

MINUTES FOR BOARD OF ALDERMEN MEETING

December 9th, 2014

6:00 PM

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

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

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 asked if there were any additions or deletions to the agenda. Mayor Coleman stated that Item 11A needed to be moved up in the agenda to be addressed immediately after approval of the minutes. Mr. Huggins made a motion to approve the amended agenda, seconded by Mr. Withers, and carried unanimously.

Ms. Morrow made a motion to approve the minutes from the November 18, 2014 regular meeting, seconded by Mr. Cearley, and carried unanimously.

Item 11A was dedication of the New Fire Engine Pumper #630. Chief Lambert thanked the Town for funding the purchase of the new fire truck and stated that the vehicle is replacing a 1989 model truck that is terribly outdated. Chief Lambert revealed a plaque that will be placed on the fire truck honoring Howell Eugene Jones and his 50 years of service to the Fire Department. Mayor Coleman read a resolution from the Town honoring Mr. Jones. (Exhibit A) A commendation from the Gaston County Board of Commissioners was presented the Mr. Jones. Mr. Barry Joye, Gaston County Firefighters Association presented Mr. Jones a plaque in honor of his service. Senator Patrick McHenry's office sent a letter from Senator McHenry and a flag that had been flown over the Capitol Building in honor of Mr. Jones service. Chief Lambert also presented Mr. Jones with a personalized firefighter's helmet. Mr. Jones gratefully thanked all those present for the honors bestowed upon him. Chief Lambert also took the opportunity to recognized three firemen for 20 years of service to the Fire Department; Earl Withers, David Jones, and Bill Frietch. Firefighter Paul Parks was also recognized as Firefighter of the Year. The entire audience was invited to view the new fire truck and to participate in a reception honoring Gene Jones.

Consent Agenda:

None

Recognition of Citizens:

Mr. Glenn Bratton, 405 S. Rhyne St., congratulated Chief Buckner on hiring Detective Sergeant Michael Lynch. Mr. Bratton has worked with Detective Lynch while with the Gaston County Police Department and knows him to be a quality police officer. Mr. Bratton also stated that he has been trying to find out information concerning a possible second water connection at a property located at 431 S. Hoyle St. He said he had made inquiries twice over the past several months, but has not been contacted back. He does not own this property, but may be interested in it. Mr. Trudnak stated that the connection was discovered and was disconnected approximately 6 weeks earlier, so the question has been resolved.

Recognition of Employees:

Michelle Roberts Garmon was recognized for 10 years of service with the Town of Dallas. (Exhibit B) Michelle was hired on November 22, 2004 as a Collector/Customer Service Representative. On May 15, 2006, Michelle was promoted to Accounting Technician/Utility Billing Clerk. She is instrumental in managing the billing system and ensuring the accuracy of our customers' utility accounts. Her commitment and dedication to serving the Town and its citizens is greatly appreciated. Michelle was not present, but will be presented with a framed certificate of appreciation.

Lisa H. Harris was recognized for 10 years of service with the Town of Dallas. (Exhibit C) Lisa was hired on November 2, 2004 as a Meter Reader. Her commitment to serving the Town is vital to serving the citizens of Dallas with accurate utility bills. Her dedication to her position is greatly appreciated. Lisa was not present, will be presented with a framed certificate of appreciation.

Special Events & Requests for In-Kind Services:

None

Public Hearing:

Item 9A was a Public Hearing to Consider a Rezoning Request, A T Land Co, 1430 NC 279, R-10 to B-1CU. Mr. Withers made a motion to enter into the public hearing, seconded by Ms. Morrow, and carried unanimously. Thomas Eason and A T Land Co. of NC, LLC, owner, is requesting to rezone 5.28 acres located at 1430 Dallas Cherryville Hwy, on the north side of NC Hwy 279 between Eden Glen Dr. and Summey Farm Rd. from R-10 Single Family Residential Zone to B-1CU, Neighborhood Business Conditional Use Zone. As this will be a quasi-judicial proceeding, Mr. Hunn directed the Board in the parameters of such a proceeding. Mr. Dennis William, Architect with Williams Designs, and Mr. Bob Kendrick, 408 S. Groves St., were sworn in by Mayor Coleman as potential witnesses. Mr. Kiser gave an overview of the property and read the conditions as presented in the Staff Report (Exhibit D). Mr. Kiser handed out corrections that were approved by the Planning Board and Property Owner. (Exhibit E) Mr. Huggins asked if the water and sewer were both serviced from the back of the property. Mr. Kiser stated that the water service was at the front of the property, but the sewer would be from the back of the property. Mayor Coleman asked if the right-of-ways were in place. Mr. Kiser stated that the right-of-ways were in place; 10-ft total, with 5-ft on each side of the property line. Mr. Cearley asked if all of the surrounding property owners had been notified. Mr. Kiser advised that all owners within 100 feet were notified of the rezoning. Mr. Williams, Architect Williams Designs, reviewed the site plan for an Ace Hardware Store, with an additional greenhouse building, storage shed for landscape materials, possible future expansion of building due to growth, and an additional warehouse type building of a size up to 5000 sq. ft., if necessary. Mr. Cearley asked if any of the future buildings would impede into the tree line. Mr. Williams stated that they would not. Mr. Kiser read the "Statement of Consistency and Reasonableness" contained in the Staff Report. Mr. Kiser read the "Statement of Findings". (Exhibit F) Mr. Huggins asked what the timetable would be for completion of the project. Mr. Kiser stated that it should be completed within two years. Mr. Withers made a motion to exit the public hearing, seconded by Ms. Duff, and carried unanimously. Mr. Withers made a motion to approve the rezoning request as presented, seconded by Ms. Morrow, and carried unanimously. Mr. Cearley made a motion to approve the conditional use permit with the findings that have been read into the record, seconded by Ms. Duff, and carried unanimously.

Item 9B was a Public Hearing to Consider a Rezoning Request, Hovis & Hovis Rentals, 303 W. Trade St., R-12 to B-3. Mr. Withers made a motion to enter into the public hearing, seconded by Ms. Morrow, and carried unanimously. James R. Hovis, Jr. and Hovis and Hovis Rentals, owner, is requesting to rezone a tract of approximately 0.49 acres, located at 303 W. Trade St., from R-12, Single Family Residential Zone to B-3, Central Business Zone. Mr. Kiser reviewed the request and read the "Statement of Consistency and Reasonableness" found in the Staff Report (Exhibit G). Mr. James Hovis stated that it was his understanding that this property had been

approved as commercial property over 30 years ago, but that it was never formalized. His intentions are to preserve the integrity and historical nature of the property. He just wants to have the zoning corrected. Mr. Withers made a motion to exit the public hearing, seconded by Ms. Morrow, and carried unanimously. Ms. Duff made a motion to approve the rezoning request as presented, seconded by Mr. Cearley, and carried unanimously.

Item 9C was a Public Hearing to Consider a Zoning Code Amendment for possible changes to the Fence Ordinance. Mr. Withers made a motion to enter into the public hearing, seconded by Mr. Cearley, and carried unanimously. The purpose of the amendment is to establish standards for fences in residential districts. (Exhibit H) The Planning Board has requested more time to study this matter and to consider modifications to the proposed amendment. Ms. Duff made a motion to continue this Public Hearing to February 10, 2015, seconded by Ms. Morrow, and carried unanimously.

Old Business:

Item 10A was a request to amend the Purchase Power Agreement with Duke Energy to recognize over-funding of the nuclear power plant decommissioning fund expense calculation. The long-term, wholesale purchase power agreement between the Town of Dallas and Duke Energy governs the manner in which Duke must provide uninterrupted bulk electric power to the Town and establishes how the rates will be calculated for that provision. To simplify the rate process, in addition to the Town getting credit for generating power and introducing it back into the system at so-called “peak demand times”, Dallas essentially agrees to provide Duke a certain rate of return (or, return on equity) beyond their covering pre-established and agreed upon expenses. In this way, their expenses become important to our final rates, because to the extent that they can be lowered, then that decrease will be equally reflected in our wholesale rates. The current amendment request is for the sole purpose of acknowledging and documenting that the current yearly Duke expense of paying \$48 Million into a mandated, nuclear power plant decommissioning fund, is no longer necessary because the fund has been determined to be fully-funded. As such, this expense, beginning January 1, 2015 will be reduced to zero, while the cost for 10/01/2013 through 12/31/2014 will be reduced to \$21 Million. The amendment makes this singular change to the Duke expense calculation which, in turn, is then estimated to result in an approximate \$30,000 in yearly rate savings to the Town of Dallas. All other aspects and terms of the Agreement remain unchanged. Ms. Duff asked what the effect of this change would be for Dallas’s customers. Mr. Palenick stated that the affect may possibly be seen in lower future rate increases from Duke, but that the \$30,000 savings is a small amount in view of Dallas’ \$7 Million Electric budget. Mr. Withers made a motion to approve the amendment as presented, seconded by Mr. Cearley, and carried unanimously.

New Business:

Item 11A was the item moved up in the agenda.

Item 11B was a request to approve the Budget Calendar for Fiscal Year 2015/2016. Each year the Town establishes a calendar for the preparation of that upcoming fiscal-year’s budget. (Exhibit I) Mr. Cearley made a motion to approve the Budget Calendar for FY 2016 as presented, seconded by Mr. Withers, and carried unanimously.

Item 11C was a request to approve a budget amendment to recognize prior year Powell Bill Allocation Revenues, assign those revenues as Street Expenditures, and to further detail Street Expenditures on Trade Street Intersections. As part of the current, year-end financial reviews with the new Auditing Firm, it has come to our attention that a long-standing North Carolina Cash Management Trust Fund account held by the Town contains approximately \$167,250 in unspent, prior year Powell Bill Allocation revenues which must, by law, be spent on Street expenditures. Beginning with 2006, and forward, the Town has consistently spent the yearly allocations of State Powell Bill distributions according to NC State Statutes. Since this balance predates 2006 (which is prior to the current Town Manager and Town Finance Officer’s tenures with the Town), it is assumed

that a past administration must have been saving multiple years allocation to add up to a bigger project or initiative in a future year. (Exhibit J) Now that Town management is aware of these funds we need to allocate them to be expended in this current budget year. The proposed budget amendment would assign all these funds to the repaving and/or improvement of eligible streets. (Exhibit K) Further, while amending the Street Department budget, there is a need to make amendments to actually show the more-detailed line-item breakdown of expenditures for the Trade Street Intersection Improvement Project. As a result of these discovery and subsequent amendment, the Town will now be completing over \$273,500 in street paving, on a prioritized basis this fiscal year, along with the two Trade Street Intersection Signalization and Crosswalk upgrades. Mr. Cearley made a motion to approve the budget amendment as presented, seconded by Mr. Withers, and carried unanimously.

Item 11D was a request to award the bid for Electric Substation Construction and Installation. On November 18, 2014, the Town conducted a public bid opening for the actual final installation and construction of the new 44-12.47/7.2 kV Electric Substation, along with additional materials and equipment as specified. Five responsive bids were received, ranging from a low of \$297,000 to a high of \$530,000. Following complete review and evaluation of all bids received; our consultant, Progressive Engineering, recommends a contract award to the low responsive bidder, Aubrey Silvey of Carrolton, Georgia at their bid price of \$297,000. (Exhibit L) This cost, when combined will all other previous construction and equipment costs, was well as remaining and identified equipment and engineering costs, will allow the Town to complete the project at \$150,000 under budget when compared to the original estimate of \$2,006,400. Ms. Morrow made a motion to award the bid contract to Aubrey Silvey as presented, seconded by Mr. Cearley, and carried unanimously.

Item 11E was a request to approve a budget amendment to the Electric Fund to account for Fiber Optic Infrastructure Improvements. When first developing and seeking approval for the FY 2014-15 Electric Fund Budget, it was contemplated to include an expenditure line-item accounting for expected additions/improvements to the Town's Fiber Optic network in order to provide adequate broadband data capacity to all Town facilities, including the newly renovated Courthouse. Ultimately, this item was not included because of uncertainties as to the timing and costs of particular improvements. However, as Dallas continues to move away from the high-priced AT&T retail provision of broadband, and as we finalize the much-greater capacity of fiber build-out to the Town's buildings, we feel more comfortable in knowing the scope of the work and expenditures needed in this current budget year. A budget amendment for \$18,500 has been developed to accomplish this task. (Exhibit M) These funds will come from unreserved Fund Balance in the Electric Fund, which has already grown this year by over \$340,000 due to unexpected "True-Up" revenues. As a result of these improvements, the monthly cost of broadband will continue to decrease, while achieving greater broadband speeds. Mr. Withers made a motion to approve the budget amendment as presented, seconded by Mr. Huggins, and carried unanimously.

Item 11F was a request to approve an extension to the cellular antenna lease with Cricket Wireless for the short-term continuation of a cell site on the Oakland Street Water Tank. The Town of Dallas first entered into a long-term cellular antenna lease with Cricket Wireless back in 2004. That agreement, which allows Cricket to maintain a cellular antenna array on the Town's Oakland Street Water Tank (along-side two other carriers' arrays) expires effective December 15, 2104. Because of the now-impending expiration, Cricket has requested an extension to the lease, maintaining all terms and conditions the same, except that effective December 27, 2014, with the commencement of the new term, Cricket would pay Dallas a rate of \$2,178.00 per month (a 10% increase over the last rate which was established five years ago) and the term would now be for a 6-month time period, with options to extend for additional 6-month periods, with the requirements that the monthly rate increase by 1 ½% with the commencement of each new, 6-month term. Cricket, apparently, believes it will be exiting this location and probably the regional market, within 1 to 1 ½ years, so they did not want a long-term lease, but rather something that allows them to leave on relatively short notice. Based upon the original lease, upon final termination of the lease by Cricket, they are required to properly remove all antennas, cables, and equipment without harming the Tower or other provider's equipment and to leave the premises in a condition

equal to that which they first found, aside from normal wear and tear caused by the elements. Ms. Morrow made a motion to approve the extension to the cellular antenna lease with Cricket Wireless as presented, seconded by Mr. Cearley, and carried unanimously.

Mr. Palenick gave a Manager's Report, noting current projects. He noted that a meeting had been held with staff from the Gaston County Museum, Dallas Historic Courthouse Foundation, and Town representatives concerning management of the Courthouse. A proposal submitted by the Museum was distributed for review.

Ms. Duff made a motion to enter into a Closed Session as provided for by N.C.G.S. § 143-318.11, to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.; seconded by Mr. Withers, and carried unanimously. (8:10)

Ms. Duff made a motion to exit the Closed Session, seconded by Ms. Morrow, and carried unanimously. (7:23)
No action was taken.

Mr. Withers made a motion to adjourn, seconded by Mr. Cearley, and carried unanimously. (8:27)

Rick Coleman, Mayor

Maria Stroupe, Town Clerk

**RESOLUTION HONORING HOWELL EUGENE JONES
FOR
50 YEARS OF DEDICATED SERVICE**

Whereas, Life-time Dallas Resident **Howell Eugene Jones, of 603 North Street.**, was born on February 22, 1937, and went on to a distinguished career of dedicated service for the State of North Carolina as a Correctional Officer; and,

Whereas, Mr. Jones first joined the Dallas Fire Department on June 28th, 1964, serving as a fire-fighter and then rising through the ranks to the position of Captain; and,

Whereas, by 2006, his unbroken record of commitment and dedication to the Fire Department, in combination with his personal ministry of faith and devotion to his church (Dallas Church of God), resulted in his being named Chaplain; a position he continues to hold to this day; and,

Whereas, Chaplain Jones attends and ministers to the emotional and spiritual needs of the Department and its members throughout the year and most intensely in their time of need – giving of his time freely and continuing, through his personal actions and behaviors, to serve as a role model of service; and,

Whereas, in honor of Chaplain Jones' **50th Anniversary** of service to the Dallas Fire Department, and to the Town of Dallas, and to his past and fellow colleagues in the Fire Service, the Town of Dallas wishes to recognize his extraordinary dedication and commitment, exhibited over a full half-century .

Now Therefore Be it Resolved: that the Town of Dallas, by the affirmative vote of its Board of Aldermen does hereby officially recognize and honor resident and Fire Department Chaplain, **Howell Eugene Jones, on the event of his 50th Anniversary of Service to the Dallas Fire Department, by permanently dedicating the new. Fire Engine Pumper (Unit #630) in his name;** and extends to him the collective appreciation and gratitude of the Town of Dallas, the Dallas Fire Department, and the Greater Dallas Community. May he continue to serve as an inspiration to home-town virtue and faithful citizen service for many more anniversaries to come.

Approved This 9th Day of December, 2014

Mayor, Rick Coleman

Attest: _____

Maria Stroupe, Town Clerk

CERTIFICATE OF APPRECIATION

This certificate is awarded to

MICHELLE ROBERTS GARMON

in recognition of her 10th anniversary with the Town of Dallas on November 22, 2014
and in gratitude for her years of dedication and service

TOWN OF DALLAS



Signature

Date

Signature

Date

CERTIFICATE OF APPRECIATION

This certificate is awarded to

LISA H. HARRIS

in recognition of her 10th anniversary with the Town of Dallas on **November 2, 2014**
and in gratitude for her years of dedication and service

TOWN OF DALLAS



Signature

Date

Signature

Date

**REZONING PUBLIC HEARING
STAFF REPORT
A T LAND CO. OF NC, LLC- 1430 DALLAS-CHERRYVILLE HWY
PLANNING BOARD, NOVEMBER 20, 2014**

OWNER: A T Land Co. of North Carolina, LLC

APPLICANT: Thomas Eason

PROPOSED ZONING ACTION: R-10 Residential to B-1CU Neighborhood Business Conditional Use

LOCATION: 1430 Dallas-Cherryville Hwy (NC Hwy 279)

TRACT SIZE: 5.28 Acres

STAFF EVALUATION:

Site Description and Background:

The subject property is a single parcel of 5.28 acres located along the northern side of Dallas-Cherryville Highway (NC-279) about 260 feet west of Eden Glen Drive. It is a suburban location. All properties on the north side of NC-279 in the immediate area and the highway itself are within the town limits of Dallas. Except for one lot, noted below, the properties on the south side are outside the Town limits and in Gaston County zoning jurisdiction. The subject tract is currently vacant but was a homesite until a demolition last summer. The existing property does not contain steep or moderate grades. From the front it rises 4-8 feet toward the eastern center at its crest and then there is a gradual slope toward the rear of 4-6 feet and then another 4-8 decline to the far northwest corner. The site contains numerous mature trees, mostly deciduous species. Trees are mainly located along the northern or rear portion of the property, and in the southwest third of the site in the area of the former house.

Adjoining Properties and Land Use Trends:

Immediately to the east of the subject is a 1.46 acre vacant lot and to the east of this adjoining vacant lot is a single family home sitting on 1.4 acres, almost at the intersection of Eden Glen Drive. The subject tract has 421 feet of frontage on Dallas-Cherryville Highway. Across NC-279 is a single 0.69 acre tract in the Town limits on which is located a convenience store and is zoned B-2CU, Highway Business Conditional Use. The other properties directly across NC-279 are in County jurisdiction. Three of the parcels directly across NC-279 are vacant and one contains a single family house. Further to the west across NC-279 are eight additional single family houses on individual lots. Attached is a map showing both County and Town zoning in the immediate area. County zoning for the vacant lots on either side of the mentioned convenience store is C-1 Neighborhood Business. County zoning for the lots to the west of this business zone is R-1 Single Family. To the west of the subject is a single family house with two lots totaling 2+ acres and to the west of the adjoining property are two more single family homes on large tracts. Directly behind the subject are four homes on individual lots facing Carole Summey Drive, a cul-de-sac, built-out residential street within the Summey Knoll subdivision.

Recent land use trends for the area have been commercial for properties fronting along Dallas-Cherryville Highway and for residential for properties off the highway (with exception of subdivision entrance/stem streets). There have also been some public and institutional uses existing along NC-279 for a number of years, most notably being the County Citizens Resource Center and County park

entrance, and the entrance to Gaston College. The mentioned convenience store was built in 1985; however, a new Walmart Neighborhood Market (basically a supermarket) opened only this month about 1,200 feet east of the subject property. Further east of the Walmart site, there exists what can best be described as a small commercial strip. Commercialization of Dallas-Cherryville Highway has been a trend that has been happening for over 15 years, spurred by the construction of the interchange at US-321. There has also been new single family developments in the area during this period such as Summey Knoll and Eden Glen. The 2003 adopted land use plan designates the north side of Dallas-Cherryville Highway as commercial from the US-321 interchange westward to one lot short of Summey Farm Road. Thus, the subject property has been planned for commercial use by the Town.

Available Public Facilities:

All public facilities are available to the site. NC-279, although in need of widening for future traffic demand, has adequate capacity fronting the subject property to provide access to the site. Public water service from the Town is available to the site on NC-279. Public sewer service from the Town is available to the site from Carole Summey Drive. Natural gas is available along NC-279. The Town of Dallas Electric Department has electric service immediately available to the site from NC-279.

Conclusion and Recommendation:

As stated, the adopted Dallas Land Use Plan designates the subject property for commercial use. But as properties fronting along Dallas-Cherryville Highway are rezoned from residential to commercial, care should be taken to protect stable, established residential areas that exist (or will exist) to the rear of future commercial properties. This can best be done through buffers, which include: (1) yards that provide horizontal separation (preferably undisturbed); and (2) year-round general opacity, typically with plants (trees, preferably existing mature ones, supplemented by new plantings where existing trees are insufficient to provide year-round opacity). Conditions established specific to the site in the rezoning process can assure that measures will be taken to eliminate or mitigate impacts upon adjoining residential areas. Neighborhood Business zones are typically established to provide necessary retail and services to nearby neighborhoods such as grocery stores, drugstores, hardware stores, eateries, and barbershops. **Assuming the applicant is willing to accept the recommended conditions stated below, the subject property should be rezoned from R-10 Residential to B-1CU, Neighborhood Business Conditional Use and the Conditional Use Permit (CUP) should be granted.**

Recommended conditions are as follows:

1. The property shall be developed in accordance with the attached site plan which will be incorporated into the CUP.
2. The main building will be built in accordance with the architectural elevation drawings attached which will be incorporated into the CUP. The main exterior finish walls of the main building shall be brick but may include design elements such as glass windows and doors, architectural trim elements of other materials including architectural metal trim, decorative concrete masonry units, stucco- real or artificial, or stone- real or artificial, or wood. Accessory buildings shall include similar materials but are not required to be mainly brick exterior finish. Such accessory buildings may also include a greenhouse; however, no buildings of plain concrete block or metal buildings (e.g. "R" sheet metal panel siding) shall be constructed.
3. There shall be no outdoor display or storage of materials (except nursery plant materials) within ninety (90) feet of the right-of-way of NC-279. Owner shall meet the requirements of Sec I-I-13 Development Requirement Standards of The Town of Dallas Zoning Code, (D) 11, Parking and Loading (f) "Parking Lot Landscaping Requirements" with respect to the three foot screen

required between parking area and adjacent streets; and meet all other requirements of said section.

4. Owner, designer and contractor shall strive to protect existing trees in the rear portion of the lot. At a minimum, there shall be no land disturbance or tree removal within 100 feet of the rear property line except as necessary for installation of supplemental screening plants and installation of sewer service line. Before land disturbance, owner shall mark any trees to be removed within 125 feet of the rear property line and allow the Development Services Director to inspect such with project designer, with respect to necessity for removal. Prior to any land disturbance owner shall install temporary orange tree protection zone fencing and allow for inspection of such fencing by Development Services Director and project designer to assure against any unnecessary root disturbance. Where existing trees do not provide for adequate opacity along the rear property line, additional evergreen trees shall be installed to create a screen that will provide for general opacity within five years of issuance of a certificate of occupancy. Such trees shall be a mixture of evergreen trees approved by the Director of Development Services and be at least eight feet in height at the time of planting. Buffer installation along the side (east and west) property lines shall meet the Town Zoning Code.
5. All uses within the B-1 Zone shall be allowed with the exception of communication towers, auto service stations, and any use defined under NC GS 14.202.10, Article 26A (Adult Establishments).
6. The project shall meet all development standards of the Town of Dallas Zoning Ordinance.

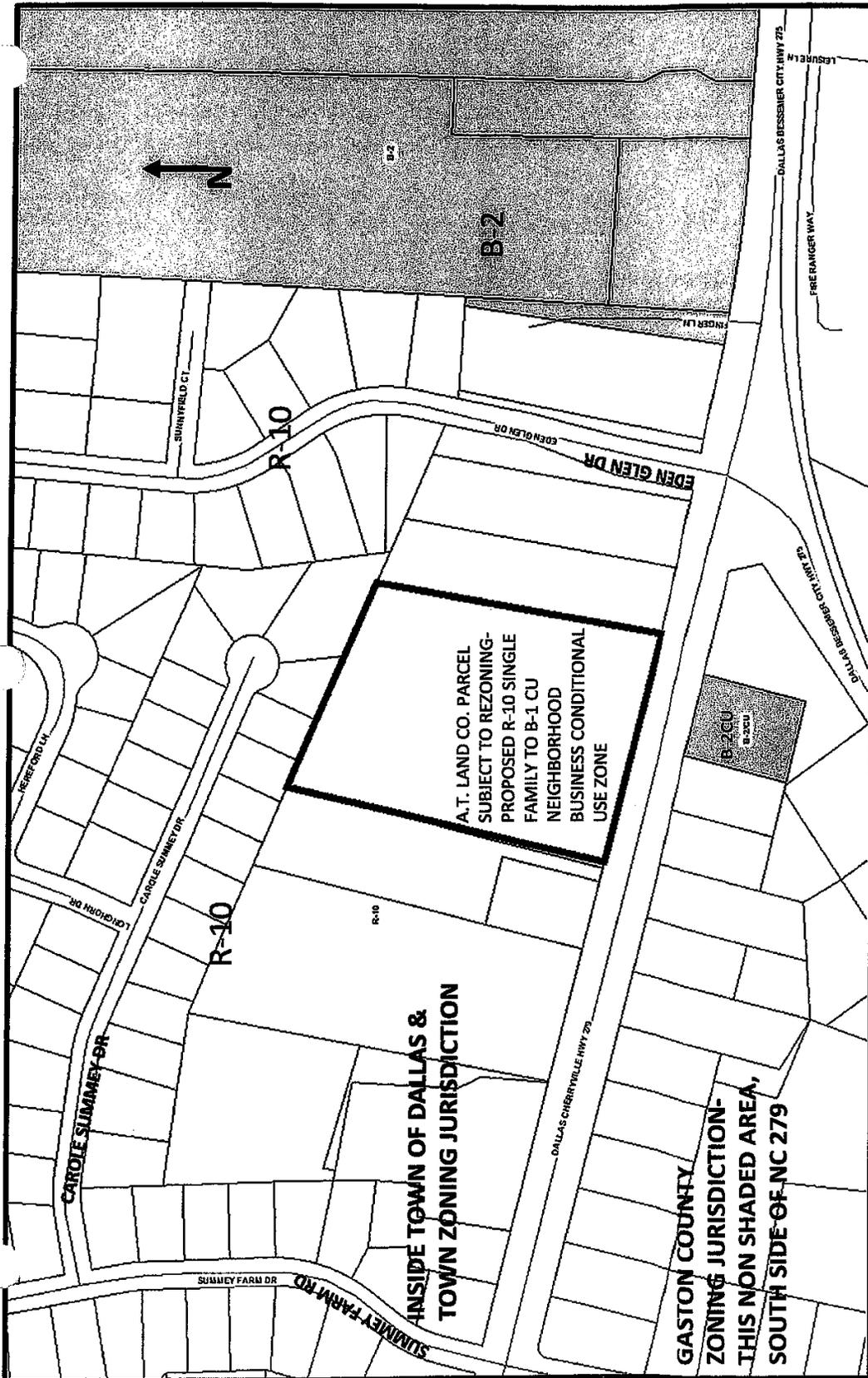

 Jack Kiser, AICP, Development Services Director

STATEMENT OF CONSISTENCY AND REASONABLNESS:

The Town of Dallas Land Use Plan, adopted in 2003 designates this property for commercial use. The Neighborhood Businesses zone is intended to provide locations for businesses to serve nearby neighborhoods. The conditions imposed upon and agreed to by the owner will provide for sufficient measures to protect adjoining residential neighborhoods.

PLANNING BOARD RECOMMENDATION:

At their November 20, 2014, meeting the Planning Board voted unanimously (6-0) to recommend approval of the rezoning as submitted (R-10 Single Family Residential to B-1CU Neighborhood Business Conditional Use); and, unanimously to recommend the Conditional Use Permit (CUP) be granted subject to the above recommended conditions. Members present and voting included Mr. Simms, Mr. Clemmer, Mr. O'Daly, Dr. Heywood, Mr. Wilson Mr. Beaty



MAP SHOWING PETITIONED REZONING REQUEST OF PROPERTY OF A.T. LAND CO. OF NC LLC, LOCATED AT 1430 DALLAS CHERRYVILLE HIGHWAY (NC HWY 279), DALLAS NC, AND FURTHER DESCRIBED AS COUNTY PARCEL IDENTIFICATION NUMBER 221859. THE REQUEST IS TO CHANGE THE ZONING CLASSIFICATION OF THIS PROPERTY FROM R-10 SINGLE FAMILY RESIDENTIAL ZONE TO B-1-CU NEIGHBORHOOD BUSINESS CONDITIONAL USE ZONE. THE APPLICANT PROPOSES TO CONDITION THE REZONING SUBJECT TO DEVELOPMENT ACCORDING TO A SITE PLAN (SEE ATTACHED).

A T Land Co. Rezoning – Revision to Condition #3 as recommended by Planning Board and staff:

Old wording removed:

~~3. No outdoor display or storage of materials or merchandise closer to the fronting street than the front building wall except that the front porch may be used for such during open business hour.~~

Revised wording:

3. No outdoor display or storage of materials (except nursery plant materials) within ninety (90) feet of the right-of-way of NC-279. Owner shall meet the requirements of Sec I-I-13 Development Requirement Standards of The Town of Dallas Zoning Code, (D) 11, Parking and Loading (f) "Parking Lot Landscaping Requirements" with respect to the three foot screen required between parking area and adjacent streets; and meet all other requirements of said section.

STATEMENT OF FINDINGS- A T Land Co Rezoning- 1430 Dallas Cherryville Hwy

- 1) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted: ***The proposed use is recognized as a small neighborhood business in the zoning code. It will create no unhealthy emissions or disturbing noises. It will not create a traffic hazard. There are no recognized threats to public health and safety if built according to plan.***
- 2) The use will not create traffic hazards, excessive congestion or hazards to pedestrians within the development and upon the public streets at the points of ingress and egress: ***There is good visibility at point of ingress and egress. Only one driveway is proposed. There are no known hazards to pedestrians or vehicles created by the development.***
- 3) Public facility systems are sufficient to serve the development: ***All utilities are available to the site. There is sufficient road capacity.***
- 4) Surrounding properties will be adequately protected from potential adverse effects of the development: ***A natural buffer consisting of mature trees never less than 100' will be provided to the rear. All other buffers will meet Town standards. All buffer areas will be enhanced with evergreen trees as per the conditions. The conditions provide for added buffers to protect adjoining areas, particularly to the rear of the site.***
- 5) The development complies with the standards and specifications for the corresponding general zoning districts: ***The proposed development will comply with the standards and specifications for the corresponding general zoning districts if built according to plan. Additionally, site plan review will be done by Town staff to assure final plans meet all Town standards.***
- 6) The use is consistent with the general plan of development for the area: ***The 2003 adopted land use plan shows this property and property adjoining either site to be business on the Future Land Use Plan Map.***

**REZONING PUBLIC HEARING
STAFF REPORT
HOVIS & HOVIS RENTALS, 303 W. TRADE ST.
PLANNING BOARD, NOVEMBER 20, 2014**

OWNER: Hovis and Hovis Rentals
APPLICANT: James R. Hovis, Jr. CPA, PLLC
PROPOSED ZONING ACTION: R-12 Residential to B-3 Central Business
LOCATION: 303 West Trade Street
TRACT SIZE: 0.49 Acre

STAFF EVALUATION:Site Description and Background:

The site contains a large residential structure (3,358 sf) that has been converted to an office for an accounting firm. There is also a small "granny flat" residential accessory unit in the rear. The lot is generally flat and sits in a setting that can best be described as small town urban. There is a gravel parking area with six spaces on the Oakland Street side yard. The rear and west side of the lot contain both mature canopy and understory trees. The lot sits one block west from the Historic Dallas Square National Register 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 the historic town center. According to Gaston County tax records the structure was built in 1896, the timing of which would be consistent with its Craftsman styling for that architectural movement in the USA, but perhaps early for the US South, where the movement continued well into the 1930's. While the building was originally built and used as a residence, it has been used for both residential and nonresidential purposes over the last 40 years. It has been used as an office building probably for at least 20 years. Its Craftsman exterior architectural elements remain almost entirely intact.

Adjoining Properties and Land Use Trends:

The subject property sits within an area of mixed land uses, consistent with the land use pattern existing within the Town Center. Across West Trade is an automotive shop, which recently expanded to both sides of North Oakland Street with the recently built masonry annex garage facing Oakland. The two automotive service properties are zoned B-3 and B-3P. Across North Oakland from the subject parcel is a residential structure that has been converted to retail use, the latest being an antique and gift shop, zoned B-3. Also, southeast across Oakland are three single family residences zoned B-3 but used for residential purposes. Behind the subject property are historic single family residences facing West Main Street. To the west of the subject is a historic single family residence and to the west of that residence is another office (a construction firm) in a restored residential structure. To the northwest of the subject are residential structures, including one of which was one of the three old hotels in Dallas.

Available Public Facilities:

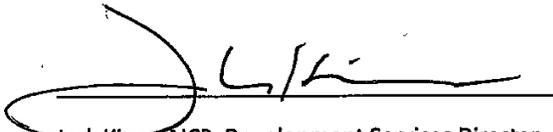
All public facilities are available to the subject property. The single lane, one-way drive for the subject property is accessed via North Oakland, which is much more preferable than accessing directly onto West Trade. No on-site off-street parking is required for businesses in the B-3 zone; however, there

exists ample on-street parking on North Oakland, including diagonal parking on the west side and parallel parking on the east side.

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 lot to be included within an expanded Central Business District, which should reflect the existing and future pattern of mixed use—retail, services, offices, residential and institutional land uses.

For future similar situations it is, however, recommended that whether through future zoning decisions or the new land use plan underway, 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.



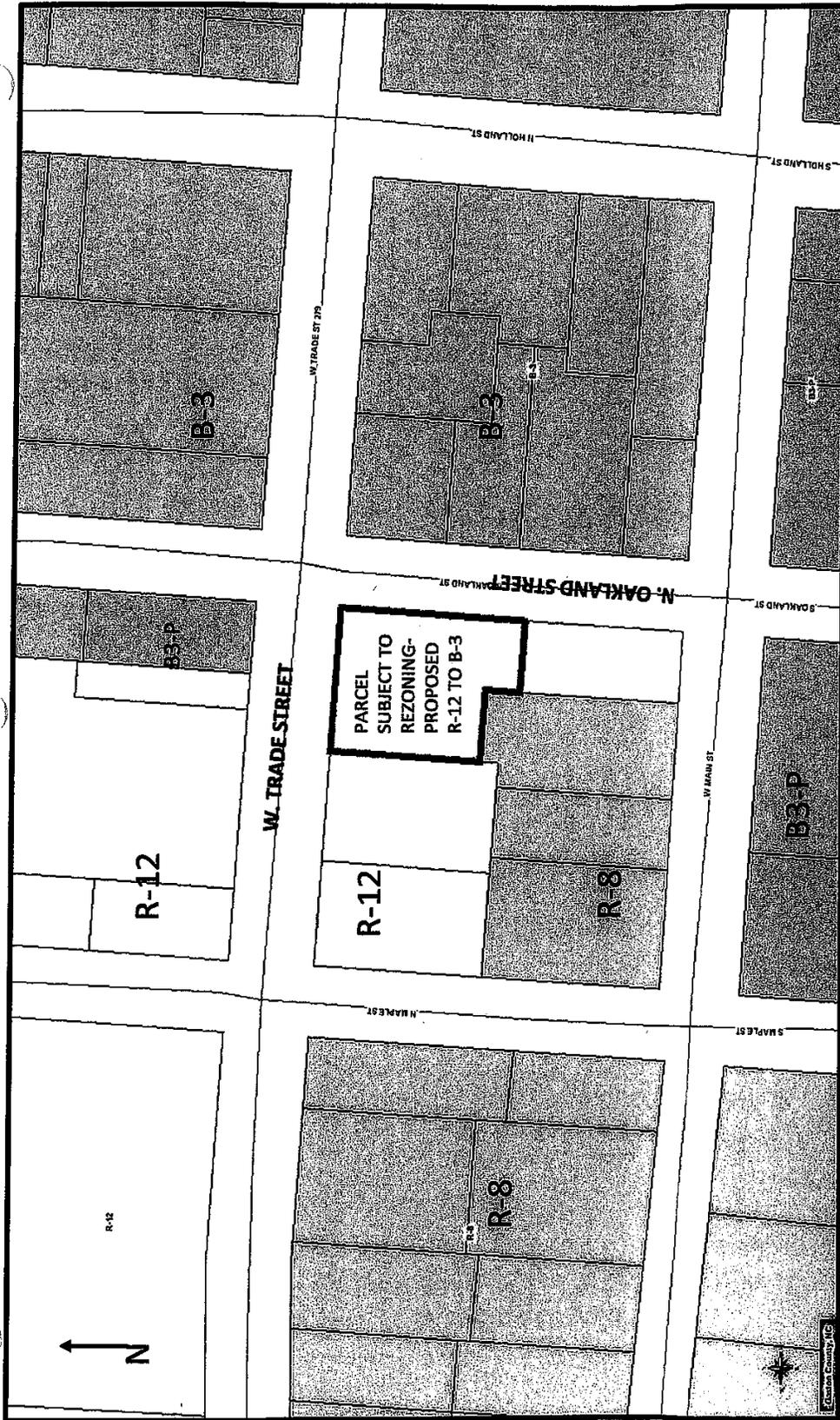
Jack Kiser, AICP, Development Services Director

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 included within an expanded Central Business District. The surrounding land use includes a mixture of residential, office, retail, service and institutional uses. The property also abuts the existing B-3 Central Business District to the east and fronts an existing B-3P Central Business Perimeter District to the north across W. Trade Street.

PLANNING BOARD RECOMMENDATION:

At their November 20, 2014, meeting the Planning Board voted unanimously (6-0) to recommend approval of the rezoning as submitted (R-12 Single Family Residential to B-3 Central Business..
Members present and voting included Mr. Simms, Mr. Clemmer, Mr. O'Daly, Dr. Heywood, Mr. Wilson
Mr. Beaty



MAP SHOWING PETITIONED REZONING OF PROPERTY OF HOVIS & HOVIS RENTALS, LOCATED AT 303 WEST TRADE STREET, DALLAS NC, AND FURTHER IDENTIFIED AS COUNTY PARCEL IDENTIFICATION NUMBER 132096. THE REQUEST IS TO CHANGE THE ZONING CLASSIFICATION OF THIS PROPERTY FROM R-12 SINGLE FAMILY RESIDENTIAL ZONE TO B-3 CENTRAL BUSINESS ZONE.

——— PARCEL SUBJECT TO REZONING



TOWN OF DALLAS, NORTH CAROLINA
Development Services
November 13, 2014, 2014

Mayor
Rick Coleman

Aldermen
Jerry Cearley
Stacey Duff
Allen Huggins
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

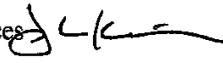
Development Services
Jack Kiser

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

TO: Town of Dallas Planning Board
FROM: Jack Kiser, AICP, Director of Development Services 
RE: Proposed Zoning Code Amendment
Standards for Fences in Residential Districts

As per our discussion at the September Planning Board meeting, attached for your consideration is a proposed amendment to the Zoning Code, which will provide some minimal standards for fences in Residential (R) Zoning Districts. This amendment was sparked by complaints of homeowners using materials other than fencing for fences and gates.

It is typical for municipalities to establish fencing standards in their zoning codes, but they usually do not require any pre-permitting for fences.

This proposed ordinance amendment establishes two very basic standards typically found in zoning codes:

- a) Fences and their appurtenances (such as gates) are to be constructed of materials designed and intended for fencing. All types of fences are allowed such as chain link, stockade, split rail, picket, metal picket, etc.; however, some private deed restriction may disallow certain fence types (which is purely a private matter and would not be within the purview of the Town Code or the Town's business to enforce).
- b) Fences in front yards are limited to four feet in height.

There are three important notes to make:

- 1. This ordinance would apply only in Residential (R) Zoning Districts
- 2. As has been the case in the past, the Town would continue to NOT require a zoning permit or any other Town permit for installation of fences. The code provision would be enforced on an inquiry, complaint or discovery basis.
- 3. This code provision would NOT be enforceable on pre-existing situations—only enforceable on situations occurring after its adoption.


Jack Kiser, Director of Development Services



An Ordinance to Amend Title XV, Chapter 153, "Zoning Code" of the Compiled Code of Ordinances of the Town of Dallas, North Carolina

An Ordinance amending Article I, "In General," to provide standards for fences in residential districts.

Whereas, the Town of Dallas recognizes that the installation of fences is customary in residential zoning districts; and

Whereas, it is typical for municipal zoning ordinances to establish minimal standards for fences in residential zoning districts; and

Whereas, the Town of Dallas finds that the establishment of minimal standards for fences for residential zoning districts is necessary for maintaining the economic stability and aesthetic value of properties in residential districts and for public safety.

NOW, THEREFORE BE IT HEREBY ORDAINED, by the Board of Aldermen of the Town of Dallas, North Carolina, that Title XV, Chapter 153, "Zoning Code" of the Compiled Code of Town Ordinances be amended as follows:

Section 1. Article I, "In General" shall be amended by adding a new Section 1-I-16 to read in its entirety as follows:

Sec. 1-I-16 FENCES IN RESIDENTIAL DISTRICTS

In any Residential (R) District any fence installed from and after the effective date of this Section shall meet the following standards:

- (a) Fences and their customary appurtenances shall be constructed of materials designed, intended and customarily used for fencing.
- (b) Fences installed between the front building line of the principal residential structure (a line that runs along the front wall and extends therefrom in a straight line to either side property line) and the fronting street shall not exceed four (4) feet in height.

Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 4. This ordinance shall take effect and be in force from and after the date of its adoption.

Adopted, this the _____ day of _____, 2014.

ATTEST:

Rick Coleman, Mayor

Maria Stroupe, Town Clerk

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Town of Dallas FY 2016 Budget Calendar	
Date	Description
January 24, 2015	Strategic Planning Meeting to Discuss Goals
March 10, 2015	Budget Forms to Department Heads
March 24, 2015	Department Heads forward Proposed Budget Requests to Town Manager and Finance Officer
March 30 - April 2, 2015	Department Meetings on Proposed Budget Requests
May 5, 2015	Draft Budget Submitted to Board
May 14, 2015	Budget Worksession
May 19, 2015	Budget Worksession if needed
June 9, 2015	Adoption of Budget Ordinance
June 30, 2015	End of FY15

Maria Stroupe

To: Carol Avery
Subject: Powell Bill Funds

Carol,

After researching back a number of years the amount of funds existing in the NCCMT Powell Bill account, we determined that transfers were made of funds received and those monies fully spent on appropriate expenditures. It was also determined that approximately the same balance has been carried in that account dating back to at least 2006. Based on the documentation that we can verify, it is the determination of the current Town Manager and myself that the funds existing in that bank account are valid Powell Bill funds that were not expended at some time in the past prior to 2006 (which pre-dates both of us).

Maria Stroupe

Administrative Services Director
Town of Dallas
210 N. Holland St.
Dallas, NC 28034
704-922-3176
704-922-4701 (Fax)

Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may be disclosed to third parties.

**Town of Dallas
Budget Amendment**

Date: December 9, 2014

Action: Prior Year Powell Bill Allocation

Purpose: Budget for Powell Bill Funds from Prior Years - Not Spent

Number: GF - 008

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3371	0000	Prior Year Powell Bill Alloc.	\$0	\$167,250	\$167,250
10	5600	1800	Maint and Repair: Streets	\$156,315	\$273,565	\$117,250
10	5600	7501	Capital Outlay: Street Paving	\$0	\$30,000	\$30,000
10	5600	7512	Capital Outlay: Sidewalks	\$0	\$20,000	\$20,000

Totals	\$156,315	\$490,815	\$334,500
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Approval Signature
(Town Manager or Administrative Services Director)

Town of Dallas
Budget Amendment

Date: December 9, 2014

Action: Traffic Signalization/Crosswalks

Purpose: Correctly Budget for Installation of New Traffic Signalization and Crosswalks (Streetscape)

Number: GF - 009

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3901	0000	Contribution to Streetscape	\$0	\$360,000	\$360,000
10	3930	0000	Contribution From St. Water	\$0	\$30,000	\$30,000
40	7100	9000	Contribution to General Fund	\$0	\$30,000	\$30,000
40	3999	0000	Fund Balance Appropriated	\$18,164	\$48,164	\$30,000
10	5600	7404	Capital Outlay: Engineering	\$0	\$80,000	\$80,000
10	5600	7512	Capital Outlay: Sidewalks	\$20,000	\$70,000	\$50,000
10	5600	7511	Capital Outlay: Traffic Signals	\$0	\$230,000	\$230,000
10	5600	7506	Capital Outlay: Storm Drainage	\$0	\$30,000	\$30,000

Totals	\$38,164	\$878,164	\$840,000
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Approval Signature
(Town Manager or Administrative Services Director)

LIST OF STREETS TO BE RESURFACED:

2014-2015

ITEM NO.	STREET	FROM	TO	FOOT LENGTH	FOOT WIDE	Amount
1	North	Dead End	Park Road	2142	18'	\$34,272.00
2	Maple	South of Carpenter from	Speed hump to Robinson St.	505	20'	\$8,977.76
3	Cloninger	Byers	Spargo	720	12'	\$11,520.00
4	Church	Maple	Pine	630	27'	\$15,120.00
5	S. Oakland	Robinson	North	148	20'	\$3,946.56
6	Pine	Church		150	18'	\$3,600.00
7	Robinson	Pine		135	18'	\$4,439.00
8	Robinson	Groves		215	20'	\$5,737.24
9	Lewis			205	22'	\$6,137.00
10	Wilkins			1548	20'	\$47,675.00
11	Hoffman	McSwain				
12	Terry	E. Trade				
13	Sunset	Cedar				\$13,125.00
14	Maple	Church				
15	Pine	Carpenter				
16	N. Spargo					\$8,265.00
17	Sunset Circle			1780		\$14,646.00
18	Terry St.	Curve	Trade		1'	\$10,830.00
19	N. Holland	Speed Bump	Wilkins	400		\$7,111.00
20	Summey Farm	Jersey		2092	26'	\$77,425.00
TOTALS				10,670		\$272,826.56

Progressive Engineering Consultants, Inc.

P.O. BOX 690638 CHARLOTTE, NC 28227 - 7011
TELEPHONE (704) 545 - 7327 FACSIMILE (704) 545 - 2315
progress@pecinc.net

November 19, 2014

Town of Dallas
700 Ferguson St.
Dallas, NC 28034-1625
Attention: Mr. Jim Palenick

**Re: Town of Dallas, North Carolina
Substation Installation Award Recommendation**

Gentlemen:

Sealed bids were received, publicly opened and read on November 18, 2014 for furnishing the labor and materials, as specified, for the installation of one (1) 44 - 12.47/7.2 kV substation. As shown by the enclosed tabulation of bids received, Aubrey Silvey of Carrollton, Georgia submitted the most attractive proposal in the amount of \$297,000.00. As this proposal compares favorable with the estimate for the work included, we recommend that the Town of Dallas accept this proposal as submitted.

Please notify us of your decision in order that we may prepare the necessary contracts.

If you should have any questions or comments, please feel free to contact us.

Best regards,

PROGRESSIVE ENGINEERING CONSULTANTS, INC.


Michael A. Dawson, P.E.

Enclosure

**TOWN OF DALLAS, NORTH CAROLINA
 BID TABULATION**

SUBSTATION INSTALLATION **BID DATE: THURSDAY, NOVEMBER 18, 2014 @ 2:00 PM**

<u>BIDDER</u>	<u>Aubrey Silvey</u>	<u>KVA</u>	<u>Sumter Utilities</u>	<u>T&D Solutions</u>	<u>Davis H. Elliott</u>
<u>BID BOND</u>	5%	5%	5%	5%	5%
<u>ADDENDUM</u>	Yes	Yes	Yes	No	Yes
<u>SECTION 1</u>					
Labor & material for installation of complete substation with additional material & equipment as specified. Taxes included	297,000.00	321,309.00	339,900.00	375,780.00	530,000.00
Unit Price for addition or deletion of one (1) cubic yard of concrete as specified.	550.00	150.00	700.00	1,200.00	620.00
Rock removal if encountered (per cubic yard)	1,500.00	550.00	1,200.00	1,550.00	900.00
<u>COMPLETION TIME (# CALENDAR DAYS)</u>	May 31, 2015 (151 Days)	80 Days	112 Days	130 Days	180 Days
<u>EXCEPTIONS</u>	None	None	None	None	None

Town of Dallas
Budget Amendment

Date: December 9, 2014

Action: Fiber Optic Infrastructure

Purpose: Properly Account for Expenditures Related to Installation of Fiber Optics

Number: EL-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
30	8500	7560	Capital Outlay: Fiber Optics	\$0	\$18,500	\$18,500
30	3999	0000	Fund Balance Appropriated	\$1,295,697	\$1,314,197	\$18,500

Totals	\$1,295,697	\$1,332,697	\$37,000
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Approval Signature
(Town Manager or Administrative Services Director)