

**Town of Dallas**  
**Agenda**  
**November 12, 2019**  
**6:00 PM**  
**BOARD OF ALDERMEN**  
**Rick Coleman, Mayor**

**Allen Huggins**

**Darlene Morrow**

**Stacey Thomas**

**Jerry Cearley, Mayor Pro-Tem**

**E. Hoyle Withers**

<b>ITEM</b>	<b>SUBJECT</b>	<b>Page</b>
<b>1.</b>	<b>Invocation and Pledge of Allegiance to the Flag</b>	
<b>2.</b>	<b>Approval of Agenda with Additions Or Deletions</b>	
<b>3.</b>	<b>Approval of Minutes</b>	
	A. October 8 <sup>th</sup> Regular Meeting and October 22 <sup>nd</sup> Work Session	2
<b>4.</b>	<b>Recognition of Citizens: Time set by Mayor</b>	
	A. Carr Elementary School Students of the Month	
	B. Commissioner Cherie Berry – Dept. of Labor Awards to Town of Dallas	
<b>5.</b>	<b>Consent Agenda (to be acted on collectively, unless removed for further discussion)</b>	
	A.	
<b>6.</b>	<b>Public Hearings</b>	
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<b>10.</b>	<b>Closed Session:</b>	

**TOWN OF DALLAS  
MINUTES FOR BOARD OF ALDERMEN MEETING  
OCTOBER 08, 2019  
6:00 PM**

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

The following staff members were present: Maria Stroupe, Town Manager; Da'Sha Leach, Town Clerk; Tom Hunn, Town Attorney; Allen Scott, Police Chief; Tiffany Faro, Development Services Director; Doug Huffman, Electric Director; Jonathan Newton, Finance Director; Garrett Lowery, Recreation Director and Bill Trudnak, Public Works Director. Earl Withers III, Fire Chief and Robert Walls, Police Captain were absent.

Mayor Coleman called the meeting to order at 6:00 pm. He opened with the Invocation and the Pledge of Allegiance to the Flag followed. He welcomed everyone to the meeting and read the meeting rules for the audience. He asked if there were any additions or deletions to amend the agenda. There were two changes: Add a Closed Session and add an Item 8E African American History & Culture. Alderman Withers made a motion to approve the agenda with changes, seconded by Alderman Huggins, and carried unanimously.

Alderwoman Thomas made a motion to approve the minutes from September 10<sup>th</sup>, 2019 Regular Meeting and September 24<sup>th</sup> Work Session, seconded by Alderman Cearley, and carried unanimously.

**Recognition of Citizens:**

Carr School's *Student of the Month* per Grade presented by the principal Dr. Duncan:

Kindergarten - Kaison Long	First Grade - Kensyn Scoggin	Second Grade - Matthew Moore
Third Grade - Brandon Crusan	Fourth Grade - Aden Ewing	Fifth Grade - Ivana Perez

All of the students were presented with a certificate. Everyone congratulated them on the accomplishment.

Curtis Wilson, 438 S. Gaston St., He prayed over the Town, Leadership, and Town Staff.

**Consent Agenda:**

- Community Planning Recognition Proclamation (Exhibit A)
- Gaston County Schools-Town of Dallas Cooperation Agreement Renewal (Exhibit B)
- Resolution Awarding Vehicle Financing to BB&T (Exhibit C)
- Town Events-Trick or Treat on the Square and Veteran's Day (Exhibit D)
- Submission of Written Off Accounts to NC Debt

Alderwoman Thomas made a motion to approve the Consent Agenda, seconded by Alderwoman Morrow, and carried unanimously.

**Public Hearings:**

**Item 6A** was a continued Public Hearing from September 10<sup>th</sup> 2019 on Non-Conforming Uses Text Amendment. The Development Service Director Ms. Faro re-presented that the Planning Board's request recommended for a text amendment to the Non-Conforming Uses text to expand the allowances for non-conforming uses within the B-3 Central Business District with the adjustments recommended by the Board from September 10<sup>th</sup> Regular Board Meeting. The current text states that a non-conforming use of any building or structure which is damaged to an extent exceeding 50% of its then reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, war, riots or Act of God, shall be discontinued, and such building or structure shall thereafter be used only in conformance with the provisions of the zone in which located. The proposed amendment would allow current non-conforming uses that located within B-3 that have been in operation for 5+ years to resume activities at their current location in the event of damages to the building or structure- regardless of the extent, as long as the use was resumed within 9 months. The consistency statements were read to the Board and audience. Mayor Coleman asked the audience if they have any other comments or questions. Audience member didn't ask anything. Alderman Huggins made a motion to exit the public hearing, seconded by Alderwoman Thomas, and carried unanimously. Alderman Withers made a motion to adopt with the consistency statement provided by the Planning Board, seconded by Alderwoman Morrow, and carried unanimously. (Exhibit E)

**Item 6B** was the Public Hearing for Decriminalization of Zoning Ordinances. Alderwoman Thomas made a motion to enter into the public hearing, seconded by Alderman Cearley, and carried unanimously. In September, The Board of Alderman approved a transition to civil penalties for nuisance violations. The proposed amendment ensures consistent enforcement practices across our ordinances as much as is feasible. The Development Services Director requested a transition from criminal enforcement of the Town's zoning ordinances to civil enforcement, which requires the approval of several text amendments. Currently, most of our ordinances read that violators shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions violated shall constitute a separate offense. A transition to civil penalties would allow Development Services to handle both the notice and penalty of these violations. Since civil penalties can accrue daily until cleanup occurs, and are collectable in a variety of methods including court action, NC Debt Setoff, and/or property liens, staff anticipates increased compliance with the necessary abatement of violations. The Planning Board is recommending approval with the following consistency statement: *The proposed update of the Town's enforcement ordinances guiding land use-minimum housing, floodplain administration, subdivision, and zoning- is consistent with the adopted 2003 Land Use Plan in order to maintain and enhance the Town's aesthetic qualities and physical character. These text amendments are therefore deemed reasonable and, in the public's, best interest in order to ensure compliance with the Town of Dallas' Code of Ordinances guiding land use and development regulations.* Mayor Coleman asked the audience if they have any other comments or questions. Audience member Brenda Wells requested clarification concerning the house on the Humphrey's Chapel lot and how this change will impact the code enforcement proceedings. The Development Services Director explained the processing and gave a recommendation to Ms. Wells and the church body regarding the property of concern. Audience member Mr. Frank Milton asked for clarification on the proposed amendment and if commercial properties are included. The text amendment includes commercial properties. Alderwoman Thomas made a motion to exit the public hearing, seconded by Alderman Cearley, and carried unanimously. Alderman Cearley made a motion to approve as presented with the consistency statement, seconded by Alderman Huggins. Yay votes: Alderman Cearley, Alderman Huggins, Alderman Withers, and Alderwoman Morrow. Nay vote: Alderwoman Thomas. (Exhibit F)

**Public Hearings continued....:**

**Item 6C** was a Public Hearing on the Cemetery Ordinance Proposal. Alderman Huggins made a motion to enter into a public hearing, seconded by Alderman Cearley, and carried unanimously. The Town was contacted by a person that owns an 8-lot family plot that currently has two interments. The owner wants to sell the remaining 6 lots to another family. Currently, the Town's cemetery ordinance allows one central standing monument on a family plot (§95.05(A)). The purchasing family would like to install an additional standing monument on the plot, which is not allowed under the Town ordinance. This item was discussed at the July 23<sup>rd</sup> Work Session. It was requested that cemetery ordinances from other Gaston County municipalities be collected and reviewed. Upon review of other ordinances and discussion at the August 20<sup>th</sup> Board Meeting, Staff was directed to present a proposed ordinance change to remove the limitation of one standing monument per family plot. The proposed ordinance change was discussed at the August 27<sup>th</sup> Work Session. After discussion, the Board requested that this item be brought back to the September Work Session for further discussion. At the September Work Session there was further discussion concerning the proposed ordinance change to accommodate more than one monument per plot. After discussion, the Board requested that this item be brought back for potential ordinance revision at the October Board Meeting. A proposed ordinance was given to the Board for review. The Board decided to make some changes to the proposal. Mayor Coleman asked the audience if they have any other comments or questions. Audience members did not comment. Alderman Huggins made a motion to exit the public hearing, seconded by Alderman Cearley, and carried unanimously. Alderman Huggins made a motion to amend the ordinance to allow for a second monument only when a simple majority of lots in a family plot are sold, seconded by Alderman Cearley, and carried unanimously. (Exhibit G)

**Item 6D** was a Public Hearing on the Annexation Request-Ollie Way. Alderman Cearley made a motion to go into the public hearing, seconded by Alderwoman Morrow, and carried unanimously. NVR, Inc. and Katie Summey, owner PID#170057 (no address assigned), has petitioned for annexation into the Town of Dallas for the development of a single-family residential subdivision. This parcel is considered contiguous. The parcel is currently located outside of Town of Dallas zoning, but is adjacent to R-10 single family residential. The 2003 Future Land Use Plan highlights this specific parcel for Neighborhood and Community Business, but adjacent parcels are marked for new residential development. The Planning Board recommended the requested zone of R-6 CDO (Cluster Development Overlay). The developer, if successful with this annexation, intends to pursue a phased development plan to extend beyond this parcel – some of which is already located within Town limits. The petitioner for annexation requested to continue this public hearing since the Board may consider adding denser zoning that they may want to be considered for. Board consensus to continue the public hearing to November 12<sup>th</sup>, 2019. (Exhibit H)

**Old Business:**

**Item 7A** was the Code Enforcement Position. This item was discussed at the August 27<sup>th</sup> Work Session and was placed on the agenda for the September 10<sup>th</sup> Board Meeting for action. At the September 10<sup>th</sup> Board meeting, it was requested that the item be placed on the September 24<sup>th</sup> Work Session agenda for further discussion. The item was discussed at the September 24<sup>th</sup> Work Session and is being brought back for action. As growth and development opportunities continue to increase for Dallas, it is becoming increasingly difficult for the Development Services Director to devote the time needed to pursue economic development for the Town, review and accomplish ordinance revisions, and address code enforcement complaints and violations in our Town. In order to maximize the Development Services Director's time and abilities, we are proposing to add a Part-Time Code Enforcement Position to work in the Community Development Department. This position would work approximately 20 hours per week on average and would receive, investigate, and enforce Town ordinances in relation to code enforcement violations and complaints. The addition of this position would facilitate the timeframe within which violations could be remediated. The Board was given a current listing of complaints and violations received by the Development Services Director.

***Continued on the next page.***

**Old Business Item 7A continued....:**

Many of these are still waiting to be addressed, while more complaints and violations are received each week. Each violation requires a minimum of three (3) site visits: 1) To verify the initial violation, 2) To follow up after the initial deadline, and 3) To follow up after abatement to confirm compliance. There are approximately 15 new calls per month concerning code enforcement issues. A proposed Job Description for the position and a budget amendment to fund the additional position for the remainder of this fiscal year was also given to the Board. Mayor Coleman called for a vote to approve the position and there was not a motion made. This item died for a lack of a motion. (Exhibit I)

**New Business:**

**Item 8A** was on Dallas High School Apartments Managing Member Change. On October 31, 2002, the Town of Dallas entered into a development agreement with William Farris and Scott Redinger, Co-Managing Partners of Dallas High School Apartments LLC, to seek a \$250,000 CDBG Loan to assist the redevelopment of the Old Dallas High School as 33 Senior apartments. Later, in a Promissory Note, dated April 12, 2005, the Town loaned the LLC \$230,000 of the funds at 2% interest and a 20-year amortization rate, with only interest due each year, and a balloon payment due on December 10, 2024. The project went well and continues to be well managed, maintained, and fully occupied. In early 2015, Mr. William Farris sold his interest to Lutheran Services Carolinas (LSC) and the Town formally approved this change on May 12, 2015 within the terms of the loan agreement. On August 15, 2019, Mr. Scott Redinger sold his interest to LSC, making them the sole managing member of the property. LSC is requesting that the Town list them as the sole managing member of the property for the promissory note on the Dallas High School Apartments. LSC is a well-regarded, faith-based owner and operator of many quality housing facilities throughout the Carolinas and will be a worthy exclusive owner of the property. A letter approving LSC as the sole managing partner was given to the Board. No other terms of the agreement will change as a result of the ownership change. The Board discussed this item with Staff to clarify this change in ownership. Alderwoman Thomas made a motion to approve for Lutheran Services Carolinas to become the sole managing member of the Dallas High School Apartments, seconded by Alderwoman Morrow, and carried unanimously. (Exhibit J)

**Item 8B** was a Special Events request by Gary Buckner, on behalf of the Gaston County Toy Run for Kids Organization. They will hold the annual Holiday charity motorcycle ride to provide toys for Christmas to underprivileged children in Gaston County. The event will be held on Saturday, December 7<sup>th</sup> beginning at 11:45 p.m. and ending at approximately 12:45 p.m. The estimated attendance is 800 to 1400 motorcycles and trucks. The ride will enter into Town on East Main St. and travel to the Ingles grocery store parking lot where they will hand out toys. The group will then leave the parking lot, turn left on West Trade St., travel to the Dallas Bessemer City Highway, proceed and out of Town. The group is requesting that 4 trash cans and 2 porta-jons be placed at the west end of the Ingles parking lot on the grass, along with 4 portable barricades. Alderman Withers made a motion to approve, seconded by Alderman Cearley, and carried unanimously. (Exhibit K)

**Item 8C** was a Town Signage Proposal. In the spring, a sub-committee of the Board of Aldermen was formed to coordinate with Visual Inception on proposed signage to be placed on Highway 321 to designate the Town limits. The proposed drawing, as well as a quote, for the signage was given to the Board for review. This item was discussed at the September 24<sup>th</sup> Work Session and several color options were reviewed. The Board asked for color samples in the gold and yellow family in order to reflect our local high school. The Board also asked the Sign Committee to review the samples and bring back a recommendation to the Board at the October 8<sup>th</sup> meeting. Upon review by the Sign Committee, a recommendation for option #3 was presented, along with a budget amendment for purchase and installation of the signs. Allen Huggins made a motion to approve # 3, seconded by Alderwoman Morrow, and carried unanimously. (Exhibit L)

**New Business continued...:**

**Item 8D** was a Request for Power Usage by Vendors at Town Events by Anne Martin. Historically, the Town has not allowed vendors to plug into Town power due to concerns about the effects of unknown devices being attached to the Town's power infrastructure. In discussions with Doug Huffman, Electric Director, there were recommendations made if there is interest in allowing power attachments for vendors at Town events. The Board and Staff discussed concerns and a decision was made. Alderwoman Morrow made a motion to approve for lights at Trick or Treat on the Square at no cost, seconded by Alderman Withers, and carried unanimously. (Exhibit M)

**Item 8E** was a Request for a Donation to the African American History & Culture. The request was for \$75.00 per Dallas representative to assist in the celebration of the history and culture. They have developed a coloring book featuring people from every community. George Jagers, Stacey Thomas and Pearl Burris Floyd are Dallas representatives featured in the book as well as the museum located in Gastonia Loray Mills. Alderman Withers made a motion to donate \$225.00, seconded by Alderwoman Morrow, and carried unanimously. (Exhibit N)

**Manager's Report and General Notices:**

- The Meals on Wheels Program is looking for Dallas volunteers to deliver the meals and would like a new location in Dallas if anyone has information on a location.
- The Manager gave several training opportunities to the Board Members to consider.

**Closed Session**

Alderman Huggins made a motion to go into Closed Session to discuss instructing the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease as provided for in G.S. §143.318.11., seconded by Alderwoman Morrow, and carried unanimously. (7:19)

Alderman Withers made a motion to exit the Closed Session, seconded by Alderman Huggins, and carried unanimously. (7:36)  
*No Action was taken.*

Alderman Cearley made a motion to adjourn, seconded by Alderwoman Morrow, and carried unanimously. (7:38)

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Rick Coleman, Mayor

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Da'Sha Leach, Town Clerk

**TOWN OF DALLAS  
MINUTES FOR BOARD OF ALDERMEN MEETING  
OCTOBER 22, 2019  
5:00 PM**

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

The following staff members were present: Maria Stroupe, Town Manager; Da'Sha Leach, Town Clerk; Tom Hunn, Town Attorney; Tiffany Faro, Development Services Director; Jonathan Newton, Finance Director; Garrett Lowery, Recreation Director; Robert Walls, Police Captain and Earl Withers III, Fire Chief. Doug Huffman, Electric Director; Bill Trudnak, Public Works Director and Allen Scott, Police Chief were absent.

Mayor Coleman called the meeting to order at 5:00 pm. He opened with the Pledge of Allegiance to the Flag.

Mayor Coleman asked if there were any additions or deletions to amend the agenda. Alderwoman Thomas made a motion to approve the agenda with an addition-Item 3D November Work Session, seconded by Alderman Withers, and carried unanimously.

**New Business:**

**Item 3B** was a discussion on Proposed R-4 and R-5 Zones. CH Land Company, LLC submitted a Petition for a Text Amendment and would like the Board to consider the text amendment to create two new residential zones—R-4 and R5. The request stemmed from the current market demand, development costs, terrain challenges on remaining buildable sites, and projected population growth in our region. The Planning Board requested Staff to draft a text amendment that could allow for some development densities permitted by-right, and additional densities to be permitted through a conditional approval process. A copy of the first draft of this proposed text amendment was provided in the Board packet for review, and it was also reviewed by the Planning Board. The Planning Board discussed this item on October 17<sup>th</sup> and gave changes that attempted to address concerns with on-street parking, fire protection, connectivity, and other site needs that may arise due to more dense development. NVR, Inc. is also interested in annexing into this zone depending on the requirements if a text amendment gets adopted prior to the continuation of the annexation hearing and it would eliminate the step to obtain a Conditional Use Permit that is required by R-6 Cluster Development Overlay district. This would allow for a public information meeting and development agreement prior to Board approval of the subdivision. The Planning Board recommended the proposed text amendment effective their October 17<sup>th</sup> meeting, noting that all the plans would be submitted for final Board approval. The Board expressed concerns about street parking and the negative impact it may have on school buses and emergency personnel needing to pass through with ease with the regular traffic in the neighborhoods. The Board directed Staff to limit street parking to one side of the street to minimize traffic concerns as an option for the developer but noted "No Parking" signage would need to be installed for enforcement. The Board also discussed concerns with the proposed R-4 zone and opted to remove this zone for consideration due to the decrease in feet in between the houses with considerations of overhangs, safety, and service personnel to enter behind the houses if needed. The Board expressed the desire to keep the communities safe. (Exhibit A)

**Item 3C** was a discussion on the Arcitectural Resurvey of National Historic District: Recommendations. In March 2018, the Board of Aldermen approved a CLG grant application in partnership with Gaston County to complete an architectural resurvey of our National Historic District, and Dallas was awarded that grant in June 2018. After selecting Dan Pezzoni to be the consultant to assist with this effort, a public meeting was held in March 2019 to share information about Dallas' existing Historic District boundary – established in 1973 – and gather feedback on some of the Town's additional historic assets that could be documented for possible inclusion in the district. Mr. Pezzoni has completed the architectural resurvey of Dallas historic district, and presented his research to the National Register Advisory Committee (NRAC). On October 10<sup>th</sup>, the NRAC officially added three items to the study list per Mr. Pezzoni's recommendation: an expanded Dallas Historic District, a Gaston College Historic District, and the Holy Communion Lutheran Church. The NRAC placed items on the study list that appear to be potentially eligible for the National Register, and authorized the State Historic Preservation Office to assist toward this if desired, but it is up to the Town is we would like to move forward in this direction. A copy of Mr. Pezzoni's Final Report was reviewed by the Staff and Board as they discussed some clarifications. The Board decided to move forward toward a National Historic District expansion. Dallas may be able to request additional CLG funding through Gaston County in the spring of 2020 to assist in the preparation of a National Register Nomination. Properties noted as contributing to a National Historic District, or individually listed on the National Register, can qualify for historic rehabilitation tax credits up to 15% for non-income producing properties, and up to 40% for income producing properties (including some rentals). (Exhibit B)

**Item 3D** was a discussion on November Work Session. The Board and Staff discussed the work session date since it is close to the Thanksgiving holiday. After some discussion, the Board decided to leave the date for the work session as scheduled, no changes.

**Item 3A** was a discussion on Off the Streets Program, Inc. Events Request. Ms. Sharon Funderburk, representing Off the Streets Program, Inc., is requesting to hold a Car and Bike Show in Downtown Dallas on Saturday, June 6, 2020 to promote the program. The event would be held from 9:00 am – 1:00 pm. The application was presented to the Board for review. Off the Streets Program, Inc. 501(c) 3 tax-exempt organization that relies on support from volunteers, local community advocates, religious organizations, private foundation and businesses to support our work empowering women of all ages coming off the streets. They help single females get off the streets and to hopefully prevent women from losing their children to the system from a result homelessness due to drugs and alcohol. The program provides them with shelter and basic living skills. Staff spoke to City of Mount Holly where this event was hosted last year to see how the event went as well as Staff reviewed the application submitted. Staff expressed some concerns with incomplete, and unknowns with the application. The Board expressed the same concerns and directed Staff to speak with Ms. Funderburk to clarify all the items in questions before this could be presented to the Board for an official vote. The Board and Staff expressed the desire for this event to be a success and obtaining a definitive plan from Ms. Funderburk will allow for this to happen. (Exhibit C)

**Manager's Report and General Notices:**

-Will be in class on Friday, and there will not be a weekly report.

Alderman Cearley made a motion to adjourn, seconded by Alderwoman Thomas, and carried unanimously. (5:57)

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Rick Coleman, Mayor

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Da'Sha Leach, Town Clerk



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Text Amendment – Adding an R-5 Zone

AGENDA ITEM NO. 6A

MEETING DATE: 11/12/2019

### BACKGROUND INFORMATION:

Multiple developers have recently approached the Town with interest in more densely developed communities.

This request is stemming from current market demand, development costs, terrain challenges on remaining buildable sites, and projected population growth in our region.

The Planning Board requested Staff to draft a text amendment that could allow for some development densities permitted by-right and additional densities to be permitted through a conditional approval process. On Oct. 17<sup>th</sup>, the Planning Board recommended approval of an R-5 zone by-right, and recommended approval of an R-4 zone through conditional approval only.

Per the Board of Aldermen's direction at the Oct. 22<sup>nd</sup> Work Session, Staff has eliminated the recommended R-4 zone, and revised the proposed text amendment language to clarify parking and other considerations within the R-5 development requirements.

Additionally, Staff is working with the Town Engineer to propose typical street design standards for adoption that would apply to new developments throughout Town to address concerns with congestion, on-street parking, and emergency access for the next Work Session agenda.

Staff is recommending adoption of the text amendment as proposed with the inclusion of a consistency statement.

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**MANAGER'S RECOMMENDATION:** Approve the addition of an R-5 zone as proposed, which includes standards requested by the Board of Aldermen.

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**BOARD ACTION TAKEN:**

### 153.027 R-5 & R-4 SINGLE FAMILY RESIDENTIAL

(A) *Permitted uses.* Refer to the Permitted Uses Chart ([Appendix C](#)).

(B) *Lot area and width, yards and building height requirements.*

(1) Designation of this zoning classification shall be limited as follows:

- a. R-5: 250 acres contiguous max; 10 acres min
- b. R-4: 50 acres contiguous max; 10 acres min

(2) The requirements set forth in the Appendix A: Yard and Height Requirements for Residential Districts and Appendix B: Yard and Height Requirements for Business Districts shall govern.

(C) *Parking.*

(1) A minimum of 4 parking spaces of off-street parking per dwelling unit is required, to include enclosed and exposed spaces. In no case shall off-street parking space(s), whether enclosed or not, extend into the public right of way, or into an easement or a public sidewalk on private property.

(2) Attached and detached single family homes may be permitted to have front or side entry parking access if the following conditions are met:

- a. For attached single family homes, the minimum required off street parking space(s) whether enclosed or not, may not abut one another unless connected to an alley, privately maintained public access, and utility easement.
- b. Single or double bay side-loading off street parking spaces, whether enclosed or not, shall be permitted for the end unit of an attached house provided the minimum required off street parking spaces(s), whether enclosed or not, is recessed at least 1.5 feet behind the primary plane of the conditioned space of a residential structure.

(3) On-street parking where required and/or desired shall not be located within five (5) feet of a driveway apron, within fifteen (15) linear feet of a fire hydrant, or any area specifically signed for no parking- including but not limited to designated bike lanes, fire access areas, and access easements. These areas shall be clearly marked with signage and/or striping.

(D) *Signs.*

The requirements set forth in the sign regulations, §§ [153.080](#) through [153.087](#), shall apply.

(E) *Site plan.*

(1) New construction within this zone shall only be permitted per an approved subdivision site plan.

- a. Developer shall hold at least one (1) public information meeting prior to subdivision plan consideration for approval.
- (2) 15% of the overall area to be developed shall be placed as open space, and each lot shall have direct access by right-of-way or easement to such open space. Such open spaces shall be held in nonprofit, corporate ownership by the owners of the lots within the development. The title to such open space shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purposes. Twenty percent of the open space must have improvements. As an option, where the Board of Aldermen agrees, such open space may be dedicated to the town for public benefit.
- a. Where the property lies along an adopted corridor on the Town's Bike and Pedestrian Plan, the developer shall be required to construct that portion of the corridor as part of the overall site development. This area shall contribute to the open space requirements outlined above. The trailway may be dedicated for private use by properties within a development only until such time as the trail is extended – either by the Town or as a result of adjacent development.
  - b. Cul-de-sacs shall have a minimum ten (10) foot wide paved pedestrian access path connecting to the nearest public space, street right-of-way, or common open space, and have paved pedestrian connections, where practicable to provide pedestrian access connectivity. This path shall be considered part of the required common open space within the development.
- (3) Traffic control plans showing signage and pavement markings shall be prepared in accordance with the guidance of the Manual on Uniform Traffic Control Devices. The developer is responsible for the initial installation of the devices or markings and the maintenance thereof until a public agency (Town or NCDOT) accepts the street for maintenance.
- (4) If the project contains multiple phases, the Town may request a development agreement to be in place prior to approval of any subdivisions within this zone.

*(F) Design Standards.*

(1) Development within this zone must comply with the requirements below, in addition to all other design and development standards outlined within the Zoning and Subdivision Codes as applicable.

- a. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
- b. Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.
- c. Elevated Decks shall be constructed only in an established rear yard and are not permitted to encroach into the rear setback.

- d. Rear awnings, pergolas, etc. that are not enclosed may encroach the rear setback area up to 8'. Enclosed additions are not permitted to encroach the rear setback.
- e. Walls adjacent to a side setback of less than 6' shall be clad using a fire-resistant building material such as masonry or fiber-cement siding, or constructed with an extra layer of 1/2" min. interior gypsum board. Alternate materials or construction may also be permitted upon approval of the Fire Chief.

## Appendix A: Yard and Height Requirements for Residential Districts

Zone	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Lot Width (In feet)	Minimum Front and Rear* Yard Depth (In feet)	Individual Minimum Side Yard Depth (In feet)	Minimum Side Yard Depth (In feet)*	Maximum Building Height
R-15	15,000	15,000	100	45	15	15	35 feet
R-12	12,000	12,000	90	40	12	12	35 feet
R-10	10,000	10,000	80	35	10	10	35 feet
R-8	8,000	8,000 single 6,000 1st unit 3,000 additional unit each	70	30	8	8	35 feet
R-6	6,000	6,000 single 5,000 1st unit 2,500 additional unit each	60	25	6	6	35 feet
R-5	5,500*	5,500 *-500 SF per attached side	50	25**	5	5	35 feet
RMF		15,000 1st unit 3,500 additional unit each		45	45	45	35 feet

An additional ten feet shall be required to the requirements listed above on all side yards which abut a public or private street (corner lots)

Attached housing shall be exempt from side yard setback requirements, and may reduce lot width by 5' for each attached side. Further reduction may be permitted through conditional zoning. Attached buildings to include 3 or more units are only allowed with conditional approval regardless of zoning designation.

\*\*Rear setback may be reduced by 5' at the discretion of Town Staff if requested to accommodate a larger front setback for parking purposes only. Further reduction may be permitted through conditional zoning.



# APPENDIX C

	Residential							Office	Business					Industrial	
	R-15	R-12	R-10	R-8	R-6	R-5	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
<b>PERMITTED USES</b> (any use not specified below is eligible to apply for conditional zoning approval)															
<b>RESIDENTIAL</b>															
Single-family dwellings. ( Attached)						X									
Single-family dwellings. ( Detached)	X	X	X	X	X	X									
Manufactured/ Mobile Homes					X										
Trailer Camps/ Mobile Home Parks					X										
Multi-family Residential				X	X		X	X			C	C	C	C	
Fraternalities		C	C	C	C						C				
Homes for the aged and infirm	X	X	X								C				
Mixed Use Residential							X	X			C	C		C	
Nursing homes for chronic or convalescent patients	X	X	X												
<b>TRAVEL AND TOURISM</b>															
Boarding and rooming houses												X			
Motel / Hotel												X		X	
Bed and Breakfast Inn				C	C								X		
Tourist Homes	C	C	C	C	C							X			
<b>MUNICIPAL/PUBLIC</b>															
Assembly Hall										C	C	C		C	
Cemeteries	X	X	X	X	X			X		X	X				X
Municipal, county, state and federal uses not involving the outdoor storage of equipment or materials	X	X	X	X	X			X		X	X	X	X	X	X
Public libraries, public museums and art galleries.	X	X	X	X	X			X		X	X	X	X	X	X
Public or private utilities buildings and appurtenances, not to include the outdoor storage of equipment or materials	X	X	X	X	X			X		X	X			X	X
Public utility storage or service yards														X	X
<b>PROFESSIONAL SERVICES</b>															
Offices rendering professional services								X	X	X		X	X	X	X
Agencies offering specialized services not involving retail trade or inventory								X	X	X		X	X	X	X
business offices										X		X	X	X	X
Data processing and computer centers											C			C	X
<b>BUSINESS AND RETAIL</b>															
<b>Automotive</b>															
Auto parts and supplies (new)									X		X		X	X	X
Auto parts and supplies (used)														X	X
Auto sales											X		X	X	X
Auto Service/Repair stations									X	X	X		X	X	X
Automobile Garages													X	X	X
Car Wash											X		X	X	X
Gas Stations										X	X			C	X
Parking lots not for public use (principal use)													C	C	C
Trailer Sales and Service															X
<b>Services</b>															
Banks and financial institutions								X	X	X	X	X	X	X	X
Barber shops or beauty shops									X	X	X	X	X	X	X
Dry cleaning establishments (drop-off only)									X	X	X	X	X	X	X
Exterminator Office									X	X	X		X	X	X
Funeral Homes										X		C	X	X	X
Laundry pickup stations, laundrettes and laundromats										X	X	X			X
Radio and television repair shops.									X	X	X				X
Shoe repair shops									X	X	X	X	X	X	X
Tailor shops									X	X	X		X	X	X
Upholstery shops									X	X	X		X	X	X
<b>Food &amp; Drink</b>															
Alcoholic beverage package stores									X	X	X				X
Bake shops and dairy bars									X	X	X	X	X	X	X
confectioneries									X	X	X	X	X	X	X
delicatessens									X	X	X	X	X	X	X
Eating and drinking establishments									X	X	X	X	X	X	X
Grocery stores									X	X	X		X	X	X
Microbreweries											X		X	X	X

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

	Residential								Office	Business					Industrial
	R-15	R-12	R-10	R-8	R-6	R-5	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
<b>PERMITTED USES</b> (any use not specified below is eligible to apply for conditional zoning approval)															
<b>Retail</b>															
Adult Use/ Sexually Explicit Retail										X	X	X			
Antique shops										X			X		
Apparel Shops										X			X		
Art/Music Supply and Retail										X	X	X	X	X	
Auction house (Indoor)										X	X	X	X	X	X
Auction house (outdoor)											C				C
Bookstores										X	X	X	X	X	
camera shops										X					
Convenience Stores										X	X	X		C	
Department stores										X					
Drugstores										X	X	X		X	X
Dry goods stores										X	X	X	X	X	
Florist shop										X	X	X		X	X
Furniture stores										X	X	X	C	X	X
Hardware stores										X	X	X		X	X
Household appliance stores										X	X	X		X	
Jewelry stores										X	X	X	X	X	X
Newsstands										X	X	X	X	X	X
Pet shops										X					
Retail Stores within Mixed Use							X	X			C	C		C	
Retail Stores- other										X	X	X	C	C	X
Second Hand Precious Metal Business										X	X	X	X	X	
Shoe Stores										X	X	X	X	X	
Sporting goods stores										X	X	X	X	X	
Tobacco/ Smoke Shops										X					
Toy stores										X	X	X	X	X	
Variety stores										X	X	X			
Wholesale Departments										X	X				X
<b>ANIMAL/AGRICULTURAL</b> (Must comply with Chapter 90:Animals)															
Abattoirs and slaughterhouses															C
Animal feeds- Manufacturing, servicing, processing, assembling, and fabricating .															X
Beekeeping	X	X	X	X	X		X	X	X	X	X	X	X	X	X
Farming (crops)	C	C	C												X
Greenhouses	C	C	C												X
Hatcheries															C
Plant Nurseries	C	C	C												
Veterinary hospitals and commercial kennels															X
<b>EDUCATIONAL</b>															
Classroom trailers designed to be utilized by a public school	X	X	X	X	X				X		X	X	X	X	X
Schools and colleges kindergartens and day nurseries	X	X	X	X	X				X		X	X	X	X	X
<b>RELIGIOUS AND CHARITABLE ORGANIZATIONS</b>															
Churches and other places of worship.	X	X	X	X	X				X		X	X	X	X	X
Philanthropic and eleemosynary institutions.	X	X	X	X	X				X		X	X	X	X	X
Promo for Trade Associations or Civic, Religious groups										X	X	X		X	X
<b>RECREATIONAL</b>															
Electronic gaming operation(s)										X		X			
Adult Entertainment										X		X			
Fairs, carnivals and similar transient amusement enterprises															C
Fitness Center / Gymnasium										X	X	X		X	
Indoor recreation										X	X	X	X	X	X
Movie theaters										X		X		X	
outdoor recreation (not racetracks)												X			
Public or private golf courses, non-commercial swimming or tennis clubs, and country clubs	X	X	X	X	X						X	X			X
<b>MEDICAL</b>															
dental offices and clinics									X	X	X	X		X	
Medical offices and clinics									X	X	X	X		X	
Clinical laboratories										X	X	X		X	
Hospitals for human care												X		X	

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES



	Residential							Office	Business					Industrial	
	R-15	R-12	R-10	R-8	R-6	R-5	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
<b>PERMITTED USES</b> (any use not specified below is eligible to apply for conditional zoning approval)															
<b>INDUSTRIAL/MANUFACTURING</b>															
Auto wrecking or junk yards															C
Automobile accessories- Manufacturing, servicing, processing, assembling, and fabricating															X
Bedding Fabrication															X
Bedding, pillows and carpets- Manufacturing, servicing, processing, assembling, and fabricating															X
Bottling Plants															X
Building materials- Manufacturing, servicing, processing, assembling, and fabricating															X
Chemicals- Manufacturing, servicing, processing, assembling, and fabricating															X
Clothing and cloths Fabrication															X
Clothing including hosiery- Manufacturing, servicing, processing, assembling, and fabricating															X
Cold Storage Plants															X
Dry cleaning and pressing plants											C		C		X
Electric and electronic products- Manufacturing, servicing, processing, assembling, and fabricating															X
Food and food products, not to include slaughterhouses and abattoirs- Manufacturing, servicing, processing, assembling, and fabricating															X
Freezer lockers															X
Gasoline, oil, or alcohol storage above ground															C
Glass- Manufacturing, servicing, processing, assembling, and fabricating															X
Household appliances- Manufacturing, servicing, processing, assembling, and fabricating															X
Ice- Manufacturing, servicing, processing, assembling, and fabricating.															X
Leather goods Fabrication, not to include processing or storage or raw hides															X
Leather goods- Manufacturing, servicing, processing, assembling, and fabricating															X
Machine tools.- Manufacturing, servicing, processing, assembling, and fabricating															X
Metal products fabrication															X
Metals and metal products- Manufacturing, servicing, processing, assembling, and fabricating															X
Mixing plants for concrete or paving materials															X
Newspaper offices or printing plants															X
Paints- Manufacturing, servicing, processing, assembling, and fabricating															X
Paper products fabrication, not to include the manufacturing of paper															X
Paper products- Manufacturing, servicing, processing, assembling, and fabricating															C
Plastic containers and similar plastic product fabrication															X
Pottery, porcelain, and vitreous china- Manufacturing, servicing, processing, assembling, and fabricating															X
Rubber products- Manufacturing, servicing, processing, assembling, and fabricating															C
Soaps, detergents and washing compounds- Manufacturing, servicing, processing, assembling, and fabricating															X
Solid Waste/ Septage Management Facilities															C
Stone crushing, cutting and polishing															C
Storage of materials and equipment outdoors															C
Storage warehouses and yards, except storage of salvage															X
Textiles- Manufacturing, servicing, processing, assembling, and fabricating															X
Transportation Terminals															X
Welding shops															X
Wholesale and Jobbing Plants															X
Wholesale Distribution Centers															C
Wood and wood products, including furniture- Manufacturing, servicing, processing, assembling, and fabricating															X

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES



## TEXT AMENDMENT CONSISTENCY STATEMENT

The proposed text amendments to add R-5 and R-4 Single Family Residential are consistent with the 2003 Land Use Plan's recommendations for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility, to provide for alternative smaller lot sizes to promote the preservation of open space in the community, and to provide for future connectivity within the town. This text amendment is therefore deemed reasonable and in the public's best interest as supports an increased demand for housing in light of Dallas' current and anticipated growth, while ensuring the above goals are met.

Includes: 153.027 (NEW), Appendix A- Yard and Height Requirements for Residential Districts, and Appendix C- Permitted Uses Chart

Curtis Wilson

10/17/19

Curtis Wilson, Planning Board Chairman

Date

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Annexation Request – Ollie Way

AGENDA ITEM NO. 6B

MEETING DATE: 11/12/2019

### BACKGROUND INFORMATION:

NVR, Inc. and Katie Summey, owner PID#170057 (no address assigned), is petitioning for annexation into the Town of Dallas for the development of a single family residential subdivision. This parcel is considered contiguous.

The parcel is currently located outside of Town of Dallas zoning, but is adjacent to R-10 single family residential. The 2003 Future Land Use Plan highlights this specific parcel for Neighborhood and Community Business, but adjacent parcels are marked for new residential development. The Planning Board is recommending the property be annexed into the new R-5 zone (if adopted by the Board).

The developer, if successful with this annexation, intends to pursue a phased development plan to extend beyond this parcel – some of which is already located within Town limits.

At the August Board of Aldermen Meeting, the public hearing to consider annexation was scheuled for the October Board Meeting. At the October Board Meeting, this hearing was continued to November in anticipation of the Board's consideration of an R-5 zone.

---

MANAGER'S RECOMMENDATION: Follow the Planning Board's recommendation to annex the property and apply R-5 zoning to parcel.

---

BOARD ACTION TAKEN:



**Welcoming families home  
for over 65 years.**

June 26, 2019

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

RE: Summey Property – Dallas, NC

Dear Tiffany,

Please find attached the Annexation Application signed by the Sellers of parcel 170057, a copy of the \$100 check for the application fee, a preliminary master plan, preliminary phasing and an estimation of renderings based on our current product assumptions for the community.

Based on current yield calculations by Bohler Engineering, we are estimating that Phase 1 will entail roughly 100 lots. We estimate that upon delivery of our model lot, this should take approximately two years to sell through at 50 lots per year. Upon the completion of Phase 1, we would anticipate already having Phase 2 developed and ready for construction to continue seamlessly from one Phase to the next and continue as such as we move into the additional phases per the attached plan with a rough estimation of 2 years between the site development of each phase.

To achieve the yield and absorption that we estimate for this community, we anticipate building our Simply Ryan single family detached product on Phase 1 and bringing in our Lifestyle age targeted single family detached product into Phase 2. As we develop these two product lines, internally our objective is to do so in a way in which these two products generally act as their own separate communities while coming together to share the benefits of any amenity and any fire access requirements. To achieve this, we will continue to work closely with all interested departments from the Town of Dallas and Gaston County where applicable to determine the community needs during the site planning process.

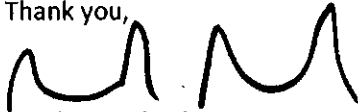
If approved, we see this community as a basis for growth in tandem with the Apple Creek Business Park to allow for safe and affordable housing in close proximity for this growing employment base. With the forthcoming growth over those planned 318 acres, companies will find comfort in knowing that their investment in this Town is not the only one. This community will allow a coming together across age ranges to allow families with differing needs to be in the same area. This community will allow workers to come home to the Town of Dallas and reinvest in the economic growth of the area.

It is our plan to focus on these first 30 acres and 100 units with the intention of obtaining consent and creating a development plan for an additional 180 acres that will eventually be annexed and rezoned to become additional phasing of this community. As I obtain those approvals, I will be able to share more

information on the exact parcels, phasing and timing as it relates to this Phase 1 opportunity. In the meantime, I seek your consideration for the annexation and rezoning of parcel 170057 for the construction of single family detached residential units.

I appreciate your time for review and consideration of this request and am glad to share what I have available in regard to more information on this proposed development.

Thank you,

A handwritten signature in black ink, consisting of a series of connected loops and peaks, resembling a stylized 'N' or 'M'.

Nicole Frambach  
Land Manger, NVR, Inc.

TOWN OF DALLAS, NORTH CAROLINA

**PETITION FOR ANNEXATION**

PETITION NUMBER: \_\_\_\_\_  Contiguous  Non-Contiguous

DATE: 6/24/19 FEE: \$100.00 \*

\* Petitioner understands there will be additional costs associated with this petition such as advertising, postage, etc. and agrees to pay these fees upon receipt of invoice(s).

Current Property Use: R-1 Planned Property Use: Single Family

Requested Zoning: Single Family R-6 CDO (Cluster Development Overlay)

**To the Board of Aldermen of the Town of Dallas:**

We, the undersigned owners of real property, respectfully request that the area described as

Legal Description	Subdivision Name	Block	Lot	Deed Book	Deed Page
13 080 005 00 000					

DALLAS, NC 28034, further identified as

parcel ID # 170057, be annexed to the Town of Dallas.

Name of petitioner/property owner: Petitioner: Nicole Frambach, NVR, INC.  
Frances Summey Kirby and Samuel Thomas Summey

Mailing Address of property owner: Frances: 212 Whiteoaks Circle, Bluffton, SC 29910  
Samuel: 103 Gordon Drive, Flat Rock, NC 28731

Email Address: Nframbac@nvrinc.com Phone Number: 704-887-3075

**Attachments included with Petition:**

1. Legal description (as noted in property deed)
2. Letter outlining reasons for annexation request
3. \$100 Fee

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

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

TOWN OF DALLAS, NORTH CAROLINA

PETITION FOR ANNEXATION

PETITION NUMBER: \_\_\_\_\_  Contiguous  Non-Contiguous

DATE: 6/24/19 FEE: \$100.00 \*

\* Petitioner understands there will be additional costs associated with this petition such as advertising, postage, etc. and agrees to pay these fees upon receipt of invoice(s).

Current Property Use: R-1 Planned Property Use: Single Family

Requested Zoning: Single Family

To the Board of Aldermen of the Town of Dallas:

We, the undersigned owners of real property, respectfully request that the area described as

Legal Description	Subdivision Name	Block	Lot	Deed Book	Deed Page
		13	060 025 00 000		

DALLAS, NC 28034, further identified as

parcel ID # 170057, be annexed to the Town of Dallas.

Petitioner: Nicole Frambach, NVR, INC.  
Name of petitioner/property owner: Frances Summey Kirby and Samuel Thomas Summey

Frances: 212 Whiteoaks Circle, Bluffton, SC 29910  
Mailing Address of property owner: Samuel: 103 Gordon Drive, Flat Rock, NC 28731

Email Address: Nframbac@nvrinc.com Phone Number: 704-887-3075

Attachments included with Petition:

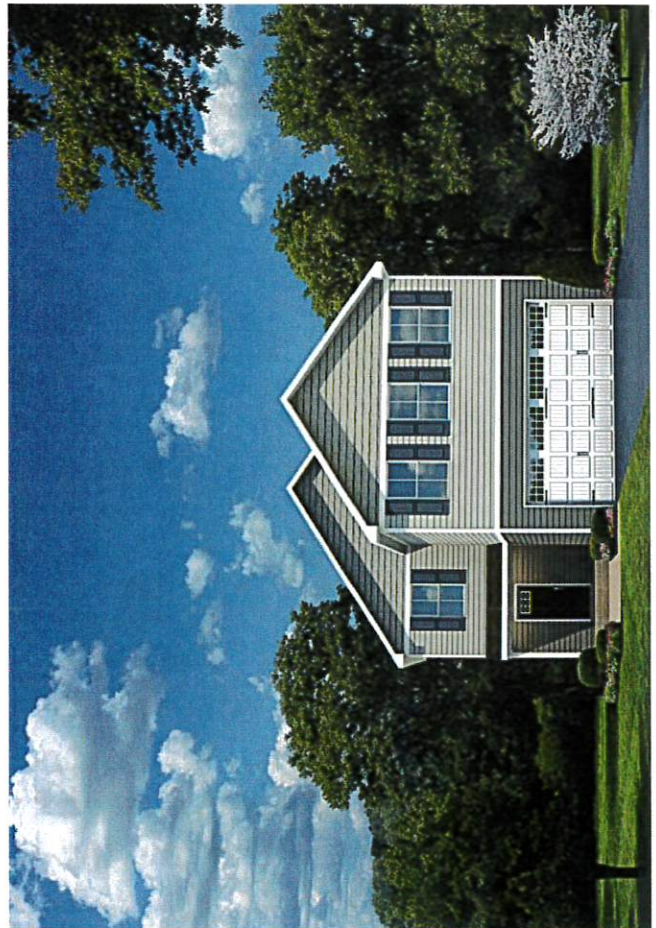
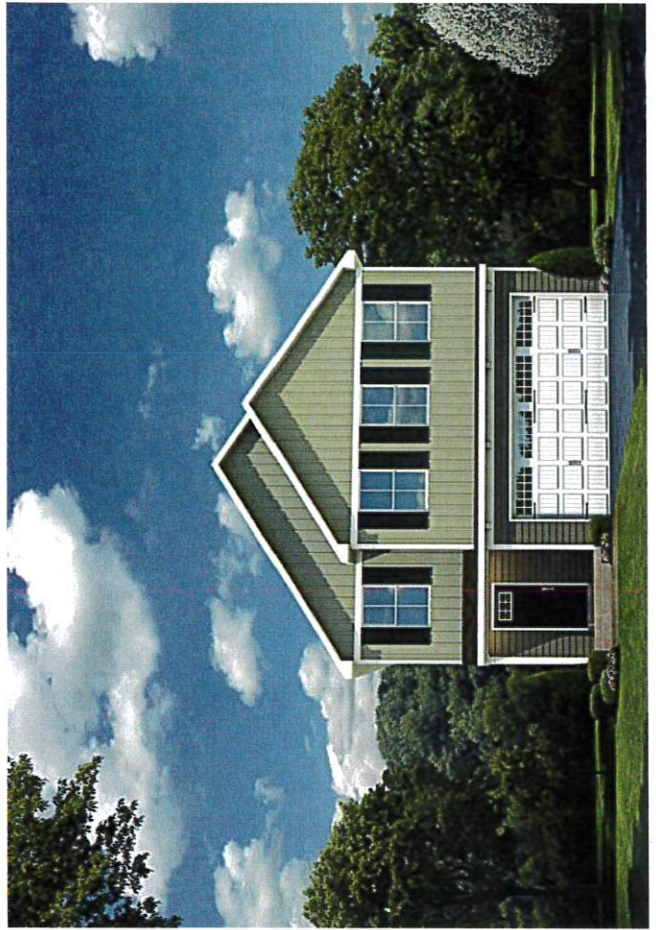
1. Legal description (as noted in property deed)
2. Letter outlining reasons for annexation request
3. \$100 Fee

Applicant Signature: Frances Summey Samuel Summey Date: 6/24/2019 6/24/2019

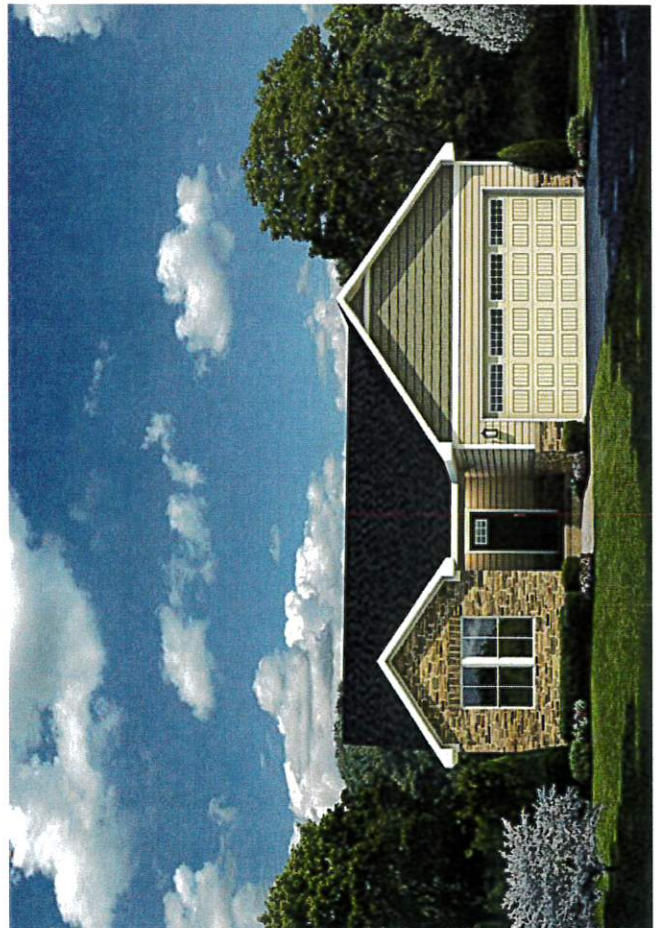
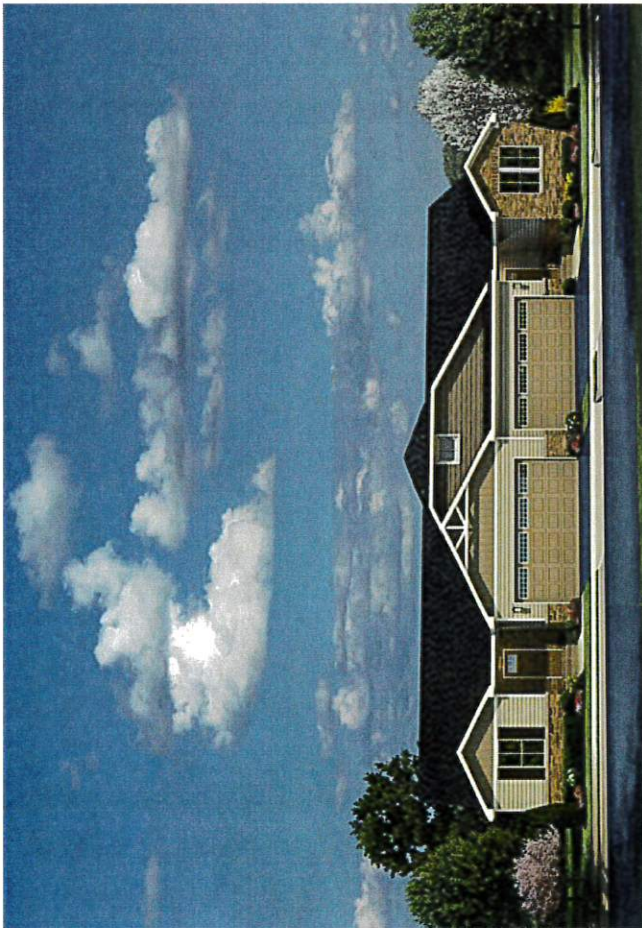
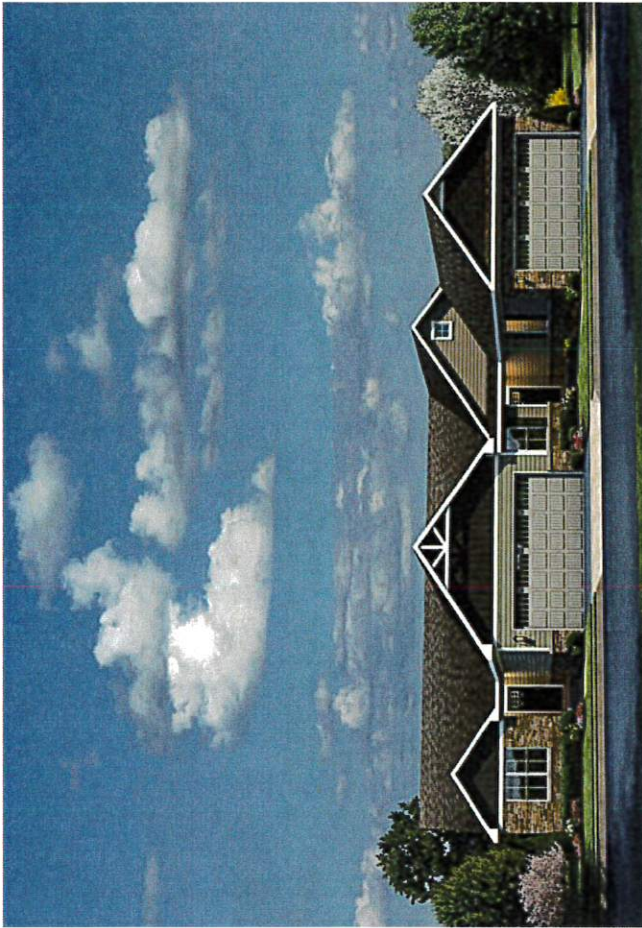
DocuSigned by: 3595A7CC7A884E1... DocuSigned by: 684A56BBE351482...

Received By: \_\_\_\_\_ Date: \_\_\_\_\_



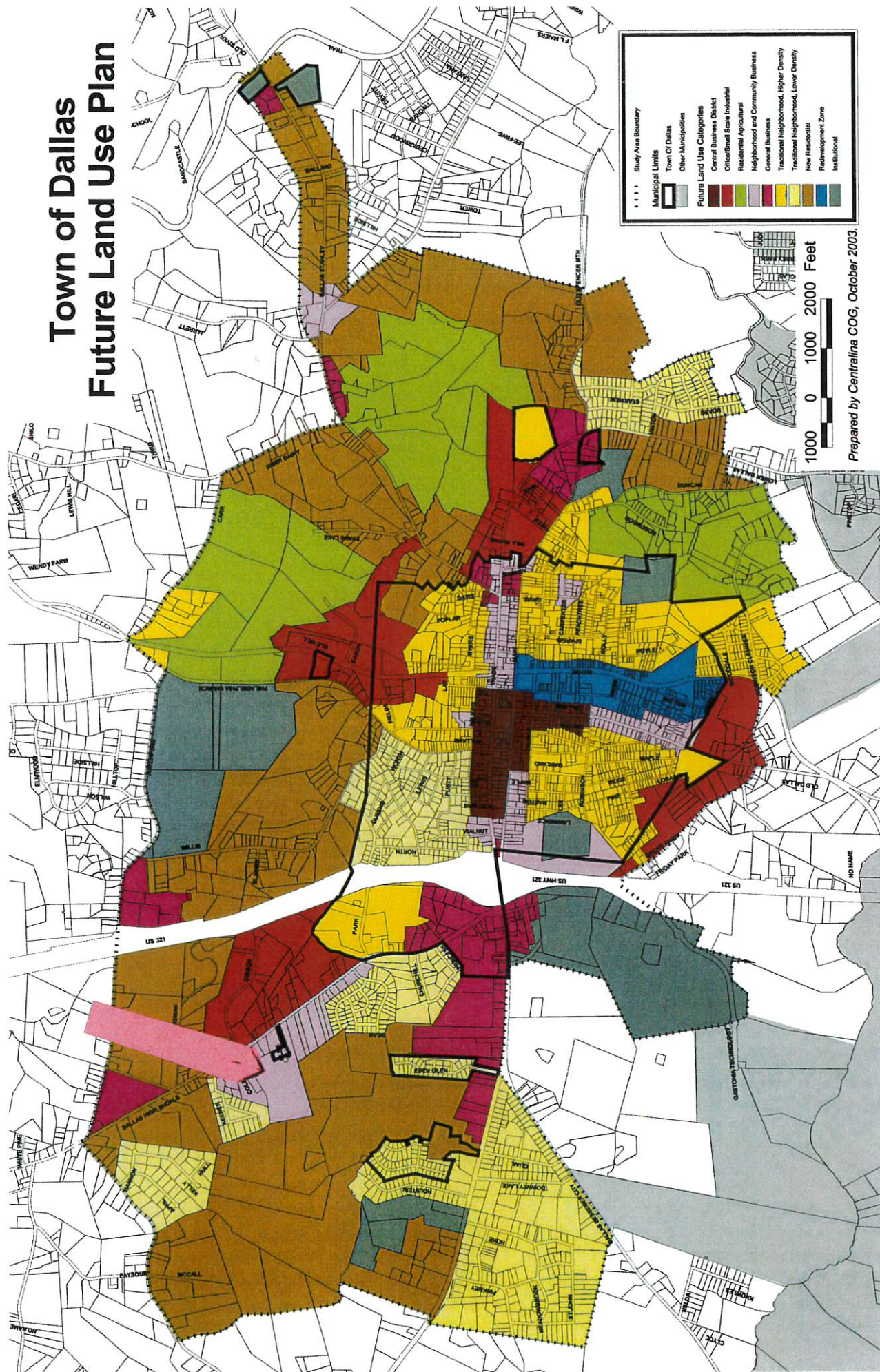








# Town of Dallas Future Land Use Plan



Prepared by Centralina COG, October 2003.

## TEXT AMENDMENT CONSISTENCY STATEMENT

The proposed text amendments to add R-5 and R-4 Single Family Residential are consistent with the 2003 Land Use Plan's recommendations for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility, to provide for alternative smaller lot sizes to promote the preservation of open space in the community, and to provide for future connectivity within the town. This text amendment is therefore deemed reasonable and in the public's best interest as supports an increased demand for housing in light of Dallas' current and anticipated growth, while ensuring the above goals are met.

Includes: 153.027 (NEW), Appendix A- Yard and Height Requirements for Residential Districts, and Appendix C- Permitted Uses Chart

*Curtis Wilson*

*10/17/19*

---

Curtis Wilson, Planning Board Chairman

Date

**CERTIFICATE OF SUFFICIENCY**

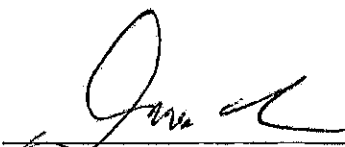
To the Board of Aldermen of the Town of Dallas, North Carolina:

I, Da'Sha Leach, Town Clerk do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Dallas, this 13<sup>th</sup> Day of August 2019.

SEAL



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

Re: Summey Annexation- PID 170057



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Petition for Text Amendment – EVM Signage

AGENDA ITEM NO. 6C

MEETING DATE: 11/12/2019

### BACKGROUND INFORMATION:

Wade and Wendi McLamb recently applied for a sign permit for an EVM sign located within Town limits.

After review of the application for consistency with our adopted requirements, it was determined that many of the churches in Town would not qualify with the ordinance as written; as it requires that electronic messaging signs be 150' from any residential zone (several churches are contained within these zones).

In addition, the calculations currently required for computing minimum slide time is challenging to calculate and verify.

The McLamb's are requesting that the EVM sign ordinance be updated to remove a distance from residential areas and to set a flat minimum slide time of 10 seconds (which is the current minimum of the Town electronic sign). **The Planning Board is recommending AGAINST this change.**

Staff would like to request consideration of reduced brightness settings and/or restricted hours for electronic signage located within a certain distance of residential properties (instead of by zone). **The Planning Board is recommending FOR this change.**

---

MANAGER'S RECOMMENDATION: Follow the Planning Board's recommended changes to the EVM Signage Ordinance.

---

BOARD ACTION TAKEN:

Town of Dallas  
210 N. Holland Street  
Dallas, NC 28034  
704-922-3176

Case# \_\_\_\_\_

## Petition for Text Amendment

Name of Applicant Wendi McLamb

Address of Applicant \_\_\_\_\_

Contract Information: Telephone 910-549-8752 Email wmclamb@icloud.com

Requested Change(s) to Zoning or Subdivision Ordinance Text 153.082

Clarify location (residential), and timing minimum

Specific Section(s) # Requested Change 153.082

We/I certify that all information provided in this application is accurate to the best of our/my knowledge, information, and belief. Furthermore, by signing this request, we/I agree to pay for advertising costs associated with this petition. We/I understand that this petition must be completed in full and the required fee paid for acceptance.

Wendi McLamb  
Signature of Applicant

10/9/19  
Date

Fee: \$ 500 ~~plus advertising costs.~~

<b>OFFICE USE ONLY</b>	
Accepted as complete: <input checked="" type="checkbox"/>	Date <u>10/9/2019</u>
Action:	
On <u>10/17/19</u> the Planning Board recommended that this petition be: Approved <input checked="" type="checkbox"/> Partial - Denied <input checked="" type="checkbox"/> Partial	
On <u>11/12/2019</u> the Board of Aldermen held a Public Hearing concerning this request. By vote of the Board they: Approved <input type="checkbox"/> Denied <input type="checkbox"/>	

**AN ORDINANCE AMENDING SECTION 153.082, Flashing, Moving, and Electronic Variable Messaging (EVM) Signs**

**ADOPTED BY THE DALLAS BOARD OF ALDERMEN 7/9/19)**

**Whereas**, this amendment is in accordance with Application within Municipalities, pursuant to Article 8 of Chapter 160A, and

**Whereas**, the Town of Dallas recognizes the need to clarify and expand the regulations related to electronic variable messaging signage within Town limits; and

**Whereas**, the Town of Dallas agrees with the Planning Board's recommendation that the proposed updates to the EVM signage ordinance are consistent with the 2003 Future Land Use Plan's goal to plan for aesthetically pleasing and pedestrian friendly commercial corridors outside of the downtown area, while ensuring that land uses abutting residential development are compatible with the scale, intensity and overall character of existing and planned neighborhoods. This text amendment is therefore deemed reasonable and in the public's best interest in order to update our ordinances to match current technological advancements and accommodate the needs of our business community, while protecting the overall character and appearance of the Town.

**Now, therefore be it ordained**, by the Board of Aldermen of the Town of Dallas, North Carolina, that Section 153.082 of the Compiled Code of Town Ordinances be amended to replace the existing section's text to read as follows:

**§ 153.082 FLASHING, MOVING AND ELECTRONIC VARIABLE MESSAGE (EVM) SIGNS**

1. Installation of a new electronic variable messaging sign, or the conversion of a permitted non-digital sign to a digital sign, requires the issuance of a zoning permit. The addition of any digital display to a nonconforming sign is prohibited. Zoning permits may be revoked for any illuminated signage installed without first obtaining all required building and electrical permits and inspections from Gaston County.

**2. Location**

- a. Electronic Variable Messaging signage must be located a minimum distance of 25 feet from any street or highway intersection ~~and a minimum distance of 150 feet from any residential zoned area.~~
- b. EVM signage located within the B-3 zone requires approval by the Board of Alderman in addition to the requirements outlined in this section.
- c. EVM signage shall not be located within a sight distance triangle as defined by NCDOT on properties abutting a state road, or as defined by 153.012 on properties located along local roads.

**3. Appearance**

- a. *Height*: Message center signs and digital displays shall have the same height limits as other permitted signs of the same type and location.
- b. *Size*: Detached Electronic Variable Messaging signage shall not exceed 50 SF in size. Attached EVM signs are restricted to a maximum size of 20% of building facade width x 10', or 60 SF, whichever is less.

Note: This change not recommended by Planning Board. If eliminated, staff recommends provisions for an off time and/or overall brightness reduction within 150' of residential properties.



c. **Brightness:** Message center signs and digital displays are subject to the following brightness limits:

- i. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
- ii. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
- iii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change. To comply with the limits set here within.

4. **Message Duration:** The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate message duration for message center signs, digital displays, or Tri-Vision Board signs. **shall be 10 seconds minimum.**

- a. Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.
- b. Multiply the road's posted speed limit (MPH) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
- c. Divide the visibility distance by the speed limit (feet/second).
- d. Add an additional ten (10) percent of this number to the total. v. The resulting amount of time is the minimum permitted message duration, except where this value is less than eight (8) seconds in which the minimum message duration shall be no less than eight (8) seconds.

5. **Public Service Announcements:** The owner of every message center sign and digital display shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

#### 6. Type-Specific Regulations

a. **Digital display signs** are subject to the following regulations in addition to all other requirements established in the Town's sign ordinance.

- i. **Area:** When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
- ii. **Maximum Number per Property:** Where permitted, one (1) digital display sign is permitted per property

iii. **Message Display:**

1. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
2. One message/display may be brighter than another, but each individual message/display must be static in intensity.
3. The content of a digital display must transition by changing with no transition graphics (e.g., no fade-out or fade-in).
4. **Default Design:** The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.

b. **Message center signs** are subject to the following regulations, in addition to all other illumination requirements established in the Town's sign ordinance.

- i. *Area:* When used as an on-premises sign, message center signs shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.
- ii. *Maximum Number:* Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
- iii. *Message Display:*
  1. No message center sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
  2. The content of a message center sign must transition by changing with no transition graphics (e.g., no fade-out or fade-in).
  3. *Default Design:* The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.

## 7. Electrical Standards.

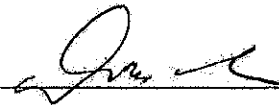
- a. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
- b. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the Town of Dallas as a condition precedent to the issuance of a sign permit.

Adopted, this 9<sup>th</sup> day of July, 2019.

ATTEST:

  
\_\_\_\_\_

Rick Coleman, Mayor

  
\_\_\_\_\_

Da'Sha Leach, Town Clerk





EVM SIGNAGE- CONSISTENCY STATEMENT

The proposed updates to the EVM signage ordinance are consistent with the 2003 Future Land Use Plan's goal to plan for aesthetically pleasing and pedestrian friendly commercial corridors outside of the downtown area, while ensuring that land uses abutting residential development are compatible with the scale, intensity and overall character of existing and planned neighborhoods. This text amendment is therefore deemed reasonable and in the public's best interest in order to update our ordinances to match current technological advancements and accommodate the needs of our business community, while protecting the overall character and appearance of the Town.

NOTE: regarding message duration changes

Curtis Wilson

10/17/19

Curtis Wilson, Planning Board Chairman

Date

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Funding Request – Venture Church for Boys & Girls Club

AGENDA ITEM NO. 7A

MEETING DATE: 11/12/2019

### BACKGROUND INFORMATION:

Mayor Coleman has received a request from Venture Church for funding on behalf of the Boys and Girls Club operating out of the church facility in May.

At the June 11<sup>th</sup> Board of Aldermen meeting, the Board voted to table the request until audited financial statements for the Fiscal Year ending June 30, 2019 for the Club could be completed and supplied to the Town for review. Those statements have been received and are attached for review. Although statements are for the Boys & Girls Clubs of Greater Gaston and not specifically for the Dallas Club, there is a Profit & Loss Statement for FY 2019 showing numbers for the Dallas Club included at the end of the audit. This statement shows Income of \$125,494.02 and Expenses of \$69,570.58 for FY 2019, leaving a Net Income of \$55,923.44. Also attached is a Profit & Loss Statement for July through September of the current fiscal year.

Last year, the Board of Aldermen approved \$5,000 toward the startup of the Boys and Girls Club as the Club would provide care for children attending Carr Elementary School, which is in the Town limits of Dallas.

Based on NC General Statute §160A-456(a)(2), a municipality is able to expend funds for community development programs *concerned with child care needs of persons of low and moderate income.*

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**MANAGER'S RECOMMENDATION:** If a donation is deemed appropriate by the Board, the recommendation would be to keep the donation in line with the donation made last year, at \$5,000.

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**BOARD ACTION TAKEN:**

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

FINANCIAL REPORT

June 30, 2019

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McCANNON • ROGERS • DRISCOLL  
& ASSOCIATES, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS

PARTNERS:

BENJAMIN P. ALBRIGHT, III, CPA  
RANDY G. BOYD, CPA

PARTNERS:

STEPHEN B. DRISCOLL, CPA

INDEPENDENT AUDITOR'S REPORT

The Board of Directors  
Boys and Girls Clubs of Greater Gaston, Inc.  
Gastonia, North Carolina

We have audited the accompanying financial statements of Boys and Girls Clubs of Greater Gaston, Inc. (a nonprofit organization) (collectively the Club), which comprise the statement of financial position as of June 30, 2019, and the related statements of activities and changes in net assets, functional expenses, and cash flows for the year then ended, and the related notes to the financial statements.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

**Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

## Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Boys and Girls Clubs of Greater Gaston, Inc. as of June 30, 2019, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## Effect of Adopting New Accounting Standard

As discussed in Note A, the Club adopted the Financial Accounting Standards Board's Accounting Standards update (ASU) 2016-14, *Not-for-Profit Entities* (Topic 958-205) – *Presentation of Financial Statements of Not-for-Profit Entities* as of and for the year ended June 30, 2019. The requirements of the ASU have been applied retrospectively to all periods presented. Our opinion is not modified with respect to this matter.

## Report on Summarized Comparative Information

We have previously audited Boys and Girls Clubs of Greater Gaston, Inc.'s financial statements as of and for the year ended June 30, 2018, and we expressed an unmodified audit opinion on those audited financial statements in our report dated October 18, 2018. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2018 is consistent, in all material respects, with the audited financial statements from which it has been derived.

*McLannan, Rogers, Driscoll & Associates, L.L.P.*

Gastonia, North Carolina  
October 16, 2019

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

STATEMENTS OF FINANCIAL POSITION

June 30, 2019 and 2018

	<u>2019</u>	<u>2018</u>
<b>ASSETS</b>		
Cash and cash equivalents	\$ 763,465	\$ 781,908
Unconditional promises to give	222,188	225,201
Grants receivable	106,101	38,255
Other receivables	9,628	4,602
Prepaid expenses	8,165	7,383
Beneficial interest in assets held by others:		
Endowment fund	381,492	224,511
Property and equipment, net	<u>1,316,287</u>	<u>1,331,454</u>
Total assets	<u>\$ 2,807,326</u>	<u>\$ 2,613,314</u>
 <b>LIABILITIES AND NET ASSETS</b>		
<b>LIABILITIES</b>		
Accounts payable	\$ 3,441	\$ 6,025
Accrued expenses	8,022	8,043
Deferred revenue	3,000	5,000
Capital leases	<u>1,243</u>	<u>3,095</u>
Total liabilities	<u>15,706</u>	<u>22,163</u>
 <b>NET ASSETS</b>		
Without donor restrictions	2,375,455	2,272,269
With donor restrictions	<u>416,165</u>	<u>318,882</u>
Total net assets	<u>2,791,620</u>	<u>2,591,151</u>
Total liabilities and net assets	<u>\$ 2,807,326</u>	<u>\$ 2,613,314</u>

See notes to financial statements.

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

STATEMENTS OF ACTIVITIES AND CHANGES IN NET ASSETS  
Years Ended June 30, 2019 and 2018

	Without Donor Restrictions	With Donor Restrictions	2019 Total	2018 Total
Revenues and other support				
United Way	\$ -	\$ 167,201	\$ 167,201	\$ 173,992
Grants, public	71,003	325,368	396,371	374,385
Program and membership fees	118,060	-	118,060	154,264
Donations	148,936	111,786	260,722	305,491
Special events, net	475,891	-	475,891	397,759
Board dues	4,410	-	4,410	280
Net investment income	15,772	-	15,772	7,226
In-kind donations	24,311	-	24,311	32,017
Athletics income	640	-	640	275
Gain on sale of fixed Assets	260	-	260	-
Net assets released from restrictions	507,072	(507,072)	-	-
Total revenues and other support	1,366,355	97,283	1,463,638	1,445,689
Expenses				
Bessemer City Club	148,163	-	148,163	151,225
West Gastonia Club	588,634	-	588,634	566,752
Dallas Club	69,572	-	69,572	-
Athletics	-	-	-	2,420
Teen Center	241,149	-	241,149	194,068
Administration	101,759	-	101,759	114,212
Fundraising	113,892	-	113,892	73,130
Total expenses	1,263,169	-	1,263,169	1,101,807
Change in net assets	103,186	97,283	200,469	343,882
Net assets at beginning of year	2,272,269	318,882	2,591,151	2,247,269
Net assets at end of year	\$ 2,375,455	\$ 416,165	\$ 2,791,620	\$ 2,591,151

See notes to financial statements.



Program Services		Supporting services		2019	2018
Teen Center	Programs	Administration	Fundraising	Total	Total
\$ 116,324	\$ 541,021	\$ 69,959	\$ 70,951	\$ 681,931	\$ 582,707
1,593	7,501	2,334	5,044	14,879	18,137
9,017	41,976	5,387	5,479	52,842	45,312
12,031	55,495	9,917	13,202	78,614	57,076
12,778	36,102	2,298	2,645	41,045	34,945
1,950	26,723	1,520	162	28,405	31,480
31,693	38,869	-	-	38,869	19,272
-	-	-	-	-	1,000
694	3,902	3,606	3,531	11,039	14,359
10,784	30,927	1,486	9,661	42,074	31,107
2,578	11,254	300	-	11,554	10,763
2,918	34,133	-	-	34,133	18,693
11,817	41,724	-	-	41,724	39,062
20,459	57,913	376	-	58,289	58,467
4,785	23,376	221	-	23,597	35,737
1,710	9,610	2,644	550	12,804	11,722
-	128	1,080	2,667	3,875	4,525
-	-	631	-	631	2,855
-	86,736	-	-	86,736	84,349
18	128	-	-	128	239
<u>\$ 241,149</u>	<u>\$ 1,047,518</u>	<u>\$ 101,759</u>	<u>\$ 113,892</u>	<u>\$ 1,263,169</u>	
<u>\$ 194,068</u>	<u>\$ 914,465</u>	<u>\$ 114,212</u>	<u>\$ 73,130</u>		<u>\$ 1,101,807</u>

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

STATEMENTS OF CASH FLOWS  
Years Ended June 30, 2019 and 2018

	<u>2019</u>	<u>2018</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Change in net assets	\$ 200,469	\$ 343,882
Adjustments to reconcile change in net assets to net cash from operating activities:		
Depreciation	86,736	84,349
Unrealized and realized gains	(1,270)	(4,309)
Changes in assets and liabilities:		
(Increase) decrease in unconditional promises to give	3,013	(58,000)
(Increase) decrease in grants receivable	(67,846)	21,774
(Increase) decrease in other receivables	(5,026)	15,232
(Increase) decrease in prepaid expenses	(782)	8,432
Decrease in accounts payable	(2,584)	(12,815)
Increase (decrease) in accrued expenses	(21)	4,957
Decrease in deferred revenue	(2,000)	(1,000)
	<u>210,689</u>	<u>402,502</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Purchases of beneficial interest in assets held by others	(155,711)	(122,515)
Purchases of property and equipment	(71,569)	(52,160)
	<u>(227,280)</u>	<u>(174,675)</u>
<b>CASH FLOWS USED IN FINANCING ACTIVITIES</b>		
Principal payments on capital leases	(1,852)	(1,939)
	<u>(18,443)</u>	<u>225,888</u>
<b>Cash and cash equivalents:</b>		
Beginning	<u>781,908</u>	<u>556,020</u>
Ending	<u>\$ 763,465</u>	<u>\$ 781,908</u>
<b>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION</b>		
Cash payments for interest	<u>\$ 128</u>	<u>\$ 239</u>

See notes to financial statements.

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS

June 30, 2019

Note A - Nature of Activities and Summary of Significant Accounting Policies

Nature of Activities

Boys and Girls Clubs of Greater Gaston, Inc. (collectively the Club) is a nonprofit agency which provides various educational and recreational activities and counseling to boys and girls in the Gaston County community.

A summary of the Club's significant accounting policies follows:

Basis of Presentation

The accompanying financial statements have been prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America (GAAP).

New Accounting Pronouncement

On August 18, 2016, Financial Accounting Standards Board (FASB) issued (ASU) 2016-14, Not-for-Profit Entities Accounting Standards Codification (ASC) (Topic 958-205) – *Presentation of Financial Statements of Not-for-Profit Entities* effective January 1, 2018. The update addresses the complexity and understandability of net asset classification, deficiencies in information about liquidity and availability of resources, and the lack of consistency in the type of information provided about expenses and investment return. The Club has adjusted the presentation of these statements accordingly. ASC 985-205 has been applied retrospectively to all periods presented and had no effect on the changes in net assets of the Club.

Comparative Data

The financial statements include certain prior-year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with GAAP. Accordingly, such information should be read in conjunction with the Club's financial statements as of and for the year ended June 30, 2018, from which the summarized information was derived.

Use of Estimates in Preparation of Financial Statements

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Cash and Cash Equivalents

The organization considers all highly liquid investments to be cash equivalents. This includes a certificate of deposit amounting to \$152,065 at June 30, 2019.

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS - CONTINUED

June 30, 2019

Note A - Nature of Activities and Summary of Significant Accounting Policies - Continued

Unconditional Promises to Give and Receivables

Contributions are recognized when the donor makes a promise to give to the Club that is, in substance, unconditional. Contributions that are restricted by the donor are reported as increase in net assets without donor restrictions if the restrictions expire in the fiscal year in which the contributions are recognized. All other donor-restricted contributions are reported as an increase in net assets with donor restrictions depending on the nature of the restrictions. When a restriction expires, net assets with donor restrictions are reclassified to net assets without donor restrictions.

The allowance for doubtful accounts has been evaluated and determined to be immaterial to the financial statements.

Beneficial Interest in Assets Held by Others

In accordance with GAAP, the Club recognizes certain assets held by a recipient organization for the sole benefit of the Club. These amounts are valued at fair value as reported by the holder of the assets.

Property and Equipment

Property and equipment are carried at cost. Depreciation of property and equipment is provided on a straight-line basis over the estimated useful lives of the assets as follows:

Building and improvements	10-39 years
Vehicles	5-10 years
Equipment	10 years
Computers	5 years
Office furniture, fixtures, and equipment	5-10 years

Additions are charged to the property accounts while maintenance and repairs which do not improve or extend the life of the respective assets are expensed currently. When properties are disposed of, the related costs and accumulated depreciation are removed from the respective accounts, and any profit or loss on disposition is credited or charged to earnings.

Donations of property and equipment are recorded as support at their estimated fair value.

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS - CONTINUED

June 30, 2019

Note A - Nature of Activities and Summary of Significant Accounting Policies - Continued

Functional Allocation of Expenses

The costs of providing program and other activities have been summarized on a functional basis in the statements of activities. Accordingly, certain costs have been allocated among program services and supporting services benefited. Such allocations are determined by management on an equitable basis.

The expenses that are allocated include the following:

<u>Expense</u>	<u>Method of Allocation</u>
Salaries	Time and effort
Retirement plan	Time and effort
Payroll taxes	Time and effort
Employee insurance	Time and effort
Supplies and materials	Direct allocation
Food provisions	Direct allocation
Student activities	Direct allocation
Staff development	Direct allocation
Communications	Space usage
Organization dues	Direct allocation
Transportation	Direct allocation
Utilities	Space usage
Occupancy	Space usage
Insurance	Space usage
Professional fees	Direct allocation
Fees and licenses	Direct allocation
Interest	Direct allocation

Income Tax Status

The Club is organized under Section 501(c)(3) of the Internal Revenue Code as a nonprofit, tax-exempt organization. In addition, the State of North Carolina has granted the Club tax-exempt status.

The Club has determined that they do not have any material unrecognized tax benefits or obligations as of June 30, 2019. The Club has tax years ending June 30, 2016, 2017 and 2018 subject to examination by the Internal Revenue Service.

Investment Valuation and Income Recognition

The Club's investments are stated at fair value. Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. See Note E for discussion of fair value measurements.

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS - CONTINUED

June 30, 2019

Note B - Concentrations of Cash and Credit Risk

Financial reporting standards require the disclosure of concentrations of cash and credit risk regardless of the degree of such risk. Financial instruments which potentially subject the Club to concentrations of risk consist of cash.

The Club maintains their operating cash accounts in one commercial bank. Accounts at the bank are guaranteed by the Federal Deposit Insurance Corporation (FDIC) up to \$250,000.

The Club's revenues and other support is received primarily from donor and grantors in Gaston County and surrounding areas. As such, the economy of these areas could affect the operations of the Club.

Note C - Unconditional Promises to Give

Unconditional promises to give at June 30, 2019 consist of \$167,201 from United Way of Gaston County, Inc. and \$54,987 from donors for the Dallas club.

Future maturities of unconditional promises to give are as follows:

Year ending June 30,	
2020	\$199,688
2021	<u>22,500</u>
	<u>\$222,188</u>

Unconditional promises to give due in more than one year are not discounted as any discount was determined to be immaterial to the financial statements as a whole.

The allowance for uncollectible promises to give has been evaluated and determined to be immaterial to the financial statements.

Note D - Grants Receivable

Grants receivable at June 30, 2019 consists of the following:

Boys and Girls Clubs of America	\$ 47,551
Sisters of Mercy of North Carolina	39,000
Planet Fitness	10,000
Community Foundation of Gaston County	7,500
Other	<u>2,050</u>
	<u>\$ 106,101</u>



BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS - CONTINUED

June 30, 2019

Note E - Fair Value Measurements

The framework for measuring fair value provides a fair value hierarchy, that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1) and the lowest priority to unobservable inputs (level 3). The three levels of the fair value hierarchy are described as follows:

**Level 1** Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets that the plan has the ability to access.

**Level 2** Inputs to the valuation methodology include:

- quoted prices for similar assets or liabilities in active markets;
- quoted prices for identical or similar assets or liabilities in inactive markets;
- inputs other than quoted prices that are observable for the asset or liability;
- inputs that are derived principally from or corroborated by observable market data by correlation or other means

If the asset or liability has specified (contractual) term, the level 2 input must be observable for substantially the full term of the asset or liability.

**Level 3** Inputs to the valuation methodology are unobservable and significant to the fair value measurement.

The asset or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques maximize the use of relevant observable inputs and minimize the use of unobservable inputs. Following is a description of the valuation methodologies used for assets measured at fair value. There has been no change in the methodologies used at June 30, 2019 and 2018.

*Endowment Fund:* The Endowment Fund is valued based on the underlying investments held by the Endowment. It consist of investments valued at quoted market prices, valued based on fund management's estimates based on certain valuation methods such as cash flow analysis and other valuing methods based on income or other relevant information.

The preceding method described may produce a fair value calculation that may not be indicative of net realizable value or reflective of future fair values. Furthermore, although the Club's believe its valuation methods are appropriate and consistent with other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different fair value measurement at the reporting date.

The Endowment Fund was established in 2010 and is with the Community Foundation of Gaston County, Inc. It had a value of \$381,492 at June 30, 2019. The Endowment Fund is maintained for the purpose of generating and distributing earnings. The entire Fund is available to the Club upon request by its Board of Directors and approval by the Foundation's Board of Directors.

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS - CONTINUED

June 30, 2019

Note E - Fair Value Measurements - Continued

The following table sets forth by level within the fair value hierarchy the Club's fair value measurements as of June 30, 2019.

	June 30, 2019			Fair Value
	Level 1	Level 2	Level 3	
Endowment Fund	\$ -	\$ -	\$ 381,492	\$

The following table sets forth a summary of changes in the fair value of the Club's level 3 assets for the year ended June 30, 2019.

	Fair Value Measurement Using Significant Unobservable Inputs (Level 3)	
Beginning balance	\$	224,511
Unrealized and realized gains		1,270
Interest and dividend income		13,806
Contributions		100
Transfers in		145,000
Investment fees paid		(3,195)
Ending balance	\$	381,492

Note F - Property and Equipment, Net

Property and equipment at June 30, 2019 consist of the following:

	Cost	Accumulated Depreciation	Net Book Value
Land	\$ 46,000	\$ -	\$ 46,000
Building and improvements	1,963,797	830,589	1,133,208
Vehicles	157,085	100,592	56,493
Equipment	93,360	26,294	67,066
Computers	20,858	18,323	2,535
Office furniture, fixtures, and equipment	70,029	59,044	10,985
	\$ 2,351,129	\$ 1,034,842	\$ 1,316,287

Depreciation expense was \$86,736 for the year ended June 30, 2019.

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS - CONTINUED

June 30, 2019

Note G - Capital Leases

The Club has entered into a non-cancelable leases a copier.

The amount capitalized under these lease arrangements are included in the following balance sheet categorizes:

Equipment	\$ 3,244
Less accumulated depreciation	<u>676</u>
	<u>\$ 2,568</u>

The present values of future minimum capital lease payments as of June 30, 2019 are as follows:

Year Ending June 30,	
2020	\$ 1,188
2021	<u>99</u>
Total future payments	1,287
Less amount representing interest	<u>45</u>
Present value of future payments	1,243
Less current portion	<u>1,145</u>
Non-current portion	<u>\$ 98</u>

Note H - Net Assets with Donor Restrictions

Net assets with donor restrictions are comprised of cash amounting to \$98,477 and unconditional promises to give amounting to \$222,188, and grants receivable of \$95,500 for the following purposes at June 30, 2019:

Administration	\$ 83,609
West Gastonia Club	79,380
Teen Center	91,979
Bessemer City Club	37,964
Dallas Club	<u>123,233</u>
	<u>\$ 416,165</u>

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS - CONTINUED

June 30, 2019

Note I - Release of Net Assets with Donor Restrictions

Net assets were released from donor restrictions by incurring expenses satisfying the restricted purposes or by occurrence of other events specified by donors. Program or time restrictions accomplished during the year ending June 30, 2019 were as follows:

Administration	\$ 83,609
West Gastonia Club	205,625
Teen Center	66,775
Bessemer City Club	81,492
Fixed Assets Dallas Club	<u>69,571</u>
Total restrictions released	<u>\$ 507,072</u>

Note J - Funding

The United Way of Gaston County, Inc. provided \$167,201 or 11.42% of total revenues and other support for the year ended June 30, 2019.

Note K - Retirement Plan

The Club has a qualified 401(k) plan for all eligible staff. The Club's contribution to the plan, as determined by the Board, may not exceed limits established by the Internal Revenue Service. Contributions charged to expense were \$14,879 for the year ended June 30, 2019.

Note L - Special Events

Several special events were held as fundraisers during the year ended June 30, 2019. Revenues and expenses were as follows:

Revenues	\$ 542,701
Expenses	\$ 66,810

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS - CONTINUED

June 30, 2019

Note M - Lease Commitments and Rent Expense

Teen Center space used by the Club is rented under a lease with a 30 day termination clause. The lease calls for monthly payments of \$1,000 plus 85% of the utilities of the facility except during June, July and August when the monthly payment is \$2,000 plus 85% of the utilities of the facility. Rent expense was \$15,000 for the year ended June 30, 2019.

The Club entered into a lease in June 2018 for a copier which will expire June 2022 with monthly payments of \$194. Copier expense was \$2,325 for the year ended June 30, 2019.

Remaining minimum rental payments as of June 30, 2019 are as follows:

2020	\$	2,325
2021		2,325
2022		<u>2,325</u>
Total	\$	<u>6,975</u>

Note N - Donated Property and Materials

The Club entered into an agreement with an unrelated organization in March 2000 for the use of the land and building for its West Gastonia location. The agreement expires February 28, 2099, with annual renewals thereafter. The agreement does not require payment for the use of the location but does require the Club to pay all real and personal taxes, ordinary repairs and maintain insurance based on the fair market value of the property. There have been no adjustments in these financial statements to reflect this agreement.

The Club entered into an agreement with an unrelated organization in May 2017 for the use of the land and building for its Bessemer City location. The agreement expires May 19, 2027. The agreement does not require payment for the use of the location but does require the Club to pay all real and personal taxes, ordinary repairs and maintain insurance based on the fair market value of the property. There have been no adjustments in these financial statements to reflect this agreement.

Contributions of donated noncash items are recorded at their fair value in the period received. In-kind contributions for food provisions amounted to \$24,311 for the year ended June 30, 2019.

BOYS AND GIRLS CLUBS OF GREATER GASTON, INC.

NOTES TO FINANCIAL STATEMENTS - CONTINUED

June 30, 2019

Note O - Liquidity and Availability

Financial assets available for general expenditures, that is, without donor or other restrictions limiting their use, within one year of the statement of financial position sheet date, comprise the following at June 30, 2019:

Cash and cash equivalents	\$ 664,988
Grant receivables	10,601
Other receivables	9,628
Beneficial interest in assets held by others	<u>381,492</u>
	<u>\$ 1,066,709</u>

The Organization generally uses these assets for programs and day-to-day operations.

Note P - Subsequent Events

The Club has evaluated subsequent events through October 16, 2019, the date on which the financial statements were available to be issued.



**Boys & Girls Clubs of Greater Gaston  
Profit & Loss - Dallas Club  
July 2018 through June 2019**

	<u>Jul '18 - Jun 19</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
4100 · BGCA Grants	
4103 · OJP	2,763.02
<b>Total 4100 · BGCA Grants</b>	<u>2,763.02</u>
4400 · Contributions	
4430 · Individual	71,805.00
4440 · Corporate	37,871.00
<b>Total 4400 · Contributions</b>	<u>109,676.00</u>
4550 · Program & Membership Fees	13,055.00
<b>Total Income</b>	<u>125,494.02</u>
<b>Expense</b>	
6000 · Payroll Expenses	
6005 · Salaries & Wages	52,665.43
6010 · Social Security Tax Expense	3,265.23
6015 · Medicare Tax Expense	763.64
6020 · SUTA Tax Expense	72.20
<b>Total 6000 · Payroll Expenses</b>	<u>56,766.50</u>
6100 · Benefits	
6102 · Health Insurance	2,474.88
6103 · LTD/Life Ins.	317.68
6104 · 401(k)	1,086.23
6105 · Worker's Comp Insurance	757.51
<b>Total 6100 · Benefits</b>	<u>4,636.30</u>
6200 · Professional Services	590.00
6250 · Supplies & Materials	
6251 · Office Supplies	78.38
6252 · Program Supplies	1,295.92
6253 · Staff/Board/Vol. Recognition	40.00
6254 · Food & Provisions	635.65
<b>Total 6250 · Supplies &amp; Materials</b>	<u>2,049.95</u>
6300 · Communications	
6301 · Telephone/Internet/Support	1,386.25
<b>Total 6300 · Communications</b>	<u>1,386.25</u>
6550 · Insurance	
6551 · Directors & Officers Liability	121.80
6552 · Non-Profit Pkg	2,218.70
<b>Total 6550 · Insurance</b>	<u>2,340.50</u>
6610 · Organization Dues	807.64
6620 · Student Activities	
6621 · Program Activities	184.98
6622 · Field Trips	381.52
<b>Total 6620 · Student Activities</b>	<u>566.50</u>
6630 · Staff Development	
6631 · Travel Expenses	66.94
6632 · Registration	360.00
<b>Total 6630 · Staff Development</b>	<u>426.94</u>
<b>Total Expense</b>	<u>69,570.58</u>
<b>Net Ordinary Income</b>	<u>55,923.44</u>
<b>Net Income</b>	<u><u>55,923.44</u></u>

**Boys & Girls Clubs of Greater Gaston  
 Profit & Loss - Dallas Club  
 July through September 2019**

	<u>Jul - Sep 19</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
4360 · Annual Campaign	
4361 · Annual Campaign Income	2,000.00
<b>Total 4360 · Annual Campaign</b>	<u>2,000.00</u>
4400 · Contributions	
4430 · Individual	1,200.00
4440 · Corporate	1,250.00
<b>Total 4400 · Contributions</b>	<u>2,450.00</u>
4550 · Program & Membership Fees	3,445.00
<b>Total Income</b>	<u>7,895.00</u>
<b>Expense</b>	
6000 · Payroll Expenses	
6005 · Salaries & Wages	20,064.15
6010 · Social Security Tax Expense	1,243.98
6015 · Medicare Tax Expense	290.93
6020 · SUTA Tax Expense	31.02
<b>Total 6000 · Payroll Expenses</b>	<u>21,630.08</u>
6100 · Benefits	
6102 · Health Insurance	819.63
6103 · LTD/Life Ins.	96.48
6104 · 401(k)	-420.00
6105 · Worker's Comp Insurance	175.35
<b>Total 6100 · Benefits</b>	<u>671.46</u>
6250 · Supplies & Materials	
6251 · Office Supplies	194.18
6252 · Program Supplies	327.22
<b>Total 6250 · Supplies &amp; Materials</b>	<u>521.40</u>
6300 · Communications	
6306 · Software/Website	150.00
<b>Total 6300 · Communications</b>	<u>150.00</u>
6550 · Insurance	
6552 · Non-Profit Pkg	606.89
<b>Total 6550 · Insurance</b>	<u>606.89</u>
6610 · Organization Dues	75.00
6620 · Student Activities	
6621 · Program Activities	10.73
6622 · Field Trips	200.00
<b>Total 6620 · Student Activities</b>	<u>210.73</u>
<b>Total Expense</b>	<u>23,865.56</u>
<b>Net Ordinary Income</b>	<u>-15,970.56</u>
<b>Net Income</b>	<u><u>-15,970.56</u></u>

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Purchase of 208 N. Holland St.

AGENDA ITEM NO. 8A

MEETING DATE: 11/12/2019

### BACKGROUND INFORMATION:

The Town has made an offer to purchase the property at 208 N. Holland St. for the sum of \$65,000. The property is a small building located beside the current Town of Dallas Town Hall building on N. Holland St.

In order to proceed with the purchase, the Board must approve the accompanying budget amendment in order to complete the sale. Upon approval of the budget amendment, a closing date of November 19<sup>th</sup> has been set.

Attached is a budget amendment to provide funds for the purchase, as well as Title Insurance

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**MANAGER'S RECOMMENDATION:** Approve the attached budget amendment in order to complete the purchase of 208 N. Holland St.

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**BOARD ACTION TAKEN:**

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

Date: November 12, 2019

Action: Economic Development

Purpose: To Appropriate Funds for Purchase of 208 N. Holland St.

Number: ED-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
33	3999	0000	Fund Balance Appropriated	\$22,396	\$89,396	\$67,000
33	8500	7500	Cap. Outlay: Land, Building	\$22,396	\$89,396	\$67,000

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Approval Signature  
(Town Manager)

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Annexation Request- Dallas High Shoals Rd

AGENDA ITEM NO. 8B

MEETING DATE: 11/12/2019

### BACKGROUND INFORMATION:

Wilson Family Rentals LLC, owner of PID#169183 (no address assigned), is petitioning for annexation into the Town of Dallas for the development of an apartment community. This parcel is considered non-contiguous.

The parcel is currently located outside of Town of Dallas zoning, but the 2003 Future Land Use Plan highlights this specific parcel for new residential development.

In order to move forward with the request, the Board must direct Staff to investigate the sufficiency of the petition to determine if it meets the standards of G.S. §160A-31.

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MANAGER RECOMMENDATION: Direct Staff to investigate the sufficiency of the annexation request.

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BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

**PETITION FOR ANNEXATION**

PETITION NUMBER: \_\_\_\_\_

Contiguous

Non-Contiguous

DATE: \_\_\_\_\_

FEE: \$100.00 \*

\* Petitioner understands there will be additional costs associated with this petition such as advertising, postage, etc. and agrees to pay these fees upon receipt of invoice(s).

Current Property Use: vacant land Planned Property Use: Multi Family

Requested Zoning: Multi Family

**To the Board of Aldermen of the Town of Dallas:**

We, the undersigned owners of real property, respectfully request that the area described as None assign, DALLAS, NC 28034, further identified as

parcel ID # 169183, be annexed to the Town of Dallas.

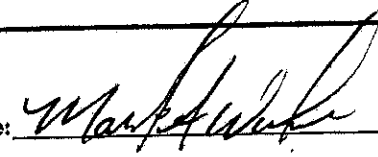
Name of petitioner/property owner: WF Rentals LLC

Mailing Address of property owner: PO Box 1422

Email Address: wilsonfamilybuilders@gmail.com Phone Number: 704-747-5031

**Attachments included with Petition:**

1. Legal description (as noted in property deed)
2. Letter outlining reasons for annexation request
3. \$100 Fee

Applicant Signature:  Date: 10/23/19

Received By: \_\_\_\_\_ Date: \_\_\_\_\_





EXHIBIT "A"

BEGINNING at a point in the paved portion of old U.S. Highway No. 321, said point being located at the northernmost corner of that certain tract of land which was conveyed to Henry F. Rhyne and wife, Gertrude F. Rhyne, by E. Fritz Blankenship and wife, Evelyn Blankenship, by deed dated November, 1942 and recorded in the Office of the Register of Deeds for Gaston County in Deed Book 434 at Page 560 and runs thence South 28 degrees 17 minutes 28 seconds East 291.13 feet to a railroad spike located in the paved portion of old U.S. Highway No. 321; thence with a new line, South 13 degrees 01 minutes 33 seconds West 666.72 feet to an iron pin set; thence with another new line, South 60 degrees 37 minutes 23 seconds West 1,101.88 feet to an iron pin set; thence with the easterly boundary line of Lots Nos. 26, 13, 10, and 9 in Block "A" of Thornbird Meadows as shown on Map No. 2 thereof recorded in the above-mentioned registry in Plat Book 40 at Page 41, North 07 degrees 47 minutes 15 seconds East 727.38 feet to an existing iron pin located in the easterly boundary line of Lot No. 9 in Block "A" of said Thornbird Acres; thence with the southerly boundary line of the property of James E. Lindsay, Jr. and wife, Wadeliza C. Lindsay, as described in deed recorded in the above-mentioned registry in Deed Book 1022 at Page 443, North 86 degrees 00 minutes 22 seconds East 736.42 feet to an existing iron pin at a stone; thence with Lindsay's easterly boundary line, North 05 degrees 33 minutes 02 seconds West 338.02 feet to an existing iron pin; thence continuing with Lindsay's easterly boundary line, North 27 degrees 26 minutes 00 seconds East 371 feet to the point of beginning and containing 13.1183 acres.

The above description by courses and distances is taken from a plat entitled "Survey Made at the Request of Gertrude F. Rhyne Est." made by John W. Lineberger, Registered Surveyor, dated July 30, 1986, on which subject property is identified as Tract No. 1. A copy of said plat may be found of record in Book 1831 at Page 534, Gaston County Registry.

This conveyance is made subject to the rights-of-way of old U.S. Highway No. 321 and an overheard telephone line as shown on the abovementioned plat.

BEING the identical property conveyed to Bobby H. Rhyne and wife, Frances S. Rhyne by that Deed dated January 20, 1987 and duly recorded in Book 1831 at Page 534 of the Gaston County Registry.

W.F. Rentals LLC

PO Box 1422

Gastonia, NC 20853

704-864-1442

To whom it may concern,

WF Rentals is looking to build an apartment complex on High Schoals Rd (PID 169183). Our goal is to build luxury apartments, and have Dallas supply all utilities. We would also like to have the support of Dallas Police and Fire department, as we have in the past. We have experienced the services with Dallas, and been very pleased. We also look forward to having property in a town we admire. I also have had the privilege of having many friends here as well.

In conclusion, we are excited to be building in Dallas again, and look forward to working with all your officials.

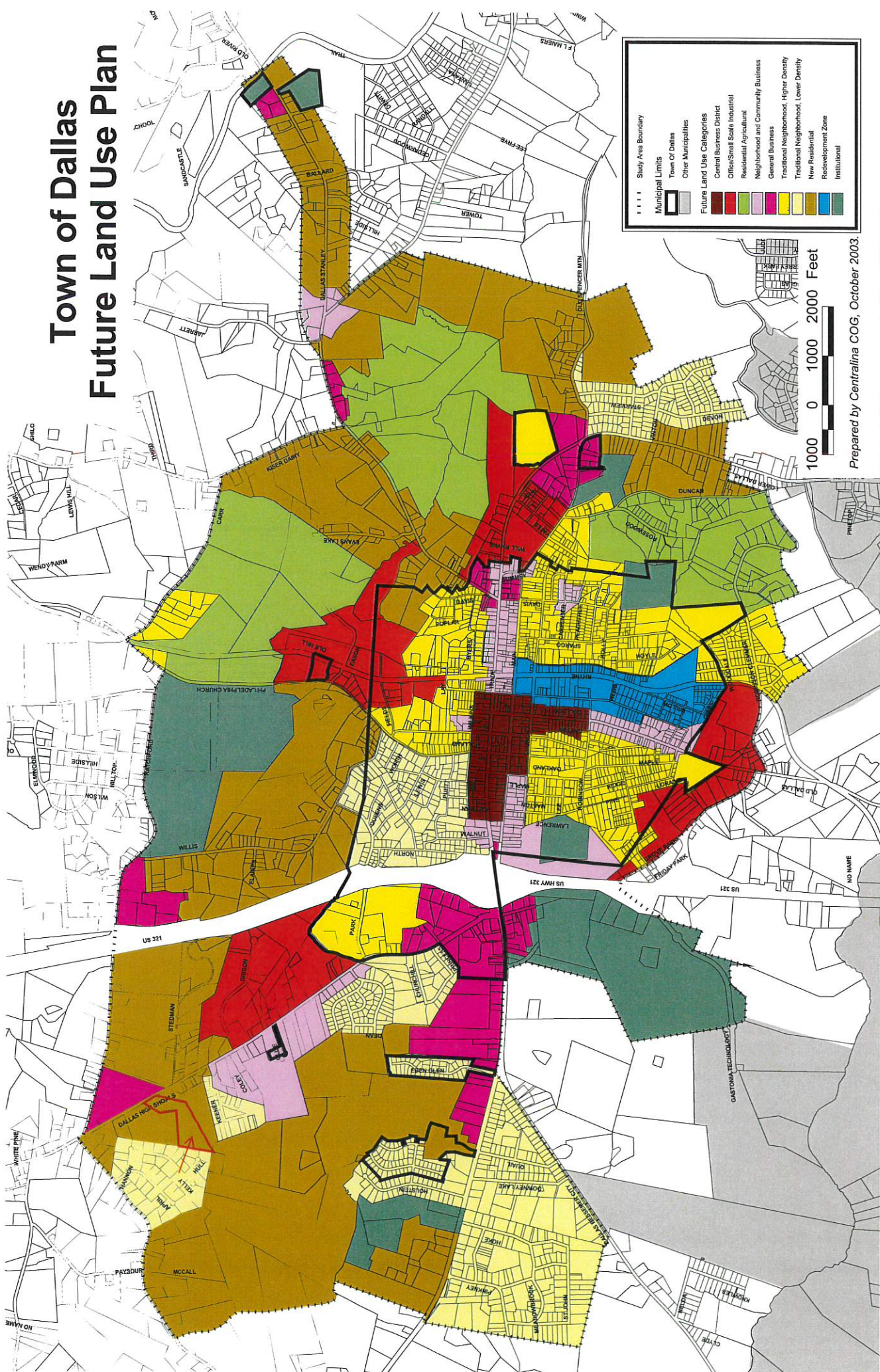
Thank You,



Mark A Wilson



# Town of Dallas Future Land Use Plan



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Lee Nuclear Cost Budget Amendment

AGENDA ITEM NO. 8C

MEETING DATE: 11/12/2019

### BACKGROUND INFORMATION:

In March 2006, Duke Energy Corporation (DEC) announced it had selected Cherokee, South Carolina as a site for possible nuclear expansion, based on projections of need for significant capacity additions by Summer 2016. In December 2007, DEC submitted an application for a Combined Construction and Operating License to the Nuclear Regulatory Commission. The license was approved and issued to allow DEC to construct and operate at the Cherokee site for 40 years.

During the following years, DEC states that a variety of circumstances out of their control led them to determine that it would not be beneficial to construct and operate what would have been Lee Nuclear Plant.

On August 23, 2017, DEC filed a request to cancel the Lee Nuclear Project. On June 22, 2018, the North Carolina Utilities Commission found that the North Carolina retail portion of the costs DEC incurred for the development of the project could amortize and recover those costs over a twelve year period. On May 21, 2019, the Public Service Commission of South Carolina made a similar finding to the NC Utilities Commission.

Duke Energy gave the Wholesale Customers (which included Dallas) an option of a one-time payment, or payments over a twelve-year amortization schedule. After much deliberation and consultation, it has been determined that a one-time payment is in the best interest of Dallas long-term. The current contract with DEC for wholesale power will expire in approximately nine years. At that time, Dallas can determine whether to continue with DEC for its wholesale power needs, or pursue other providers. A twelve-year amortization plan exceeds the current purchase contract with DEC by approximately three years.

The one-time payment for Dallas is \$175,213.40 and will be included in the DEC invoice to be received in November. Attached is documentation outlining the Lee Nuclear case and a budget amendment to provide for making the one-time payment to DEC.

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**MANAGER'S RECOMMENDATION:** Approve the attached budget amendment in order to satisfy the Lee Nuclear cost share for Dallas.

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**BOARD ACTION TAKEN:**



168 FERC ¶ 61,194  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;  
Richard Glick and Bernard L. McNamee.

Duke Energy Carolinas, LLC

Docket No. ER19-2468-000

ORDER ACCEPTING REQUEST FOR RECOVERY OF CANCELLED NUCLEAR  
PLANT COSTS

(Issued September 25, 2019)

1. On July 26, 2019, Duke Energy Carolinas, LLC (DEC) submitted a filing (Filing) pursuant to section 205 of the Federal Power Act<sup>1</sup> and Part 35 of the Commission's regulations<sup>2</sup> to recover the wholesale portion of the 50 percent of the total costs incurred for the development of the cancelled Lee Nuclear Station Units 1 & 2 in Cherokee, South Carolina (Lee Nuclear Project). DEC proposes to include the costs associated with the Lee Nuclear Project cancellation in the wholesale formula rates contained in 14 power purchase agreements (PPAs) between DEC and applicable wholesale customers (Wholesale Customers).<sup>3</sup> For the reasons discussed below, we accept DEC's Filing to recover 50 percent of the wholesale portion of the costs of the cancelled Lee Nuclear Project.

**I. Background**

2. DEC is a wholly-owned subsidiary of Duke Energy Corporation, and serves both retail and wholesale customers in North Carolina and South Carolina.<sup>4</sup> DEC's service area covers approximately 24,000 square miles and supplies electric service to 2.5 million

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<sup>1</sup> 16 U.S.C. § 824d (2018).

<sup>2</sup> 18 C.F.R. § 35.13(a)(2)(iii) (2019).

<sup>3</sup> Transmittal at 1. DEC notes in the Filing that it is authorized to state that the Wholesale Customers support the proposed recovery of their applicable share of the costs for the cancelled Lee Nuclear Project.

<sup>4</sup> Transmittal at 4.



residential, commercial, and industrial customers.<sup>5</sup> DEC is a vertically integrated utility with generation, transmission and distribution facilities, which it uses to serve its retail customers and Wholesale Customers.

3. The relevant Wholesale Customers' PPAs are all long-term requirements service demand-based formula rate power purchase agreements under which DEC provides firm native load service.<sup>6</sup> The Wholesale Customers under the PPAs are electrical cooperatives and municipal utilities whose service territories are located within DEC's balancing authority area.<sup>7</sup>

4. Before submitting this Filing, DEC states that it engaged in settlement negotiations with its Wholesale Customers regarding the recovery of the cancelled Lee Nuclear Project costs under the PPAs. As a result, DEC and the Wholesale Customers agreed either to a twelve-year amortization period or a one-time payment to DEC for their full load ratio share of the cancelled Lee Nuclear Project costs.<sup>8</sup>

5. DEC requests that the Commission approve the Filing as of September 25, 2019, so that the twelve-year amortization may commence beginning October 1, 2019, and so the one-time payment may be included on the first invoice following October 1, 2019, as agreed upon by DEC and the Wholesale Customers.

6. The Commission's existing policy for recovering the costs of abandoned plants was established in Opinion No. 295.<sup>9</sup> The proceeding involved utility investment in a nuclear unit which was cancelled prior to completion and entry into commercial service. In Opinion No. 295, the Commission found that prudently incurred abandoned plant costs should be equitably allocated between ratepayers and shareholders, and specified how to determine amortization periods. Specifically, the Commission found that companies with investments in cancelled plants were entitled to a 50/50 sharing of the abandonment loss with rate base treatment of the unamortized portion of 50 percent of such investments (i.e., a return on investment).<sup>10</sup>

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 4-5.

<sup>7</sup> *Id.* at 5.

<sup>8</sup> *Id.* at 1-2; see *infra* Appendix.

<sup>9</sup> *New England Power Company*, Opinion No. 295, 42 FERC ¶ 61,016, *order on reh'g*, Opinion No. 295-A, 43 FERC ¶ 61,285 (1988) (Opinion No. 295).

<sup>10</sup> *Id.*, Opinion No. 295, 42 FERC at 61,081-82.

## II. DEC Filing

### A. Lee Nuclear Project Timeline

7. The Lee Nuclear Project was a planned, two-unit nuclear power plant to be built in Cherokee County, South Carolina. The Lee Nuclear Project was included in DEC's state-mandated Integrated Resource Plan (IRP). In an effort to determine, over a fifteen-year planning horizon, a reliable and economic mix of planned nuclear, fossil, and renewable generation, as well as demand-side and energy efficiency resources, DEC's 2005 and 2006 Annual Plans identified nuclear generation as the least-cost supply-side alternative to meet its need for significant capacity additions by summer 2016.<sup>11</sup>

8. In March 2006, DEC announced that it selected the Cherokee, South Carolina site for evaluation for possible nuclear expansion.<sup>12</sup> In December 2007, DEC submitted a Combined Construction and Operating License Application (COLA) to the Nuclear Regulatory Commission (NRC) for two Westinghouse AP1000 Pressurized Water Reactors (AP1000). In December 2016, the NRC issued DEC's Combined Construction and Operating Licenses for the Lee Nuclear Project (COL),<sup>13</sup> allowing DEC to construct and operate the units at the Cherokee, South Carolina site for 40 years.<sup>14</sup>

9. DEC explains that, during the years after the COL's issuance, a variety of circumstances outside of DEC's control negatively impacted DEC's ability to initiate construction and resulted in DEC's conclusion that it would no longer be beneficial to its customers to construct and commence operation of the Lee Nuclear Project.<sup>15</sup>

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<sup>11</sup> Transmittal at 6.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* In each annual plan or IRP between 2006 and 2017, the Lee Nuclear Project was identified as a cost-effective option to meet base load energy needs for customers.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 7. DEC cites to the Westinghouse Electric Company (Westinghouse) filing for bankruptcy on March 29, 2017, and Westinghouse being unable to proceed with the Engineering, Procurement and Construction of the AP1000 units under construction in South Carolina and Georgia. Additionally, DEC cites to the decision of the project owners for the South Carolina Westinghouse project to cease construction on July 31, 2017, of the South Carolina AP1000 units.

10. DEC states that it filed a request with the North Carolina Utilities Commission (North Carolina Commission) on August 23, 2017, to cancel the Lee Nuclear Project, which was approved on June 22, 2018, finding that the costs DEC incurred for the development of the project were reasonable and prudent and that DEC could amortize and recover the North Carolina retail portion of those costs over a twelve-year period.<sup>16</sup>

11. On May 21, 2019, the Public Service Commission of South Carolina (South Carolina Commission) issued an order finding that the costs DEC incurred for the development of the project to be reasonable and prudent and allowing DEC to amortize and recover the South Carolina retail portion of cancelled Lee Nuclear Project development costs over a twelve-year period.<sup>17</sup>

12. DEC states that it submitted the instant Filing after it reached agreement with its Wholesale Customers in late June 2019, following months of discussions, to recover the applicable portion of the cancelled Lee Nuclear Project, based on a load-ratio share, from the Wholesale Customers through the formula rates in their PPAs.<sup>18</sup> DEC seeks waiver of Opinion No. 295's requirement that DEC seek recovery of the cancelled Lee Nuclear Project costs within one year of the decision to cancel the project.<sup>19</sup>

13. DEC also requests waiver of section 35.13 of the Commission's regulations, including waiver of the full Period I-Period II data requirements, and waiver of the requirements in section 35.13(a)(2)(iv) to determine if and the extent to which a proposed change constitutes a rate increase based on Period I-Period II rates and billing determinants. DEC states that the testimony and other exhibits submitted as attachments to this Filing provide more than ample support for the reasonableness of the proposed recovery of the cancelled Lee Nuclear Project costs.

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<sup>16</sup> *Id.* The North Carolina Commission's approval of DEC's costs does not include the amount spent on a visitor's center at the plant site or the purchase price of the Cherokee, South Carolina site.

<sup>17</sup> *Id.* The South Carolina Commission's approval of DEC's costs does not include the amount spent on a visitor's center at the plant site or the purchase price of the plant site.

<sup>18</sup> *Id.* at 8.

<sup>19</sup> *Id.* at 16; Opinion No. 295, 42 FERC at 61,081.

**B. Lee Nuclear Project Costs**

14. DEC states that the costs to develop the Lee Nuclear Project were prudently incurred and were undertaken to ensure a diverse, cost-effective, and reliable supply of energy for DEC's wholesale customers.<sup>20</sup>

15. To support its argument, DEC presents written testimony from Christopher M. Fallon, DEC's Vice President of Nuclear Development during the relevant time period. Mr. Fallon's testimony claims that DEC continued to identify the Lee Nuclear Project as a cost-effective option to meet base load energy needs for customers in IRPs from 2006-2017. Moreover, Fallon states, DEC's decision to proceed with the project was encouraged by an environment of high and volatile natural gas prices, the expected impacts of the 2005 Clean Air Interstate Rule, and other possible carbon limiting environmental regulations, as well as the positive support for nuclear generation afforded by the Energy Policy Act of 2005.<sup>21</sup> According to Fallon, any decision to suspend the COLA prior to the COL's issuance would have substantially delayed the COLA's review and negated the requirements for new nuclear plant construction DEC had completed up to that point.<sup>22</sup>

16. Additionally, DEC notes that both the North Carolina Commission and the South Carolina Commission deemed the Lee Nuclear Project costs to be just and reasonable, permitting DEC to amortize the allocated North Carolina Commission and South Carolina Commission retail portions of the overall costs incurred over a twelve-year period.<sup>23</sup> Specifically, DEC incurred actual costs for the development of the Lee Nuclear Project of \$558 million.<sup>24</sup>

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<sup>20</sup> Transmittal at 9.

<sup>21</sup> DEC Ex. DEC-001 at 3 (citing 42 U.S.C. §§ 16011-16042 (2012)).

<sup>22</sup> *Id.* at 9.

<sup>23</sup> Transmittal at 7.

<sup>24</sup> DEC is not seeking to recover \$500,000 spent on the visitor's center at the Cherokee, South Carolina site, which was disallowed by the North Carolina Commission and South Carolina Commission, and the cost to purchase the land of approximately \$40.9 million for the Lee Nuclear Project. DEC states that the costs to purchase the land have been transferred to FERC Account No. 105, Electric Plant Held for Future Use.

17. DEC is seeking the Commission's approval to recover from the Wholesale Customers their load ratio share of the cancelled Lee Nuclear Project through the formula rates in the Wholesale Customers PPAs.

**C. Proposed Methods of Cost Recovery**

18. DEC seeks approval to recover the wholesale portion of the cancelled Lee Nuclear Project costs based on a twelve-year amortization period or through a one-time payment based on the payment method selected by the individual wholesale customer.<sup>25</sup> DEC is not seeking recovery of costs associated with a visitor's center and certain costs of land purchased for the Lee Nuclear Project. Subtracting these amounts from the total costs incurred, the total portion DEC seeks in this proceeding is the wholesale portion of 50 percent of approximately \$516.5 million,<sup>26</sup> or about \$258.2 million.

19. DEC states that those Wholesale Customers selecting the twelve-year amortization period have PPAs which contain a Schedule 1, which has a specific provision for the inclusion of "Other Regulatory Assets/Liabilities Recorded On or After January 1, 2018." According to DEC, given that it proposes to record the cancelled Lee Nuclear Project costs in FERC Account 182.2, with such amounts to be amortized to FERC Account 407, Schedule 1 expressly allows for the inclusion of the Lee Wholesale Costs upon Commission approval.<sup>27</sup> Recovery of the wholesale portion of the cancelled Lee Nuclear Project costs will be on a straight-line basis, will include a return on the unamortized balance based on DEC's weighted average cost of capital, and will include a return on a deferred tax asset that DEC will accrue in rate base ratably during the twelve-year

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<sup>25</sup> See *infra* Appendix for the payment method selected by each Wholesale Customer.

<sup>26</sup> Transmittal at 8. The \$516.5 million is comprised of \$247.6 million in carrying costs for the Allowance for Funds used During Construction, \$189.4 million in Labor and related Overheads, \$119.7 million in other direct costs, and \$1.3 million in engineering and licensing support from the AP1000 Group LLC.

<sup>27</sup> *Id.* at 10; in Docket No. AC19-178, DEC concurrently filed an accounting letter requesting approval to use Account 182.2, Unrecovered Plant and Regulatory Study Costs, for the Total Lee Development Costs, and is requesting authorization to amortize the balance in Account 182.2 to Account 407, Amortization of Property losses, Unrecovered Plant and Regulatory Study Costs or to FERC Account No. 426.5, Other Deductions, if recovery of any of the costs is disallowed by the Commission. This filing is still pending before the Commission.

amortization period.<sup>28</sup> DEC will accrue one-twelfth of approximately \$40 million of the deferred tax asset into rate base each year during the twelve-year amortization period.

20. The second method DEC proposes is a one-time payment of the wholesale portion of the cancelled Lee Nuclear Project costs.<sup>29</sup> The one-time payment, selected by certain Wholesale Customers, is derived from each customer's load ratio share of the wholesale portion of the cancelled Lee Nuclear Project costs. Wholesale customers electing this payment method will not be responsible for any return or other costs related to the unamortized balances of the cancelled Lee Nuclear Project costs or the deferred tax asset.<sup>30</sup> The accounting treatment for the one-time payment under the PPAs is the same as that used for the twelve-year amortization method. DEC states that upon Commission approval, the billing for the one-time payment will occur in the first invoice following October 1, 2019, and receipt of the payment will complete the paying customer's obligation for the cancelled Lee Nuclear Project costs.

21. DEC states that the one-time payment has also been selected by North Carolina Electric Membership Corporation (NCEMC) for its Catawba Interconnection Agreement (Catawba IA). The Catawba IA does not contain Schedule 1, but instead has a production fixed costs formula rate, with a line item in its formula rate for "Amortization of Losses/Gains" (with the associated note specifying that this line is only for Amortization of Losses/Gains in Account 407).<sup>31</sup> DEC seeks the Commission's approval to allow for the one-time payment associated with the cancelled Lee Nuclear Project costs under the Catawba IA to be recognized by a debit to FERC Account No. 407, and to allow for the use of FERC Account 182.2 on a one-time basis until the one-time payment is made by NCEMC.<sup>32</sup>

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<sup>28</sup> *Id.* The deferred tax asset relates to the accounting entries booked during the write-off and subsequent deferral of the Lee Nuclear Project costs, which in conjunction with applicable Internal Revenue Service regulations, resulted in a deferred tax asset of approximately \$80 million within DEC's books and records.

<sup>29</sup> See *infra* Appendix.

<sup>30</sup> Transmittal at 11.

<sup>31</sup> *Id.* at 11-12.

<sup>32</sup> *Id.* at 3 n.4.



### III. Notice and Interventions

22. Notice of DEC's filing was published in the Federal Register, 84 Fed. Reg. 37,861 (2019), with interventions or comments due by August 16, 2019. NCEMC filed a timely motion to intervene. No protests or comments were filed.

### IV. Discussion

#### A. Procedural Matters

23. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2019), NCEMC's timely unopposed motion to intervene serves to make it a party to this proceeding.

#### B. Substantive Matters

24. As discussed below, we accept DEC's filing to recover the wholesale portion of 50 percent of the \$516.5 million of cancelled Lee Nuclear Project costs from the Wholesale Customers.

25. Commission policy, pursuant to Opinion No. 295, dictates that DEC should recover these costs over the "life of the plant" which for the Lee Nuclear Plant would be for 40 years, the length of the COL. In *Maine Public Service Commission*, the Commission recognized that, under "unusual circumstances," agreements that do not conform to Opinion No. 295's "life of the plant" amortization period requirement can be proper so long as the result is "a reasonable sharing of costs."<sup>33</sup>

26. Under the circumstances presented in this case, we find that DEC's proposed methods for amortization are a reasonable compromise that provide savings to the Wholesale Customers in reducing the carrying costs by shortening the amortization period and result in a reasonable sharing of the cancelled Lee Nuclear Project costs among its Wholesale Customers. The amount of costs to be recovered and the amortization methods have been agreed to by DEC's Wholesale Customers. The twelve-year amortization method parallels the retail treatment of the cancelled Lee Nuclear Project costs approved by both the North Carolina Commission and the South Carolina Commission as described above. There are no protests to the proposed costs or amortization methods under review.

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<sup>33</sup> *Maine Pub. Serv. Comm'n*, 47 FERC ¶ 61,183, at 61,612 (1989). The transmission provider in *Maine Pub. Serv. Co.* had also reached a settlement agreement with its affected customer base regarding proposed costs and amortization methods for the cancelled nuclear project.

Docket No. ER19-2468-000

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The Commission orders:

(A) DEC's request to recover the wholesale portion of 50 percent of the \$516.5 million of cancelled Lee Nuclear Project costs from the Wholesale Customers is accepted, as discussed in the body of this order.

(B) DEC's proposed recovery methods of using either a twelve-year amortization or a one-time payment as negotiated with its Wholesale Customers are hereby accepted, effective September 25, 2019, as requested.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

**Appendix<sup>34</sup>**

<b>Wholesale Customer</b>	<b>PPA</b>	<b>12-year amortization/ One-time payment</b>
Central Electric Power Cooperative, Inc. ("Central EMC")	DEC Rate Schedule FERC No. 336 – Power Purchase Agreement Between DEC and Central	12-year amortization
Town of Forest City, North Carolina ("Forest City")	DEC Rate Schedule FERC No. 330 – Power Purchase and REPS Compliance Service Agreement Between DEC and Forest City	12-year amortization
Town of Highlands, North Carolina ("Highlands")	DEC Rate Schedule FERC No. 337 – Power Purchase and REPS Compliance Service Agreement Between DEC and Highlands	12-year amortization
Town of Prosperity, South Carolina ("Prosperity")	DEC Rate Schedule FERC No. 333 – Power Purchase Agreement Between DEC and Town of Prosperity	12-year amortization
Western Carolina University ("Western Carolina")	DEC Rate Schedule FERC No. 338 – Power Purchase Agreement Between DEC and Western Carolina	12-year amortization
Blue Ridge Electric Membership Corporation ("Blue Ridge EMC")	DEC Rate Schedule FERC No. 315 – Full Requirements Power Purchase and REPS Compliance Service Agreement Between DEC and Blue Ridge EMC	One-time payment
Town of Dallas, North Carolina ("Dallas")	DEC Rate Schedule FERC No. 328 – Power Purchase and REPS Compliance Service Agreement Between DEC and Dallas	One-time payment
Town of Due West, South Carolina ("Due West")	DEC Rate Schedule FERC No. 329 – Power Purchase Agreement Between DEC and Due West	One-time payment
Haywood Electric Membership Corporation ("Haywood EMC")	DEC Rate Schedule FERC No. 335 – Requirements Power Purchase Agreement Between DEC and Haywood	One-time payment

<sup>34</sup> See Transmittal at 2 – 3.

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**Appendix (continued)**

Lockhart Power Co. ("Lockhart")	DEC Rate Schedule FERC No. 332 – Power Purchase Agreement Between Duke Energy Carolinas, LLC and Lockhart Power Company	One-time payment
North Carolina Electric Membership Corporation ("NCEMC")	DEC Rate Schedule FERC No. 326 – Power Purchase Agreement Between DEC and NCEMC	One-time payment
NCEMC	DEC Rate Schedule FERC No. 273 – NCEMC Catawba Interconnection Agreement ("NCEMC Catawba IA")	One-time payment
Piedmont Electric Membership Corporation ("Piedmont EMC")	DEC Rate Schedule FERC No. 316 – Full Requirements Power Purchase Agreement Between DEC and Piedmont EMC	One-time payment
Rutherford Electric Membership Corporation ("Rutherford EMC")	DEC Rate Schedule FERC No. 317 – Partial Requirements and REPS Compliance Service Agreement Between DEC and Rutherford EMC	One-time payment

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

In Reply Refer To:  
Office of Enforcement  
Docket No. AC19-178-000  
October 22, 2019

Duke Energy Corporation  
Attn: Cynthia S. Lee  
Director, Investor Relations  
550 South Tryon Street  
Charlotte, NC 28202

Dear Ms. Lee:

This is in response to your letter dated July 26, 2019, as supplemented on September 27, 2019. You filed the letter on behalf of Duke Energy Carolinas, LLC (Duke Carolinas) requesting approval to use Account 182.2, Unrecovered Plant and Regulatory Study Costs, to account for the cancellation of Lee Nuclear Station Units 1 & 2 in Cherokee County, South Carolina (Lee Nuclear Project) for \$390,442,638, and to amortize the balance of the unrecovered costs in Account 182.2 to Account 407, Amortization of Property Losses, Unrecovered Plant and Regulatory Study Costs.

Based on Duke Carolinas' representations, its proposed accounting entries are approved. This accounting approval is not intended to influence the outcome of any rate treatment that may be established for the cancellation of the project.

Duke Carolinas proposes to record the wholesale share of the cancelled Lee Nuclear Project costs in the amount of \$24,035,534 to Account 182.2, and to amortize various balances that make up the \$24,035,534 to Account 407 either over a 12-year period or at once, depending on the period of rate recovery for each customer. The Commission authorized the recovery of the wholesale share of cancelled Lee Nuclear Project costs from wholesale customers in Docket No. ER19-2468-000.<sup>1</sup>

Duke Carolinas states that the remaining amount of the \$390,442,638 is attributable to its retail rates, and proposes to amortize that amount over a 12-year period.

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<sup>1</sup> *Duke Energy Carolinas, LLC*, 168 FERC ¶ 61,194 (2019).

Duke Energy Carolinas, LLC

Docket No. AC19-178-000

This amortization is consistent with the approvals for retail rate recovery from the North Carolina Utilities Commission and the Public Service Commission of South Carolina.<sup>2</sup>

Duke Carolinas is authorized to record in Account 182.2 the cancelled Lee Nuclear Project costs approved for rate recovery by the Commission and its retail rate regulators. Amounts deferred in Account 182.2 are to be amortized to Account 407 over the period of rate recovery as determined in the wholesale and retail rate orders. This approach is consistent with the instructions to Account 407.<sup>3</sup>

The Commission delegated authority to act on this matter to the Director of the Office of Enforcement or his designee under 18 C.F.R. § 375.311 (2019). The Director has designated this authority to the Chief Accountant. This letter order constitutes final agency action. Your company may file a request for rehearing with the Commission within 30 days of the date of this order under 18 C.F.R. § 385.713 (2019).

Sincerely,



Steven D. Hunt  
Chief Accountant and Director  
Division of Audits and Accounting  
Office of Enforcement

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<sup>2</sup> See Docket No. E-7 Sub 1146 *State of North Carolina Utilities Commission*, and Docket No. 2018-319-E, *Public Service Commission of South Carolina*.

<sup>3</sup> See 18 C.F.R. Part 101 (2019), Account 407.

## **Maria Stroupe**

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**From:** Knight, Richard Adam <Richard.Knight@duke-energy.com>  
**Sent:** Monday, October 28, 2019 10:06 AM  
**To:** Doug Huffman (dhuffman@dallasnc.net); 'Maria Stroupe'  
**Cc:** Carolan, Todd M  
**Subject:** Lee Nuclear Cost- Town of Dallas  
**Attachments:** Lee Nuclear Order ER19-2468 20190925-3083(33811971).pdf; Lee Nuclear Accounting Order 20191022-3045(33840657).pdf

Maria and Doug,

On September 25<sup>th</sup>, FERC issued the attached order accepting DEC's Lee Nuclear filing to recover 50% of the wholesale portion of the Lee Nuclear costs. On October 22nd, FERC issued the attached order accepting DEC's accounting request regarding Lee Nuclear costs.

Pursuant to your choice to make a one-time payment on the agreed upon amount of \$175,213.40, and pursuant to the requirements of the filing, we plan to bill this amount on the invoice for October business that you receive in early November.

If you have any questions or concerns, please let me know.

Thanks for your cooperation and support on this matter.

*Richard A Knight*

**Work: 803-988-7126**  
**Mobile: 803-917-6376**  
**Richard.Knight@duke-energy.com**



**Duke Energy**  
**Regulated Utilities**  
**Wholesale Business Development**  
**1201 Main Street**  
**Suite 1180**  
**Columbia, SC 29201**

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

Date: November 12, 2019

Action: Electric

Purpose: To Appropriate Funds for Duke Energy Charges for Lee Nuclear Project

Number: EL-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
30	3999	0000	Fund Balance Appropriated	\$243,677	\$418,891	\$175,214
30	8500	4820	Electrical Charge	\$5,078,981	\$5,254,195	\$175,214

\_\_\_\_\_  
Approval Signature  
(Town Manager)

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Planning Board Appointment

AGENDA ITEM NO. 8D

MEETING DATE: 11/12/2019

### BACKGROUND INFORMATION:

Curtis Wilson's current three year term on the Planning Board will be expiring in December of 2019.

If Mr. Wilson would like to serve another term, the Board of Aldermen may reappoint him to the Planning board for another 3 year term (December 2019 to December 2022) at this meeting..

If Mr. Wilson chooses not to serve an additional term, staff will be seeking applications for a new Planning Board member to fill that seat. All applications received will be brought to the Board of Aldermen for consideration, and a new member may be appointed in December 2019.

Curtis Wilson has been, and continues to be, an asset to the Town's Planning Board, and Staff would like to use this opportunity to thank him for his continued commitment and dedication to the Town of Dallas and our residents.

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MANAGER RECOMMENDATION: Reappoint Curtis Wilson to the Planning Board if he is willing to serve another term.

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BOARD ACTION TAKEN: