budget for such chemicals has been exceeded by an unacceptable and unsustainable amount over what was anticipated. As such, it is apparent that a detailed investigation and evaluation by a highly-qualified engineering firm is appropriate in order to determine if our operational protocols are the most efficient and effective, or if there may be some changes needed wither to the operations or to the physical infrastructure of the Plant. Black & Veatch, a large national firm renowned for its expertise in the field of water treatment has come highly recommended. They have worked for many of the municipalities in Gaston and Mecklenburg Counties and have a branch office in Charlotte. They have been asked to tour our facilities and to offer a proposal to investigate, evaluate, and report as to recommendations regarding chemical use, operations protocols and efficiencies, and treatment design; and to do so with some sense of urgency because of our rapidly-escalating and budget-busting use of chemicals. They have provided 2 proposals (Exhibit E) priced at \$22,825 for the evaluation and report without bench-scale testing services; and \$34,486 with the same scope of services but to also include a series of raw and treated water chemical tests and analyses to verify operating parameters and chemical feed rates. The on-site testing is really a necessity in order to have full confidence in any final recommendations to pursue for the long term. If approved, a not-to-exceed contract of \$34,486 would be executed with efforts and reports to be completed in approximately two months following approval. Staff is also requesting that a budget amendment be approved to provide funding for the contract and that funds be taken from Unrestricted Fund Balance in the Water/Sewer Fund. (Exhibit F) Ms. Malaker-Thomas made a motion to approve a not-to-exceed contract with Black & Veatch for engineering consulting services to evaluate the Water Treatment Plant operations and to approve the accompanying budget amendment to fund the contract as presented, seconded by Mr. Withers, and carried unanimously.

Item 11D was a request to declare as surplus and offer for public sale the Gazebo now residing on the Courthouse Square. The Dallas Historic Courthouse Foundation received a \$96,680 grant from the Kimbrell Family Foundation to improve upon, expand, and/or replace the Gazebo in the Courthouse Square with something larger and more functional for performances and other public events that will, in addition be surrounded by a hard-surfaced plaza area when the commemorative, etched bricks will be installed. In that regard, the DHCF Board has been working with a local architect to design a new structure with a specific concept in mind. The DHCF Board believes the complete replacement of the Gazebo is appropriate, so it now becomes necessary to dispose of the existing structure by declaring it surplus and offering it for sale to the highest bidder. Mr. Huggins made a motion to declare the Gazebo on the Courthouse Square as surplus and to offer it for public sale to the highest bidder, seconded by Mr. Withers, and carried unanimously.

Mr. Palenick gave a Manager's report. He reminded the Board of the July 28<sup>th</sup> scheduled Work Session and informed them that it may be necessary to change that to a regular meeting. He will notify them as soon as he knows.

Mr. Withers made a motion to adjourn, seconded by Ms. Malaker-Thomas, and carried unanimously. (7:23)

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Rick Coleman, Mayor

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Maria Stroupe, Town Clerk

## MEMORANDUM

HOLT, LONGEST, WALL, BLAETZ & MOSELEY, P.L.L.C.  
3453 Forestdale Drive, Burlington, North Carolina  
Telephone: (336) 227-7461 Fax: (336) 227-9716

**To:** Jack Kiser, Development Services Director, Town of Dallas, NC  
jkiser@dallasnc.net

**cc:** Dave Herring  
SCI Towers, LLC

**From:** Frank A. Longest, Jr.

**Re:** E. Church Street, Dallas, NC – Wireless Cell Tower Application by SCI Towers, LLC  
("Special Use Permit")

**Date:** June 15, 2015

After our telephone discussion of this morning, we have been requested by our client to respectfully withdraw its Application for the above captioned tower site currently pending before the Town of Dallas. We desire to withdraw the Application without prejudice.

We thank you for the courtesies shown in this matter.

**REZONING PUBLIC HEARING  
STAFF REPORT  
EARL H. WITHERS JR, ET AL. AND WATSON COMMERCIAL DEVELOPMENT, 508 W. TRADE ST.  
PLANNING BOARD, JUNE 18, 2015**

OWNER: Earl Hoyle Withers, Jr. and others  
 APPLICANT: Watson Commercial Development  
 PROPOSED ZONING ACTION: R-12 Residential to B3-P Central Business Perimeter  
 LOCATION: 508 West Trade Street  
 TRACT SIZE: 1.95 Acres  
 STAFF EVALUATION:

Site Description and Background:

Map #1 shows the location of the property and surrounding property owners. Map #2 (aerial photo) shows the physical aspects of the property. The site contains a large residential structure (3,395 sf) currently used for residential purposes. There are also residential accessory structures on the lot. The lot slopes moderately downward from the southeast corner at W. Trade Street to northwest corner at Wilkins Street, dropping about 16 feet in elevation. The property exists in a setting that can be best describe as small town urban to suburban. The lot contains numerous mature canopy trees as would be characteristic of a large older home on a large lot. The lot sits three and one-half blocks west of the Dallas National Register Historic District and fronts on West Trade Street, the major local traffic artery in Dallas carrying about 16,000 vehicles per day. This stretch of West Trade is also the western gateway to central Dallas. According to Gaston County tax records the large two-story frame house was built in 1926.

Adjoining Properties and Land Use Trends:

The subject property sits within an area of mixed land uses. Map #3 describes the surround zoning and land uses. To the west is large tract single family residential, which was rezoned to B-3 commercial last year. To the rear, across Wilkins (the subject is a double frontage lot, adjoining streets along both front and rear) are single family homes fronting on Wilkins Street. To the east are single family homes fronting on Hoffman, Trade and Wilkins. Across West Trade is a branch bank (and behind it a pharmacy and vacant medical office), a small commercial complex called Dallas Towne Plaza consisting currently of a martial arts studio, a day care, a vacant medical office and four apartments. And, immediately further west across Trade are other commercial properties zoned B-1 including an insurance office, vacant lot and vacant medical office. Further west, land along the south side of Trade is zoned B-2 and BC-1 where Ingles is located.

Available Public Facilities:

All public facilities are available to the subject property.

Conclusion and Recommendation:

The requested rezoning is consistent with the Town of Dallas Land Use Plan, adopted 2003, **and should be approved for that reason.** The Land Use Plan calls for this property to be developed commercially. It is recommended, however, that: (1) no commercial drive entrances be permitted onto Wilkins Street;

(2) sufficient screening (including trees, shrubs and a stockade fence) be installed along residential zones, particularly Wilkins Street; (3) if the property is split for two uses, that there be a common shared driveway onto West Trade; and, (4) there be a single pylon sign for multiple uses or no more than two ground signs total if the property is divided. Masonry building standards are set forth in the zoning code. ***For future similar situations it is, however, recommended that whether through future zoning decisions the Town determine appropriate policy measures to preserve key historic structures while allowing the Town Center's western gateway to transition to a mixed use zoning, such as Central Business. At a minimum, any added commercial office between Hoffman and Oakland should involve adaptive reuse of historic buildings and tree preservation through conditional use zoning to "soften" the approach to the Historic Dallas Town Center.***

PLANNING BOARD RECOMMENDATION: By a vote of 4-0 the Planning Board voted on June 18, 2015 recommend approval of the rezoning request based upon the below "Statement of Consistency and Reasonableness." Members present were Curtis Wilson, John Beaty, Eric Clemmer and Reid Simms.

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Jack Kiser, AICP, Development Services Director

**STATEMENT OF CONSISTENCY AND REASONABLNESS:**

The subject rezoning request is consistent with the Town of Dallas Land Use Plan, adopted 2003. The plan proposes that this property be zoned commercial. The surrounding land use includes a mixture of residential, office, retail, service and institutional uses. The property abuts and is across West Trade from commercially zoned property. Having ADT of 16,000 vehicles, West Trade should be allowed to fully transition to commercial, office and institutional uses, while preserving historic buildings and historic character where noted above.

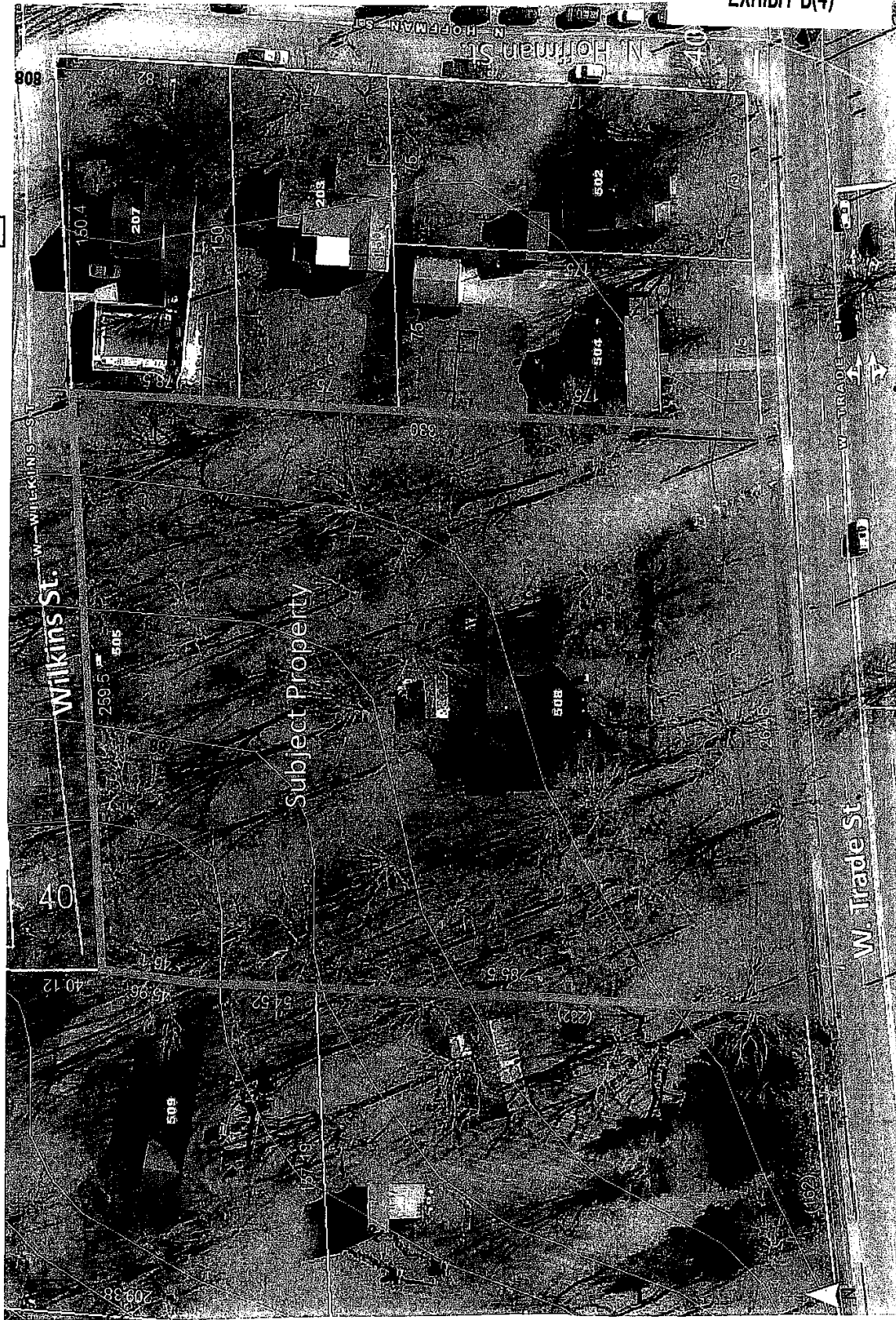
**PLANNING BOARD RECOMMENDATION:** By a vote of 4-0 the Planning Board voted on June 18, 2015 **recommend approval** of the rezoning request. Members present were Curtis Wilson, John Beaty, Eric Clemmer and Reid Simms.

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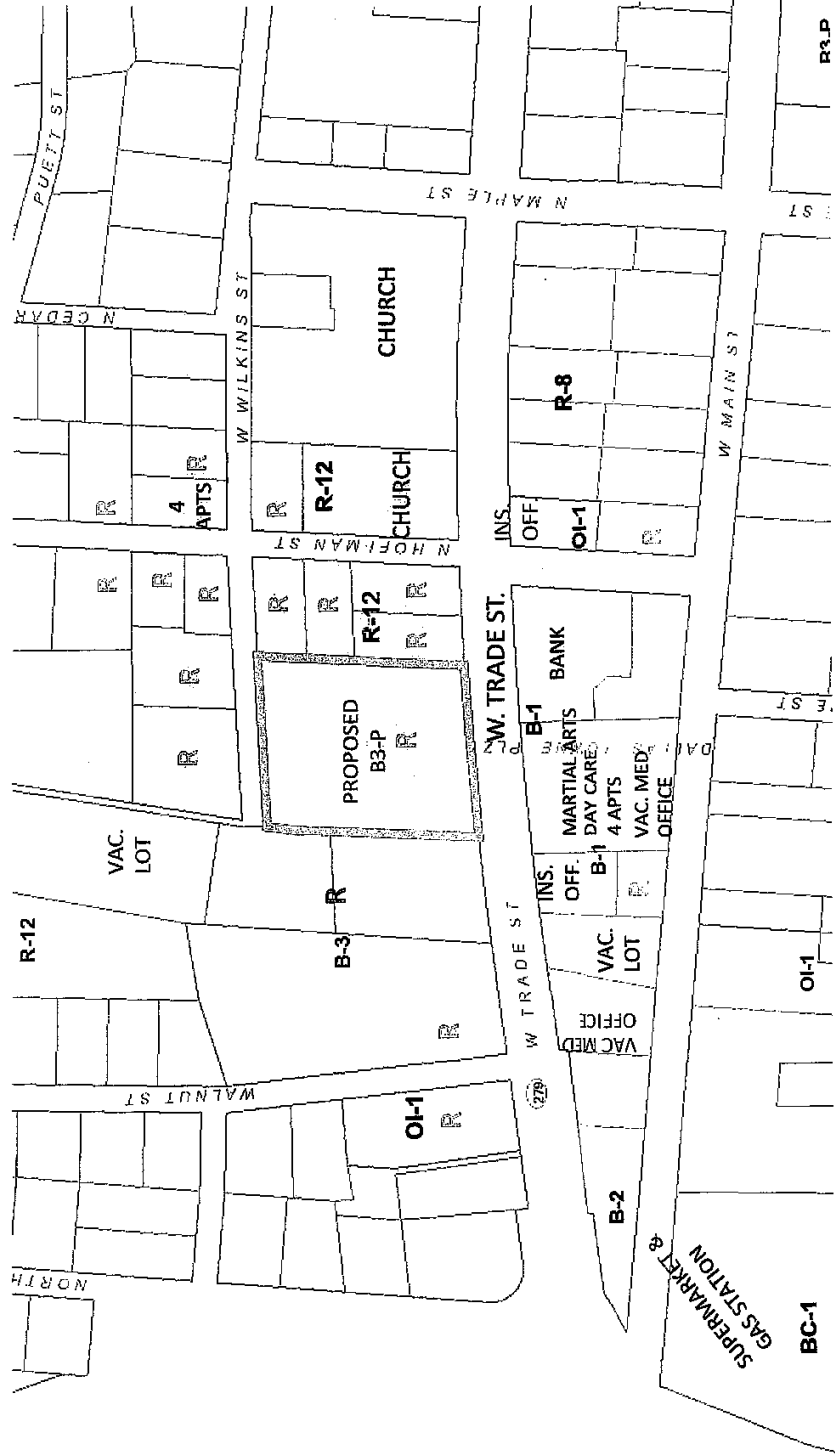


Map #2- Aerial Photo of Property with Lot Dimensions and Topography



MAP #3- SURROUNDING ZONING AND LAND USE

 SUBJECT REZONING PROPERTY  
 SINGLE FAMILY RESIDENCE  
 ALL OTHER LAND USES INDICATED BY TEXT



- ZONING DESIGNATIONS:**
- B-1: Neighborhood Business
  - B-2: Highway Business
  - B-3: Central Business
  - B3-P: Central Business Perimeter
  - BC-1: Shopping Center
  - R-12: Single Family Residential
  - R-8: Single/Multiple Family Res.
  - OI-1: Office & Institutional

S US 321 HWY



N US 321 HWY



**Mayor**  
Rick Coleman

**Aldermen**  
Jerry Cearley  
Allen Huggins  
Stacey Walker  
Darlene Morrow  
Hoyle Withers

**Town Manager**  
James Palenick

**Town Clerk**  
Maria Stroupe

**Town Attorney**  
J. Thomas Hunn

**Public Works**  
Bill Trudnak

**Electrical**  
Doug Huffman

**Police Chief**  
Gary Buckner

**Planning**  
Jack Kiser

**Fire Chief**  
Steve Lambert

**Recreation**  
Anne Martin

Town of Dallas  
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July 14, 2015

Dear Mayor and Board of Aldermen,

Pursuant to the motion passed by the Board of Aldermen on June 9, 2015, and G.S. §160A-58.2, we have investigated the petition for noncontiguous ("satellite") annexation from Cliff and Robin Cloninger, and Jerry and Pat Brooks. We have determined that the petition is sufficient and technically meets the requirements of G.S. §160A-58.1. This is more particularly described in the accompanying pages.

In accordance with G.S. §160A-58.2 upon this certification, the Board of Aldermen shall fix a date for public hearing the question of the requested annexation.

Respectfully,

Maria Stroupe  
Administrative Services Director

STATEMENT OF PETITION SUFFICIENCY THAT THE ANNEXATION PETITION OF CLIFF & ROBIN  
CLONINGER, AND JERRY & PAT BROOKS MEETS THE REQUIREMENTS OF GS 160A-58.1

GS 160A, Article 4A, Part 4 Annexation of Noncontiguous Areas.

§ 160A-58.1. Petition for annexation; standards.

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

- (1) It is unsigned. *The petition is signed by all property owners of record and spouses.*
- (2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement. *Not Applicable- No municipality has legal interest in the property requested for annexation.*
- (3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation. *Not Applicable*

A noncontiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city. *The nearest point on the proposed satellite corporate limits is approximately 2,470 linear feet from the primary corporate limits of the Town of Dallas.*
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section. *No point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the corporate limits of the Town of Dallas. The closest point of the Gastonia primary corporate limits to the proposed annexation is approximately 2,940 linear feet. In addition, no portion of the proposed annexation lies within an area made ineligible for annexation by the Town of Dallas pursuant to any annexation agreement with another municipality. While the Town of Dallas has an annexation agreement with the City of Gastonia, the proposed annexation is on the Dallas side of the Annexation Agreement Line, set forth in that agreement ("sphere of influence line").*
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits. *The area is so situated that the Town of Dallas can extend municipal services to the proposed satellite annexation, subject to the Town's policies for extending such services; however, the cost and physical feasibility of extending municipal services and any burden upon existing municipal service departments remains to be fully evaluated. Extension of municipal water and sewer would require owner participation in cost in accordance with town policy. A short line extension from NC 279 would*

**be required for extending water service. Extension of sanitary sewer service would require installation of a lift station and force main. The property is served by Rutherford Electric Membership Cooperative. It is unclear what all challenges and costs would be required to extend public safety services.**

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included. **Not applicable**

(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city. **As noted below, the Town of Dallas is statutorily exempt from this requirement.**

→ This subdivision **does not apply** to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the **Towns of** Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, **Dallas**, Dobson, Four Oaks, Fuquay-Varina, Garner, Godwin, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stern, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Windsor, Yadkinville, and Zebulon.

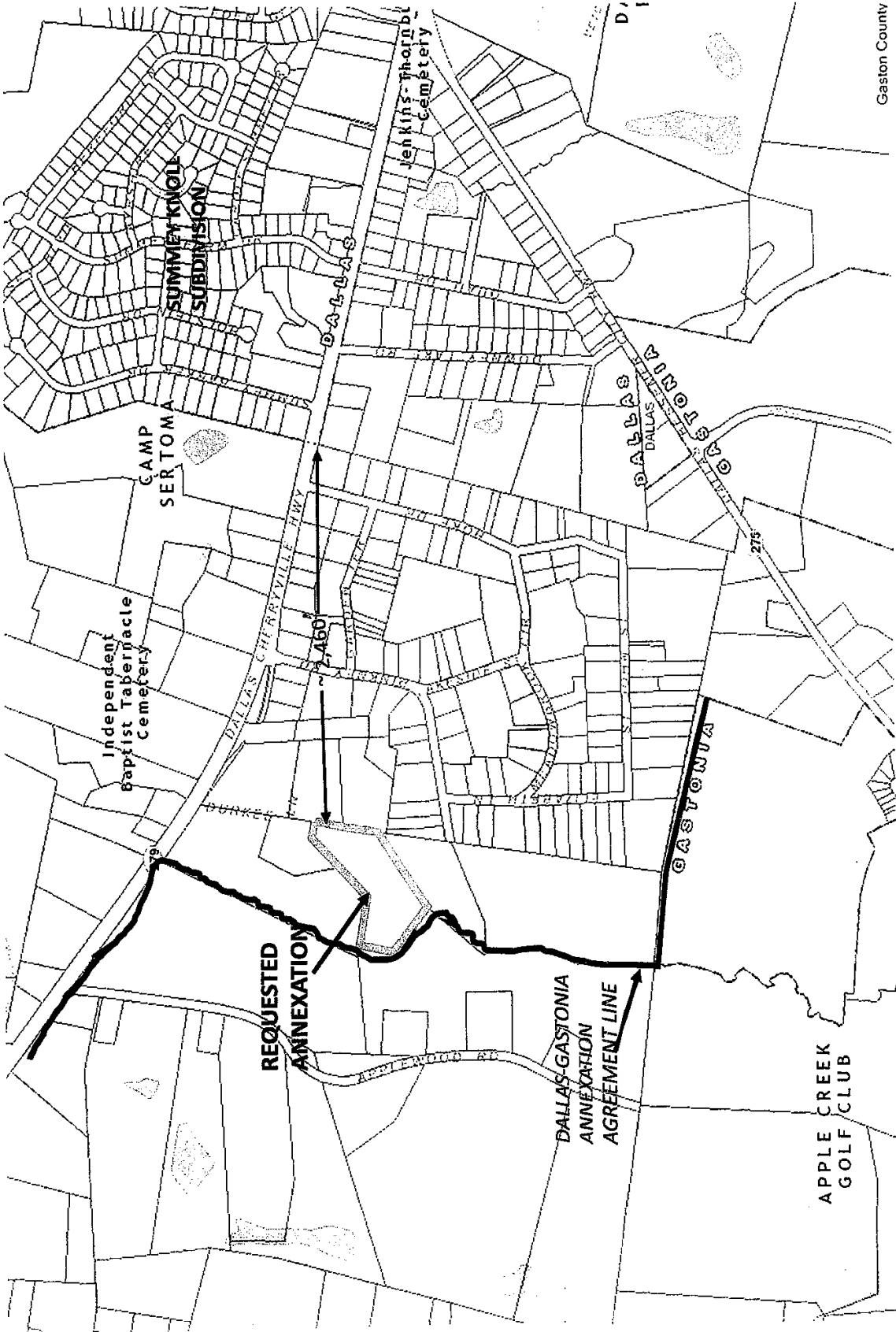
(b1) Repealed by Session Laws 2004-203, ss. 13(a) and 13(d), effective August 17, 2004.

(b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section. **No portion of the proposed annexation lies within an area made ineligible for annexation by the Town of Dallas pursuant to any annexation agreement with another municipality.**

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

**The petition meets these requirements. There is no question that the petitioned annexation is closer to the primary corporate limits of the Town of Dallas than to any other municipality.**

LOCATION MAP- SATELLITE ANNEXATION REQUEST OF CLIFF F. CLONINGER & JERRY BROOKS





LEGAL DESCRIPTION OF PROPERTY PETITIONED FOR ANNEXATION BY  
CLIFF AND ROBIN CLONINGER, AND JERRY AND PAT BROOKS, LOCATED  
ON DURKEE LANE IN DALLAS, NC AND ON WHICH IS LOCATED "OLE  
DALLAS BREWERY"

Beginning at an iron, common corner of land belonging to Consolidated Service Corporation and H. M. Bingham, now or formerly and running thence with the property line of Bingham South 9 degrees 27 minutes 07 seconds West 440.01 feet to a stone, corner of H. L. Mobley, now or formerly; thence with the property line of H. L. Mobley as described in Deed Book 1132 at page 634 in the Gaston County Registry the following courses and distances: (a) South 56 degrees 55 minutes 27 seconds West 346.73 feet to an old iron pin, and (b) South 54 degrees 28 minutes 05 seconds West 246.87 feet to a point in the center of a branch; thence passing over an iron pipe on the bank of the branch located 8.43 feet from a point in the center of the branch North 51 degrees 10 minutes West 375.43 feet to an iron pin; thence North 11 degrees 40 minutes East 231.50 feet to an iron pin in the property line of Consolidated Service Corporation as described in Deed Book 986 a Page 645 in the Gaston County Registry; thence with the property line of Consolidated Service Corporation the following courses and distances: (a) South 80 degrees 02 minutes East 324 feet to an old iron pin, (b) North 45 degrees 28 minutes East 540.30 feet to an old iron pin, and (c) South 80 degrees 09 minutes East 106.65 feet to the point of Beginning.



**A POLICY OF THE TOWN OF DALLAS, NORTH CAROLINA:**

**Adopted By Action of the Board of Aldermen at a Meeting Held on the \_\_\_\_\_**

**Day of \_\_\_\_\_, 20\_\_.**

**To Be Titled: "Policy on the Petition for Voluntary Annexation into the Corporate Limits of the Town of Dallas".**

**To Read as Follows:**

Consistent with North Carolina General Statutes, the Town of Dallas shall accept petitions from property owners who voluntarily seek and request that their property, whether immediately contiguous to the primary corporate limits, or non-contiguous, be annexed into Town boundaries. The Town shall, in turn instruct its Town Clerk to review and report back on the legal "sufficiency" of the petition, and then schedule, publicly-notice, and hold a Public Hearing on the petition prior to taking action.

If a petition is determined to be legally sufficient, and after the Board of Aldermen have conducted a properly-noticed Public Hearing and taken and considered public comments on the request, The Board of Aldermen will then only consider adopting those petitions for annexation which further meet the following criteria:

- The property owner(s) has/have both disclosed and stated in writing, as part of the petition, his/hers/their desired and intended, long-term use and/or development of the property, including the zoning classification that would be sought in the event of annexation approval.
- The property owner(s) has/have offered a compelling reason, stated in writing as part of the petition, for seeking annexation into the Town of Dallas. Such reason would typically detail why the desired and intended long-term use cannot be accomplished as economically, quickly, easily, or at all, in the absence of the annexation.
- The petitioner(s) has/have paid, in full, all Town fees associated with the petition.

Signed: \_\_\_\_\_

**Rick Coleman, Mayor**

Attest: \_\_\_\_\_

**Maria Stroupe, Town Clerk**

**Attachment A**  
**SCOPE OF SERVICES**

Client: Town of Dallas (Owner)  
Engineer: Black & Veatch International Company (B&V, Engineer)  
Project: Water Treatment Plant Evaluation (Project)

The Town of Dallas owns and operates a surface Water Treatment Plant (WTP) in Gaston County, NC with a nominal production capacity of 1.0 million gallons per day (MGD). This scope of services provides for engineering consulting services to investigate and evaluate the WTP for hydraulic and chemical functionality and efficiency. The results of this evaluation will be a technical memorandum outlining the current functionality and operation of the WTP along with recommendations for possible physical or chemical improvements. No design drawings or specifications are included. Planning-level construction cost estimates will be provided for any recommended construction.

**A. PROJECT ADMINISTRATION**

As part of the WTP evaluation, Engineer will provide project administration services as follows:

- **Project Filing.** Engineer will maintain a project filing system throughout life of Project to use for storage and retrieval of Project documents. Prepare monthly invoices for Engineer's services in format acceptable to Owner. The project is anticipated to last no longer than two months.
- **Cost Accounting.** Engineer will maintain a project cost accounting system throughout life of Project. If scope changes are made, the fee will be reviewed and adjusted as necessary and acceptable to both Owner and Engineer.
- **Project Meetings.** One project meeting will be conducted to review the "Draft" evaluation memorandum and ensure it meets Town of Dallas objectives. A final project meeting will be conducted to present the final memorandum and recommendations.

**B. CURRENT OPERATIONS EVALUATION**

Black & Veatch has visited the site and collected basic construction drawings, hydraulic data, and treatment process data. Additional site visits are not anticipated as part of the current operation evaluation. If additional data is needed by Engineer, it will be requested of Owner by phone or email.

**1. Unit Process Evaluation**

Engineer will utilize existing construction drawings to develop a basic process model of the WTP to include detention times, loading rates, overflow rates, and other basic performance criteria. These criteria will be evaluated against typical benchmark ranges for the standard treatment process.

Attachment A

SCOPE OF SERVICES - continued

estimate. Supplemental work could also include design phase services. Work will proceed only upon written authorization by Owner.

**ATTACHMENT B  
COMPENSATION**

Clients: Town of Dallas (Owner)  
Engineer: Black & Veatch International Company (B&V, Engineer)  
Project: Water Treatment Plant Evaluation (Project)

Work performed as part of this Agreement will be invoiced on a Lump Sum (% complete) basis in the amount of \$34,486.00.

**Attachment A**  
**SCOPE OF SERVICES**

Client: Town of Dallas (Owner)  
Engineer: Black & Veatch International Company (B&V, Engineer)  
Project: Water Treatment Plant Evaluation (Project)

The Town of Dallas owns and operates a surface Water Treatment Plant (WTP) in Gaston County, NC with a nominal production capacity of 1.0 million gallons per day (MGD). This scope of services provides for engineering consulting services to investigate and evaluate the WTP for hydraulic and chemical functionality and efficiency. The results of this evaluation will be a technical memorandum outlining the current functionality and operation of the WTP along with recommendations for possible physical or chemical improvements. No design drawings or specifications are included. Planning-level construction cost estimates will be provided for any recommended construction.

**A. PROJECT ADMINISTRATION**

As part of the WTP evaluation, Engineer will provide project administration services as follows:

- Project Filing. Engineer will maintain a project filing system throughout life of Project to use for storage and retrieval of Project documents. Prepare monthly invoices for Engineer's services in format acceptable to Owner. The project is anticipated to last no longer than two months.
- Cost Accounting. Engineer will maintain a project cost accounting system throughout life of Project. If scope changes are made, the fee will be reviewed and adjusted as necessary and acceptable to both Owner and Engineer.
- Project Meetings. One project meeting will be conducted to review the "Draft" evaluation memorandum and ensure it meets Town of Dallas objectives. A final project meeting will be conducted to present the final memorandum and recommendations.

**B. CURRENT OPERATIONS EVALUATION**

Black & Veatch has visited the site and collected basic construction drawings, hydraulic data, and treatment process data. Additional site visits are not anticipated as part of the current operation evaluation. If additional data is needed by Engineer, it will be requested of Owner by phone or email.

**1. Unit Process Evaluation**

Engineer will utilize existing construction drawings to develop a basic process model of the WTP to include detention times, loading rates, overflow rates, and other basic performance criteria. These criteria will be evaluated against typical benchmark ranges for the standard treatment process.

## SCOPE OF SERVICES - continued

2. **Chemical Usage Evaluation**

Engineer will review source water quality data, existing WTP operating data, and historical chemical usage provided by Owner to evaluate the current operation of the treatment process against typical benchmark ranges for the standard treatment process. Water quality testing and/or bench-scale tests are not included in this evaluation.

3. **Operational Recommendations**

Engineer will develop a range of recommendations for improvements to the physical treatment process (such as additional treatment trains or filters) as well as operational recommendations for improvement of the chemical/treatment process using the existing facilities. Planning-level cost estimates for any physical improvements will be developed. Detailed drawings and specifications are not included.

4. **Technical Memorandum**

Engineer will provide a TM which details the performance benchmarks and summaries of the unit process evaluations and the chemical evaluations. The TM will also document the operational recommendations and planning-level cost estimates of the recommended improvements. The TM will also include a section on potential financing sources such as the State Revolving Fund.

5. **Schedule**

The project has an anticipated schedule of two months. A project meeting/workshop review of the draft technical memorandum will be held near the midpoint of this duration.

**C. SUPPLEMENTAL SERVICES**

Any Work requested by Owner that is not specifically included in the scope of services will be considered a Supplemental Services and will be compensated for using a separate scope and fee estimate. Supplemental work could also include design phase services. Work will proceed only upon written authorization by Owner.



**BLACK & VEATCH INTERNATIONAL COMPANY**  
10715 DAVID TAYLOR DRIVE, SUITE 240  
CHARLOTTE, NC 28262 USA

**EXHIBIT E(6)**

**ATTACHMENT B  
COMPENSATION**

Clients: Town of Dallas (Owner)  
Engineer: Black & Veatch International Company (B&V, Engineer)  
Project: Water Treatment Plant Evaluation (Project)

Work performed as part of this Agreement will be invoiced on a Lump Sum (% complete) basis in the amount of \$22,825.00.

**Town of Dallas  
Budget Amendment**

Date: July 14, 2015

Action: Water/Sewer Fund Amendments

Purpose: Fund Engineering Study of Water Treatment Plant Operations

Number: WTP-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
20	8200	0400	Professional Services	\$4,125	\$38,611	\$34,486
20	3999	0000	Fund Balance Appropriated	\$266,887	\$301,373	\$34,486

Totals	\$271,012	\$339,984	\$68,972
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\_\_\_\_\_  
Approval Signature  
(Town Manager or Administrative Services Director)