

## **MINUTES FOR BOARD OF ALDERMEN MEETING**

**August 13<sup>th</sup>, 2013**

**6:00 PM**

The following elected officials were present: Mayor Coleman, Alderman Beaty, Alderman Huggins, Alderman Martin, Alderwoman Morrow, 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; Anne Martin, Recreation Director; David Kahler, Community Services Director; and Town Attorney, Thomas Hunn.

The 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 recognized the 11/12 year old Dixie Youth All-Star Team. This team won the State Dixie Youth Championship and subsequently won the Dixie Youth World Series in Mississippi. Ms. Martin gave each player a trophy. Team Players were Joseph Hunter, Jackson Lowery, Austin Mitchell, Andrew Shaw, Preston Conner, Riley Thornburg, Jackson Finger, Carter Rushing, Luke Bumgarner, Noah Wallace, Dylan Mauldin, and Bryson Law. Head Coach was Jim Shaw, with Assistant Coaches Mark Finger and Jamie Wilkinson. Head Coach Jim Shaw thanked Town Officials and Ms. Martin for their support of the team and the Dixie Youth program. Mayor Coleman congratulated the players and coaches for their achievements and thanked them for their representation of Dallas. Chief Lambert stated that each year someone that has made a significant contribution to the community is asked to be the Grand Marshall of the Christmas Parade. He asked if the team would be the Grand Marshall for the Christmas Parade this year.

Mayor Coleman asked if there were any additions or deletions to the agenda. There were no additions or deletions to the agenda. Mr. Martin made a motion to set the agenda, seconded by Mr. Beaty, and carried unanimously.

Mr. Martin made a motion to approve the minutes from the July 9, 2013 regular meeting, seconded by Mr. Huggins, and carried unanimously.

### **Consent Agenda:**

Item 5A was a request to approve the 2013 Annual DallasFest Event. This year's celebration will be held on Friday, August 30, 210 and will again feature a concert with The Fantastic Shakers. Street closures for the event will be W. Main St. from Gaston St. to Oakland St. and Holland St. from Trade St. to W. Church St. The Shriners have indicated that they will be unable to operate a beer tent at the event, as they have done in the past. The Dallas Historic Courthouse Foundation will sponsor manning a beer tent as a fund raiser for the foundation. The Board of Aldermen have to approve the operation of a beer tent at the event. Mr. Withers stated that although he is in favor of the event itself, he would be voting against the event due to the proposed alcohol sales. Mr. Beaty made a motion to approve the annual DallasFest event, including the proposed street closures and alcohol sales; seconded by Mr. Martin, and carried by a vote of 3 – 2 as follows: Yays – Mr. Beaty, Mr. Huggins, and Mr. Martin. Nays – Ms. Morrow and Mr. Withers.

### **Recognition of Citizens:**

Ms. Cherie Berry, North Carolina Secretary of Labor, was in attendance to present the Electric Department and the Police Department with the SHARPS Safety Award. Ms. Berry was introduced by Debbie Lowery, Town Safety Consultant. The SHARPS Award stands for Safety and Health Achievement Recognition Program. Ms. Berry presented the Electric Department award to Mr. Huffman, along with the linemen from the department, who were all in attendance. Chief Buckner accepted the award on behalf of the Police Department. Ms. Berry noted that the Dallas Police Department is only the second police department in the state to achieve this recognition.

Mr. Chris Mintz, Executive Pastor of Venture Church, had requested to be recognized, but was not in attendance. Ms. Holly Williams, Venture Church, spoke on his behalf. She relayed to the Board that Venture Church does not want to adopt Jaggars Park for its exclusive use, as may have been interpreted from the June meeting. Venture Church would like to be able to allow students and children to clean the park in order to teach them to serve others. The church's goal is not to bring recognition to itself, but to have a presence in the community. The church would like to take their youth out once per month to clean the park and to have a community event open to all in the community. The church would also like to hold a sports day event on September 28<sup>th</sup> and then another activity to be scheduled in November. Both of these events would be held at Jaggars Park. Venture would also like to partner with other area churches for events. Mayor Coleman and Mr. Palenick agreed that this item should be referred to the Recreation Committee to review and to make recommendations to the Board at the September meeting.

Mr. Frank Milton, 518 E. Carpenter St., and Pastor of First Baptist Church, Dallas, was glad to hear an explanation from Ms. Williams. His understanding of the word adopt carries a strong meaning that raised concerns from the community about the park. He realizes there is no policy to allow adoption of a public facility in Dallas. He wanted to be sure that everyone is treated fairly in the use of public facilities. He and his church look forward to being able to do things in the future in the spirit of cooperation, but better communication is needed between the entities involved. Both First Baptist Church and Venture Church have the same goal...to save souls for Jesus Christ. He thanked Venture for clearing up the confusion.

Mr. Johnny Rogers, 806 Park Road, discussed a sewer backup at his residence in May. The sewer backup was caused by a clog in the Town's sewer line. The clog caused a backup into his residence. His insurance company only paid \$5000 toward the repairs. The Town's insurance denied his claim, as they said this was an event the Town did not cause. The Town has paid some money of their own to make the home habitable and he acknowledged the Town's voluntary payments. The total repairs and moving costs were approximately \$20,000; which were covered between his insurance policy and the Town's contributions. At this point, he believes the Town should take possession of his home and do the following: 1) Pay \$1100 for 2 months of back mortgage payments he has not made, 2) Pay him at least \$1000 due to taking off of work and not being able to take a vacation, 3) Draft a letter of depreciation of the home value due to the situation, 4) Draft a letter taking responsibility for the situation in case he forecloses on the home, 5) Pay him for 2 months of utility bills and storage unit fees, and 6) Pay him for 2 months of apartment rent. He states there is still a smell in the residence and he has contacted two realty companies that will not market the home. Mr. Palenick stated that the Town has spent in excess of \$15,000 in repairs, moving costs, utility bills and deposits, storage unit rental, and item replacements; even though the Town has no liability in this matter. The Town has been fully satisfied with the restoration work. At this point, Mr. Palenick has exhausted the authority given to him and any further action on this matter would be treated as a dispute and referred to the Town Attorney. Mr. Hunn stated that Mr. Palenick is correct that the Town has no liability in this case and that Mr. Rogers' confusion over liability may have stemmed from the Town's generosity in this matter, although they have no obligation. The Town Attorney and the Town Manager will further review this situation and bring a recommendation to the Board.

Lisa Boggs, Representative from the Dallas Chamber of Commerce, gave a report to the Board of upcoming Chamber events. On Tuesday, August 20<sup>th</sup>, "Dallas High Noon" will be held at 12:00 pm at the Citizen's Resource Center with lunch and a program. This will be monthly event. They are in the process of organizing

a Candidate Forum and will distribute that information once it is scheduled. The Chamber is also interested in forming an Economic Development Committee and will be presenting further information about that at a later date.

Charlotte Jenkins, 306 W. Main St., is concerned about the subject brought by Venture Church. There is a negative sense in the community with Venture's adoption attitude in relation to Town facilities. If programs, such as Bible School, are held, then the curriculum should be published. There are differing theologies and Venture's may be different from First Baptist's or other entities in that community. She is not in favor of Venture taking over any facilities in Town.

Alberta Lindsay, 402 S. Rhyne St., opposes making N. Davis St. a one-way street. Currently, N. Rhyne St. is one-way and also making N. Davis St. one-way will negatively impact the southeast community's access to Trade St. and their homes.

Leon Lay, 110 N. Davis St., understands the previous opinion. The Town Board previously has voted against making N. Davis St. one-way, and instead restricted through trucks. This is not working. Today, three 18-wheelers came up the street. The worst offenders are Ray's Septic Service and Spencer Mountain Volunteer Fire Department. He would like to see N. Davis St. restricted to one-way.

Ellen Milton, 518 E. Carpenter St., has a problem with all of the mud being created in the streets by the water line construction. She has called the Town about the issue. Someone came out last week, but made it worse. The street is very dusty and dirty. She had asked that the mud be scraped from in front of her driveway, but too much was scraped, which made the situation worse and stirred up more dirt. Also, there are 2 empty houses on the street. She has spoken with a gentleman at Town Hall, who told her he has contacted the owners and they have promised to do something about the houses in the fall. She would like someone from the Town to come down and look at her issues and fix them.

Bob Kendrick, 408 S. Groves St., stated that the Board is elected by the people for the people, but based on the complaints tonight, someone is not doing their job.

### **Recognition of Employees:**

Item 7A, was recognition of Joshua Lay for 10 years of service with the Town of Dallas. Josh was hired on July 9, 2003 as a Maintenance Worker in the Street Department. On May 30, 2010, Josh was promoted to Equipment Operator in the Street Department. Over the past two years, Josh has also cross-trained at the Water Treatment Plant is progressing through the certification process for a Water Treatment Plant Operator. Josh continues to serve the Town in the Street Department. (Exhibit A)

### **Public Hearing:**

Mr. Martin made a motion to enter into a public hearing to consider an ordinance to amend Chapter 76, "Parking Schedules", by the addition of a new "Schedule VII, Handicapped Parking", seconded by Mr. Beaty, and carried unanimously.

After more detailed research and discussion among Town Staff, and following a preliminary Board discussion at the July meeting, a recommendation is being presented to create three newly-designated spaces as specified in the proposed amendment. (Exhibit B)

Mr. Withers made a motion to exit the public hearing, seconded by Ms. Morrow, and carried unanimously. Mr. Beaty made a motion to amend the Parking Ordinance to include the three proposed handicap spaces as proposed, seconded by Mr. Huggins, and carried unanimously.

Mr. Withers made a motion to enter into a public hearing to consider an ordinance to revise, amend, restate, and codify the compiled Code of Ordinances for the Town of Dallas, seconded by Ms. Morrow, and carried unanimously.

The Town has recently undertaken to have the Code of Ordinances reviewed, reorganized, and codified through the League of Municipalities. The State of North Carolina empowers and authorizes the Town to revise, amend, restate, codify, and compile existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form. (Exhibit C) The new, reorganized Code of Ordinances need to be adopted.

Mr. Beaty made a motion to exit the public hearing, seconded by Mr. Huggins, and carried unanimously. Mr. Withers made a motion to approve the proposed Code of Ordinances, seconded by Mr. Beaty, and carried unanimously.

Mr. Huggins made a motion to enter into a public hearing to consider the approval of the plat for Phase V of the Alder Ridge Subdivision, seconded by Ms. Morrow, and carried unanimously.

The developer for the Alder Ridge Subdivision has submitted a subdivision plat for 24 new lots in the subdivision. (Exhibit D) These lots are on the upper side of the subdivision. On July 18, the Planning Board held a public hearing on this matter and recommended approving these lots, with the conditions that a minimum of 40% of the front of the home built have a rock, brick, or masonry façade, that there be sidewalks within this portion of the subdivision, and that there be a decorative street lighting similar to that utilized by the Town and the rest of the subdivision. (Exhibit E) Mr. Charles Gray, Developer, also requested that a condition be added to require that driveways be built to accommodate two vehicles. Mr. Kahler has added that condition. Mr. Kahler stated that he met with the developer today and the developer is in agreement with the conditions. In case there are any clarifications needed, Mr. Palenick has the authority from the Board to discuss these with the developer.

Mr. Withers made a motion to exit the public hearing, seconded by Ms. Morrow, and carried unanimously. Mr. Martin made a motion to approve the subdivision plat with the recommended conditions as presented, seconded by Mr. Beaty, and carried unanimously.

### **Old Business:**

Item 9A was removed from the agenda last month and moved to this agenda, concerning possibly changing the 100 block of N. Davis St. from two-way to one-way traffic. Mr. Martin stated that the issue seems to be centered around trucks on the street, as per Mr. Lay's comments when recognized earlier in this meeting. Mr. Martin suggested stricter enforcement of the "No Trucks" provision before changing the traffic pattern on that street. Chief Buckner stated that he would be glad to contact the offending entities and asked that Mr. Lay contact him as he observes trucks violating the "No Trucks" provision. The Board asked that an update be provided at the September meeting after allowing for enforcement of the provision.

Item 9B was presentation of a draft policy for assuring competitiveness in vehicle repair procurement. At the July Board meeting, a brief discussion was conducted regarding the need for introducing and/or assuring more accountability and competitive pricing when pursuing needed repair and maintenance work on Town-owned vehicles and equipment. (Exhibit F) Mayor Coleman proposed that Mr. Beaty, Mr. Palenick, Town Department Heads, and himself meet to go over maintenance records to determine if there are concerns or problems. He believes the policy will be difficult to administer. Mr. Martin made a motion to table this discussion awaiting further information from the proposed meeting, seconded by Mr. Huggins, and carried unanimously.

Item 9C was a discussion on the allowance and/or restriction of dogs in Cloninger Park. Mr. Beaty stated that he believed the discussion should include all parks in Dallas, not just one. The Board referred this item to the Planning Board to consider and develop a recommendation to be brought back to the Board of Aldermen.

Item 9D was a discussion on the possible elimination or alteration of 4-Way Stop intersections along Main Street. Mr. Beaty has received requests from several citizens to remove the Stop signs on Main St. east to west and to leave the Stop signs north and south on streets crossing Main St. Chief Buckner cautioned against removing the Stop signs at Oakland and Main Streets and at College and Main Streets. These intersections are heavily traveled and he believes those signs provided needed traffic control. He sees no problem with removing the east to west Stop signs at Holland and Maple Streets. The Board asked Chief Buckner for a formal recommendation at the September meeting.

**New Business:**

Item 10A was the bid award for stormwater improvements at Carr Elementary School. For many years, the Town of Dallas has maintained a partnership with Gaston County and the Gaston County School District in that the Town has operated, maintained, and reinvested in the recreational baseball and softball fields at Carr School as an extension of the Dallas Parks and Recreation program. Problems in handling stormwater have worsened in recent years to the point that both user safety and field integrity are being threatened. Town Engineers have designed appropriate improvements that have subsequently been bid out. Three eligible contractors submitted bids with the low bid being submitted by S.C. Lovelace & Sons, Inc. (Exhibit G) Funds to complete the project are included within the Town's Stormwater Utility Fund. Due to the extensive use and maintenance of the facilities by the Town, discussions have been underway with the Gaston County School District and Gaston County to facilitate the Town acquiring the property fee simple. Based on discussions between Mr. Hunn, the Assistant Superintendent of Facilities, and the School Board Attorney, Mr. Hunn has ascertained that those entities are not favorable to the Town acquiring the property. In light of this information, Mr. Palenick recommended not moving forward with the proposed stormwater improvements. He recommended that the Town seriously evaluate whether to spend large amounts of monies on this property when it has little control over the property. The Stormwater Fund has limited resources that can be used on other projects around Town. Mr. Beaty made a motion to turn down the project proposal and bid, seconded by Mr. Withers, and carried unanimously. Mr. Withers made a motion to direct the Town Attorney to continue in negotiations with the School Board Attorney as to acquiring rights to the property, seconded by Mr. Huggins, and carried unanimously.

Item 10B was a request to approve the transfer of the 2012 Duke Energy Tru-Up payment received by the Town to the Courthouse Foundation Capital Campaign Fund. The Town purchases wholesale electric power from Duke Energy for distribution to its retail customers under the terms of a Wholesale Purchase Power Agreement which can vary depending on how much, when, and how successful the Town is at producing supplemental, peak-shaving power when called upon by Duke to do so. Based on this peak-shaving generation throughout the year, as well as on other variable Duke expenses and demand charges, the final bill to the Town is "trued-up" following each calendar year to see if the Town owes Duke additional payments, or if Duke owes the Town a reimbursement for monies paid. For this last year, the Town experienced its most successful tru-up ever in that Duke has paid the Town a reimbursement of \$236,103.00. These funds are unbudgeted, unexpected, and a windfall. As such, and since the Electric Utility Fund balance is very healthy, Mr. Palenick recommends transferring these funds to the Dallas Historic Courthouse Foundation Capital Campaign. The Town's total contributions to the Foundation, including this transfer would be as follows:

Design & Documentation Expenditures:	\$ 83,800
General Fund Capital Grant:	\$200,000
Proposed Electric Tru-Up Funds:	<u>\$236,103</u>

**TOTAL CONTRIBUTIONS****\$519,903**

Mr. Martin made a motion to approve the transfer of \$236,103 received from the Duke Energy Tru-Up to the Dallas Historic Courthouse Foundation Capital Campaign, seconded by Mr. Huggins, and carried unanimously.

Item 10C is a request to assist the Dallas Historic Courthouse Foundation in requesting funding contributions from the Gaston County Tourism Development Authority Board and County Commission. In order to further support the capital fund-raising campaign currently being pursued by the Dallas Historic Courthouse Foundation and in cooperation with the Foundation's Board of Directors, a letter has been drafted to request \$250,000 from Gaston County and the Gaston County Tourism Development Authority in a manner which attempts to be as burden-free to the County as possible. (Exhibit H) Specifically, the letter details targeting only a portion of the revenues freed-up following pay out of the \$1,000,000 obligation to the National Whitewater Center in Mecklenburg County, and then only for the years 2014 and 2015. These requested County funds, by law, must go to support tourism marketing and activities and to promote "heads-in-bed". The plan for a redeveloped Courthouse building as a training banquet, and conference center will certainly do that, while honoring the late Dr. William C. Friday in the process. Mayor Coleman suggested that he, as Mayor; Charlotte Jenkins, Foundation President; and Mr. Palenick, Town Manager appear before the Travel and Tourism Advisory Board for this request. Mr. Beaty made a motion to approve the letter and request as presented, seconded by Mr. Huggins, and carried unanimously.

Item 10D was approval of an extension to the T-Mobile Cell Tower Antenna lease agreement. The Town first entered into a cell tower antenna lease with T-Mobile for antennae positioned on the Town's elevated water storage tank in the 100-block of S. Oakland St. on November 5, 2002. That original agreement carried a 10 year term with a 1-year automatic renewal, which taken together was set to expire on November 5, 2013. Both sides desired to negotiate an extension to the contract. Terms have been negotiated that are favorable to the Town and in full safeguard of our tank the other competitor antennas in place. Specifically, if approved, the new agreement extension will increase the former \$1800 per month lease rate to \$2000 per month (\$24,000 per year) paid in a lump sum in advance, with an effective date of April 1, 2013. The agreement would be for a term of five years, with an automatic 5-year renewal if opted by the Lessee. The renewal term would increase by 15%, so that on April 1, 2018 the yearly lump sum payment would become \$27,600 (\$2300 per month). A professional engineering firm that specializes in Towers reviewed all the technical specifications of the modified antenna configuration to be installed and they have given their complete approval. Mr. Hunn has also reviewed the document and found it to be acceptable. Mr. Withers made a motion to approve the lease agreement as presented, seconded by Mr. Huggins, and carried unanimously.

Item 10E was a request for voluntary non-contiguous annexation. Steve and Maria Mason have filed a petition for voluntary, non-contiguous annexation of a 28 acre parcel of land located on Ratchford Drive off of Dallas-High Shoals Highway. A sufficiency investigation will have to be conducted for review at the next Board Meeting. (Exhibit I) Mr. Beaty made a motion to direct Staff to perform a sufficiency investigation on the petition, seconded by Ms. Morrow, and carried unanimously.

Item 10F was a review of a new Memorandum of Understanding (MOU) for the Metropolitan Planning Organization (MPO). Due to the changes in demographics in the 2010 census, the Transportation MPO that the Town of Dallas is a member is changing its geographical boundaries. The MPO is adding the former Rural Planning Organization (RPO) area, and taking in a larger area. The new boundary of the MPO will encompass Gaston, Cleveland, and Lincoln Counties. A new MOU has been drawn up for the jurisdictions within the MPO to review and approve. There has also been a change in the funding structure of the MPO, and each jurisdiction with a population over 1000 will, for the first time, be required to provide a funding contribution for the MPO. The first-year contribution for Dallas will be set at \$986. Taylor Marcantell, City of Gastonia, was present. Gaston County has approved the original MOU, which is what was included in the agenda packet for the Board of Aldermen to review. The City of Gastonia has asked that all of the municipalities approve the MOU with a

provision that the representative from each municipality be an elected official, instead of someone appointed by that jurisdiction's governing board. Mr. Martin made a motion to approve the MOU as presented in the agenda packet, which allows each municipality to appoint a representative of their choosing; seconded by Mr. Beaty, and carried unanimously.

Mr. Palenick gave a Manager's Report, noting current projects.

Mr. Withers made a motion to adjourn, seconded by Mr. Beaty, carried unanimously. (8:57)

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Rick Coleman, Mayor

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Maria Stroupe, Town Clerk

# CERTIFICATE OF APPRECIATION

This certificate is awarded to

**JOSHUA DAVID LAY**

in recognition of his 10th anniversary with the Town of Dallas on **July 9, 2003**  
and in gratitude for his years of dedication and service

**TOWN OF DALLAS**



Signature

Date

Signature

Date

**AN ORDINANCE TO AMEND CHAPTER 76, "PARKING SCHEDULES" OF THE  
COMPILED CODE OF ORDINANCES OF THE TOWN OF DALLAS NORTH  
CAROLINA**

**WHEREAS**, Following a properly-noticed public hearing before the Board of Aldermen, held on August 13, 2013, and in consideration of the information and research materials received and reviewed.

**NOW, THEREFORE BE IT ORDAINED**, by the Board of Aldermen of the Town of Dallas, North Carolina, that the Compiled Code of the Town Ordinances is hereby Amended as follows:

That Chapter 76, "Parking Schedules", is Amended by the addition thereto of a new "Schedule VIII, Handicapped Parking" to Read:

**Schedule VIII: Handicapped Parking**

Pursuant to this Schedule, the Town of Dallas shall designate one space within so allocated public parking spaces on the following streets as Handicapped Parking Only. Said spaces shall be marked and visible according to applicable State and Federal Law.

<b>On Street</b>	<b>Side</b>	<b>From</b>	<b>To</b>
N. Gaston St.	East	E. Trade St.	E. Main St.
N. Gaston St.	West	W. Trade St.	W. Wilkins St.
N. Holland St.	East	W. Trade St.	W. Wilkins St.

**AYES:**

**NAYS:**

**Attest:** \_\_\_\_\_ **Signed:** \_\_\_\_\_

**AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE TOWN OF DALLAS, NORTH CAROLINA, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE TOWN OF DALLAS DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.**

WHEREAS, the present general and permanent ordinances of the Town of Dallas are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of North Carolina empower and authorize the Town of Dallas to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of the Town of Dallas has authorized a general compilation, revision and codification of the ordinances of the Town of Dallas of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the Town of Dallas and for the immediate preservation of the public peace, health, safety and general welfare of the Town of Dallas that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS:

Section 1. The general ordinances of the Town of Dallas as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the Town of Dallas, North Carolina."

Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

**DALLAS, NORTH CAROLINA  
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**Charter**

Chapter

**TITLE I: GENERAL PROVISIONS**

10. General Code Construction; General Penalty

**TITLE III: ADMINISTRATION**

- 30. General Provisions
- 31. Legislative Branch
- 32. Officers and Employees
- 33. Tax and Finance
- 34. Police Department
- 35. Fire Department

**TITLE V: PUBLIC WORKS**

- 50. General Provisions
- 51. Garbage and Refuse Collection
- 52. Electrical Distribution System
- 53. Water System
- 54. Sewer Use

**TITLE VII: TRAFFIC CODE**

- 70. General Regulations
- 71. Operation of Vehicles
- 72. Stopping, Standing and Parking
- 73. Parades and Demonstrations
- 74. Golf Carts
- 75. Traffic Schedules
- 76. Parking Schedules

**TITLE IX: GENERAL REGULATIONS**

- 90. Animals
- 91. General Nuisances
- 92. Health Protection and Disease Prevention
- 93. Abandoned, Nuisance and Junk Motor Vehicles
- 94. Streets and Sidewalks
- 95. Town Cemetery

**TITLE XI: BUSINESS REGULATIONS**

- 110. Privilege Licenses and General Regulations
- 111. Taxicabs; Vehicles for Hire
- 112. Secondhand Precious Metal Business
- 113. Game Rooms
- 114. Solicitors and Canvassers
- 115. Community Antenna Television System

**TITLE XIII: GENERAL OFFENSES**

- 130. Disorderly Conduct; General Offenses
- 131. Loitering for Purpose of Drug Activity
- 132. Youth Protection; Curfew

**TITLE XV: LAND USAGE**

- 150. Housing Codes
- 151. Flood Damage Prevention
- 152. Subdivision Regulations
- 153. Zoning Code

**TABLE OF SPECIAL ORDINANCES**

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Table  
I. Franchises

**PARALLEL REFERENCES**

- References to North Carolina General Statutes
- References to Prior Code
- References to Ordinances
- References to Miscellaneous Texts

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- Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.
- Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Board of Aldermen and the Clerk of the Town of Dallas is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.
- Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.
- Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Board of Aldermen of the Town of Dallas on this 13<sup>th</sup> day of August, 2013.

ATTEST:

\_\_\_\_\_  
Maria Stroupe, Town Clerk

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





**Mayor**  
Rick Coleman

**Aldermen**  
John Beaty  
Darlene Morrow  
Allen Huggins  
Scott Martin  
Hoyle Withers

**Town Manager**  
Jim Palenick

**Town Clerk**  
Maria Stroupe

**Town Attorney**  
Tom Hunn

**Public Works**  
Bill Trudnak

**Electrical**  
Doug Huffman

**Police Chief**  
Gary Buckner

**Planning**  
David Kahler

**Fire Chief**  
Steve Lambert

**Recreation**  
Anne Martin

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

**Phone:**  
704-922-3176

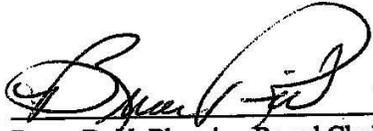
**Fax:**  
704-922-4701

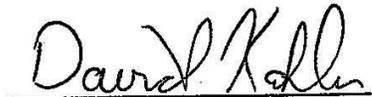
**Web Page:**  
[www.dallasnc.net](http://www.dallasnc.net)

The Planning Board of the Town of Dallas makes the following Recommendations pertaining to the Conditions of Approval for Phase 5 of the Alder Ridge Subdivision:

1. That the homes built on the lots approved herein have a minimum of 40% Rock, Brick or Masonry Façade on the front of the home.
2. That the subdivision herein approved has sidewalks within it.
3. That the subdivision herein approved has decorative street lighting of a type similar to that utilized by the Town of Dallas within its Courthouse Square district, as well as the rest of the Alder Ridge Subdivision previously approved.

These Recommendations made following a unanimous vote of the Planning Board of the Town of Dallas on 18 July 2013.

  
\_\_\_\_\_  
Bruce Reid, Planning Board Chairman

  
\_\_\_\_\_  
David Kahler, Zoning Administrator



## TOWN OF DALLAS

### POLICY (#\_\_\_\_)

#### Procurement of Vehicle & Equipment Repairs & Maintenance

##### Section 1. Purpose of the Policy

It is the purpose of this policy to establish and maintain a set of principles and regulations for the procurement of vehicle and equipment repair & maintenance services, to be followed by Town of Dallas employees authorized to contract for such services.

##### Section 2. Definitions

For the purposes of this Policy exclusively, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Vehicles** Shall refer to those wheeled, motorized, self-propelled cars, trucks, and other similar conveyances, regardless of size or configuration of equipment contained thereon, authorized and licensed by the State of North Carolina to operate on public roads and/or rights-of-way and owned by, or leased exclusively to the Town of Dallas.

**Equipment** Shall refer to those motorized or non-motorized, wheeled or non-wheeled, self-propelled or towed, conveyances of personnel and/or equipment owned by, or leased exclusively to the Town of Dallas and not licensed to operate on public roads and/or rights-of-way. To include, but not limited to, tractors, back-hoes, chippers, leaf-vacs, trailers, graders, trenchers, and directional boring machines.

**Repairs** Shall refer to those activities which must be performed on a vehicle or piece of equipment successfully in order to thereafter allow said vehicle or piece of equipment to function more fully; function as originally specified; or function at all. This may or may not include the changing out, or addition of new or re-built parts. Any activities designed to be, or regularly scheduled as "preventative", shall be considered as "maintenance" as defined herein.

**Maintenance** Shall refer to the performance of simple, often recurring tasks on or to a vehicle or piece of equipment designed to protect or insure its ongoing, useful functioning as designed, and/or to assure compliance with external warranties or internal policies. To include, but not limited to oil changes, lubrication, tire rotation, filter cleaning or changes, checking or adding of fluids or air, installation of fuses or batteries, exterior or interior washing, waxing or vacuuming, or similar.

##### Section 3. General Guidelines on Procurement

It shall always be the stated purpose and intent of the Town of Dallas, when utilizing public funds for the purchase and procurement of goods and/or services, that every effort shall be made

To acquire the desired good or service consistent with a process which, once it can be established that such good or service can be supplied or provided by multiple contractors or vendors, each pre-qualified in some manner as to assure the same level of specification, quality and timing, that said provider be ultimately selected based on lowest total cost or price.

#### **Section 4. Procurement of Vehicle & Equipment Repairs**

The Town of Dallas shall initially create, and thereafter yearly certify, a list of vendors who shall be considered "qualified" to perform vehicle and equipment repairs for the Town. This shall be referred to as the "Pre-qualification List". To gain entrance on the Pre-qualification List, vendors must:

- Be current and up-to-date on the maintenance of any and all required permits and licenses required by the State and or any municipal jurisdiction; and, have no outstanding taxes, fees, or obligations owed to the town of Dallas.
- Based on Town of Dallas and Industry standards, have and maintain adequate insurance coverage for all premises, equipment, personnel and work performed.
- Operate facilities which are: of adequate size and configuration, including adequate parking and storage for vehicles and equipment awaiting repair; properly equipped to promptly perform the repairs; cleaned regularly; orderly; and compliant with all safety, building and zoning codes and/or regulations.
- Employ an adequate number of highly-skilled, preferably-certified mechanics and/or repair technicians to ensure prompt, successful completion of the repairs contracted.
- Have primary repair facilities located within, as preference, or proximate enough to, the Town of Dallas to assure both ease and promptness to drop-off, pick-up and/or towing of vehicles and/or equipment to be repaired.
- Have ability to tow Town vehicles or equipment from Town yard or properties or remote locations back to primary repair facility upon demand.
- Present and maintain an identifiable history of experience in the successful completion of repairs of the nature and complexity to be contracted for with consistent customer satisfaction.
- Establish, maintain and bill based on a matrix of labor and material rates, which shall be clear, consistent, and, once submitted, not to be adjusted during the course of the year for which "pre-qualification" is established.

#### **Small-Scale Repairs: ( Likely to be completed in less than ½ day and cost less than \$500)**

Appropriate Town Department Head or designate shall contract for repairs only from among vendors in good standing on the Pre-qualification List, and only after contact with said vendor assuring then-available capacity to offer priority to promptly complete repair(s).

#### **Large-Scale repairs: (Likely to require more diagnosis; be more complex; and cost in-excess-of \$500)**

Appropriate Town Department Head or designate shall contract for repairs only from among vendors in good standing on the Pre-qualification List, and only after contacting Three (3) (or, if

Fewer than three vendors then-exist on the list, the total number pre-qualified) vendors who both assure the then-available capacity to offer priority to the prompt completion of repair(s), as well as who provide an estimate for the cost of repair(s). Under these circumstances, the lowest estimate shall be selected and repairs contracted from the associated vendor.

#### **Section 5. Procurement of Vehicle & Equipment Maintenance.**

The Town of Dallas shall procure vehicle and equipment maintenance services via the bidding out and selection, based on low bid, of clearly-specified routine, recurring maintenance services, for a contract period which shall be not-less-than one (1) year, nor exceeding three (3) years. Additionally, the selected low-bidder must meet the following criteria:

- Be current and up-to-date on the maintenance of any and all required permits and licenses required by the State and or any municipal jurisdiction; and, have no outstanding taxes, fees, or obligations owed to the town of Dallas.
- Based on Town of Dallas and Industry standards, have and maintain adequate insurance coverage for all premises, equipment, personnel and work performed.
- Operate facilities which are: of adequate size and configuration, including adequate parking and storage for vehicles and equipment awaiting maintenance; properly equipped to promptly perform the maintenance; cleaned regularly; orderly; and compliant with all safety, building and zoning codes and/or regulations.
- Have primary maintenance facilities located within, as preference, or proximate enough to, the Town of Dallas to assure both ease and promptness to drop-off and pick-up of vehicles and/or equipment to be maintained.
- Present and maintain an identifiable history of experience in the successful completion of maintenance of the nature and type to be contracted for with consistent customer satisfaction.
- Quote and bill, under terms of the contract, based on a matrix of labor and material rates, which shall be clear, consistent, and, once submitted, not to be adjusted during the course of the contract unless clearly allowed as exception or amendment.

TOWN OF DALLAS CARR SCHOOL DRAINAGE IMPROVEMENTS  
 BID TAB

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DESCRIPTION	QTY.	UNITS	Engineer's Estimate		S.C. Lovelace & Sons, Inc.		Cedar Hill Grading, Inc.		Quinn Sales, Inc.	
			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
Mobilization	1	LS	\$2,000.00	\$2,000.00	\$750.00	\$750.00	\$500.00	\$500.00	\$1,200.00	\$1,200.00
Clearing and Grubbing	0.4	AC	\$2,000.00	\$800.00	\$5,000.00	\$2,000.00	\$2,500.00	\$1,000.00	\$3,704.11	\$1,481.64
Borrow Excavation	800	CY	\$25.00	\$20,000.00	\$8.00	\$6,400.00	\$6.25	\$5,000.00	\$19.11	\$15,288.00
Class 57 Washed Stone	10	TN	\$35.00	\$350.00	\$30.00	\$300.00	\$35.00	\$350.00	\$36.50	\$365.00
Prop. 18" HDPE	290	LF	\$15.00	\$4,350.00	\$17.72	\$5,138.80	\$21.00	\$6,090.00	\$25.76	\$7,470.40
Prop. 24" HDPE	40	LF	\$20.00	\$800.00	\$30.00	\$1,200.00	\$30.50	\$1,220.00	\$40.98	\$1,639.20
18" Flared End Section	1	EA	\$15.00	\$15.00	\$306.72	\$306.72	\$475.00	\$475.00	\$457.00	\$457.00
24" Flared End Section	1	EA	\$20.00	\$20.00	\$364.56	\$364.56	\$650.00	\$650.00	\$521.50	\$521.50
OTCB (Complete in Place 0' - 6' Depths)	4	EA	\$1,500.00	\$6,000.00	\$1,251.26	\$5,005.04	\$1,800.00	\$7,200.00	\$1,890.00	\$7,560.00
Drainage Structure Extra Depth	8	LF	\$200.00	\$1,600.00	\$265.42	\$2,123.36	\$90.00	\$720.00	\$330.33	\$2,642.64
Inlet Protection, Complete in Place	4	EA	\$200.00	\$800.00	\$285.00	\$1,140.00	\$500.00	\$2,000.00	\$184.00	\$736.00
Temporary Gravel Construction Entrance	1	EA	\$1,200.00	\$1,200.00	\$750.00	\$750.00	\$1,800.00	\$1,800.00	\$1,544.00	\$1,544.00
Check Dam (Complete in Place)	3	EA	\$500.00	\$1,500.00	\$350.00	\$1,050.00	\$175.00	\$525.00	\$300.00	\$900.00
Netting NAG SC-150 (Complete in Place)	1000	SY	\$4.75	\$4,750.00	\$1.25	\$1,250.00	\$1.10	\$1,100.00	\$2.00	\$2,000.00
Permanent Grassing (Seed, Mulch, & Tack)	17424	SF	\$0.10	\$1,742.40	\$0.08	\$1,393.92	\$0.16	\$2,787.84	\$0.07	\$1,219.68
Temporary Grassing (Seed, Mulch, & Tack)	8000	SF	\$0.05	\$400.00	\$0.06	\$480.00	\$0.12	\$960.00	\$0.07	\$560.00
Class #1 Rip-Rap w/Filter Fabric Complete in Place	101	TNS	\$45.00	\$4,545.00	\$30.00	\$3,030.00	\$42.00	\$4,242.00	\$53.60	\$5,413.60
Contingency	1	EA	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
<b>TOTAL</b>				<b>\$55,872.40</b>		<b>\$36,682.40</b>		<b>\$39,119.84</b>		<b>\$54,996.66</b>

August 14, 2013



**Mayor**  
Rick Coleman

**Aldermen**  
John Beaty  
Allen Huggins  
Scott Martin  
Darlene Morrow  
Hoyle Withers

**Town Manager**  
Jim Palenick

**Town Clerk**  
Maria Stroupe

**Town Attorney**  
J. Thomas Hunn

**Public Works**  
Bill Trudnak

**Electrical**  
Doug Huffman

**Police Chief**  
Gary Buckner

**Planning**  
David Kahler

**Fire Chief**  
Steve Lambert

**Recreation**  
Anne Martin

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

**Phone:**  
704-922-3176

**Fax:**  
704-922-4701

**Web Page:**  
[www.dallasnc.net](http://www.dallasnc.net)

Mr. Ronnie Loftis, Board Chair  
Gaston County Tourism Development Authority  
620 N. Main St.  
Belmont, NC 28012

Re: Dallas Historic Courthouse Foundation.

Dear Chairman Loftis and Tourism Development Authority Board Members:

The Dallas Historic Courthouse Foundation (DHCF) is a 501(c)(3), Tax-exempt organization chartered by the Town of Dallas, and governed by an independent, 9-member Board of Directors, whose singular mission is the preservation, renovation, and improvement of the historic (1848), Nationally-Registered Courthouse Building and Town Square Plaza in Dallas, NC in the heart of Gaston County. To that end, the DHCF is currently undertaking a major capital fund-raising campaign so that this iconic Gaston County edifice might be reborn as a quality, publicly-accessible, meeting, gathering, conference, training and banquet facility in order to further economic development, aid in cultural tourism, and bring visitors to local hotels and lodging facilities..

This enduring symbol for and cultural heart of the Town of Dallas is arguably the most significant historic structure in the County -- actually pre-dating the 150-year history of the Town of Dallas, and serving as the original Gaston County Courthouse and center of Gaston County government from 1848-1911. Through the expenditure of an estimated \$985,000.00, the DHCF, in cooperation with the Town of Dallas, aims to preserve and enhance this idyllic, postcard-like cornerstone of Gaston County history so that it might stand for many more generations in service to our community. We believe that Gaston County, and the Gaston County Tourism Development Authority can significantly aid this effort and, in fact make the difference in assuring its success. Allow us to explain:

Of the total estimated project budget of \$985,000.00, the Town of Dallas has already committed some \$520,000.00; and early fund-raising requests and events have added another \$27,925.00. Further, a grant award of \$12,500.00 has been received from the Marion Stedman Covington Foundation; an application for \$100,000.00 has been submitted to the Gaston Community Foundation; and multiple other corporate and Foundation grant applications have been written and submitted. **The final piece to the funding puzzle ..... a contribution of \$250,000.00 (paid out as two, yearly installments of \$125,000.00 each) can be put into place by Gaston County and without any burden to County citizens or tax-payers and without cuts or decreases to any services.** How can this be accomplished, you ask? We believe, by understanding, approving, and proceeding with action consistent with the following facts.

**Gaston County Contribution to U.S. National Whitewater Center**

- Contractual commitment of \$1,000,000.00
- Being Paid from Yearly Collections of Hotel Occupancy Tax (H.O.T.)
- Payments of \$142,857.14/year for Seven (7) years
- Last Payment to be Made: 2013



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DHCF pg.2

- **Beginning 2014, Gaston County Will Free Up \$142,857.14 Per Year in Hotel Occupancy Tax Revenue That Had Been Going to Subsidize the Whitewater Center in Mecklenburg County.**

**As such, the Tourism Development Authority Could:**

- **Allocate \$125,000.00 in 2014 H.O.T. Revenues (\$17,857.14 of "Freed-Up Funds" Still Available to Other Tourism Programs).**
- **Allocate \$125,000.00 in 2015 H.O.T. Revenues (\$17,857.14 of "Freed-Up Funds" Still Available to Other Tourism Programs).**

**Beginning 2016: All \$142,857.14 in Freed-Up Whitewater Funds Available.**

We therefore, on behalf of both the Mayor & Board of Aldermen of the Town of Dallas as well as the President and Board of Directors of the Dallas Historic Courthouse Foundation, respectfully request that the Gaston County Tourism Development Authority and the Gaston County Board of Commissioners authorize and approve the contribution of \$125,000.00 in 2014 Hotel Occupancy Tax Revenues; and \$125,000.00 in 2015 Hotel Occupancy Tax Revenues to the Dallas Historic Courthouse Foundation in support of the capital campaign to fully preserve, renovate, and enhance the Nationally-Registered (1848), historic courthouse building in Downtown Dallas for ongoing future use as a meeting, gathering, conference, training and banquet facility. Further, that said funding honor and memorialize the local, regional, and state-wide contributions to higher-education embodied in the lifetime of service offered by Dallas and Gaston County's favorite and most-honored son, the late Dr. William C. Friday, by naming the renovated facility, the "Dr. William C. Friday Memorial Conference Center".

Thank you all for your gracious and thoughtful consideration. Please don't hesitate to contact us with any questions, or if you desire additional information or documentation.

Sincerely,

Rick Coleman  
Mayor

Charlotte Jenkins  
President, DHCF

Cc: Gaston County Commissioners  
Dallas Board of Aldermen  
Board of Directors, DHCF

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**PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION**

Date: 7-24-13

To the Board of Aldermen of the Town of Dallas:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Dallas.
2. The area to be annexed is non-contiguous to the Town of Dallas and the boundaries of such territory are as follows:
3. A map is attached showing the area proposed for annexation in relation to the primary Corporate limits of the Town of Dallas.
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Name <u>Maria R. Mason</u>	Address <u>4210 Springview</u>	Do you declare vested rights?	<u>Maria R. Mason</u> Signature
<u>MARIA R. MASON</u>	<u>Dallas NC</u> <u>28034</u>		

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S.160A-31**

WHEREAS, a petition requesting annexation of an areas described in said petition was received on August 13, 2013 by the Board of Aldermen; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Board of Aldermen of the Town of Dallas deems it advisable to proceed in response to this request for annexation;

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the Town of Dallas that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Aldermen the results of her investigation.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

Re: Ratchford Dr. Annexation



