

Town of Dallas

Agenda

October 9, 2018

6:00 PM

BOARD OF ALDERMEN

Rick Coleman, Mayor

Allen Huggins

Stacey Thomas

Jerry Cearley, Mayor Pro-Tem

Darlene Morrow

E. Hoyle Withers

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**TOWN OF DALLAS
MINUTES FOR BOARD OF ALDERMEN MEETING
SEPTEMBER 10, 2018
6:00 PM**

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

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

Mayor Coleman read the meeting rules for the audience. He asked if there were any additions or deletions to amend the agenda. Alderman Huggins made a motion to approve the agenda adding Item 7D for a Special Event for Crop walk, seconded by Alderman Cearley, and carried unanimously.

Alderwoman Morrow made a motion to approve the minutes from August 13th Regular Meeting and August 27th Work Session, seconded by Alderwoman Thomas, and carried unanimously.

Consent Agenda:

Fire Prevention Week – October 7-13, 2018. (Exhibit A)

Public Power Week – October 7-13, 2018. (Exhibit B)

Resolution to Apply for Asset Inventory Grant. (Exhibit C)

Donation to Carr Elementary School for Playground Equipment. (Exhibit D)

Repairs at End of Hill St. (Exhibit E)

Alderman Cearley made a motion to approve as presented, seconded by Alderman Withers, and carried unanimously.

Recognition of Citizens:

Ms. Helen O'Daly, 112 Brahman Ct. Ms. O'Daly is a Dallas resident for many years and she is running for the Gaston County School Board for the Dallas Township. She would like the support to serve to represent Dallas as a school board representative.

Ms. Queen, 607 Brookgreen, she read a letter by Mary Ann Carpenter. Ms. Carpenter was a member of the Dallas Courthouse Preservation Committee. Ms. Carpenter is recommending a plaque recognizing Ms. Charlotte Jenkins for all her efforts working on the Courthouse project.

Mr. Curtis Wilson, 438 S. Gaston St., He prayed for the country, citizens, leaders, and safety personnel.

Special Events & Requests for In-Kind Services:

Item 7A was a Special Events & Request for In-Kind Services for Cotton Ginning Days Parade. This event was held last year successfully for Dallas Park. This event is a Tractor Parade that will go through Town back to Dallas Park. The date of the event will be on Friday, October 12th from 9:00 am until 10:30 am through Dallas. This event is open to the general public. Alderman Cearley made a motion to approve, seconded by Alderman Thomas, and carried unanimously. (Exhibit F)

Item 7B was a Special Events & Request for In-Kind Services for Gaston County Museum Ghost Tours. These events will be held on Friday nights starting October 5th, 2018 from 7:00 pm until 10:00 pm. Each event is free but registration is preferred to assist in group scheduling. All tours will be managed by Gaston County Museum staff and/or volunteers. Alderman Cearley made a motion to approve, seconded by Alderman Withers, and carried unanimously. (Exhibit G)

Item 7C was a Special Events & Request for In-Kind Services Gaston County Schools Annual Art Show. This event highlights art from Gaston County K-12 students from select schools that will be displayed in the Dallas Courthouse. The event starts March 11th, 2018 thru May 31st, 2018 at 9:00 am until 5:00 pm. Alderman Huggins made a motion to approve, seconded by Alderwoman Thomas, and carried unanimously. (Exhibit H)

Item 7D was a Special Events & Request for In-Kind Services for the Annual Crop Walk. This event was held last year with area churches and others contributing to help raise money for hunger. The date of the event will be on Sunday, October 21st from 1:00pm until 5:00 pm at Cloninger Park in the Dallas. The estimated attendance is approximately 100 people. This event has been very successful in the past. This event is open to the general public. Alderman Huggins made a motion to approve, seconded by Alderman Withers, and carried unanimously. (Exhibit I)

Public Hearings:

Item 8A was a Public Hearing for the CDBG Grant. Alderwoman Morrow made a motion to enter a public hearing, seconded by Alderman Withers, and carried unanimously. This was the second of the two public hearings required, the first public hearing was held May 14, 2018. The Town is proposing to submit a grant application through the Neighborhood Revitalization Program, which is part of the NC Community Development Block Grant (CDBG) program. There is 10 million dollars available in the grant with an approval up to \$750,000 non-matching grant monies to utilize towards revitalization efforts. The Town has solicited a proposal from the Centralina Council of Governments (CCOG) for assistance in application preparation, as well as grant administration upon receipt of the grant, if awarded. There will be an upfront cost of \$3500 to CCOG for the services of Mr. James Luster was approved. If awarded, grant funds will reimburse this cost, as well as cover any additional administrative costs incurred. Mr. Luster has extensive experience in CDBG grant application and administration. He served the Town of Dallas in this capacity with the CDBG funding received for water line improvements in 2014-2015. The application is due September 28, 2018. Mr. Luster presented more details on the program and answered questions. Mayor Coleman asked the audience if they had questions, comments, and/or concerns. Audience members had questions regarding the cost of the administration fee, the programs approval determinations, and the amounts that would be spent on the proposed 10 homes to revitalize. Mr. Luster explained that the administration fee is 10% and that would be cover a three-year period, the cost comes out of the amount awarded to the Town. He stated that the program is geared toward the lower income owner-occupant homeowners, with the priority being elderly, owners under the 50% poverty income level, and the owners under 80% poverty would be considered as well. A committee would be formed to perform the Dallas owner-occupant's approvals after the grant is awarded. The proposed amount of homes to revitalize is 10 but the goal is to revitalize as many homes as possible with the funds available in the program. The repairs are based on the severity of the unit being revitalized so there isn't a set cost to revitalize per unit. Alderman Cearley made a motion to exit the public hearing, seconded by Alderwoman Morrow, and carried unanimously. Alderwoman Thomas made a motion to approve the resolution for the Town of Dallas for the CBDG Block Grant program, seconded by Alderman Cearley, and carried unanimously. (Exhibit J)

Old Business: NONE

New Business:

Item 10A was a budget amendment to Support Donation for the Carr School and Repairs to Hill Street. On August 27, 2018 Board Work Session, the Board gave a consensus to donate \$5000 to Carr Elementary School and agreed that the Town would need to make the repairs on Hill St. since this was located in the Town's right of way. These items were approved under the Consent Agenda of this meeting. Alderman Huggins made a motion to approve, seconded by Alderman Withers, and carried unanimously. (Exhibit K)

Item 10B was a budget amendment for Unexpected Repairs to the Alum Sludge Pond. The Alum Sludge Pond at the Water Treatment Plant had to be cleaned out unexpectedly. This was an unbudgeted repair, but had to be performed due to the condition of the pond. The last time the Alum Sludge Pond was cleaned out was approximately forty years ago according to Staff. The repair cost is \$20,800. Alderman Cearley made a motion to approve, seconded by Alderwoman Thomas, and carried unanimously. (Exhibit L)

Item 10C was a discussion for Interest Expressed in Town-Owned Property Along Highway 321. Mr. Robbin Cearley, Owner of Gaston Fence Co., Inc., had inquired about the possibility of purchasing 11.52 acres of Town-owned property adjacent to his property along Highway 321. The listed tax value is \$305,175. The Town Manager recommended to obtain an appraisal on the property. The Board members discussed and decided an appraisal would be the best place to start. They also wanted the appraisal on the additional 5 acres of Town-owned property that is beside the 11.52 acres. There was a Board consensus to order appraisals. Alderman Withers made a motion to approve, seconded by Alderwoman Morrow, and carried unanimously. (Exhibit M)

Item 10D was a discussion to Move the Board of Alderman Meetings Back to Tuesdays. At the May 9, 2017 Board of Aldermen Meeting, the Board voted to change the Regular Meetings to the 2nd Monday of each month and the Work Sessions to the 4th Monday of each month, due to upcoming conflicts with the meeting schedule at that time. This change was made effective beginning with the July 2017 meetings. The conflicts have been resolved and the Administration Committee recommends moving the meetings back to the original schedule of Board of Alderman Regular Meetings to the 2nd Tuesday of each month and the Board of Aldermen Work Sessions to the 4th Tuesday of each month; beginning with the October 2018 meetings. Alderman Huggins made a motion to approve, seconded by Alderman Cearley, and carried unanimously. (Exhibit N)

Item 10E was a request from Gaston Early College to Use Franklin Gym. Ms. Amy Beaver, Student Success Coordinator with the Gaston Early College High School, has requested use of the Dennis Franklin Gym on Friday, November 30th and Wednesday, December 12th from 1:30 pm until 3:30 pm to allow the students to play intramural sports. This request did not interfere with the Town's Recreation Program Scheduled Events. Since the Town currently does not have a policy, the Board would need to approve or deny this request. The Recreation Director will be on site to facilitate if the request is approved. Alderman Withers made a motion to approve, seconded by Alderwoman Morrow, and carried unanimously. (Exhibit O)

Manager's Report and General Notices:

Alderman Cearley made a motion to adjourn, seconded by Alderwoman Morrow, and carried unanimously. (6:50)

Rick Coleman, Mayor

Da'Sha Leach, Town Clerk

**TOWN OF DALLAS
MINUTES FOR BOARD OF ALDERMEN MEETING
WORK SESSION
SEPTEMBER 24, 2018
5:00 PM**

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

The following staff members were present: Maria Stroupe, Town Manager; Tom Hunn, Town Attorney; Da'Sha Leach, Town Clerk; Allen Scott, Police Chief; Doug Huffman, Electric Director; Bill Trudnak, Public Works Director; Tiffany Faro, Development Services Director; Steven Aloisa, Recreation Director, and Robert Walls, Police Captain. Steve Lambert, Fire Chief and Jonathan Newton, Finance Director 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 the agenda. Alderman Huggins made a motion to approve the agenda, seconded by Alderwoman Morrow, and carried unanimously.

New Business:

Item 3A - was a discussion on a Recreation Volunteer Screening Policy. The proposed policy was developed outlining a screening policy for volunteers that work with children in the Town's Recreation Programs. The Board discussed at previous meetings and there was a consensus on recommendations for the policy. This item will be on the October 9, 2018 Regular board meeting on the Consent section. (Exhibit A)

Item 3B - was a discussion on the Veteran's Day Event. The Town has sponsored a Veteran's Day Event for the past three years and they went well. The Board consensus was to have the Veteran's Day Event on Monday November 12th, 2018 around the same time as the prior year as well as the same type of refreshments. The speakers will be confirmed soon.

Item 3C - was a discussion on the Bike/Pedestrian Planning Grant. Staff proposed the option to amend the Carolina Thread Trail Map and create a path going from Dallas, through the Town Square, and along the NC-279 widening project. Also, NCDOT is offering a grant to fund the creation of a comprehensive bike and pedestrian plan. The Board consensus was to move forward pursuing the grant. (Exhibit B)

Item 3D - was a discussion of an Addition of Part-Time Position in Public Works. This position would be utilized on an as-needed basis to help provide coverage during absences by other employees for illness or vacation, help catch up after weather events, or provide extra manpower for maintenance during summer mowing season and fall leaf season. The Board consensus was to allow this addition. This item will go on the October 9, 2018 agenda as a budget amendment.

Item 3E - was a discussion of an Emergency Sewer Interconnect with Gastonia. There were negotiations between the City of Gastonia and Town of Dallas for an emergency sewer interconnect. Both have mutually reached an acceptable agreement for the construction and operation. There was recommendation for the term (#7 on the contract) to start when the connection is operational, noting that it could take 1-2 years to build out the infrastructure. Staff will make changes accordingly for the project before finalizing the agreement. (Exhibit C)

Item 3F - was a discussion on the Downtown Development Project Agreement. Mr. Jim Bailey decided to renovate and save the building at 130 W. Trade St., if purchased. The purchase price will be \$77,000 based on the appraised value obtained to renovate the building. The Town's public amenities proposed will no longer be include constructions of a picnic shelter and recreation facilities. (Exhibit D)

Alderman Withers made a motion to adjourn, seconded by Alderwoman Morrow, and carried unanimously. **(5:45)**

Rick Coleman, Mayor

Da'Sha Leach, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Recreation Volunteer Screening Policy

AGENDA ITEM NO. 5A

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

Steve Aloisa, Parks and Recreation Director, has developed a proposed policy outlining a screening policy for volunteers that work with children in the Town's Recreation Programs. This policy specifically outlines reasons a person would be disqualified as a volunteer based on information received from a background check.

Currently, background checks are performed on volunteers, but there are no standardized guidelines to determine disqualification. In order to protect the children entrusted to the care of the Dallas Recreation Department, a screening policy needs to be in place with specific guidelines for qualifications to work with the children in our community.

The attached policy was reviewed at the September 24th Work Session and it was agreed to place the item on the Consent Agenda for approval. The policy will become effective immediately.

MANAGER'S RECOMMENDATION: Approve the attached policy to be effective upon approval.

BOARD ACTION TAKEN:



Town of Dallas, NC

Volunteer Screening Policy

Description

In order to preserve the safety and wellbeing of participants in its youth Recreation and programs, activities and events as well as other youth programs offered by the Town of Dallas ("Town"), the Town will conduct background checks on all individuals applying to volunteer in all such programs. Background checks will also be performed on all individuals applying to work as sports officials, scorekeepers, and program supervisors.

Volunteers will be required to sign an authorization form which will provide date of birth, Social Security Number, and current address, authorizing the Town to order an individual criminal background check. All authorization forms and results of screening must be received prior to the start of volunteer duties.

This policy will include all volunteers and paid individuals who, in the course of their service, have the opportunity to be alone with children during activities scheduled for Town sponsored youth programs.

Others with incidental contact with children will not be subject to provisions of this policy at this time, although the Town reserves the right to conduct random checks of all volunteers working programs/events involving children. To the extent provided by Chapter 132 of the North Carolina General Statutes, all information received as a result of the screening will be kept confidential and not disclosed to anyone outside the Town. All authorization forms, records or reports shall be maintained in a confidential manner, and kept for a fixed period of time as set by the Town's record retention policy.

If any disqualifying information is found that prevents an applicant from being accepted, the Town will be responsible for notifying applicant of disqualification in a confidential manner. In the event the applicant feels a mistake has been reported in their criminal background check, it is the applicant's responsibility to contact the Town and resolve any issues. The Town and its employees are not responsible for errors or omissions that may be reported on background checks.

Frequency of Background Investigations

Only one background check is necessary per year regardless of the number of different sensitive positions a volunteer may fill during any year. The initial authorization release signed by the volunteer applicant specifically states that the release shall remain in effect until revoked in writing.

Criteria for Exclusion

Disqualifying Factors

A person will be disqualified and prohibited from serving as a volunteer if the person has been found guilty of any of the following crimes or has pending charges for any of the following crimes as identified below:

(Guilty means that a person was found guilty following a trial, entered a guilty plea or entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This recommendation does not apply if criminal charges resulted in acquittal or dismissal.)

DISQUALIFICATION BASED ON OFFENSE:

FELONIES

ALL FELONY OFFENSES – Regardless of the amount of time since offense.

MISDEMEANORS

CLASS A1 – Or any other state equivalent

PENDING CASES

Any applicant who has been charged with any of the disqualifying offenses will not be allowed to volunteer until disposition of the charge. A serving volunteer who has been charged with any of the disqualifying offenses will have their service suspended until disposition of the charge.

A volunteer must immediately inform the Town of any charge(s) that has been filed against the volunteer and which, if convicted, would cause them to be disqualified as a volunteer as stated in this policy. Failure to do so may result in further penalties including permanent disqualification.

The Background Check Process is an ongoing process and is subject to review and changes as determined necessary by the Town in administering its Volunteer Program

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Veteran's Day Event

AGENDA ITEM NO. 5B

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

An event to honor veterans has been planned by the Board of Aldermen for Monday, November 12, 2018 at 10:00 am in the Court Square. There will be a program to honor veterans for their service. After the program, light refreshments will be served.

MANAGER'S RECOMMENDATION: Approve the request as presented.

BOARD ACTION TAKEN:



Special Events/ Activities Application

Town of Dallas
 210 North Holland Street
 Dallas, NC 28034-1625
 (704) 922-3176
 Fax: (704) 922-4701

The purpose of this application is to provide information about your event or activity in order for the Town of Dallas to best assist you. Depending on the specific event, a permit application and/or fee(s) from other departments may be required. The applicant is responsible for providing complete and accurate information on the application, The applicant is responsible for notifying the Town of Dallas of any changes. **A complete application must be submitted by no later than 5:00 p.m. on the Tuesday preceding the date of the Board meeting at which the event is to be approved, for an event which is to occur no sooner than 14 days following its date of approval.**

APPLICATION INFORMATION

Name of Event:	Veteran's Day Event		
Facility Requested:	Court Square		
Applicant Name:	Maria Stroupe		
Organization:	Town of Dallas		
Mailing Address:	210 N. Holland St.		
City / State / Zip:	Dallas, NC 28034		
Daytime Phone:	704-922-3176	Cell:	
		E-Mail:	
Description of the Event:	Event to honor veterans on the Court Square		
Does the event have a Facebook, Twitter, or other social networking page:	No		
If yes, please list URL(s):			
Date (s) Requested for Event:	Monday, November 12, 2018		
Event Start Time:	10:00 AM	Event End Time:	11:00 AM
Road Closure Time Begins (if applicable):		Road Closure Time Ends:	
Set Up Begins:	8:30 AM	Set Up Ends:	10:00 AM
Preferred Date & Time of Inspection (if required):			
Estimated Attendance:	100		
The Event is:	<input type="checkbox"/> Private (by invitation only)	or	<input checked="" type="checkbox"/> Open to General Public
Describe the procedures to be used for selecting vendors and exhibitors for this event:			
No outside vendors or exhibitors			

Applicant's Signature: _____

Date: 10-1-18

A pre-event meeting may be required and will be scheduled to include appropriate staff. The event applicant must attend the meeting.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Gaston County Toy Run for Kids

AGENDA ITEM NO. 5C

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

Gary Buckner, on behalf of the Gaston County Toy Run for Kids Organization, is requesting to hold the annual Holiday charity motorcycle ride to provide toys for Christmas to underprivileged children in Gaston County. This year's event will be held on Saturday, December 1st 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 2 porta-jons be placed at the west end of the Ingles parking lot on the grass and 4 portable barricades.

MANAGER'S RECOMMENDATION: Approve the request as presented.

BOARD ACTION TAKEN:



Special Events/ Activities Application

Town of Dallas
 210 North Holland Street
 Dallas, NC 28034-1625
 (704) 922-3176
 Fax: (704) 922-4701

The purpose of this application is to provide information about your event or activity in order for the Town of Dallas to best assist you. Depending on the specific event, a permit application and/or fee(s) from other departments may be required. The applicant is responsible for providing complete and accurate information on the application, The applicant is responsible for notifying the Town of Dallas of any changes. A complete application must be submitted by no later than 5:00 p.m. on the Tuesday preceding the date of the Board meeting at which the event is to be approved, for an event which is to occur no sooner than 14 days following its date of approval.

APPLICATION INFORMATION

Name of Event:	Gaston County Toy Run for Kids		
Facility Requested:	Main Street and Ingles Parking lot		
Applicant Name:	Gary Buckner		
Organization:	Gaston County Toy Run for Kids		
Mailing Address:			
City / State / Zip:			
Daytime Phone:	704-913-7181	Cell: same	E-Mail: buckner253@gmail.co
Description of the Event:	First stop of 5 stops in Gaston County Motorcycle toy run will stop at Ingles and pass out toys to area kids		
Does the event have a Facebook, Twitter, or other social networking page:	Yes		
If yes, please list URL(s):			
Date (s) Requested for Event:	December 1st 2018		
Event Start Time:	11:45 AM	Event End Time:	12:45 AM
Road Closure Time Begins (if applicable):	na	Road Closure Time Ends:	na
Set Up Begins:	na	Set Up Ends:	
Preferred Date & Time of Inspection (if required):			
Estimated Attendance:	800 to 1400 motorcycles		
The Event is:	<input type="checkbox"/> Private (by invitation only)	or	<input checked="" type="checkbox"/> Open to General Public
Describe the procedures to be used for selecting vendors and exhibitors for this event:	no vendors		

Applicant's Signature: *G.W. Buckner* Date: 9/25/18

A pre-event meeting may be required and will be scheduled to include appropriate staff. The event applicant must attend the meeting.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Carolina Thread Trail Amendment Request

AGENDA ITEM NO. 5D

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

Based on Board interest in reducing congestion and increasing transportation options through town, identified in the Board's first session with the NC Department of Commerce Rural Planning Center, the Development Services Director explored opportunities to highlight existing pedestrian and bicycle pathways; as well as plan for future walkability.

There is interest from the City of Gastonia and Gaston County to amend the Carolina Thread Trail Map and create a path going from Dallas Park, through the Court Square, and along the NC-279 widening project. This would be a collaborative request between the Town of Dallas, City of Gastonia, and Gaston County; as the new proposed route runs through all three jurisdictions.

Staff is recommending that the Board approve supporting a request to The Carolina Thread Trail to amend their Master Plan based on historically increased property values and potential for economic development along the trail, added recreation facilities for our resident and visitors, increased transportation options, and an added sense of connectivity along the corridor. The Town already has much of the sidewalk infrastructure in place at the locations of the proposed amendment to the Trail. Also, supporting an amendment to The Carolina Thread Trail Map does not require any financial commitment. The map serves as a planning tool and may open up future funding opportunities for the creation and/or maintenance of paths highlighted as part of the overall network.

Consensus at the Work Session was to support a request to The Carolina Thread Trail to amend their Master Plan and to place the item on the consent agenda for approval.

MANAGER'S RECOMMENDATION: Approve supporting the requested amendment to The Carolina Thread Trail Master Plan to include a thoroughfare in Dallas, as presented.

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: NCDOT Bicycle/Pedestrian Planning Grant Resolution

AGENDA ITEM NO. 5E

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

As discussed at the September 24th Work Session, the N.C. Department of Transportation is accepting applications from communities for the 2019 Bicycle and Pedestrian Planning Grant Initiative. The program provides funding for municipalities across the state to develop comprehensive bicycle or pedestrian plans. Smaller communities with populations of less than 10,000 can apply to develop combined bicycle and pedestrian plans.

The Town of Dallas would like to apply for planning grant funding to help offset the costs of developing a combined comprehensive bicycle/pedestrian plan to guide future transportation planning efforts and development requirements.

A 10% local match is required if awarded, and the estimated overall expenses would be \$40,000-\$50,000. Therefore, the potential costs to Dallas would be \$4000-\$5000.

Consensus at the Work Session was to apply for this grant and to place the item on the consent agenda for approval.

MANAGER'S RECOMMENDATION: Approve the resolution as presented to apply for the planning grant.

BOARD ACTION TAKEN:

Bicycle and Pedestrian Planning Grant Funds to Develop a
Comprehensive Town Bicycle/Pedestrian Plan

WHEREAS, The North Carolina Department of Transportation's Division of Bicycle and Pedestrian Transportation has made grant funding available for the development of bicycle and/or pedestrian planning grants, and

WHEREAS, The Town of Dallas has need for and intends to develop a comprehensive bicycle and pedestrian plan to guide future transportation and development initiatives; and

WHEREAS, The Town of Dallas intends to request state grant assistance for the project:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS:

That the Town of Dallas, the **Applicant**, will provide funding for all remaining costs of the project, if approved for a State grant award;

That the **Applicant** will utilize the information provided by this project for the efficient operation, maintenance, and improvement of its water treatment and distribution system;

That Town Manager, Maria Stroupe, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above;

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 9th day of October, 2018 at Dallas, North Carolina.

Rick Coleman, Mayor

Attested by:

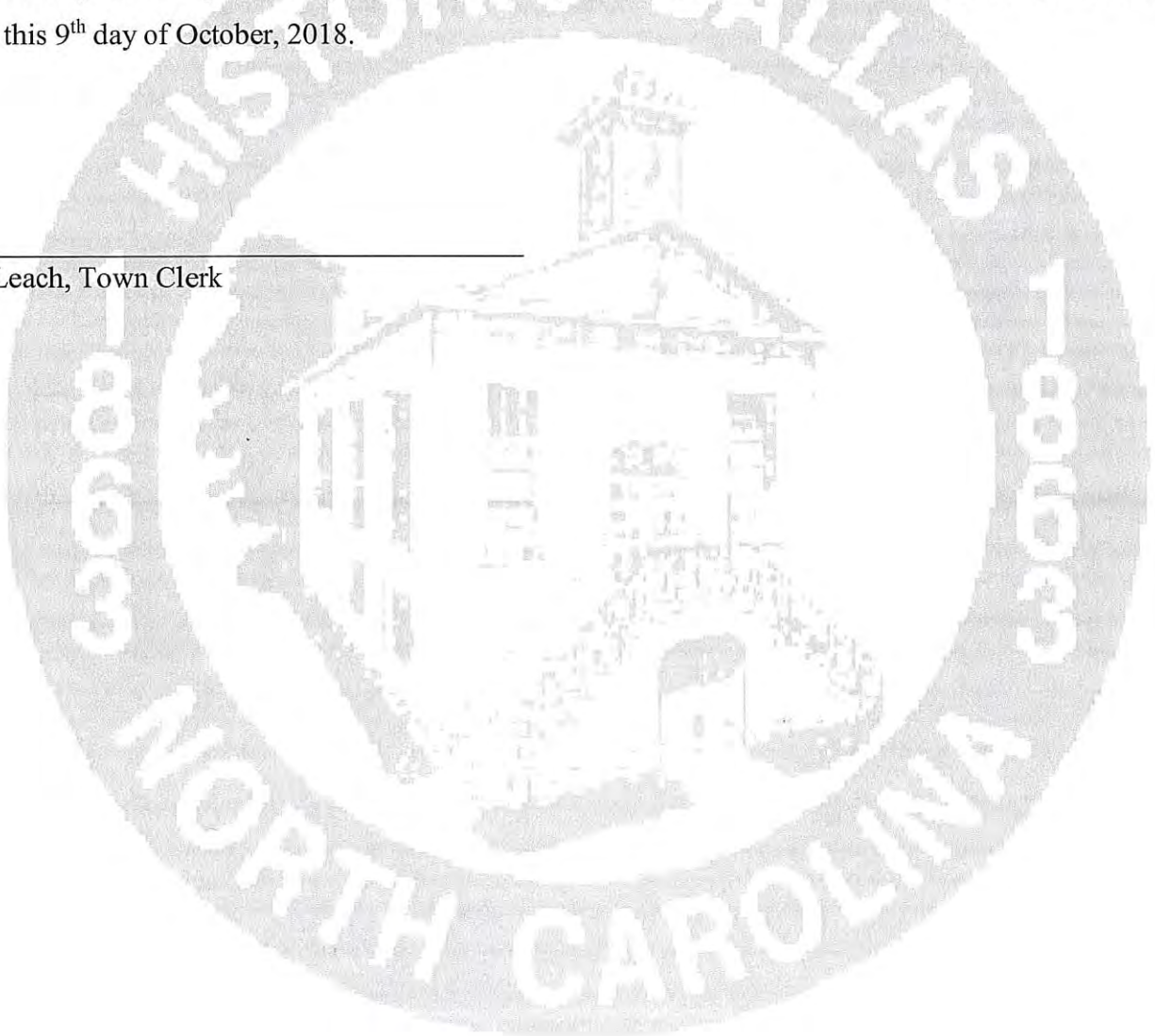
Da'Sha Leach, Town Clerk

Bicycle and Pedestrian Planning Grant Funds to Develop a
Comprehensive Town Bicycle/Pedestrian Plan

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Dallas does hereby certify; That the above,/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Aldermen of the Town of Dallas duly held on the 9th day of October, 2018; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of October, 2018.

Da'Sha Leach, Town Clerk



**North Carolina Department of Transportation
Application for Bicycle and Pedestrian Planning Grant
Funds - 2019 Call for Proposals**

Updated: Submittal Deadline is Friday November 15, 2018

Applicant Information			FOR NCDOT USE ONLY Proposal eligible <input type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Municipality:		Population	County	NCDOT Division
Municipality agrees to enter into a reimbursement agreement with NCDOT: <input type="checkbox"/> Yes <input type="checkbox"/> No			Municipality is member of: <input type="checkbox"/> MPO <input type="checkbox"/> RPO <input type="checkbox"/> Neither	
Department applying for grant:				
Contact Person:		Title:	Work Phone Number:	
Work Fax Number:		E-mail Address:		
Mailing Address:		City:	State:	Zip Code:

I certify that the City/Town/County of _____, in applying for Bicycle or Pedestrian Planning Grant funds, attests a commitment to the plan's development, management, financing and completion, and that the completed plan will be submitted to the City/Town/County Council or other approving authority for adoption.

Signature*

Name (printed)

Title

Date

Eligibility Criteria	
Plan Category: <input type="checkbox"/> Bicycle Plan <input type="checkbox"/> Pedestrian Plan <input type="checkbox"/> Bicycle & Pedestrian Plan Municipalities may apply for funding to undertake either a bicycle plan, pedestrian plan or joint bicycle & pedestrian plan in any given fiscal year. Municipalities with a population below 10,000 are eligible to apply for a joint bicycle and pedestrian plan. (Municipalities with a population below 5,000 are also eligible to apply for a project acceleration plan - to apply for this type of plan, please use the Project Acceleration Plan Application.) Counties with population less than 50,000 may apply for a bicycle or pedestrian plan on behalf of incorporated communities and/or unincorporated areas within their jurisdiction.	
Has the City/Town/County Council passed a resolution supporting this application?	<input type="checkbox"/> Yes, attached <input type="checkbox"/> Pending** _____ <div style="text-align: right; font-size: small;">Date anticipated</div>
For municipalities within a Metropolitan Planning Organization (MPO), has the MPO passed a resolution supporting this application?	<input type="checkbox"/> Yes, attached <input type="checkbox"/> Pending** _____ <div style="text-align: right; font-size: small;">Date anticipated</div>
For municipalities within a Rural Planning Organization (RPO), has the RPO passed a resolution supporting this application?	<input type="checkbox"/> Yes, attached <input type="checkbox"/> Pending** _____ <div style="text-align: right; font-size: small;">Date anticipated</div>

*THE SIGNATURE OF AN AUTHORIZED STAFF PERSON (I.E. CITY/TOWN MANAGER, ADMINISTRATOR, ETC.) IS REQUIRED. AFTER COMPLETING THE APPLICATION, PRINT THIS PAGE, OBTAIN THE APPROPRIATE SIGNATURE, SCAN AND SEND AS A SEPARATE ATTACHEMENT.

**A RESOLUTION BY THE APPROPRIATE MUNICIPAL GOVERNING BODY AND BY THE MPO, IF APPLICABLE, MUST ACCOMPANY THE APPLICATION, OR MUST BE SUBMITTED PRIOR TO DECEMBER 31, 2018 TO BE ELIGIBLE FOR FUNDING. RPO RESOLUTION, IF APPLICABLE, IS HIGHLY ENCOURAGED. PLEASE INDICATE THE DATE YOU ANTICIPATE RECEIVING A PENDING RESOLUTION.

Municipality/County Name:

Narrative Description

In a few short sentences, please provide some general information about your community (unscored question).

1) Please describe the community's vision for improving bicycle AND/OR pedestrian transportation and the realistic and measurable goals that have been set to achieve this vision.

2) What are the reasons the community needs this plan? Consider including discussion and data regarding safety, land use, connectivity, demographics, diverse and special user groups, etc. Additionally, identify high-use bicycle and/or pedestrian areas within or around the community.

Municipality/County Name:

3) Provide an overview of the current bicycling AND/OR pedestrian transportation system, briefly discussing strengths and weaknesses. Describe facilities currently in place or planned for completion in the next five years (designated bicycle route system, miles of off-road paths, extent of sidewalk network, etc.) as well as potential barriers that inhibit developing the system. Please provide links to relevant documents or maps, or provide as attachments if not available online.

4) What is the current picture of the community's bicycle & pedestrian programs involving education, enforcement, and/or encouragement? Consider discussing how the community supports these programs and/or how they may be lacking.

Municipality/County Name:

5) How will having a bicycle and/or pedestrian plan contribute to improving the overall health of the community? Describe any existing or proposed health programs, initiatives or goals in the community. If applicable, please provide links to relevant documents or provide as attachments if not available online.

6) How has the community implemented other locally adopted plans and how have these documents guided local decision-making? Have these planning efforts improved bicycle and/or pedestrian connectivity, accessibility, and/or safety? If applicable, please indicate any related municipal, county and/or regional bicycle planning and/or pedestrian planning activities currently underway or undertaken in the past, including bicycle/pedestrian/greenway elements in broader municipal planning documents (list years and provide links to this information).

Municipality/County Name:

7) List the name and title/position of the full-time, permanent municipal staff person responsible for project oversight, as well as any others who will have involvement in plan development (include resumes as attachments). Describe any prior experience these individuals may have in the management, preparation and/or implementation of a bicycle and/or pedestrian plan or other transportation/community planning efforts (provide links where appropriate).

8) Describe what elected officials and other stakeholders have done to support bicycle and/or pedestrian programs, policies and projects in the past. Additionally, list existing bicycle, pedestrian, greenway, open space or other relevant committees/groups and task forces in the surrounding area that are charged with addressing bicycle issues and/or pedestrian issues and explain how (or if) they will be integrated in the planning process.

Municipality/County Name:

9) What individuals, groups and/or represented interests will be included on the steering committee and what will be the role of the steering committee in plan development. Describe how citizen participation in plan development will be sought.

10) How does your community intend to facilitate the implementation of your bike and/or pedestrian plan and what are the anticipated outcomes for your municipality/county? Additionally, indicate any available and unique resources (funding and other) and partners that may be involved with plan implementation.

Municipality/County Name:

Project Cost Information		
Project Cost Range*: \$	Local Match Percentage*: %	Source(s) of Local Matching Funds (list all applicable):

*SEE BICYCLE AND PEDESTRIAN PLANNING GRANT INITIATIVE OVERVIEW DOCUMENT FOR TABLES ON COST RANGE AND LOCAL MATCH PERCENTAGES: <https://connect.ncdot.gov/municipalities/PlanningGrants/Pages/Planning-Grant-Initiative.aspx>.

Attachments (via email)	
Required: <input type="checkbox"/> Municipal Resolution <input type="checkbox"/> MPO Resolution (if applicable) <input type="checkbox"/> RPO Resolution (if applicable) <input type="checkbox"/> Resume(s) of overseeing staff and other individuals ____ attached <input type="checkbox"/> Map of Municipality <input type="checkbox"/> Letters of Support ____ attached or were sent	Optional (if information is available on-line, please list link): <input type="checkbox"/> Copies of previous plans (summaries and/or web links preferred) <input type="checkbox"/> Other Maps <input type="checkbox"/> Other (please identify):

Preparer Information**			
Please provide information on the primary person who prepared this application and indicate the municipal department, local agency, consulting firm, or other organization with which they are affiliated.			
Agency/Consulting Firm/Organization:			
Name of Preparer:	Title:	Work Phone Number:	
Work Fax Number:	E-mail Address:		
Mailing Address:	City:	State:	Zip Code:

** WE ENCOURAGE MUNICIPALITIES TO USE LOCAL STAFF MEMBERS TO COMPLETE THE APPLICATION.

Digital Submittal Information	
For more detailed information on completing the application please see the <i>Application Instructions</i> document online at https://connect.ncdot.gov/municipalities/PlanningGrants/Pages/Planning-Grant-Initiative.aspx Application form and relevant documents will be accepted in digital format only and should be emailed to the NCDOT, Division of Bicycle Pedestrian Transportation through Bryan Lopez at balopez@ncdot.gov . Updated Deadline: Applications will be accepted no later than 5:00 pm on November 15, 2018.	Application Packet will be accepted via email <u>ONLY</u> Emailing Address: Contact: Bryan Lopez at balopez@ncdot.gov Subject Title: 2019 Planning Grant Initiative Application – Your Municipality/County Name Format: Every effort should be made to convert the completed application form and all scanned files to PDF format Application Package: There is a maximum 25 megabyte application packet size for emailing per municipality

Commitment for Participation in Implementation Survey Report
If awarded funding, indicate acknowledgment of future participation in survey. See Planning Grant Initiative Program Overview for more information. CHECK HERE <input type="checkbox"/>

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Resolution Celebrating First Baptist Church's 150th Anniversary

AGENDA ITEM NO. 5F

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

On July 4, 1868, the First Baptist Church of Dallas was formed. This year they are celebrating their 150th Anniversary. Attached is a resolution recognizing First Baptist Church and their presence in the community.

MANAGER'S RECOMMENDATION: Approve the resolution as presented.

BOARD ACTION TAKEN:

150th Anniversary of the First Baptist Church of Dallas, North Carolina

WHEREAS, in 1864 the practice of an integrated worship service was part of the Long Creek Baptist Church in the Town of Dallas, North Carolina; and

WHEREAS, the membership rolls of Long Creek Baptist Church included 74 Black members who at that time were slaves and became members along with their masters; and

WHEREAS, these Black members worshipped in the “Loft” of the church along with the White members; and

WHEREAS, on July 4, 1868, three years after the signing of the Emancipation Proclamation by President Abraham Lincoln, E.H. Withers, Church Clerk; and Brethren H. Jenkins and William Withers gave letters dismissing all Black members of the church to form a church of their own; and

WHEREAS, the Black members were granted use of the meeting house to worship Almighty God, whenever the White members were not using it, until their church was completed; and

WHEREAS, the granting of these letters of dismissal ended the era of joint worship of Whites and Blacks, it led to the beginning of the First Baptist Church of Dallas, North Carolina; and

WHEREAS, the First Baptist Church began on July 4, 1868 and struggled to gain strength in the early years, God blessed the early members and in 1922 a building was erected on the current site that housed both a school and served as a place of worship; and

WHEREAS, the school-church building served the Black community well, it was destroyed by fire and the first brick church was built in the early 1930’s: the new structure was impressive with two bell towers; and

WHEREAS, this church burned in the 1940’s, members worked to restore the church, but changed the outer structure to one bell tower; and

WHEREAS, this last structure still stands today as a testament to God’s blessing of our forefathers and foremothers, and is proudly being used as a Youth and Community Center; and

WHEREAS, under the leadership of the late Rev. Dr. Roscoe W. Ramsey, Sr., a new church was built and dedicated on March 23, 2001 adjacent to the historic structure, and the church body still trusts in Almighty God for their strength and guidance; and

WHEREAS, the members of the First Baptist church will forever stand on the Word of God and endeavor, through the grace of God, to provide a place, “Where everybody is Somebody and God is All”; and

WHEREAS, though the beginning was humble and the struggle was real, God has blessed the church to celebrate 150 years from July 4, 1868 – July 4, 2018, and for that and so much more the members will always praise the Lord.

NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS, do recognize the contributions made to the Town of Dallas by the church and its members; and celebrates the 150th Anniversary of the First Baptist Church of Dallas, North Carolina.

Adopted this the 9th day of October, 2018 at Dallas, North Carolina.

Rick Coleman, Mayor

Attested by:

Da’Sha Leach, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Development Standards Text Amendments

AGENDA ITEM NO. 8A

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

After review of the Development Standards outline in the current Zoning Ordinance (Chapter 153) and Subdivision Ordinance (Chapter 152) for sidewalks, curb, and gutter, differences were discovered between what is required for each.

The Planning Board is recommending that the requirements be uniformly applied for sidewalk, curb, and gutters for all types of development – both single parcels and subdivisions. Because the Subdivision Ordinance already requires meeting the standards outlined in the Zoning Ordinance, the recommendation is to list the specific requirements in the Zoning Ordinance only, instead of in both locations.

The Town Engineer has also recommended updates to the curb and gutter specifications in order to better accommodate ongoing street maintenance and drainage needs.

The changes proposed are to the following sections:

Curb and Gutter

Subdivision: 152.074 (E)(5) *Curbs, gutters, and storms*

Zoning: 153.013 (D)(7) *Streets, curb and gutter, street lights*

Sidewalks

Subdivision: 152.074 (H) *Sidewalks*

Zoning: 153.013 (D)(9) *Sidewalks*

MANAGER'S RECOMMENDATION: Approve the text amendments as recommended.

BOARD ACTION TAKEN:

Current:

152.074 (E) (5) *Curbs, gutters and storms.*

(a) Combination vertical curbs and gutters or "valley type" curb and gutter shall be installed in accordance with town specifications in all subdivisions, except as follows:

1. If the proposed subdivision is off a private unpaved road which accesses no greater than three lots as allowed in division (A)(2) above, sewer and gutter on any portion of the road shall not be required;
2. If the subdivision fronts an existing street, the abutting portion of which does not contain curb and gutter, curb and gutter on the street may be waived by the Planning Board or Town Board of Aldermen. If abutting portions of the street, however, do contain curb and gutter, the waiver shall not be allowed; and
3. If a residential subdivision is located in the Watershed Protected Area, curb and gutters, are optional. The Watershed-IV Protected Area is shown on the official zoning map adopted by the Town Board of Aldermen, designating all areas located within this watershed.

(b) The diagrams below shall serve to illustrate curb and gutter requirements.

Proposed:

152.074 (E) (5) *Curbs, gutters and storms.* All required curb and gutter shall meet the standards outlined in the Town's Zoning Ordinance, as outlined in Chapter 153.

Current:

153.013 (7) *Streets, curb and gutter, street lights.* The proposed location and design of streets, curbs and gutters, and street lights, as required by the this Code, shall be included on the site plan(s).

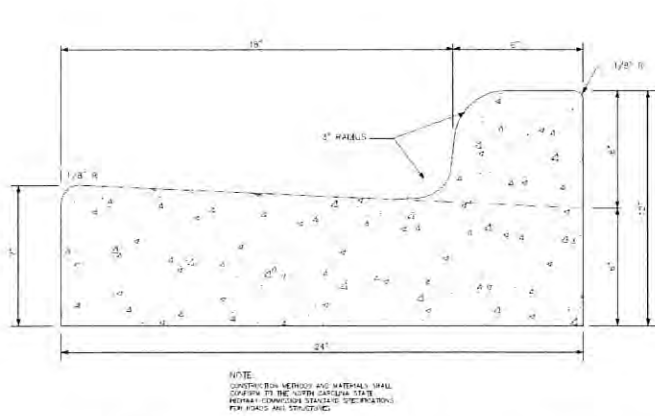
Proposed:

153.013 (7) *Streets, curb and gutter, street lights.* The proposed location and design of streets, curbs and gutters, and street lights, as required by this Code, shall be included on the site plan(s).

(a) Combination vertical curbs and gutters shall be installed in accordance with town specifications in all subdivisions, except as follows:

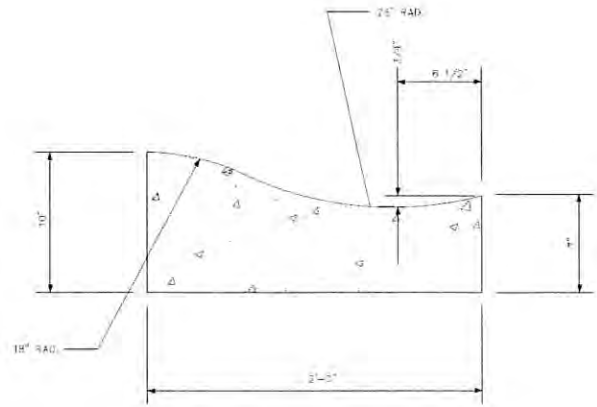
1. "Valley type" curb and gutter may be requested if the road is a non-arterial local road as defined by NC Department of Transportation.
2. If the proposed subdivision is off a private unpaved road which accesses no greater than three lots as allowed in division (A)(2) above, sewer and gutter on any portion of the road shall not be required.
3. If the subdivision fronts an existing street, the abutting portion of which does not contain curb and gutter, curb and gutter on the street may be waived by the Planning Board or Town Board of Aldermen. If abutting portions of the street, however, do contain curb and gutter, the waiver shall not be allowed; and
4. If a residential subdivision is located in the Watershed Protected Area, curb and gutters, are optional. The Watershed-IV Protected Area is shown on the official zoning map adopted by the Town Board of Aldermen, designating all areas located within this watershed.

(b) The diagrams below shall serve to illustrate curb and gutter requirements.



REVISED	F.H.	P.G.	DATE	10-1-18	STANDARD DETAIL	OFFICE OF THE TOWN OF DALLAS DALLAS, NC
			SCALE	N.T.S.		
			DRAWN BY	JHD		
			CHECKED BY	JHD		
			CITY ENGINEER	JHD	24" CONCRETE CURB AND GUTTER	FILE NO 710-8

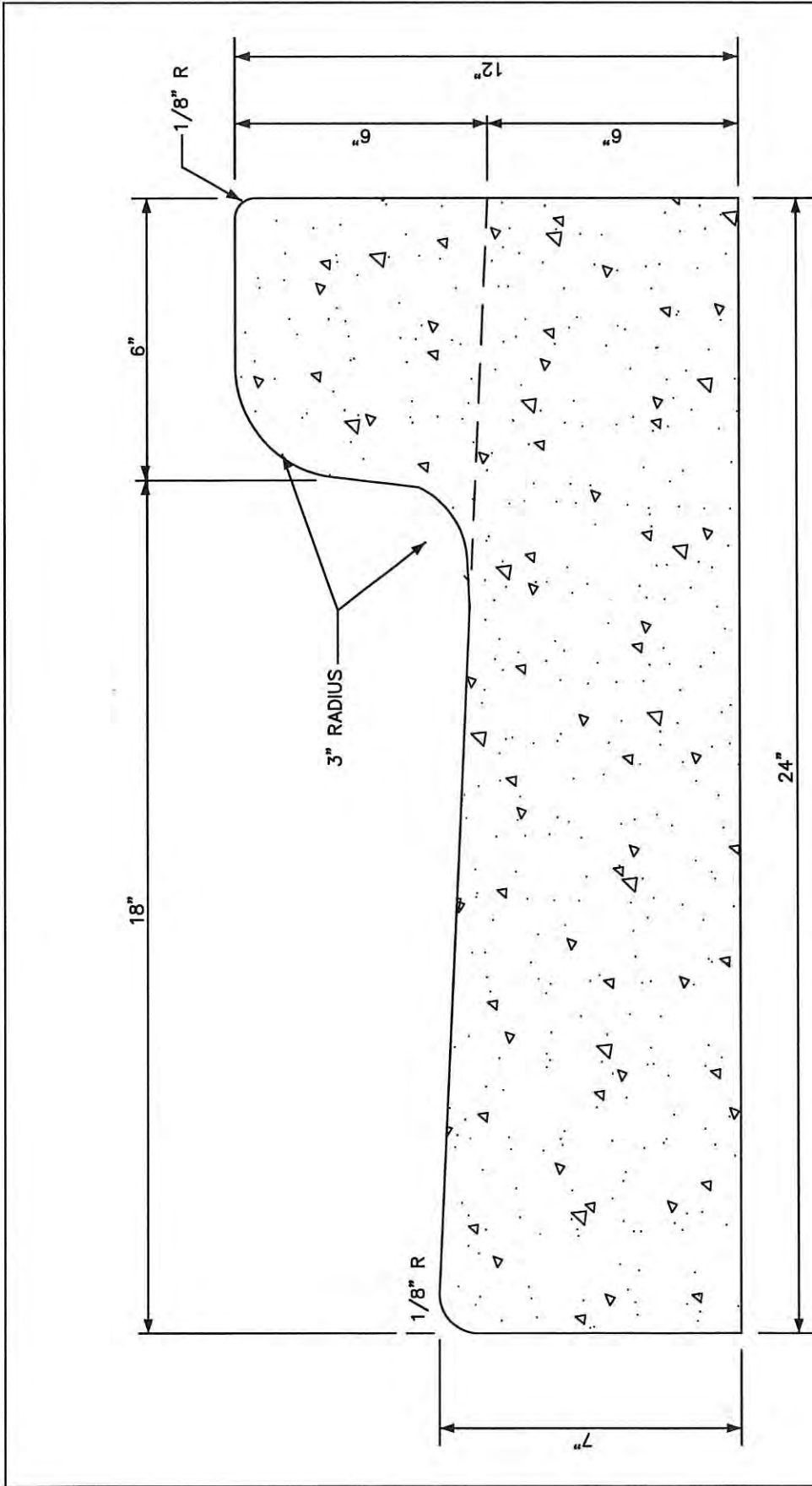
Figure 1 - 24" x 5" Vertical Curb/ Gutter



REVISED	F.H.	P.G.	DATE	10-1-18	STANDARD DETAIL	OFFICE OF THE TOWN OF DALLAS DALLAS, NC
			SCALE	N.T.S.		
			DRAWN BY	JHD		
			CHECKED BY	JHD		
			CITY ENGINEER	JHD	24" ROLLED CONCRETE CURB AND GUTTER	FILE NO 710-11

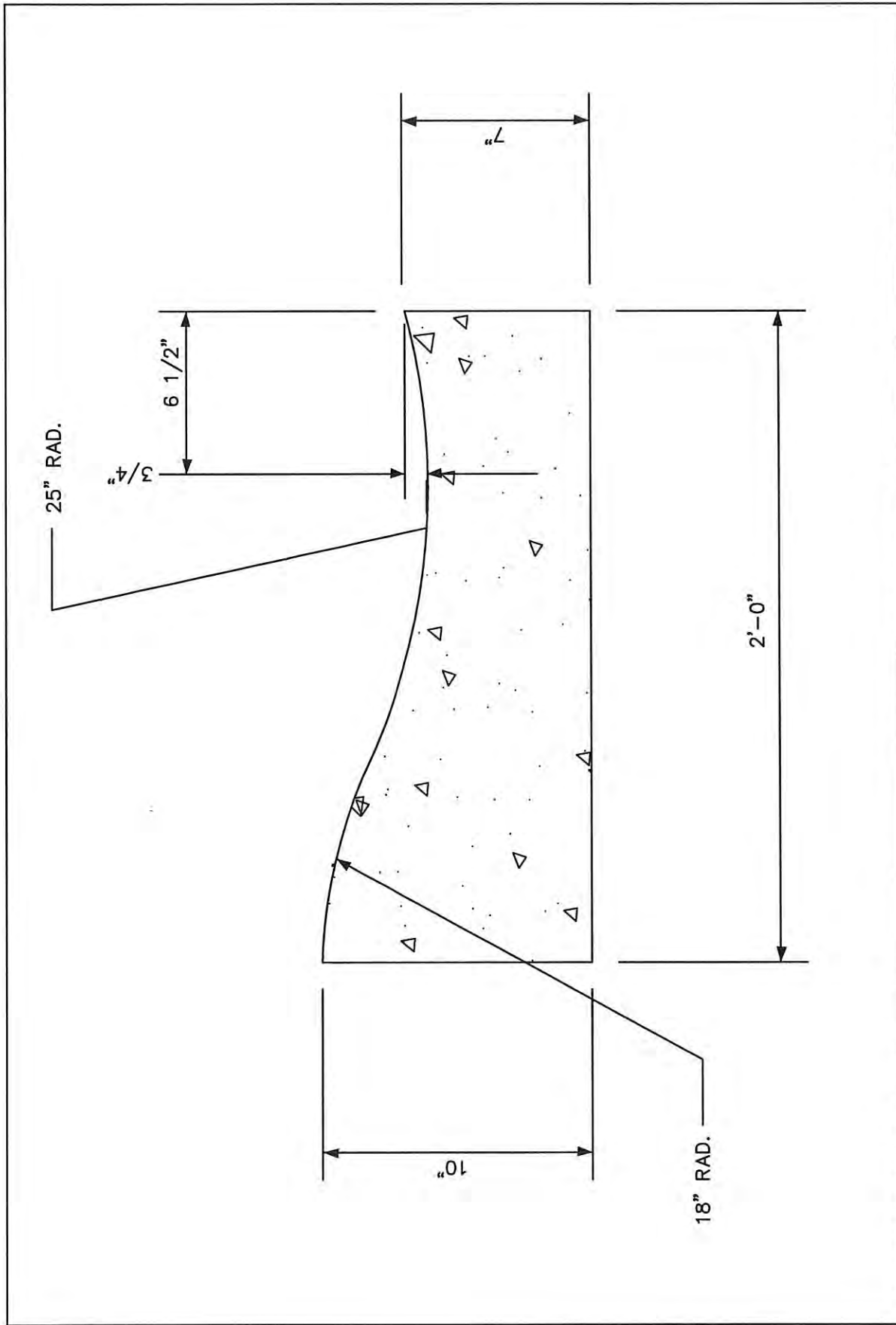
Figure 2- 24" Valley Type Curb

(on non-arterial local roads with approval)



NOTE:
 CONSTRUCTION METHODS AND MATERIALS SHALL
 CONFORM TO THE NORTH CAROLINA STATE
 HIGHWAY COMMISSION STANDARD SPECIFICATIONS
 FOR ROADS AND STRUCTURES

REVISED	F.B.	PG.	DATE: 10-1-18	STANDARD DETAIL		OFFICE OF THE TOWN OF DALLAS DALLAS, N.C.	
			SCALE: NTS	24" CONCRETE CURB AND GUTTER		FILE NO. 71D-8	
			DRAWN BY: JHD				
			CHECKED BY: JHD				
			CITY ENGINEER: JHD				



REVISED	F.B.	PG.	DATE: 10-1-18	STANDARD DETAIL		OFFICE OF THE TOWN OF DALLAS DALLAS, N.C.	
			SCALE: NTS	24" ROLLED CONCRETE CURB AND GUTTER		FILE NO. 71D-11	
			DRAWN BY: JHD				
			CHECKED BY: JHD				
			CITY ENGINEER: JHD				

Current:

152.074 (H): *Sidewalks.*

- (1) Sidewalks may be required along both sides of streets in subdivisions.
- (2) Sidewalks shall be required in order to promote the free flow of vehicular traffic and to provide safety to pedestrians.
- (3) Sidewalks shall be constructed within the street right-of-way and installed in accordance with town specifications and standards.

Proposed:

152.074 (H): *Sidewalks.*

All required sidewalks shall meet the standards outlined in the Town's Zoning Ordinance, as outlined in Chapter 153.

Current:

153.013 (D) (9) *Sidewalks.* The proposed location and design of sidewalks, as required by this Code, shall be included as part of the site plan(s).

Proposed:

153.013 (D) (9) *Sidewalks.* The proposed location and design of sidewalks, as required by this Code, shall be included as part of the site plan(s).

- (1) Sidewalks may be required along both sides of streets in subdivisions.
- (2) Sidewalks shall be required in order to promote the free flow of vehicular traffic and to provide safety to pedestrians.
- (3) Sidewalks shall be constructed within the street right-of-way and installed in accordance with town specifications and standards.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Mobile Home Text Amendments

AGENDA ITEM NO. 8B

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

The Planning Board is requesting a change to our current regulations governing manufactured housing to further regulate their location and appearance. The Planning Board proposes that the ordinances be updated to require all future mobile/manufactured homes to be located within a mobile home park/subdivision, and include a masonry skirting.

Per G.S. §160A-376, subdivisions are defined as a division of a tract or parcel into 2+ tracts or building sites for the purpose of sale or building development (immediate or future). Based on this definition, the Planning Board is also proposing that any new mobile home parks be required to apply as a residential subdivision and be held to the same process and standards as outlined in the Subdivision and Zoning Ordinances as any other single family subdivision development.

MANAGER'S RECOMMENDATION: Approve the amendments as presented.

BOARD ACTION TAKEN:

Dallas, NC Code of Ordinances

§ 153.026 R-8 AND R-6 ZONES: MULTI- FAMILY RESIDENTIAL.

Within the R-8 and R-6 zones as shown on the zoning map, incorporated by reference in § 153.021, the following regulations shall apply.

(A) *Permitted uses.*

- (1) Any use permitted in the R-15, R-12 and R-10 zones.
- (2) Multiple dwellings.
- (3) Trailer camps.
- (4) Fraternities associated with a recognized junior or senior college.
- (5) Customary home occupations.
- (6) Manufactured homes, Class A, in R-6 zones only.
- (7) Adaptive reuse of historic building (this is subject to the issuance of a conditional use permit by the Board of Alderman in accordance with § 153.015).

(B) *Lot areas and width, yards and building height requirements.* The requirements set forth in Appendix A: Yard and Height Requirements in Residential Districts and Appendix B: Yard and Height Requirements in Business Districts shall govern.

(C) *Off-street parking.* Off-street parking shall be provided by all uses as required in § 153.042.

(D) *Signs.* The requirements set forth in the sign regulations, §§ 153.080 through 153.087, shall apply.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972; Am. Ord. passed 11- 13-2001)

Cross reference:

Sign regulations schedule, see Appendix D

§ 153.026 R-8 AND R-6 ZONES: MULTI- FAMILY RESIDENTIAL.

Within the R-8 and R-6 zones as shown on the zoning map, incorporated by reference in § 153.021, the following regulations shall apply.

(A) *Permitted uses.*

- (1) Any use permitted in the R-15, R-12 and R-10 zones.
- (2) Multiple dwellings.
- (3) Trailer camps.
- (4) Fraternities associated with a recognized junior or senior college.
- (5) Customary home occupations.
- (6) Manufactured/ mobile homes. Must be Class A, and located in the R-6 zone only within approved mobile home parks or subdivisions.**
- (7) Adaptive reuse of historic building (this is subject to the issuance of a conditional use permit by the Board of Alderman in accordance with § 153.015.

(B) *lot areas and width, yards and building height requirements.* The requirements set forth in Appendix A: Yard and Height Requirements in Residential Districts and Appendix B: Yard and Height Requirements in Business Districts shall govern.

(C) *Off-street parking.* Off-street parking shall be provided by all uses as required in § 153.042.

(D) *Signs.* The requirements set forth in the sign regulations §§ 153.080 through 153.087, shall apply.

153.017 MANUFACTURED/MOBILE HOMES

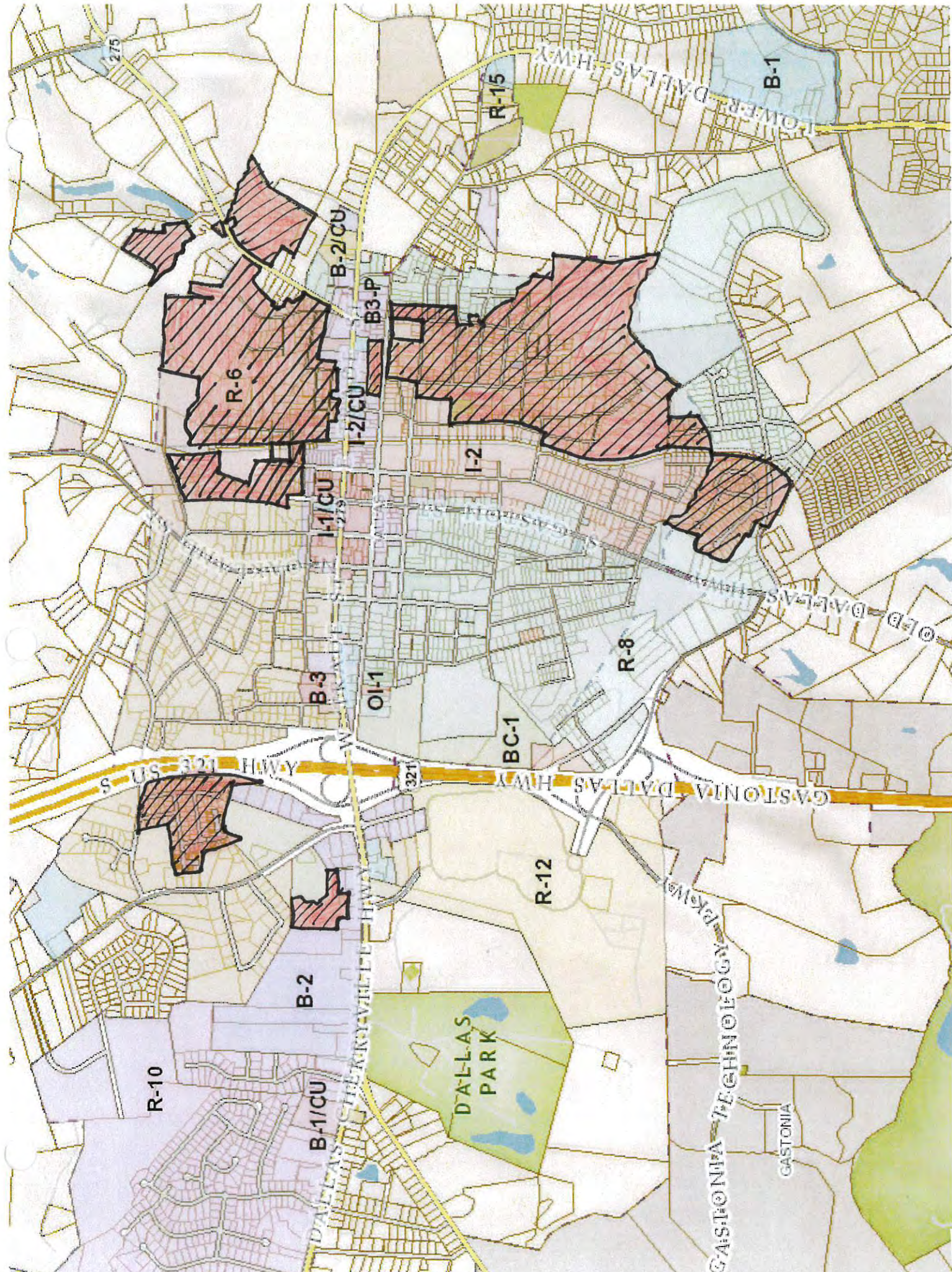
Any mobile/ manufactured home installed from and after the effective date of this section shall meet the following standards:

(A) Mobile Home Parks/ Subdivisions shall be located within an R-6 zone, and all new proposed locations shall be treated as a planned subdivision per NC G.S. 160A-376 and comply with the Town's Subdivision Development Standards.

- 1. A zoning permit and building permit shall be required for every structure located within a mobile home park, including replacement mobile homes.
- 2. Accessory structures shall be limited to one per home, and must comply with the accessory structure requirements outlined in Chapter 153.009.

(B) New mobile/ manufactured homes shall not be located on any parcel within Town limits, unless the parcel has been approved as a mobile home park or subdivision.

- 1. If an existing mobile home, regardless of location or zone, becomes damaged by fire, flood, explosion, earthquake, wind, storm, hurricane or any other act of God, war or riot, becomes damaged by any third-party by no fault of the owner, or becomes damaged by the owner by accidental means, it may be replaced at the same location with a home of the same size within a 12 month period.
- 2. Any parcel containing a mobile home that has been removed for a period of greater than 12 months must comply with all current zoning regulations.
- 3. All new or replacement mobile homes placed within the Town of Dallas shall include a masonry skirt, unless the mobile home is being replaced due to an act of God as defined in 153.017 (B) 1.



§ 160A-376. Definition.

(a) For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(b) A city may provide for expedited review of specified classes of subdivisions.

(c) The city may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of this section.
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than five acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot. (1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 61; 1977, c. 912, s. 6; 2003-284, s. 29.23(a); 2005-426, s. 4(a); 2017-10, s. 2.5(b).)



Manufactured Housing, Modular Housing, and Zoning

David W. Owens

May, 2014

Legislative summary(ies)

Manufactured housing is an important component in North Carolina's overall housing market. In 2010 over 14 percent of the state's housing units were manufactured homes.[1] Despite the importance and widespread use of manufactured housing, there has been some degree of citizen antipathy toward mobile homes.

Summary:

Manufactured Housing, Modular Housing, and Zoning

David W. Owens

*Jadys Hall Coates Professor of Public Law and Government
School of Government, The University of North Carolina at Chapel Hill
© 2014*

May 2014

Manufactured housing is an important component in North Carolina's overall housing market. In 2010 over 14 percent of the state's housing units were manufactured homes.[1] Despite the importance and widespread use of manufactured housing, there has been some degree of citizen antipathy toward mobile homes.

Many local governments in North Carolina have long included special restrictions on manufactured housing in their development regulations.[2] By 1960 a familiar land use regulatory approach for manufactured housing had emerged—manufactured home park standards, floating zoning districts for manufactured housing parks, special and conditional use permits for manufactured home placement, and standards on buffers and other aspects of design of manufactured home parks.[3]

Manufactured Housing

In response to exclusionary regulations imposed by some local governments,[4] the state enacted legislation limiting local zoning provisions affecting manufactured housing.[5] G.S. 160A-383.1, which was added to the statutes in 1987 and is applicable to both cities and counties, directs local governments to consider allocating more land to manufactured housing sites as a way of providing additional affordable housing in the state. Under the statute, local governments may regulate the location, the appearance, and the dimensions of manufactured homes but may not exclude such homes entirely from their zoning jurisdiction.

Local zoning provisions are generally applied to units constructed in a factory and built to the uniform national standards for manufactured homes promulgated by the U.S. Department of Housing and Urban Development.[6] Federal law preempts local construction and safety standards for manufactured housing.

Many zoning ordinances establish subcategories of manufactured housing and apply differential standards to each (e.g., Class A manufactured homes are allowed in some districts; Class B, in other districts).[7] Any such distinction must have a rational basis. Typical distinctions that are used are those based on the size of the units[8] or the construction standards in effect at the time of manufacture.[9]

Cities and counties may not employ factors other than appearance, dimension, and location in land use regulation of manufactured housing. The court in *White v. Union County*[10] reviewed an ordinance that limited the use of mobile homes as residences to those built after 1976 (when federal construction standards became applicable) or valued at more than \$5,000. The court expressed doubt about the county's statutory authority for the monetary value requirement. In *Five C's, Inc. v. County of Pasquotank*,[11] the court invalidated an age standard used as the basis for regulation of manufactured homes. The county had adopted an ordinance under its general police powers to prohibit bringing manufactured homes into the county that were more than ten years old at the time of setup. The rationale offered by the county was protection of the county tax base, noting that manufactured homes rapidly decline in value and at the ten-year point have little more value than a motor vehicle and thus provide insufficient tax revenue to support the need for county services generated. The court held that G.S. 160A-383.1 limits regulation of manufactured housing to appearance and dimensional criteria and thus prohibits regulation based solely on the age or value of the unit.

It is also common for local governments to have detailed standards for mobile home parks—such as standards for road width and paving, minimum lot sizes, and provisions for waste disposal. These are sometimes incorporated into a zoning ordinance and sometimes adopted as a separate ordinance.[12]

Typical zoning requirements that have been adopted in North Carolina include limiting manufactured housing to specified zoning districts[13] or to manufactured home parks[14] (which often can be located only in special overlay zoning districts).[15] Other ordinances only allow units of at least a certain size to be located in specified districts.[16] It is also common for ordinances to include special provisions regarding replacement and repair of nonconforming manufactured housing units.[17]

Many ordinances also include various appearance standards to integrate the units aesthetically into surrounding neighborhoods with site-built homes. These standards typically include requiring a pitched roof, skirting around the underside of the unit or location on a permanent foundation, and orienting the unit to the front of the lot. Such appearance standards were upheld in *CMH Manufacturing, Inc. v. Catawba County*. [18] The county required lap siding, minimum roof pitch, and shingled roofs for single-wide manufactured homes. Other county requirements that were not challenged included installation of a deck or porch, removal or screening of travel hitches, orientation on the lot, and rick underpinning or skirting for double-wide units. The court held that these were permissible "appearance" standards rather than "construction and safety" standards that are preempted by federal law.

Regulations on manufactured housing may not be based on the ownership of the unit, for example, allowing owner-occupied but not rental manufactured housing.[19] Nor may zoning restrictions be based on the "type of people" presumed to be residing therein.[20] Only legitimate land use-related factors may be considered in framing such regulations.

Modular Units

Most zoning ordinances do not apply the requirements for manufactured housing to factory-built housing that is built to State Building Code standards.[21] The latter units generally are referred to as "modular" rather than "manufactured" homes. Modular units[22] are often, but not always, treated as the equivalent of site-built homes for zoning purposes. State law does, however, set minimum design standards for modular units.[23] requires modular units to meet these standards:

1. The pitch of the roof shall be no less than 5 feet rise for every 12 feet of run, for homes with a single predominant roofline.
2. The eave projections of the roof shall not be less than 10 inches (excluding roof gutters) unless the roof pitch is 8/12 or greater.
3. The minimum height of the first-story exterior wall must be at least 7 feet 6 inches.
4. The materials and texture of exterior materials must be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
5. The modular home must be designed to require foundation supports around the perimeter.

Private Covenants

There has also been considerable litigation in the state regarding the interpretation of private restrictive covenant provisions related to manufactured housing.[24] However, these covenants are private agreements between the property owners involved. The interpretation, administration, and enforcement of these covenants do not affect government regulations.

^[1] The 2010 Census reported 4,327,528 housing units in the state, of which 604,286 were mobile homes (14%). This proportion of manufactured housing has been relatively constant for several decades (14% in 2010, 16% in 2000, and 15% in 1990). Prior to this time there were a smaller percentage of manufactured homes (10 % in 1980, 6% in 1970).

^[2] See, e.g., *City of Raleigh v. Morand*, 247 N.C. 363, 100 S.E.2d 870 (1957), *appeal dismissed*, 357 U.S. 343 (1958) (upholding ordinance prohibiting trailer parks within residential districts in the city's one-mile extraterritorial area). One of the earlier North Carolina ordinances on the subject was adopted when "mobile homes" were in fact mobile. The City of Durham amended its zoning ordinance in 1949 to "put an end to the indiscriminate parking of the portable dwellings within the city limits," requiring all inhabitable mobile units to be located in trailer parks. *Trailer Camps*, *Popular Gov't*, Dec. 1949, at 4.

^[3] Philip P. Green, Jr., *Regulating Mobile Homes Through Zoning*, *Popular Gov't*, Mar. 1961, at 10.

^[4] In *Town of Conover v. Jolly*, 277 N.C. 439, 177 S.E.2d 879 (1970), the court invalidated an ordinance that completely barred mobile homes for residential use within the town. The court ruled that the mobile home ordinance, which was not part of the zoning ordinance, was beyond the town's delegated police powers, for mobile homes were neither a nuisance per se nor a detriment per se to public health, morals, comfort, safety, convenience, or welfare.

^[5] 1987 N.C. Sess. Laws ch. 805.

^[6] National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 to 5426 (1995). Federal construction and safety standards preempt the construction and safety standard authority of states and local governments. 42 U.S.C. § 5403(d) (1995). The federal regulations regarding preemption are set forth in 24 C.F.R. § 3282.11(a) (1997).

^[7] See N.C. League of Municipalities, N.C. Ass'n of County Comm'rs, N.C. Manufactured Hous. Inst., *Manufactured Housing: Zoning Alternatives to Address North Carolina Housing Needs* (1988) for an example of such classification.

^[8] For example, many ordinances have more restrictive locational standards for single-wide units than for double-wide units.

^[9] The most commonly used distinction is to have more restrictive requirements for those units constructed before the imposition of minimum federal construction standards in 1976.

^[10] 93 N.C. App. 148, 377 S.E.2d 93 (1989).

^[11] 195 N.C. App. 410, 672 S.E.2d 737 (2009). The court noted that the fact that the county used its general ordinance-making power rather than the zoning power cannot be used to circumvent the clear legislative limitation on regulatory authority regarding manufactured homes.

^[12] A 2005 survey by the School of Government indicated that 79 percent of the responding municipalities and 93 percent of the responding counties had adopted regulations on manufactured home parks. David W. Owens & Nathan Branscome, *An Inventory of Local Government Land Use Ordinances in North Carolina* 8 (School of Government, Special Series No. 21, 2006).

^[13] *Koontz v. Davidson County Bd. of Adjustment*, 130 N.C. App. 479, 503 S.E.2d 108, *review denied*, 349 N.C. 529, 526 S.E.2d 177 (1998) (upholding zoning amendment that removed manufactured housing as a permitted use in a particular zoning district); *City of Asheboro v. Auman*, 26 N.C. App. 87, 214 S.E.2d 621, *cert. denied*, 288 N.C. 239, 217 S.E.2d 663 (1975) (upholding injunction to prohibit continued use of a mobile home that had been moved into a zoning district that did not allow mobile homes, even though the wheels and tongue had been removed and the unit had been placed on a permanent foundation); *Town of Mount Olive v. Price*, 20 N.C. App. 302, 201 S.E.2d 362 (1973) (upholding injunction compelling removal of a mobile home located in violation of the zoning ordinance).

^[14] *County of Currituck v. Upton*, 19 N.C. App. 45, 197 S.E.2d 883 (1973) (upholding an order to remove a mobile home from a zoning district that did not permit individual units outside a park); *State v. Martin*, 7 N.C. App. 18, 171 S.E.2d 115 (1969) (upholding conviction for violation of an Ahoskie ordinance limiting the location of mobile homes to mobile home parks).

^[15] The creation of a zoning district to allow location of manufactured home parks can be challenged as unlawful spot zoning. See *Alderman v. Chatham County*, 89 N.C. App. 610, 366 S.E.2d 885, review denied, 323 N.C. 171, 373 S.E.2d 103 (1988); *Stutts v. Swaim*, 30 N.C. App. 611, 228 S.E.2d 750, review denied, 291 N.C. 178, 229 S.E.2d 692 (1976).

^[16] *Currituck County v. Willey*, 46 N.C. App. 835, 266 S.E.2d 52, review denied, 301 N.C. 234, 283 S.E.2d 131 (1980). In this case the court upheld a provision prohibiting mobile homes with dimensions of less than 24' x 60' in a single-family zoning district. The court ruled that mobile homes were sufficiently different from other types of housing that a rational basis existed for differing requirements, such as this dimension standard.

^[17] See, e.g., *Forsyth County v. York*, 19 N.C. App. 361, 198 S.E.2d 770, cert. denied, 284 N.C. 253, 200 S.E.2d 653 (1973) (upholding requirement that changes in nonconforming use and mobile home use in certain districts be authorized by special use permits). Care is necessary in drafting the precise terms of such limitations. See *In re Hensley*, 98 N.C. App. 408, 390 S.E.2d 727 (1990), a case involving the Town of Cramerton's zoning ordinance. The court ruled that where the ordinance provided that a nonconforming use might not be reestablished after it had been discontinued for 180 days, a nonconforming use could be reestablished if done in less than that time. In this instance, a mobile home had been removed from a lot in a zone that did not allow mobile homes; however, the petitioner was entitled to a permit to replace the mobile home if that were done within 180 days. By contrast, in *Williams v. Town of Spencer*, 129 N.C. App. 828, 500 S.E.2d 473 (1998), the court upheld an ordinance provision explicitly prohibiting replacement of units on vacated lots in a nonconforming manufactured home park.

^[18] 994 F. Supp. 697 (W.D.N.C. 1998). The court further held that the challenged standards did not violate the commerce, due process, or equal protection clauses.

^[19] *Graham Court Assocs. v. Town Council of Chapel Hill*, 53 N.C. App. 543, 281 S.E.2d 418 (1981).

^[20] *Gregory v. County of Harnett*, 128 N.C. App. 161, 493 S.E.2d 786 (1997). See Chapter 25 for discussion of legitimate objectives for development regulation.

^[21] *Duggins v. Town of Walnut Cove*, 63 N.C. App. 684, 306 S.E.2d 186, review denied, 309 N.C. 819, 310 S.E.2d 348 (1983), cert. denied, 466 U.S. 946 (1984). The ordinance prohibited a "mobile home" in a residential zoning district but allowed "modular" and site-built homes of similar dimensions to be used. The court upheld the ordinance as validly regulating the location of various types of structures, ruling that given the presumption of validity, the city had only to establish that the ordinance was rationally related to any legitimate government objective. The protection of property values was such a legitimate objective, and the council could determine that the method of construction affected the price of homes.

^[22] G.S. 105-164.3(21a) provides that a modular unit is a "factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to G.S. 143-139.1."

^[23] These provisions were created by S.L. 2003-400.

^[24] In *Young v. Lomax*, 122 N.C. App. 385, 470 S.E.2d 80 (1996), there were covenants prohibiting "mobile homes." The structure involved had two sections, each with a steel chassis, axles, and wheels. The axles and wheels were removed upon installation and the units were secured to concrete piers. The court held that the unit remained a "mobile home" as a matter of law and was distinguishable from the modular units addressed earlier in *Angel v. Truitt*, 108 N.C. App. 679, 424 S.E.2d 660 (1993), wherein the court held that placement of a modular home on a lot did not violate a restrictive covenant prohibiting "mobile homes." The court applied the customary definition of mobile homes at the time the covenant was executed, using the dictionary definition of a mobile home to mean a house trailer that is hauled by a truck. Since the modular unit involved in the case had no permanent chassis or axles and was placed on a permanent foundation, it was held not covered by the prohibition. In *Forest Oaks Homeowners Association v. Isenhour*, 102 N.C. App. 322, 401 S.E.2d 860 (1991), a restrictive covenant prohibited trailers and "mobile homes" but permitted "modular or component homes or pre-built homes" if erected on a permanent foundation. The court applied the manufactured/modular distinction used in the State Building Code to allow a modular home to be placed on the plaintiff's lot. In *Starr v. Thompson*, 96 N.C. App. 369, 385 S.E.2d 535 (1989), the restrictive covenant at issue prohibited the use of "trailers or mobile homes." The court held that the restriction applied to a factory-built modular home consisting of two 8' x 40' sections that had been delivered to the site with a permanent chassis with removable axles. The wheels, axles, and tongue had been removed and the units placed on footings on the site. The court distinguished the definitions that were applicable for zoning from those to be used in enforcing private restrictive covenants. In *Barber v. Dixon*, 62 N.C. App. 455, 302 S.E.2d 915, review denied, 309 N.C. 191, 305 S.E.2d 732 (1983), a restrictive covenant prohibited the use of a "structure of a temporary character (including house trailers)." The court held that this prohibited the use of a structure consisting of two units transported to the site, even though the wheels, the tongues, and the axles had been removed two days after the units had been located on the lot. In *Van Poole v. Messer*, 19 N.C. App. 70, 198 S.E.2d 106 (1973), a restrictive covenant prohibited temporary structures and trailers. The court held that "trailer" included a mobile home. The restrictive covenant in *Strickland v. Overman*, 11 N.C. App. 427, 181 S.E.2d 136 (1971), prohibited trailers and temporary structures, categories that the court held to include a "prefabricated modular unit."

Accessibility

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TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Part-Time Street/Solid Waste Position

AGENDA ITEM NO. 10A

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

A discussion was held at the September 24th Work Session concerning the addition of a Part-Time Maintenance Worker in the Street/Solid Waste Department. This position would be utilized to cover during employee vacations, weather events, and seasonal maintenance. Attached is the job description for this position. Maximum annual hours will be set at 500 and there will be no benefits except for the required employer portion of FICA and Medicare taxes (7.65% of earnings).

Consensus at the Work Session was in favor of adding this position. Since this position was not budgeted in the current FY2018-19 budget, attached is a budget amendment to account for this addition.

MANAGER'S RECOMMENDATION: Approve the part-time position and accompanying budget amendment.

BOARD ACTION TAKEN:

PART-TIME MAINTENANCE WORKER

General Statement of Duties

Performs unskilled manual work in the collection and disposal of garbage and refuse and in mowing and trimming Town properties and rights of way.

Distinguishing Features of the Class

Employees in this class work as a member of a crew to perform manual labor involving the collection and disposal of municipal solid waste. Employees ride and walk extensively over established routes to collect refuse by rolling cans and lifting bags and small piles of yard debris into truck. When not collecting refuse, employees may work with a driver to collect yard debris and limbs or mow and trim Town properties or rights of way. Employees are subject to the hazards of sanitation and streets work including working in outside environments, in extreme hot and cold weather, and exposure to noise, vibration, moving mechanical parts, atmospheric conditions, oils, skin irritants, and narrow passageways. Work is also subject to the final standards of OSHA on blood borne pathogens. Work is performed under the supervision of the Streets and Sanitation Supervisor and is evaluated by observation and customer feedback to determine the effectiveness of collection and mowing duties.

Duties and Responsibilities

Essential Duties and Tasks

Rides and walks extensively along a designated route to collect garbage and refuse; rolls cans to truck and empties refuse containers into a rear packer truck; operates packer mechanism; cleans area around containers and picks up dropped trash; assists in emptying load.

Mows, trims, and cleans Town properties and/or rights of way; uses riding mowers, push mowers, weed eaters and manual tools such as shovels, pitchforks and brooms to clean sidewalks and streets.

May work on a crew to collect and dispose of yard waste; loads tree limbs and brush; cleans up street area; vacuums leaves into leaf truck.

May work on a crew to collect and dispose of yard waste; loads trees limbs and brush; cleans up street area; vacuums leaves into leaf truck.

Directs traffic and guides truck operator in congested areas.

Informs supervisor of substandard refuse containers.

Assists in washing and cleaning of sanitation trucks.

Participates in stocking warehouse when supplies are delivered.

Assists with other public works crews as needed; moves and erects bleachers, barricades, etc.; relocates porta-johns and other tasks as needed.

Additional Job Duties

Performs other duties as required.

Recruitment and Selection Guidelines

Knowledge, Skills, and Abilities

Working knowledge of the methods and techniques applied in the loading and unloading of garbage and refuse along an assigned route.

Working knowledge of the occupational hazards and necessary safety precautions of refuse collection work.

Working knowledge of the Town's solid waste collection regulations.

Ability to perform continuous heavy manual labor at a steady pace and in varying weather conditions.

Ability to walk for extensive periods of time.

Ability to operate riding and power mowers, weed eaters, and hand tools to perform grounds maintenance of Town properties, ball fields, and rights of way.

Ability to understand and follow instructions.

Ability to communicate effectively with the public to respond to inquiries about collection schedules and waste collection requirements.

Ability to cooperate and work as a team member in carrying out assignments.

Ability to establish and maintain effective working relationships with supervisors, coworkers, and the general public.

Physical Requirements

Must be able to physically perform the basic life operational functions of climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, talking, and hearing.

Must be able to perform heavy work exerting up to 100 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects.

Must possess the visual acuity to determine accuracy, neatness, and thoroughness of the work performed, operate power tools, and equipment and distinguish safety hazards which may affect self and others.

Education Requirements

Graduation from high school or GED program.

Additional Requirements

Possession of a valid North Carolina Class B Commercial Driver's License is preferred.

Town of Dallas
Budget Amendment

Date: October 9, 2018

Action: Public Works Amendment

Purpose: To Budget for Addition of Part-Time Maintenance Worker in Street/Solid Waste

Number: PW-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3999	0000	Fund Balance Appropriated	\$106,604	\$115,512	\$8,908
10	5600	0203	Part Time	\$0	\$4,138	\$4,138
10	5600	0250	Social Security	\$8,443	\$8,699	\$256
10	5600	0251	Medicare	\$1,975	\$2,035	\$60
10	5800	0203	Part Time	\$0	\$4,137	\$4,137
10	5800	0250	Social Security	\$7,461	\$7,718	\$257
10	5800	0251	Medicare	\$1,717	\$1,777	\$60

	Totals	\$126,200	\$144,016	\$17,816
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Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: 130 W. Trade St. Downtown Development Project Agreement

AGENDA ITEM NO. 10B

MEETING DATE: 10/9/2018

BACKGROUND INFORMATION:

As discussed at the September 24th Work Session, Mr. Jim Bailey has decided to renovate and save the building at 130 W. Trade St., if purchased. This decision triggered a change in the purchase price of the building, necessitating a change in the Downtown Development Project Agreement. The appraised value of the building in the previous agreement reflected a reduction in value to provide for demolition of the building. This change required that the purchase price in the Agreement be changed to \$77,000, which is the appraised value of the building without the demolition provision reduction.

Also, during the discussion it was determined that based upon the parking lot and walkway improvements already completed, as well as the planned dumpster site the Town is providing; the Board wanted to remove the Town obligation to provide a picnic shelter and recreational facilities.

Attached is the revised Downtown Development Project Agreement, which includes the two changes listed above.

If there are no further changes, a public hearing can be scheduled to allow public review of the Agreement. Staff is suggesting that a public hearing be held on Tuesday, November 13, 2018 at 6:00 pm. If approved, the public hearing will be advertised in accordance with N.C.G.S §160-457, which states: **“a notice of the public hearing shall be given once a week for two successive weeks in a newspaper having general circulation in the municipality, and the notice shall be published the first time not less than 10 days nor more than 25 days preceding the public hearing; and the notice shall disclose the terms of the sale, exchange or transfer. At the public hearing the appraised value of the property to be sold, exchanged or transferred shall be disclosed; and the consideration for the conveyance shall not be less than the appraised value.”**

MANAGER’S RECOMMENDATION: Set a Public Hearing for November 13, 2018 for public review of the Agreement.

BOARD ACTION TAKEN:

STATE OF NORTH CAROLINA
COUNTY OF GASTON

DOWNTOWN DEVELOPMENT PROJECT AGREEMENT

THIS DOWNTOWN DEVELOPMENT PROJECT AGREEMENT, pursuant to N.C.G.S. 160A-458.3, made and entered into this the _____ day of _____ 2018, by and between **THE TOWN OF DALLAS, NORTH CAROLINA**, a North Carolina municipal corporation (hereinafter referred to as “**TOWN**”) and **SAMMY’S PUB OF DALLAS, INC. AND DALLAS PROPERTY HOLDINGS, LLC**, with an office and place of business in Gaston County, North Carolina (hereinafter referred to jointly as “**OWNER**”);

WITNESSETH:

WHEREAS, OWNER and TOWN intend to engage in and provide a Downtown Development Project located in the Town of Dallas, Gaston County, North Carolina, which will stimulate the local economy, increase the taxable property and business prospects of the Town, create jobs in the Town’s Central Business District as a result of the Project; in addition, the project would have a significant effect on the revitalization on the Central Business District; and

WHEREAS, as authorized by N.C.G.S. § 158- 7. 1, 160A-456, 160A-457, and 160A-458.3 the TOWN, has agreed to sell the surplus property and building located at 130 W. Trade Street, Dallas, NC, subject to restrictions, conditions, and covenants, for development of restaurant and office space (minimum of 7,500 square feet), and more particularly described as:

Lying and being in the Town of Dallas, N.C. and being the old Setzer building property, which is more particularly described by metes and bounds as follows: Beginning at a building corner, said corner being the Southwest corner of property owned by Laura J. Stroupe as described in Deed Book 4754 at Page 1310, with said point and place of Beginning being located the following two (2) calls from a courthouse stone control corner: (1) North 01 degrees 15 minutes 09 seconds East 263.11 feet to another courthouse stone control corner and (2) North 32 degrees 16 minutes 32 seconds West 143.73 feet, crossing West Trade Street and both courthouse stones inscribed USGS, NCGS 1900); thence from the point of Beginning North 85 degrees 58 minutes 53 seconds West 56.91 feet to a building corner; thence North 03 degrees 53 minutes 53 seconds East 120.68 feet to a new drill hole in walkway; thence South 85 degrees 58 minutes 59 seconds East 57.25 feet to an iron pin set in the line of the Laura J. Stroupe property as described in Deed Book 4754 at Page 1310; thence with the Stroupe property line South 04 degrees 03 minutes 20 seconds West 120.66 feet to the point and place of Beginning. Said property being

the full contents of Tract #1, containing 0.158 acres, as shown on that map or plat thereof recorded in Plat Book _____ at Page _____ in the Gaston County Register of Deeds.

TOGETHER WITH that right of way and easement for ingress, egress, and regress, said right of way and easement being more particularly described as follows:

Beginning at a drill hole, said drill hole being located North 03 degrees 53 minutes 53 seconds East 120.68 feet from the Southwest corner of the Setzer building, said drill hole also being the Northwest corner of Tract #1 as shown on that map or plat recorded in Plat Book _____ at Page _____ in the Gaston County Register of Deeds; and running thence from the point and place of Beginning North 14 degrees 46 minutes 00 seconds West 74.75 feet through Tract #2 to a point; thence continuing through Tract #2 North 04 degrees 01 minutes 07 seconds East 138.55 feet to a point on the South margin of the right of way of Wilkins Street; thence along the south margin of the right of way of Wilkins Street South 85 degrees 58 minutes 53 seconds East 24.00 feet to a point; thence South 04 degrees 01 minutes 07 seconds West 134.58 feet through Tract #2 to a point; thence South 14 degrees 46 minutes 00 seconds East 78.94 feet through Tract #2 to a point on the North line of Tract #1 as shown on that map or plat recorded in Plat Book _____ at Page _____ in the Gaston County Register of Deeds; thence North 85 degrees 58 minutes 59 seconds West 25.35 feet to the point and place of Beginning.

TOGETHER THEREWITH that right of way and easement for the installation, servicing and maintenance of utilities and drainage:

BEGINNING at a nail set on the south margin of the right of way of Wilkins Street near the east margin of the right of way of Holland Street, said nail set being the Northwest corner of Tract #2 as shown on that map or plat recorded in Plat Book _____ at Page _____ in the Gaston County Register of Deeds; thence from said point and place of BEGINNING South 57 degrees 40 minutes 29 seconds East 23.95 feet to a point; thence South 42 degrees 0 minutes 30 seconds East 91.40 feet to a point; thence South 03 degrees 56 minutes 07 seconds West 99.11 feet to a point; thence South 67 degrees 32 minutes 38 seconds East 57.42 feet to a point; thence North 03 degrees 53 minutes 53 seconds East 192.11 feet to a point on the south margin of the right of way of Wilkins Street; thence with the south margin of the right of way of Wilkins Street South 85 degrees 58 minutes 53 seconds East 20.0 feet to a PK nail, said PK nail being a corner of the Laura J. Stroupe property as described in Deed Book 4754 at Page 1310 in the Gaston County Register of Deeds; thence with the west line of the Stroupe property described above South 03 degrees 53 minutes 53 seconds West, passing an existing iron pin at 125.00 feet and another existing iron pin at 150.00 feet, a total distance of 238.54 feet to a point located within Tract #1 as shown and described on that map or plat recorded in Plat Book _____ at Page _____ in the Gaston County Register of Deeds; thence North 86 degrees 02 minutes 27 seconds West 36.07 feet to a building corner located on the Gerald J. Huggins property as described in Deed Book 4767 at Page 1939 in the Gaston County Register of Deeds; thence along the north line of the Huggins property North 86 degrees 02 minutes 27 seconds West 25.35 feet to an iron pin set; thence with the north line of the TAP Properties property as described in Deed Book 3284 at Page 247 in the Gaston County Register of Deeds North 86 degrees 01 minutes 48 seconds West

25.11 feet to a building corner; thence with the north line of the TAP Properties property as described in Deed Book 2815 at Page 924 in the Gaston County Register of Deeds North 85 degrees 57 minutes 53 seconds West 21.24 feet to a building corner; thence North 84 degrees 50 minutes 42 seconds West 54.12 feet to a paint mark at iron, said paint mark being located North 88 degrees 54 minutes 50 seconds East 1404.60 feet from NCGS "Hopeman" (N=175985.779M, E=411242.916M); thence North 03 degrees 56 minutes 45 seconds East 20.20 feet to a point; thence South 84 degrees 50 minutes 42 seconds East 54.18 feet to a point; thence South 85 degrees 57 minutes 40 seconds East 21.23 feet to a point; thence South 86 degrees 02 minutes 0 seconds East 25.13 feet to a point; thence South 86 degrees 02 minutes 27 seconds East 41.40 feet to a point within Tract #1 described above; thence North 03 degrees 53 minutes 53 seconds East 10.59 feet to a point; thence North 67 degrees 32 minutes 38 seconds West 73.25 feet to a point; thence North 3 degrees 56 minutes 07 seconds East 103.55 feet to a point; thence North 42 degrees 0 minutes 30 seconds West 82.98 feet to a point; thence North 57 degrees 40 minutes 29 seconds West 14.52 feet to a point; thence North 03 degrees 57 minutes 12 seconds East 17.04 feet to the point and place of BEGINNING.

All of the foregoing descriptions are taken from that map or plat entitled "Survey Made at the Request of the Town of Dallas" dated February 27, 2018 and revised September 4, 2018 by John W. Lineberger, Professional Land Surveyor, which is recorded in Plat Book ____ at Page ____ in the Gaston County Register of Deeds.

NOW, THEREFORE, in consideration of the foregoing, the benefits accruing to OWNER, the representations and mutual promises contained herein, the parties hereto agree as follows:

1. **Term.** The term of this agreement (herein "Agreement") shall begin upon execution and continue through the completion of construction and/or renovation of a minimum 7,500 square foot building upon tract one, consisting of a minimum 5,000 square foot restaurant on the ground level and a minimum 2,500 of other enclosed space on the second level; and shall thereafter terminate upon the operation of a properly permitted, inspected, licensed, and fully functional restaurant upon tract #1 for a continuous and uninterrupted period of five (5) years, unless sooner terminated as provided for herein.
2. **Project.** The project (herein "Project") consists of the OWNER's purchase of TOWN owned land and building at 130 W. Trade Street, Dallas, NC, for \$77,000.00, the renovation or demolition of the existing building, investment of seven hundred fifty thousand dollars (\$750,000.00) in the renovation and/or construction of a new building or addition to the existing building and grounds, purchase of restaurant equipment, installation of equipment, and operation of a restaurant in the Town of Dallas, Gaston County, North Carolina. The completed project/restaurant when operational will provide new part-time and full-time employment for minimum of twenty (20) people with a minimum wage of \$8.00 per hour in the downtown area. The completed project/restaurant when operational will continue uninterrupted as a

properly licensed and inspected restaurant for a period of five (5) years. The project also consists of the development by the TOWN of public facilities and other amenities on adjacent TOWN owned property, including but not limited to: a 24-foot easement for ingress, egress, and regress and a 15-foot easement for drainage and all utilities as described above.

3. Construction.

- a. The TOWN will employ the services of a Town Engineer, Johnny Denton. The Town Engineer will ensure that the construction, renovation and development of the restaurant and grounds proceeds according to Plans, Drawings, State and Local Building Codes, Zoning Ordinances, and other laws, regulations, and codes of the State of North Carolina, Gaston County, and the Town of Dallas. The OWNER agrees to cooperate with the Town Engineer in all aspects and will allow the Town Engineer to inspect all aspects of the development, construction, renovation documents, paper writings, etc. to ensure compliance with this Agreement and any and all State and Local Building Codes, Zoning Ordinances, and other laws, regulations, and codes of the State of North Carolina, Gaston County, and the Town of Dallas. The Town Engineer will not interfere with or communicate with code inspectors. Failure of the Agreement to address a particular permit, condition, term, or restriction does not relieve they owner of responsibility of complying with the law governing the permitting requirement, conditions, terms, or restrictions.
- b. The OWNER will employ the services of a General Contractor for the development of the Project.
- c. The OWNER will immediately proceed without delay to employ the services of a licensed professional architect/engineer to draft all appropriate plans and drawings for the construction/renovation project within sixty (60) days of closing. All plans and drawings shall be completed and submitted for inspection and approval by the TOWN, designee, agent, or Town Engineer prior to any construction, renovation and/or development of the project and within one hundred eighty (180) days of employing the licensed professional architect/engineer.
- d. The OWNER agrees to immediately proceed without delay in obtaining the proper and appropriate permits from Gaston County and the Town of Dallas for the construction, renovation and development of the project and will apply for all appropriate and proper permits within thirty (30) days of the all final plans and drawings being approved TOWN, designee, agent, or Town Engineer. The OWNER will remain diligent in obtaining and procuring all appropriate and proper permits.
- e. After all final plans and drawings are approved by the TOWN, designee, agent and/or the Town's Engineer and all appropriate and proper permits are obtained

the renovation and/or construction of the project/restaurant shall be completed by the OWNER within one (1) year, weather permitting.

- f. After the completion of renovation and/or construction of the project/restaurant by the OWNER and the issuance of a Certificate of Occupancy, the restaurant shall be properly licensed and inspected as a restaurant by the appropriate government officials.
- g. The TOWN will construct and develop amenities, easements, and variances to the zoning code as provided for in Exhibit "A" attached hereto and incorporated herein by reference, on Tract 1 and Tract 2 as described herein. The construction and development of the TOWN amenities, easements, and variances will not interfere with the renovation, construction and development of the project/restaurant and grounds outlined in the above paragraphs by the OWNER, and will be completed prior to the OWNER'S completion of the proposed development of the project/restaurant. Provided, however, any easements shall be completed and contained within the Deed to be prepared by the OWNER within sixty (60) days of execution of this Agreement.

4. **Representations.** OWNER makes the following representations as the basis for the undertakings on its part herein contained:

Standing. The OWNER is a duly organized and existing North Carolina corporation under the laws of the State of North Carolina. The OWNER has the power and authority to enter into this Agreement, to perform its obligations under, and consummate the transactions contemplated by this Agreement, and is authorized the execution and delivery of this Agreement.

Continuity. The OWNER intends to operate the project as restaurant and offices within the TOWN continuously and uninterrupted for five (5) years. OWNER will pay to the TOWN the prospective tax revenues based upon the tax value of the property as determined in the ordinary course.

Timing. The OWNER agrees to close the purchase of the site on or before a date which is thirty (30) days after (i) Proper legal description for the property is prepared by the OWNER and (ii) the Project has been duly approved by TOWN governing body after due notice and public hearing, if required. Both events (i) and (ii) above are express conditions precedent to OWNER's performance hereunder. Furthermore, OWNER shall be entitled to terminate this Agreement at any time for any or no reason within sixty (60) days of the date of this Agreement, upon which the Owner shall if necessary re-convey the Property back to the Town immediately. OWNER agrees to create a minimum of 20 part-time and full-time jobs, paying an average wage of \$8.00 per hour at this location of 130 W. Trade Street, Dallas, N.C. OWNER agrees to operate a fully functional, properly

permitted and licensed restaurant continuously and uninterrupted for a period of five (5) years.

5. **Covenant.** The OWNER covenants and agrees to make the investment, pay the taxes, create the jobs, pay the wages and upon completion of construction, operate a fully functional, properly permitted, inspected and licensed restaurant, continuously and uninterrupted for a period of five (5) years in accordance with the purposes and/or under the restrictions, covenants and conditions as set forth herein and/or contained in the Deed to the property.
6. **Conveyance.** In exchange for the investment by the OWNER, the creation of new jobs paying the average hourly rate as stated herein by the OWNER and the operation of a fully functional, properly permitted and licensed restaurant, continuously and uninterrupted for a period of five (5) year restaurant by OWNER all of which shall take place and be located at 130 W. Trade Street, Dallas, N.C., the TOWN agrees to sell, grant and convey the property at 130 W. Trade Street, Dallas, N.C. for \$77,000.00, subject to restrictions, conditions and covenants within time parameters set forth in this agreement, in addition to the restrictions, conditions and covenants that run with the land and included in the Deed. OWNER shall submit appropriate documentation of expenditures or information needed to show compliance with the Agreement including but not limited to: investment, job creation requirements and operation of a restaurant by OWNER at 130 W. Trade Street, Dallas, N.C. for an uninterrupted period of five (5) years.
7. **Limitation.** The Property provided in accordance with this contract is to be used for economic development purposes, community development purposes, and/or downtown development project purposes in accordance with N.C.G.S. § 158- 7.1, 160A-456, 160A-457, and 160A-458.3 of the TOWN for the renovation, construction, development, and operation of a restaurant by OWNER at 130 W. Trade Street, Dallas, N.C.
8. **Records.** The OWNER agrees that it will supply to the TOWN, or designee, agent, Town Engineer, or auditor, good and sufficient, certified and auditable evidence of the OWNER's compliance with the terms and conditions of this Agreement and the restrictions, and covenants within the deed and such records, information, reports and verification relating to expenditures of funds or the operations of the OWNER as may reasonably be requested by the TOWN. The OWNER agrees that the TOWN shall have access to the records and premises of the OWNER at all reasonable times, and the OWNER agrees to submit such reports as the TOWN shall request pertaining to the renovation, construction and development and/or the operations of the restaurant as the TOWN deems necessary to verify compliance. The OWNER shall maintain a written accounting and documentation of all of its receipts and disbursements from any lending institution relating to the project which are the subject of this Agreement.

9. **Termination.** This Agreement shall terminate and the OWNER shall be in breach, as determined by the TOWN, which shall include but not limited to the following reasons:
- a. Failure to use the Property in accordance with this Agreement;;
 - b. Failure to pay taxes;
 - c. Failure to comply with the terms and conditions of this Agreement;
 - d. Submission to the TOWN of reports which are incorrect or incomplete in any material respects;
 - e. Frustration or impossibility of performance, rendering the carrying out of this Agreement improper or unfeasible;
 - f. Transfer of title to the property prior to fulfillment of all requirements of this Agreement, without the prior written consent of the TOWN;
 - g. In addition, failure to make satisfactory progress towards renovation, construction, completion and operation of a restaurant per the above paragraphs and/or making the investment in the property as set forth herein.
 - h. Failure to operate of a fully functional, properly permitted and licensed restaurant, continuously and uninterrupted for a period of five (5) years.
10. **Job Requirement.** The new jobs to be created by the Project must be filled by employees hired after the effective date of this Agreement whose wages are subject to withholding under Article 4A of Chapter 105 of the North Carolina General Statutes.
11. **Non-Assignment.** This Agreement is expressly non- assignable without the prior written consent and approval of the TOWN.
12. **Extension.** The TOWN may execute an extension of this Agreement in its discretion and in accordance with such additional conditions as it may require.
13. **Waiver or Release.** TOWN may waive violations or release and terminate any of the foregoing requirements at any time. Said Release or Waiver may be recorded in the Gaston County Registry.
14. **Termination.** The TOWN may terminate this Agreement, as set forth herein, for failure to make the investment in the property, for failure of the project, or violation or breach of any of the terms of this Agreement.
15. **Notice.** Notice may be given as follows:

To the TOWN:

To the OWNER:

Town of Dallas Manager
210 Holland Street
Dallas, NC 28034

Mr. Jim Bailey
1196 Noles Dr.
Mt Holly, NC 28120

- 16. **Jurisdiction and Venue.** This contract shall be construed under the laws of the State of North Carolina. Any controversy or claim arising out of this Agreement shall be settled or resolved by an action initiated in Gaston County, North Carolina.
- 17. **Severability.** If any provision of this Agreement is deemed to be invalid or unenforceable it shall not affect the validity or enforceability of any other provision of this Agreement.
- 18. **Recording.** The TOWN shall record the Downtown Development Project Agreement with the Gaston County Register of Deeds within fourteen (14) days of the execution of this Agreement. The burdens are binding upon, and the benefits of the Downtown Development Project Agreement shall inure to, all successors to interest to the parties of the Agreement

IN WITNESS WHEREOF, the TOWN OF DALLAS, N.C. has caused this instrument to be signed in its municipal corporate name by its duly elected Mayor and its seal to be hereunto affixed by the Town Clerk, all by authority of its Board of Alderman and the OWNER has caused this instrument to be executed in its company name by its duly authorized representatives both the day and year first above written.

EXECUTED this ____ day of _____, 20__.

TOWN

Town of Dallas

By: _____

Maria Stroupe, Town Manager

Rick Coleman, Town Mayor

OWNER

Sammy's Pub of Dallas, Inc.

By: _____

Jim Bailey, President

Dallas Property Holding, LLC

By: _____

Jim Bailey, Managing Member

ATTEST:

Approved As To Form and Legality

Town Clerk

Town Attorney

NORTH CAROLINA
GASTON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that **MARIA STROUPE** personally appeared before me this day and acknowledged the due execution of the foregoing document.

This the _____ day of _____, 2018.

(SEAL)

Notary Public

My Commission Expires: _____

NORTH CAROLINA
GASTON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that **RICK COLEMAN** personally appeared before me this day and acknowledged the due execution of the foregoing document.

This the _____ day of _____, 2018.

(SEAL)

Notary Public

My Commission Expires: _____

NORTH CAROLINA
GASTON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Jim Bailey, President of Sammy's Pub of Dallas, Inc. personally appeared before me this day and acknowledged the due execution of the foregoing document on behalf of OWNER

This the _____ day of _____, 2018.

(SEAL)

Notary Public

My Commission Expires: _____

NORTH CAROLINA
GASTON COUNTY

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Jim Bailey, Managing Member of Dallas Property Holding, LLC personally appeared before me this day and acknowledged the due execution of the foregoing document on behalf of OWNER.

This the _____ day of _____, 2018.

(SEAL)

Notary Public

My Commission Expires: _____

EXHIBIT "A"

1. In addition, the Town shall construct a 24 foot easement for the benefit of Owner for ingress, egress, and regress across Tract #2 as shown on the Survey by John W. Lineberger and dated July 17, 2018.

2. The Town shall also grant Owner a 15 foot drainage and utility easement as shown on Tract #2 of the Survey by John W. Lineberger and dated July 17, 2017.

3. The Town shall seek and obtain a variance from the existing City Ordinance to allow a zero foot front setback along a major thoroughfare.

4. The Town shall provide an enclosed dumpster site for use by the restaurant