

Town of Dallas

Agenda

AUGUST 25, 2020

5:00 PM

BOARD OF ALDERMEN – WORK SESSION MEETING

Rick Coleman, Mayor

Allen Huggins

Darlene Morrow

Stacey Thomas

Jerry Cearley, Mayor Pro-Tem

E. Hoyle Withers

ITEM SUBJECT

Pages

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TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Request for Alcohol Sales on Sundays Prior to Noon

AGENDA ITEM NO. 3A

MEETING DATE: 08/25/2020

BACKGROUND INFORMATION:

Mr. Jim Bailey has requested that the Board consider approving alcohol sales prior to noon on Sundays. He will be present to bring that request to the Board.

Senate Bill 155, "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws", was enacted by the North Carolina General Assembly on June 29, 2017. Section 4 of this Bill authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10:00 am on Sundays. Previously, the law prohibited alcohol sales prior to noon on Sundays. Governor Cooper signed the Bill into law on June 30, 2017 and it became effective on that date. The law gave each local government entity the authority to allow alcohol sales prior to noon or to keep the prohibition of sales until after noon in place.

At the time the Senate Bill 155 was enacted, the Board of Aldermen decided to keep the prohibition of sales until after noon in place.

Attached is a copy of the Ratified Senate Bill 155, Section 4, along with Mr. Bailey's request.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

Maria Stroupe

From: Jim Bailey <jimbailey69@hotmail.com>
Sent: Monday, July 27, 2020 3:39 PM
To: Maria Stroupe
Subject: Alcohol sales at 11AM on Sundays

I request that I be allowed to address the Board of Aldermen at its work session on 25 Aug 2020 to ask that they take the appropriate action to allow alcohol sales on Sunday mornings beginning at 11 AM.

I plan to serve brunch Sunday mornings beginning at 11 and want the option to serve alcohol prior to noon

Thank you,
Jim

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SENATE BILL 155
RATIFIED BILL

AN ACT TO MAKE VARIOUS CHANGES TO THE ALCOHOLIC BEVERAGE CONTROL COMMISSION LAWS.

The General Assembly of North Carolina enacts:

ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS, SUBJECT TO LOCAL GOVERNMENT APPROVAL

SECTION 4.(a) G.S. 18B-1004(c) reads as rewritten:

"§ 18B-1004. Hours for sale and consumption.

...

(c) Sunday Hours. – ~~It~~ Except as authorized pursuant to G.S. 18B-112(b1), 153A-145.7, or 160A-205.3, it shall be unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 12:00 Noon on that day."

SECTION 4.(b) Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-145.7. Hours of certain alcohol sales.

In accordance with G.S. 18B-1004(c), a county may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001."

SECTION 4.(c) Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.3. Hours of certain alcohol sales.

In accordance with G.S. 18B-1004(c), a city may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001."

SECTION 4.(d) G.S. 18B-112 is amended by adding a new subsection to read:

"(b1) In accordance with G.S. 18B-1004(c), the Eastern Band of Cherokee Indians tribe may adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under the authority of G.S. 18B-112(d)."

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Driveway Permit Application and Proposed Ordinance Update

AGENDA ITEM NO. 3B

MEETING DATE: 08/25/2020

BACKGROUND INFORMATION:

In January, the Board of Aldermen updated and adopted standard street details and traffic standards. Subsequently, Tiffany Faro, former Development Services Director, was working on implementation of a driveway permit application. Although the current ordinance references a driveway permit, a standardized permit has not been implemented. Attached is the proposed driveway permit application. It is recommended that the permit fees be set at \$25 per residential driveway permit and \$50 per commercial driveway permit.

Upon review of the current ordinance, §94.056 Municipal Curb Cut, it has become apparent that the ordinance needs to be revised. As best as can be determined, the ordinance was originally approved in 1971. At that time, Dallas was under the Mayor/Council form of government and the Town Board was tasked with managing the ordinance and permit. Under the current Manager/Council form of government, this is a function that should be managed by Staff. Attached is the current ordinance with noted proposed changes to update the ordinance and make it more functional.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

§ 94.056 MUNICIPAL CURB CUT.

(A) *Purpose.* It is recognized that driveway connections onto a road serve to increase traffic flow and volume on that road. Increased traffic flow, if left unchecked, can lead to traffic congestion, increased travel times, and to an increase in the number of accidents involving motorists, cyclists and/or pedestrians. The purpose of this chapter, per G.S. § 160A-307, is therefore to promote the orderly flow of traffic on streets through the town and to provide for increased safety for pedestrians, cyclists and motorists alike, by providing street curb cuts and other associated road improvements through the issuance of driveway permits.

(B) *Administration.* This chapter shall be administered by the ~~Town Clerk~~ **Development Services Director** or designee appointed by the Town Board (hereafter referred to as the "Administrator").

(C) *Applicability.*

(1) This chapter shall be applicable within the corporate limits of the town.

(2) This chapter shall be applicable when a building or parcel of land is proposed to be used or occupied without any associated building construction or alteration; or whenever a zoning permit, as stipulated in the town zoning regulations ([Chapter 153](#)), is required. Adherence to this chapter, however, shall not be required for any of the following, **unless driveway access is added or expanded**:

~~(a)~~ **(a)** The initial development of a single-family or two-family dwelling structure, along with related accessory structures, on a recorded lot;

~~(b)~~ **(a)** Initial construction or expansion of residential accessory structures;

~~(c)~~ **(b)** Initial construction of nonresidential accessory structures which are less than 500 square feet in area; or an expansion of a nonresidential accessory structure by less than 500 square feet;

~~(d)~~ **(c)** An enlargement of an existing principal nonresidential structure by less than 20% of its existing gross floor area, provided the enlargement does not necessitate the creation of additional off-street parking or loading spaces as may be required by the town's zoning regulations ([Chapter 153](#)); or

~~(e)~~ **(d)** A change in principal use which would not necessitate the creation of additional off-street parking and/or loading spaces.

(D) *Driveway permits.*

(1) A driveway permit shall be required in all instances where this chapter is applicable.

(2) Fair and reasonable conditions may be placed on the driveway permit by the town in a manner as prescribed by this chapter. The conditions may require the applicant to construct (or reimburse the town for associated construction costs) the improvements.

(E) *Driveway permit application process.*

(1) An application for a driveway permit may be made (and approved by the Administrator) simultaneously with a zoning permit application.

(2) Having received and reviewed a complete application, the Administrator shall have the authority to:

(a) Approve the driveway permit without conditions;

(b) Where applicable, approve the permit in conformity with any other conditions previously placed on the property in question by the town;

(c) ~~Recommend to the Town Board that the permit be approved~~ **Approve the permit** subject to certain fair and reasonable conditions be attached; or

(d) ~~Deny the application. Any such determination shall be made and the application transferred to the Town Board for action within 45 days of receipt of the application. The application will be deemed approved as submitted if the application is not transferred to the Town Board within the 45-day period.~~

(3) (a) ~~The Administrator or the Town Board~~ may only approve the driveway permit application having first determined that the proposed development, land improvement or use of property meets each of the following findings:

1. The proposed use or development will not serve to impede the flow of traffic through the town; and

2. The proposed use or development will not be a safety deterrent for pedestrians, cyclists and motorists.

(b) ~~The Administrator or Town Board~~ may deny an application if each of the above findings are not found in the affirmative. Any conditions placed on the driveway permit ~~by the Town Board~~ shall be in support of and in harmony with each of the above referenced findings of fact.

(4) Any decision of the Administrator regarding the driveway permit may be appealed to the ~~Town Board~~ **Planning Board** provided the appeal is made in writing no greater than 30 days of the date of the decision.

(Prior Code, § D-IV-2)



TOWN OF DALLAS
DRIVEWAY PERMIT APPLICATION

DEVELOPMENT NAME: _____ Date: _____

Please complete and submit this application for all proposed driveways or new streets along roadways within the Town of Dallas limits. This application is not for use when access is being requested along a state-owned highway- instead, NCDOT's TEB Form 65-04 should be used for proper approvals.

LOCATION OF PROPERTY	
Along Route/Road:	
Exact Distance: _____	<input type="checkbox"/> Miles N S E W <input type="checkbox"/> Feet <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
From the Intersection of(Roads/Routes) _____ & _____ Toward _____	
Property will be used for:	
<input type="checkbox"/> Single Family Residential	<input type="checkbox"/> Multi-Family Residential
<input type="checkbox"/> Educational	<input type="checkbox"/> Emergency Services
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Commercial
<input type="checkbox"/> Other:	
AGREEMENT	
<ul style="list-style-type: none"> • I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. • I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. • I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT and/or the Town of Dallas. • I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. • I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. • I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation and/or the Town of Dallas, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. • I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within 6 months of this application unless an extension is requested and granted. • I agree to pay the required inspection fee (☐ \$25 Residential / ☐ \$50 Commercial) to the Town of Dallas as listed in the fee schedule. • I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. • I agree to provide during construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. • I agree to indemnify and save harmless the Town of Dallas, and its employees/contractors, from all damages and claims for damage that may arise by reason of this construction. • I agree that the Town of Dallas will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. • I AGREE TO NOTIFY THE TOWN ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED. 	

SIGNATURES OF THE APPLICANT	
<p style="text-align: center;">PROPERTY OWNER (APPLICANT)</p> <p>Name: _____</p> <p>Company: _____</p> <p>Signature: _____</p> <p>Address: _____</p> <p>Phone Number: _____</p>	<p style="text-align: center;">WITNESS</p> <p>Name: _____</p> <p>Signature: _____</p> <p>Address: _____</p> <p>Phone Number: _____</p>
APPROVALS	
APPLICATION RECEIVED	
_____	_____
Signature	Date
APPLICATION APPROVED BY PUBLIC WORKS	
_____	_____
Signature	Date
APPLICATION APPROVED BY TOWN ENGINEER	
_____	_____
Signature	Date
APPLICATION APPROVED BY DEVELOPMENT SERVICES DIRECTOR	
_____	_____
Signature	Date

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Social Media Policy

AGENDA ITEM NO. 3C

MEETING DATE: 08/25/2020

BACKGROUND INFORMATION:

As social media continues to expand and become more and more prevalent, it is in the best interest of the Town to have a social media policy guiding employees' use of this medium. Approximately ten years ago, the Town implemented a Computer and Internet policy. A proposed social media section has been added to this current policy.

Attached is the proposed *Computer Network, Internet Access, and Social Media Policy* for review.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

Town of Dallas

Computer Network, Internet Access, and Social Media Policy

Disclaimer

This policy applies to computers, phones, tablets, and any other devices provided by the Town used to access the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requires may lead to sites with highly offensive content. Additionally, having an email address on the Internet may lead to receipt of unsolicited email containing offensive content. Users accessing the Internet do so at their own risk and the Town of Dallas is not responsible for material viewed or downloaded by users from the Internet. To minimize these risks, your use of the Internet at the Town of Dallas is governed by the following policy.

Permitted Use of Internet and Town Computer Network

The computer network (“Network”) is the property of the Town of Dallas (“Town”) and is to be used for legitimate business purposes. Employees (“Users”) are provided access to the network to assist them in the performance of their job. All Users have a responsibility to use Town computer resources and the Internet in a professional, lawful, and ethical manner. Abuse of the network or the Internet may result in disciplinary action, up to and including termination, and civil and/or criminal liability.

Computer Network Use Limitations

Prohibited Activities – The Town’s network may not be used to disseminate, view or store commercial or personal advertisements, solicitations, promotions, destructive code (e.g., viruses, Trojan horse programs, etc.), view pornographic material, or any other unauthorized materials. Users may not download any software without written approval of the Town’s IT Consultant and the Town Manager. Occasional limited appropriate personal use of the computer is permitted if such use does not a) interfere with the User’s, or any other employees, job performance; b) have an undue effect on the computer or Town network’s performance; c) or violate any other policies, provisions, guidelines or standards of the agreement or any other policies of the Town. Further, at all times Users are responsible for the professional, ethical, and lawful use of the computer system. Personal use of the computer is a privilege that may be revoked at any time.

Illegal Copying – Users may not illegally copy material protected under copyright law or make that material available to other for copying. Users are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material they wish to download or copy. Users may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the Town Manager.

Communication of Sensitive Information – Unless expressly authorized to do so, User is prohibited from sending, transmitting, or otherwise distributing proprietary information, data, utility account information or other confidential information belonging to the Town. Unauthorized dissemination of such material may result in severe disciplinary action, as well as substantial civil and criminal penalties under applicable state and federal laws.

Duty Not to Waste or Damage Computer Resources

Accessing the Internet – To ensure security and avoid the spread of viruses, Users accessing the Internet through a computer attached to the Town’s network must do so through an approved Internet firewall or other security device. Bypassing the Town’s network security by accessing the Internet directly by modem or other means is strictly prohibited unless the computer you are using is not connected to the Town’s network (i.e. use of laptops while traveling).

Frivolous Use – Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits, and all Users connected to the network have a responsibility to conserve these resources. As such, the User must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to; sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, uploading or downloading large files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on network traffic associated with non-business related uses of the Internet.

Virus Detection – Files obtained from sources outside the Town, including portable storage devices (i.e., disks, flash drives, etc.) brought from home; files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to email; and files provided by customers or vendors may contain dangerous computer viruses that may damage the Town’s computer network. Users should never download files from the Internet, accept email attachments from outsiders, or use portable storage devices without first scanning the material with Town-approved virus checking software. If you suspect that a virus has been introduced into the Town’s network notify the Town Manager immediately.

No Expectation of Privacy

Employees are given computers, phones, and/or tablets and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send, or receive using the Town’s equipment. The network is the property of the Town and may be used only for Town purposes.

Waiver of Privacy Rights – User expressly waives any right of privacy in anything they create, store, send, or receive using the Town’s equipment or Internet access. User consents to allow Town personnel access to and review of all materials created, stored, sent, or received by User through any Town device, Town network, or Internet connection.

Monitoring of Computer and Internet Usage – The Town has the right to monitor and log any and all aspects of its equipment/system including, but not limited to, monitoring Internet sites visiting by Users, monitoring chat and newsgroups, monitoring file downloads, and all communications sent and received by Users.

Blocking Sites with Inappropriate Content – The Town has the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

Social Media

Use of social media presents certain risks and carries responsibilities. To assist employees in making responsible decisions about their use of social media, the following guidelines have been established for appropriate use of social media. This policy applies to all employees.

Social media can mean many things, and includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity website, web bulletin board or chat room; whether or not associated or affiliated with the Town, as well as any other form of electronic communication; including, but not limited to Facebook, Twitter, YouTube, Tumblr, Flickr, Instagram, LinkedIn, Google+, etc.

Employees are entirely responsible for what they post online. Before creating online content consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects an employee's job performance, the performance of fellow employees, or otherwise adversely affects citizens, vendors, suppliers, or people who work on behalf of the Town's legitimate business interests, may result in disciplinary action up to and including termination.

Know and Follow the Rules – Carefully read the Town's other policies and ensure postings are consistent with these policies and procedures. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and will subject you to disciplinary action up to and including termination.

Appropriate and Respectful – Employees should always be courteous to fellow employees, citizens, vendors, and suppliers. Work problems are more likely to be resolved by speaking directly with co-workers or supervisor(s) than by posting complaints on social media. Posts that are malicious; obscene; threatening or intimidating; that disparage employees, clients, customers, citizens, vendors, suppliers, or that might constitute harassment or bullying will not be tolerated. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation, or posts that could contribute to a hostile work environment based on race, gender, disability, religion, or any other status protected by law or Town policy and/or procedure.

Accuracy and Honesty – Care should be taken to always be honest and accurate when posting information or news, and if a mistake is made, correct it quickly. Employees should never post any information or rumors that they know to be false about the Town, fellow employees, consultants, customers, citizens, vendors, or suppliers.

Confidentiality of Town Information – Maintain the confidentiality of sensitive, confidential information. Do not post internal reports, policies, procedures, or other internal business-related confidential communications. Employees shall not create a link from their personal blog, website, or other social networking site to the Town website, or social media accounts.

Social Media at Work - Do not use social media while at work or on Town equipment, unless it is work-related and authorized. Do not use a Town email to register on blogs, social networks, or other forms of social media.

Personal Opinions Only – Employees have the right to personal social media accounts. These accounts should remain personal in nature and be used to share personal opinions or non-work related information. Employees are not to represent themselves as a spokesperson for the Town. Failure to do so may result in disciplinary action up to and including termination.

Town Emblems, Seals, Property, or Images – Depictions of Town buildings, vehicles, uniforms, emblems, the Town seal/logo, or any image solely identified with the Town shall not be used in personal employee internet postings, public or private, without prior written permission of the Town Manager.

Public Conduct – Employees are responsible for their public conduct even when they are not performing their job duties as Town employees. Employees will be held to the same professional standards in their personal use of social media as they are for any other public conduct. Employees should not publish any personal information about themselves, another employee, the organization, a citizen, or a customer in any public medium that:

- Has the potential effect of involving the employee, their co-workers, or the Town in any kind of dispute or conflict with other employees or their parties.
- Negatively impacts their ability to perform their jobs, or violates policy, administrative procedures, local, state, or federal law.
- Interferes with the work of any employee.
- Creates a harassing, demeaning, or hostile working environment for any employee, or anyone associated with or doing business with the Town.
- Disrupts the smooth and orderly flow of work or the delivery of services to the Town’s citizens.
- Harms the goodwill and reputation of the Town among its citizens or in the community at large.
- Erodes the public’s confidence in the Town organization.
- Tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the originator or subject of the information.

Social Media Use During Business Hours – Employees shall refrain from personal social media use during business hours. Such use should be reserved for breaks, lunch, or other designated times when the employee is not operating within paid work hours; and shall be conducted on personal devices, not Town-owned equipment.

Acknowledgement of Understanding

I have read and agree to comply with the terms of this policy governing the use of the Town of Dallas' network and equipment, the Internet, and Social Media. I understand that violations of this policy can result in disciplinary action up to and including termination, and civil and/or criminal liability.

Signature

Printed Name

Date

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Reopening Board Meetings

AGENDA ITEM NO. 3D

MEETING DATE: 08/25/2020

BACKGROUND INFORMATION:

This discussion is to determine under what parameters to reopen Board of Aldermen meetings to allow in-person public attendance. During the COVID-19 pandemic phased restrictions in North Carolina, in-person public attendance has been discontinued while an option to attend meetings via Zoom has been in place.

Previous discussions have identified looking at reopening Town facilities based upon Phase 3 guidance when that is released.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Trick or Treat on the Square

AGENDA ITEM NO. 3E

MEETING DATE: 08/25/2020

BACKGROUND INFORMATION:

With the continuing presence of COVID-19, a discussion on whether to hold the annual Trick or Treat on the Square event is prudent. Historically, the event attracts approximately 3,000 participants.

At the August 11th Board of Aldermen meeting this discussion was requested for the September 22nd Work Session. Chief Rob Walls has requested that the discussion be held now, as the magnitude of the event requires a lot of time to prepare and preparations usually begin in July. One large component of the planning includes contacting and lining up participants, as well as coordinating mutual aid from other law enforcement agencies. Therefore, a decision needs to be made as soon as possible.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Update on Sewer Interconnect Project

AGENDA ITEM NO. 3F

MEETING DATE: 08/25/2020

BACKGROUND INFORMATION:

Options for the project are still being reviewed by both Dallas and Gastonia.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN: