

## Jim Palenick

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**From:** Jim Palenick [jpalenick@dallasnc.net]  
**Sent:** Friday, February 01, 2013 2:06 PM  
**To:** 'Rick Coleman'; 'ronniemorrow@att.net'; 'JOHN BEATY'; 'Martin, Scott'; 'huggybarber@att.net'; 'hoylewithers@yahoo.com'  
**Cc:** 'Maria Stroupe'; 'Gary Buckner'; 'Doug Huffman'; 'David Kahler'; 'Bill Trudnak'; 'slambert@dallasnc.net'; 'A Martin'  
**Subject:** Town Manager's Weekly Report (#16)  
**Attachments:** Cemetery Ordinance.docx

Mayor & Board of Aldermen:

Please accept the following as the **Town Manager's Report for the Week-ended Friday, February 1<sup>st</sup>, 2013.**

- Please Note (Should you receive inquiries from residents) that the Town Electric department recently changed out all of the electric meters at the individual residential units in the old High School apartments because, based upon consultant testing and review, they had been initially selected and installed improperly and, as a result, consistently "under-read" the electric usage. So, now with the new meters in place, the residents are likely to see their bills increase by 7 – 15% because they will no longer be receiving the benefit of the artificially-low readings. Nothing else has changed with regard to rates.
- Ellen Harris, our Architect working on the design and construction drawings for the renovations to the historic courthouse building, was on site this week Thursday and Friday and met with Bill Trudnak and I this morning (Friday) to update us on the progress of the effort. The good news is that, following her thorough review post-interior-demolition, she reports that there appears to be no identifiable structural problems and there should be no budget issues as a result. She also commended Town forces for doing an excellent job in performing the demolition and to adhering strictly to instructions. We also met with the Landscape architect working on a Master plan for the entire Town Square and that effort should be fully complete within a few weeks. To that end, Ms Harris, along with the landscape architect, is/are likely to be back on site February 18<sup>th</sup>/19<sup>th</sup> and will be looking, at that time, to finalize some of the decisions regarding interior finishes and materials, along with the exterior plantings and hardscape and will need final direction from the Town. I would invite All that would be interested to meet with them at that time and to offer input. As soon as I know the precise date and time for the meeting I will let you all know.
- At the upcoming February 12<sup>th</sup> Board Meeting I plan to introduce an update to the Town's Cemetery Ordinance which will address some issues (such as dealing with the possible interment of Cremains—"cremated human remains") which heretofore weren't addressed; as well as to better address and define a number of other areas which were either badly-outdated or not consistent with common or existing practice, or with other laws or ordinances. I have attached a copy of the new draft Ordinance herewith for your review in advance of the packet. Patrick McSwain, our designated cemetery superintendent, has reviewed it and found it to be entirely appropriate from his perspective.
- Chief Lambert and the Fire Department recently reviewed and tested every single fire hydrant on the Town's water distribution system and, in turn, compiled a list of every location where some problem was evident or where repairs were necessary. The Public Utilities crew, under Bill Trudnak's direction, has since taken that list and effectuated all the repairs which could be accomplished promptly; ordered any parts for repairs requiring same if such were not in inventory; and, identified those (approximately 3) where the low pressure can only be remedied by our waterline replacement project.
- The PARTF Grant application, including any and all letters of support/recommendation, for Jaggars Park capital improvements was "over-nighted" this week in advance of the deadline.
- The Gaston Urban Area Metropolitan Planning Organization (GUAMPO), a multi-jurisdictional transportation planning organization to which Dallas is a member and active participant, has undergone recent changes to its overall boundaries and membership make-up (now includes Kings Mountain, High Shoals, and portions of Grover County, SC and unincorporated Cleveland County, NC) and as such, will require all member jurisdictions

to approve a new MOU (memorandum of understanding) for continuing, cooperative and comprehensive transportation planning. Dallas will be asked to approve the MOU and it is likely that a GUAMPO representative will be present at our February 12<sup>th</sup> Board Meeting to field any questions in that regard. To that end, I will be including on your agenda and in your packet the MOU Agreement and associated background Documents for discussion and possible approval. The biggest change, other than the boundary adjustment, is that where the City of Gastonia (as lead agency and employer of all the Staff who perform the Transportation Planning and who receive the 80% Federal Grant for such activity) has always paid the 20% local-match for the Agency in the past, the new Agreement would have all member jurisdictions participate in paying a proportionate share of the 20% local match based upon their population as a percentage of the group's whole. In Dallas' case, with our population of 4,488 making up 2.1% of the 213,001 total population, we would be asked to pay approximately \$1,365 (\$65,000 total) per year. This would be a new expense that we have never had to pick up in the past.

Thank You,

Jim Palenick  
Interim Town Manager

**An Ordinance to Amend Title IX: General Regulations; Chapter 95,  
“Town Cemetery”, 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 February 12, 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 Town Ordinances is Hereby Amended as follows:

**That**, Title IX: General Regulations; Chapter 95, “Town Cemetery”, be amended by its Repeal and Replacement, in its entirety, by a new Chapter 95, to read as follows:

**“CHAPTER 95: TOWN CEMETERY**

**Sec. 95.01 Cemetery Superintendent.**

(A) The Town Manager shall appoint a Dallas Town employee to serve as Cemetery Superintendent. The Cemetery Superintendent shall be charged with and perform all those duties specifically prescribed herein as well as such other duties as may be assigned to him/her by the Town Manager.

(B) The Town Manager, through the Superintendent, shall have charge of the Town Cemetery with authority to enforce all ordinances, policies, and regulations relating to the Cemetery, and shall be responsible to identify, verify, or confirm lot locations and/or ownership boundaries.

(C) The Superintendent shall further be responsible to supervise the digging of all graves; the carrying out of all interments, dis-interments, or placing of cremains; and the installation of all monuments and markers.

**Sec. 95.02 Lots.**

(A) To the extent that the Town shall own undeveloped Cemetery lots, and make same available for sale to the general public for use as grave-sites, such lots shall, in keeping with then-current fee schedules, be sold and transferred to purchasers on a first-come, first-served basis, with preference given to Town residents or family members of Town residents or former residents; and a deed shall be provided the purchaser and recorded by the Superintendent within the office of the County Register of Deeds.

(B) It shall be a violation of this Ordinance for any person to sell or transfer any lot in the Town Cemetery without first obtaining the consent and approval from the Town, which shall be evidenced by action of the Board of Aldermen and recorded with the County Register of Deeds. A copy of the new deed shall be provided to the Superintendent and maintained in the Town's permanent Cemetery records.

#### **Sec. 95.03 Cemetery Use.**

(A) The Town Cemetery shall be used exclusively for the interment of human remains within identified lots designated for same. No interments or dis-interments shall occur without authorization of the Superintendent.

(B) All graves shall be dug under the supervision of the Superintendent, and to a minimum depth of fifty-eight (58") inches.

(C) All burials shall occur in accordance with North Carolina General Statutes governing the minimum requirements for the interment of human remains, including cremains. In addition, all casket burials shall be within a grave liner or burial vault. All cremains interments shall be contained within a waterproof, tightly-sealed container designed for such purpose and disposition.

(D) Each individual burial lot shall contain not-more-than one (1) casket/vault interment of human remains, or more-than four (4) properly-contained cremains interments of related human remains. Cremains shall not be allowed to be interred with or above existing casket burials, nor shall they share an individual burial lot with casket interments.

#### **Sec. 95.04 Trees, Shrubberty, Plantings, Landscaping, and Maintenance.**

(A) No person shall plant or set any tree, shrub, flower, grass, or plant of any kind in the Cemetery except with the express approval of the Superintendent.

(B) The trimming, cutting, pruning, or removal of any tree, shrub, or planting within the cemetery is expressly prohibited except as conducted by Town of Dallas personnel and/or authorized by the Superintendent or his designee.

(C) All grading, landscaping, and general maintenance, including raking, mowing, and trimming shall be performed exclusively by Town personnel or contractors to the Town, under the supervision of the Superintendent or his designee.

#### **Sec. 95.05 Monuments, Markers, Memorial Ornamentation.**

(A) Above-ground, vertical-face-etched headstones shall be referred to as "monuments". Flush-to-ground, horizontal-top-face-etched headstones shall be referred to as "markers". Monuments are only allowed on "family plots", which shall comprise (4) or more contiguous, family-related and owned individual lots. Then, only one (1) central monument is allowed on the family plot.

(B) Monuments shall be a minimum twenty-four (24") inches in height, not including the base; twenty-four (24") inches in width; and six (6") inches thick. Monuments shall not exceed twenty-four square feet in face area, nor exceed a width greater than seventy-two (72") inches.

(C) Markers are allowed on any individual lot, but are to be laid flush with the ground and shall not exceed two (2') feet in length and one (1') foot in width. If part of a family plot, markers shall be placed at the end of the lot farthest from the central monument.

(D) All monuments and markers shall be constructed of first-quality granite or marble only.

(E) No coping, curbs, fencing, or borders of any kind shall hereafter be erected on or around any individual lot or family plot.

(F) Memorial ornamentation displayed or left at gravesites shall be limited to synthetic flowers/plants and small flags, and same shall be removed and/or replaced upon visible wear or degradation.

#### **Sec. 95.06 Structures.**

No mausoleum, tomb, building, columbarium, or other structure of any type shall be erected within the Cemetery unless or except if owned and controlled by the Town of Dallas.

#### **Sec. 95.07 Conduct.**

(A) No person shall exhibit or engage in willfully boisterous, unruly, or disorderly behavior within the Cemetery such as to disturb or disrupt the quiet reflection of others.

(B) No person shall willfully and without authority defile, deface, desecrate, or place any mark upon or otherwise injure, any monument or marker contained within the Cemetery.

(C) No person shall deposit any trash, rubbish, garbage, or waste product in the Cemetery except in receptacles designated for such. All materials carried or brought into the Cemetery and not otherwise used in the erection of monuments or markers, or in the authorized interment of human remains, shall be promptly removed by the owner(s) of the lot(s) upon which such material(s) is/are located.

(D) Vehicles shall be driven only upon the roadways within the Cemetery, and at a rate of speed not-to-exceed fifteen (15) miles-per-hour. No vehicles shall enter the Cemetery except for the purpose of attending funerals, preparing gravesites, visiting and/or maintaining gravesites, or other lawful purpose and mission.

#### **Sec. General Regulations.**

All lots within the Town Cemetery shall be subject to, and regulated and controlled by, the provisions of this Chapter and/or by order of the Superintendent as same shall be authorized hereby.