

MINUTES FOR BOARD OF ALDERMEN MEETING
September 11th, 2012
6:00 PM

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

The following staff members were present: Jim Palenick, Interim Town Manager; Maria Stroupe, Administrative Services Director; Pennie Thrower, Town Attorney; Gary Buckner, Police Chief; Doug Huffman, Electric Director; Bill Trudnak, Public Works Director; Anne Martin, Recreation Director; Steve Lambert, Fire Chief; and David Kahler, Development Services Director.

The Mayor called the meeting to order at 6:00 pm.

Mayor Coleman opened with the Invocation and the Pledge of Allegiance to the Flag. The Mayor asked if there were any additions or deletions to the agenda. There were no additions or deletions. Mr. Martin made a motion to set the agenda, seconded by Mr. Withers, and carried unanimously.

Mr. Beaty made a motion to approve the minutes from the August 14, 2012 regular meeting and the August 23, 2012 work session, seconded by Mr. Huggins, and carried unanimously.

Consent Agenda:

Item 5A was a resolution expressing support for the full staffing and operation of the Gaston County Museum of Art and History. (Exhibit A)

Item 5B was a resolution adopting a policy for mutual law enforcement aid with neighboring jurisdictions. This resolution updates the existing mutual aid agreement between the Dallas Police Department and other municipal and county law enforcement agencies. This allows the Dallas Police Department to request assistance from other police agencies as well as to provide assistance.

Mr. Beaty made a motion to approve the consent agenda as presented, seconded by Ms. Morrow, and carried unanimously.

Recognition of Citizens:

Ms. Charlotte Jenkins, 306 W. Main St., addressed the Board as President of the Board of Directors of the Dallas Historic Courthouse Foundation (DHCF). She thanked the Board of Aldermen for the Town's financial support of the DHCF. She also gave an update on the plans being made by the DHCF for fund raising for the Courthouse restoration.

Mr. Gary Briggs, Gary's Towing and Service Center, had requested to speak to the Board, but was not present. Mr. Palenick informed the Board that Mr. Briggs' company had been removed from the wrecker rotation list by Chief Buckner due to a policy violation. Mr. Briggs has submitted an appeal. Mayor Coleman recommended referring the appeal to the Police Committee for review. They will set a time to meet on this matter.

Mr. Bob Kendrick, 408 S. Groves St., addressed the Board concerning the recent water/sewer rate restructuring. His water bill has increase by approximately \$4.00 for 50 more gallons of usage. He requested that the Board review the current rate structure. He also stated that limbs and yard debris is not being picked up on S. Holland St.

Mr. Leon Lay, 110 N. Davis St., addressed the Board concerning problems with street parking on his block. Cars are parking on the side of the street blocking the street and access to the sidewalk. He would like for the Town to place “No Parking” signs on his block. Currently, there are “No Parking” signs on S. Davis St. from Main St. to Holly St. He would like these signs extended by one more block to include his block.

Recognition of Employees:

Sergeant Kevin McFee as recognized for 10 years of service. (Exhibit C) Sgt. McFee was hired on August 23, 2002 as a patrol officer. On January 11, 2006, he was promoted to Sergeant, where he continues to serve the Town.

Public Hearing:

There were no public hearings.

Old Business:

Item 9A was carried over from the last meeting as a second reading of an amendment to Chapter K, “Disorderly Conduct and Public Nuisances”, Article II, Section K-II-2, “Noises Expressly Prohibited”, Subsection 3, “General Entertainment”. (Exhibit D) As per G.S. §160A-75, “no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council”. Since the proposed amendment achieved a vote of 3-2 at the August meeting, it must come up for vote again at the next meeting as it would take an affirmative vote by 4 board members to pass on the first reading. Mayor Coleman asked for a motion concerning the proposed amendment. No motion was made by the Board, so the ordinance will remain in its original form.

Item 9B was carried over from the last meeting. Mr. Palenick, after meeting with the Parks and Recreation Committee, proposed Parks and Recreation Fees and Policies to the full Board at the August meeting. It was decided that the full Board needed a work session to adequately review and discuss all of the proposed fees and policies. A work session was held on August 23, 2012. From that work session, a revised Fees and Policies document was developed. (Exhibit E). Mr. Beaty made a motion to approve the proposed Parks and Recreation Fees and Policies as presented, seconded by Mr. Huggins. Mr. Martin stated that he would like to see the last sentence in the section concerning the Dennis Franklin Gym removed. The sentence read “Any “outside” food or beverage (not sold and distributed as a product of Town-operated or sanctioned concession) shall be strictly prohibited and not allowed in the premises.” Mr. Beaty agreed to change his motion to accommodate the request made by Mr. Martin and Mr. Huggins agreed, also. The new motion was to approve the Parks and Recreation Fees and Policies as presented after removal of the sentence in question. The motion was approved by a 3-2 vote as follows:

Yays – Mr. Beaty, Mr. Huggins, and Mr. Martin

Nays – Ms. Morrow and Mr. Withers

Item 9C was a request from Mr. Kahler to approve a resolution setting the date for a public hearing on the voluntary annexation request from Jeff Comer, Riverside Seafood. The sufficiency investigation has been completed. (Exhibit F) Mr. Withers made a motion to approve the resolution setting the public hearing for October 9, 2012 at 6:00 pm, seconded by Mr. Huggins, and carried unanimously.

Mr. Martin asked if the Board would take up Item 9B again. He stated that he made a mistake on his vote. Ms. Thrower advised that the vote had been recorded and the item would need to be brought back up at a future meeting. Mr. Martin requested that the item be added to the October agenda for more discussion.

New Business:

Items 10A & 10B were proposed project ordinances for the Water Distribution System Improvement Project. In order to properly account for the revenues and expenditures associated with the upcoming project, project ordinances must be approved. The project has been broken into two segments. One segment is the portion of the project being funded by CDBG grant funds with a matching Town contribution. (Exhibit G) The other segment is the remainder of the project that is being funded largely by debt issuance. (Exhibit H) It is necessary to divide the project into these two segments to properly differentiate the CDBG segment and insure accurate accounting. Mr. Withers made a motion to approve the CDBG Water Distribution System Improvements Project Ordinance, seconded by Mr. Martin, and carried unanimously. Mr. Beaty made a motion to approve the Water Distribution System Improvements Project Ordinance, seconded by Mr. Withers, and carried unanimously.

Item 10C was a resolution declaring the intent of Dallas to reimburse itself for capital expenditures incurred in connection with certain water system improvements from the proceeds of tax-exempt obligation to be executed and delivered during Fiscal Year 2013. (Exhibit I) As previously approved by Board action, the Town is moving forward with the comprehensive reconstruction of much of the antiquated and undersized water distribution system at an overall project cost exceeding \$3 Million. To finance the project, the Town will be issuing \$3 Million in long-term (likely 20 years) tax-exempt debt obligations with the assistance of our Bond Counsel and Financial consultant. Before such debt can be issued it must first receive approval by the Local Government Commission (LGC) of North Carolina. Before the LGC will grant such approval, the Town will have to first complete all design engineering and permitting for all phases of the project as proposed. The debt issuance should be completed by March 2013, but by that time we also will be well underway with the completion of the "First Phase" of the project, and as such will have had to pay out possibly hundreds of thousands of dollars in construction costs. We have the fund balance in our Water/Sewer utility enterprise fund to "upfront" this cost, but in order to legally reimburse ourselves for these expenditures from the proceeds of the bonds to be issued, we must pass what is called a "Reimbursement Resolution" first. The Total Project Bond Financing cost listed in the resolution covers the entire projected Budget (conservatively estimated) so that we are assured of being allowed to fully reimburse ourselves even if we were to issue Bonds well in excess of what we actually expect (\$3 Million). This is merely a "cushion" so that, under unforeseen circumstances, we wouldn't have to fund potential overages exclusively from fund balance on hand. Mr. Beaty made a motion to approve the resolution as presented, seconded by Mr. Huggins, and carried unanimously.

Item 10D was a proposed 5-year contract extension with Asplundh Tree Expert Co. for tree trimming services. The Town's Electric Utility must continually provide for comprehensive yearly tree trimming in order to protect overhead service lines and safeguard reliability of electric service. For a number of years, the Town has bid out these services to private contractors, and for the last couple of years, the winning bidder and contractor has been the Asplundh Tree Expert Company. Asplundh has performed these services in a professional, workman-like manner with few complaints and has improved overall system reliability in the process. In an effort to lock-in multiple future years pricing, and to develop continuity by pursuing a strategic cycle of district-by-district trimming, the Town requested that Asplundh offer a 5-year proposal for services with guaranteed pricing for each year. For each of the 5 years there is a corresponding area of work to be accomplished and, when added to the last two years, will have fully completed a "cycle of the entire Town System". At the end of the contract in 2017, the contract would be re-bid through the bidding process. This offer is highly competitive and would have total yearly costs through 2017 never exceeding the "budgeted" amount for FY 2012. (Exhibit J) Mr. Beaty made a motion to approve the 5-year contract extension with Asplundh Tree Expert Company as presented, seconded by Ms. Morrow. The motion failed with a vote of 2-3 as follows:

Yays – Mr. Beaty and Ms. Morrow

Nays – Mr. Huggins, Mr. Martin, and Mr. Withers

Item 10E was budget amendments for FY 2013. (Exhibit K) FY 2012 is complete and all known invoices and obligations have been processed and/or accounted for. Although the audit has not been completed, we are confident enough in our ending numbers to propose budget amendments for various projects not previously budgeted in FY 2013. Following is a breakdown of the proposed additional expenditures:

\$10,000 to the Dallas Historic Courthouse Foundation for Sesquicentennial and Fund Raising Expenses
\$200,000 to the DHCF as a Challenge Grant (paid as a dollar-for-dollar match) for renovations
\$12,000 for Town-initiated and sponsored expenses for the Sesquicentennial
\$9000 for Jagers Park play structure elements and installation
\$45,000 for Gym bathroom and ADA and lot-paving expenses
\$20,000 for Electric Substation land acquisition expenses
\$30,000 for Electric Substation engineering costs
\$655,300 for Electric Substation (Phase I) construction costs (1/3 of total construction costs)

These amendments would be funded from the Electric Fund Balance and total \$981,300. Mr. Martin made a motion to approve the budget amendments as presented, seconded by Mr. Withers, and carried unanimously.

Item 10F was a request to surplus a 1999 Ford Pick-up Truck. This vehicle was assigned to Parks and Recreation and was recently replaced with a 2004 Chevrolet Silverado 1500 4x4. The Ford truck was severely damaged in an accident and has some mechanical problems. Staff is requesting to surplus the Ford truck and place it on GovDeals at a minimum reserve price of \$2000. This is an government online auction website. Mr. Withers made a motion to surplus the 1999 Fork Pick-up and place it for sale on GovDeals, seconded by Mr. Huggins, and carried unanimously.

Mr. Palenick gave a Manager's Report highlighting various projects underway.

Mr. Withers made a motion to adjourn, seconded by Mr. Huggins, and carried unanimously. (7:14)

Rick Coleman, Mayor

Maria Stroupe, Town Clerk

A Resolution Expressing Support for the Full Staffing and Operation of The Gaston County Museum of Art and History

Whereas, The Gaston County Museum of Art and History serves as an integral component to the cultural, educational, and economic, well-being and historic preservation of the Town of Dallas and brings large numbers of visitors to Town to enjoy and participate in the exhibits, programs and events held there, and;

Whereas, To continue to thrive and remain valued and relevant, the Museum requires adequate staffing to assure that the rich cultural and artistic heritage of Gaston County can be shared with and appreciated by Gaston County school students and others who rely on the programming offered by the Museum, and;

Whereas, The position of "Programs Coordinator", which has remained Budgeted but unfilled is of critical importance to the ultimate, long-term goal of continuing value and relevance for the Museum, prompting the Town of Dallas to express its collective support for both the continued funding and actual staffing of the position of "Programs Coordinator" at the Museum.

Now, Therefore Be it Resolved, By and on Behalf of the duly-elected Mayor and Board of Aldermen for the Town of Dallas, That:

The Town of Dallas hereby expresses its whole-hearted and unequivocal support for the Gaston County Museum of Art and History and its ongoing ability to offer valuable, relevant programming, services and events. To that end, we respectfully submit to the Gaston County Board of Commissioners that they give every possible consideration to both the continued funding for, and actual staffing of the position of "Programs Coordinator" for the Museum.

Adopted This 11th Day Of September, 2012

Attest: _____
Maria Stroupe, Town Clerk

By: _____
Rick Coleman, Mayor

**RESOLUTION
ADOPTING A POLICY FOR MUTUAL AID ASSISTANCE
WITH OTHER LAW ENFORCEMENT AGENCIES**

WHEREAS, pursuant to North Carolina General Statutes GS160A-288 and GS 90-95.2, the governing body of a city or county may adopt appropriate guidelines, for the purpose of mutual aid assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed to be in the best interest of the Town of Dallas Police Department to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can both be rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of the Town of Dallas,

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

1. The Chief of Police is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Chief of Police is hereby authorized to permit officers of the Dallas Police Department to work temporarily with the Officers of the requesting agency, including in an undercover capacity; and the Chief of Police may lend such equipment and supplies to the requesting agencies as he/she deems advisable.
3. The Chief of Police is hereby authorized to request officers of other law enforcement agencies to work temporarily with officers of the Dallas Police Department including in an undercover capacity; and the Chief of Police may borrow such equipment and supplies from other law enforcement agencies as he/she deems advisable.
4. All such requests and authorizations shall be in accordance with North Carolina General Statutes 160A-288 and 90-95.2, as applicable.
5. While working with a requesting agency, an officer shall, have the same jurisdiction, powers, rights, privileges and immunities including those relating to the defense of civil actions and payment of judgments as the officers of the requesting agency in addition to those he/she normally possesses.

- 6. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of his/her superior officers in the requesting agency, but shall, for personnel and administrative purposes, remain under the control of his/her own agency, including for purposes of pay. An officer shall furthermore be entitled to Worker's Compensation and the same benefits to the extent as though he/she were functioning within the normal scope of his/her duties.

- 7. The Chief of Police is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms, and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Adopted, this the [11] day of {September}, 2012

Dallas
North Carolina

Mayor Rick Coleman

Attest: _____
Jim Palenick
Town Manager

Dallas Police Department

Gary W. Buckner
Chief of Police

Sworn to and Subscribed before me this

___ Day of _____, 2012.

Notary Public _____

My Commission Expires: _____

CERTIFICATE OF APPRECIATION

This certificate is awarded to

KEVIN LARRY MCFEE

in recognition of his 10th anniversary with the Town of Dallas on **August 23, 2012**
and in gratitude for his years of dedication and service

TOWN OF DALLAS



Signature

Date

Signature

Date

AN ORDINANCE TO AMEND CHAPTER K, "DISORDERLY CONDUCT AND PUBLIC NUISANCES", Article II, Section K-II-2, "Noises Expressly Prohibited"; OF THE COMPILED CODE OF ORDINANCES OF THE TOWN OF DALLAS, NORTH CAROLINA

WHEREAS, Following a properly-Noticed Public Hearing before the Board of Aldermen, held On August 14, 2012, and in consideration of the information and research Materials received and considered;

NOW, THEREFORE BE IT ORDAINED, by the Board of Aldermen of the Town of Dallas, North Carolina, that the Compiled Code of Town Ordinances is hereby Amended as follows:

That Chapter K, "Disorderly Conduct and Public Nuisances", Article II, Section K-II-2, "Noises Expressly Prohibited", Subsection 3, "General Entertainment", 1a. Shall be re-written To Read:

- 1. The following guidelines shall be used when a permit is issued:
 - a. A maximum of 80 db (measured as described in "d" herein) will be allowed between the hours of 6:00 p.m. and 9:00 p.m. on Mondays through Thursdays; 6:00 p.m. and **12:00 p.m.** on Fridays; 2:00 p.m. and **12:00 p.m.** on Saturdays; and 1:00 p.m. and 6:00 p.m. on Sundays.

YEAS:

NAYS:

Attest: _____

Signed: _____

**TOWN OF DALLAS
PARKS AND RECREATION
FEES & POLICIES**

It shall be the stated goal of the Town of Dallas to establish clear, consistent, fair, and equally-applied and enforced, policies and fees for the scheduling and use of its publicly-owned and maintained athletic and civic facilities and buildings. To further that goal, the following shall apply:

Parks/Buildings/Fields/Facilities Owned or Operated by The Town of Dallas:

1. Dennis Franklin Gymnasium
2. Jagers Park
3. Carr School Athletic Fields
4. Cloninger Park
5. Civic Center Building
6. Historic Courthouse, Gazebo, and/or Plaza square

Policies (General):

Fees for participation in, or sponsorship of, Town-sanctioned and/or organized athletic teams/ leagues and recreational activities have been established (see Fee Schedule B) so as to attempt to recover much of the costs of operating and continuing such programs. For participants in these programs, the use of fields, buildings, or facilities are covered by the fee for team, league, program, or activity participation. For any and all other use of such facilities or buildings, potential users will be required to pay, in advance, the fee(s) established and to abide by all Town policies. Such users will be allowed equal access on a first-come/first-served basis.

To schedule the exclusive, reserved use of a field, building, park or facility, for recreation or activities not sanctioned or organized by the Town, individual or group users must fully complete a Town application form, including the remittance of any and all fees required, and return it to authorized Town recreation staff not less than 48 hours in advance of the time such activity/use is to occur. Users will be required to sign a standard Liability Waiver/Release Form if "Not-for-Profit"; and provide a Certificate of Liability Insurance, naming the Town of Dallas as additionally insured, in a minimum coverage amount of \$500,000, if "For-Profit".

Users shall be classified and designated as “For-Profit” if they represent, and are funded by a for-profit business or corporate entity; or, if they charge for admission; sell merchandise or concessions; operate tournaments for participant fees; gain advertising or business sponsorship; or engage in any other act or activity which is designed to generate revenues greater than the simple recouping of Town Use fees from individual participants equal to a pro-rata share of said fees. For determination of Fees hereunder, all other users shall be classified as and considered “Not-for-Profit”.

Individual users must be Town of Dallas residents to be eligible for “Town Resident” Use fee designation; while for groups or teams of users, No greater than twenty percent (20%) of all covered participants may be “Non-Town Residents” in order to remain eligible for “Town Resident” Use fee designation.

Any minimal use of Buildings and/or facilities exclusively for the below-listed purposes shall be considered “Town-sanctioned” and, as a result, not subject to User Fees hereunder:

- The charitable distribution of goods or services on a non-discriminatory basis.
- The short-duration, “kick-off”, “wrap-up”, or award or recognition ceremony, associated with or incidental to other Town-sanctioned or approved, not-for-profit events.
- The use of fields for non-exclusive, un-reserved, “pick-up” practices, games, or matches not part of any organized league.
- The use of fields or other outdoor, public areas for non-exclusive, unreserved recreational, fitness, sporting, or personal fulfillment activities of a nature and character customary to such fields or areas and which are not damaging to such areas, or which serve to threaten or endanger the well-being or equal access of others similarly engaged or in proximity.

Dennis Franklin Gym:

Town-sponsored use of the Dennis Franklin Gym shall consist of: In-season, or pre-season, Youth Basketball and Cheerleading Games and Practices involving all team or squad members. Any and all other use shall be prohibited unless authorized in advance by formal action of the Board of Aldermen.

Use by participants engaged in pre-approved and permitted activities may only occur and continue so long as a Town of Dallas employee remains present within the building. Any “outside” food or beverage (not sold and distributed as a product of Town-operated or sanctioned concession) shall be strictly prohibited and not allowed in the premises.

Jaggers Park:

At present, the Town of Dallas does not sanction or organize the use of Jaggers Park for any fee-for-participation teams, leagues, or activities. However, we reserve the right to do so for Youth or Adult Baseball and/or Softball games or practices of sanctioned teams/leagues. Any and all other use shall be subject to the following fees:

Fees: (All Other)	4 Hours	(M.-F.) Week Day Per Day	(Sat./Sun.) Week End Per Day
<u>Field Use:</u>			
Town-Resident/Not-For-Profit	\$20.00	\$35.00	\$50.00
Town Resident/*For-Profit	\$60.00	\$105.00	\$150.00
Non-Town/Not-For-Profit	\$35.00	\$65.00	\$100.00
Non-Town/*For-Profit	\$105.00	\$185.00	\$265.00
<u>Field Use: (Fall Youth)</u>	<u>Per Season (not-to-exceed 120 days)</u>		
For All League Participants (Total)	\$200.00 (includes use of lights)		

Additional Charges:

*Dragging Field: (by request)	\$25.00
*Lining Field: (by request)	\$25.00
Use of Lights at Field:	\$12/Hr. (Adult only)

*When accomplished during normal Town work hours. All other requests shall require a fee equal to: Total Cost plus 30%.

Carr School Fields:

The Town of Dallas Parks & Recreation Department Sanctions and Organizes an extensive list of fee-for-participation Youth sports at Carr School Fields, which includes in-season and pre-season practices and games, involving all team members, for Baseball (T-ball, Coach-pitch, and traditional), Softball, and Soccer.

Any and all other use, including Adult team or League play, or Youth Fall Baseball, or any other organized activities not subject to fee-for-participation under Town Fee Schedule B, shall be allowed only if scheduled not in conflict with Town-sanctioned and organized activities and then subject to the following Fees:

Fees: (All Other)		(M.-F.) Week Day Per Day	(Sat./Sun.) Week End Per Day
<u>Field Use: (Adult Play)</u>	<u>4 Hours</u>		
Town-Resident/Not-For-Profit	\$20.00	\$35.00	\$50.00
Town Resident/*For-Profit	\$60.00	\$105.00	\$150.00
Non-Town/Not-For-Profit	\$35.00	\$65.00	\$100.00
Non-Town/*For-Profit	\$105.00	\$185.00	\$265.00
<u>Field Use: (Fall Youth)</u>	<u>Per Season (not-to-exceed 120 days)</u>		
For All League Participants (Total)	\$200.00	(includes use of lights)	

Additional Charges:

*Dragging Field: (by request)	\$25.00
*Lining Field: (by request)	\$25.00
Use of Lights at Field:	\$12/Hr. (Adult only)

*When accomplished during normal Town work hours. All other requests shall require a Fee equal to: Total cost plus 30%.

Cloninger Park:

Town-sponsored use of the athletic field at Cloninger Park shall consist of: In-season, or pre-season organized (Southland League) Youth Football games and practices involving all team members; the yearly 4th of July Fireworks display; and general, open public use of the walking track. Use for League Youth Football shall be subject to the following Fees:

Fees:

Field Use: (Seasonal Youth Football) Per Season (not-to-exceed 120 days)

For All Participants (Total) \$200.00 (includes use of lights)

Civic Center Building:

Town-sponsored use of the Dallas Town Civic Center Building shall consist of the holding of ongoing, organized Senior Citizen exercise and fitness classes as well as regularly-scheduled educational and social meetings and trip-planning sessions. Any and all other use shall be subject to the following Fees:

Fees: (All Other)

Daily Rental:

*Town Resident \$100.00

*Non-Town \$175.00

*These Fees apply to either For-Profit or Not-For-Profit Users.

Historic Courthouse, Gazebo, and/or Plaza Square:

Currently, and pending complete restoration of the Courthouse Building, there is no authorized or sponsored use of the Historic Courthouse Building. However, the Plaza Square is often utilized to hold or conduct Town-sponsored and Board-of-Aldermen-approved community events and festivals without charge. Use of the Gazebo, or non-sponsored use of the Square Grounds shall be subject to the following Fees:

Fees: (All Other)

Daily Gazebo/Grounds Rental: (typically for weddings):

Town Resident/Not-For-Profit \$100.00

Non-Town/Not-For-Profit \$175.00

Use by "For-Profit" entities is prohibited unless specifically approved by action of the Board of Aldermen.

**TOWN OF DALLAS
PARKS AND RECREATION
APPLICATION FOR USE OF TOWN FACILITY**

This application governed by & and consistent with Parks & Recreation Fees and Policies
All Fees must be paid in advance to secure assured, priority use.

Individual Applicant: _____

Organization (if any) Represented: _____

Names of All Participants: _____

Is Applicant a Town of Dallas Resident? YES _____ NO _____

Are at least 80% of All Participants Town of Dallas Residents? YES _____ NO _____

Applicant Address: _____

Phone # _____ Alternate Phone # _____

Alternate Contact: (Name) _____; Address: _____

Phone # _____

Requested Date & Time of Use: _____

Facility/Park/Field/Building Requested for Use: _____

Activity/Nature of Use: _____

Total Anticipated # of Users/Participants Expected: _____

Total Anticipated # of Spectators Expected: _____

ALL Known & Permitted Users MUST SIGN "Release of Liability Form". Any "For-Profit" Use REQUIRES Proof of Insurance Certificate.

Office Use Only:

Date Received: _____

In-Town _____ Non-Town _____ Not-For-Profit _____ For-Profit _____

Fees Due And Paid:

\$ _____

TOTAL: \$

Receipt # _____ Check# _____ Cash _____

Application Received By: _____

Release of Liability Forms Signed: _____

For-Profit Insurance Certificate Provided: (\$500,000 Min. Limits) _____

Special Notes: _____

**TOWN OF DALLAS
RELEASE OF LIABILITY**

In exchange for the granting of access to, and use of, a Town of Dallas Building, Athletic Field, Park, or Facility, I/We _____, Representing _____

Agree as follows:

1. To, observe and obey all posted and/or conveyed directions, policies, rules, or warnings regarding use of Town of Dallas property as issued by the Town of Dallas, its staff, employees, agents, or volunteers; and,
2. To, on behalf of the individual(s) and/or organization represented, **indemnify and hold harmless the Town of Dallas, its Park & Recreation Department staff, employees, agents, or volunteers, from any and all suits, claims of damages, or liability** for any and all personal injury to myself or other participants so represented, or for damages to personal property owned or controlled by me/us, occurring as a result of, or while engaged in activities conducted within the confines of Town of Dallas property permitted hereby; and,
3. To, assume full responsibility for damages to Town of Dallas property caused by, or resulting from my/our negligent, willful or reckless acts that may or may not be in violation of Town directions, policies, rules, or warnings conveyed, posted, or issued.
4. **I/We further Agree** to leave the property used in a generally clean, orderly, and undamaged state, approximately similar in condition to that in existence immediately preceding my/our permitted use. (Failure to do so can result in additional fees for clean-up or restoration).

I/WE HAVE READ THE ABOVE "RELEASE OF LIABILITY" DOCUMENT AND DECLARE THAT I/WE UNDERSTAND IT FULLY AND THAT BY SIGNING THIS RELEASE ARE VOLUNTARILY SURRENDERING CERTAIN LEGAL RIGHTS IN THE PROCESS.

Dated: _____

Signature of Applicant(s): _____

Participant(s): Printed Name(s) _____

Address: _____

Telephone #: _____

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**SCHEDULE B
TOWN OF DALLAS
RECREATION FEES**

Seasonal Team Sponsorships:

- | | |
|----------------------|-----------------|
| • Soccer: | \$275.00 |
| • Basketball: | \$125.00 |
| • Baseball/Softball: | \$225.00 |

Individual Participant Fees:

	<u>In-Town:</u>	<u>Non-Resident:</u>
• Soccer:	\$45.00	\$45.00
• Basketball:	\$35.00	\$50.00
• Cheerleading:	\$35.00	\$50.00
• Cheerleading incl. Uniform:	\$125.00	\$140.00
• Baseball/Softball:	\$70.00	\$85.00

Effective July 1, 2012

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF AN
PURSUANT TO G.S. 160A-58.2

EXHIBIT F(1)

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received;
and

WHEREAS, the Board of Aldermen has by resolution directed the Town Clerk to investigate the sufficiency of
the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE BE IT RESOLVED, by the Board of Aldermen of the Town of Dallas, North Carolina
that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be
held at the Board Room in the Fire Department at 6pm on September 11, 2012.

Section 2. The area proposed for annexation is described as follows:

Beginning at an iron pin set in the northerly margin of the right of way of the Dallas-Stanley Road (NC275),
said beginning point also being the southwest corner of the property shown on that plat recorded in Plat Book
43 at page 11 of the Gaston County Register of Deeds; running thence along the northerly margin of the right of
way of the Dallas-Stanley Road the following three (3) courses and distances: (1) South 55-47-46 West 188.16
feet; (2) South 57-50-01 West 104.43 feet; and (3) South 59-04-21 West 45.63 feet, to an iron; thence running
along a new line crossing grantor's property North 27-26-09 East 245.9 feet to an iron set on the common
boundary line of the property previously conveyed by the grantors to the Town of Dallas in Deed Book 1828 at
Page 714; and running thence along a common boundary line with the property of the Town of Dallas (said
property being shown on Plat Book 43 at Page 11) South 42-37-00 East 378.24 feet to the point and place of
beginning.

The above metes and bounds description being taken from plat of survey by Robert T. Kelso, Registered
Surveyor, dated January 8, 1991.

Being the identical property conveyed to Jeffrey C. Comer and Gregory L. Comer by deed dated August 23,
1993 and recorded in Deed Book 2294 at Page 657 of the Gaston County Public Registry.

The above described property is conveyed subject to that access easement reserved for Louie G. Cathey and
wife, Lavada B. Cathey in Deed recorded in Book 2096 at Page 277 in the Gaston County Registry.

Section 3. Notice of the public hearing shall be published once in the Gaston Gazette, a newspaper having
general circulation in the Town of Dallas, at least ten (10) days prior to the date of the public hearing.

Mayor

ATTEST:

Clerk

Riverside Seafood

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CERTIFICATE OF SUFFICIENCY

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

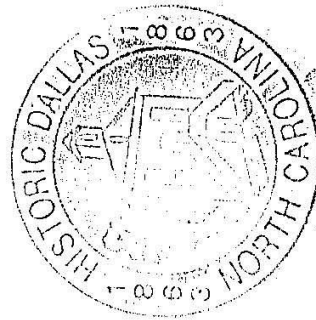
I, Maria Stroupe, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness thereof, I have hereunto set my hand and affixed the seal of the Town of Dallas, this 11th day of September 2012



Town Clerk

Re: Riverside Seafood Annexation



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**CDBG Capital Project Ordinance
Fund – 23 Dept - 8100
CDBG Water Distribution System Improvements**

Purpose: This Capital Project Ordinance is established to identify the revenues and to capture all the costs associated with the CDBG Water Distribution System Improvement Project.

Expenditures: The Finance Officer is allowed to make line item adjustments within this fund.

<u>Accn't</u>		
0410	Professional Services: Engineering	\$63,536.00
0420	Professional Services: Surveying	\$21,725.00
0450	Professional Services: Grant Writing	\$7,000.00
0451	Professional Services: Grant Administration	\$68,000.00
7531	Capital Outlay: CDBG Water Line Construction	\$635,360.00
9500	Private Lateral Reimbursement Program	<u>\$50,000.00</u>
	TOTAL	\$845,621.00

Revenues:

<u>Accn't</u>		
3450	CDBG Grant Funds	\$750,000.00
3910	Contribution From Water & Sewer Fund	<u>\$95,621.00</u>
	TOTAL	\$845,621.00

Motion by Alderman _____ to adopt this Ordinance, seconded by Alderman _____, and carried by the following vote:

Yays:

Nays:

Adopted this 11th day of September, 2012.

Rick Coleman, Mayor

Attest: _____
Maria Stroupe, Town Clerk

Capital Project Ordinance
Fund – 22 Dept - 8100
Water Distribution System Improvements

Purpose: This Capital Project Ordinance is established to identify the revenues and to capture all the costs associated with the Water Distribution System Improvement Project.

Expenditures: The Finance Officer is allowed to make line item adjustments within this fund.

<u>Accn't</u>		
0410	Professional Services: Engineering	\$279,685.00
0420	Professional Services: Surveying	\$93,685.00
0430	Professional Services: Bond Counsel	\$7,500.00
0440	Professional Services: Financial Consultant	\$25,000.00
7530	Capital Outlay: Water Line Construction	\$2,796,856.00
	Phase I (\$1,154,800.00)	
	Phase II (\$801,570.00)	
	Phase III (\$840,486.00)	
9500	Private Lateral Reimbursement Program	<u>\$70,000.00</u>
	TOTAL	\$3,272,726.00

Revenues:

<u>Accn't</u>		
3870	Proceeds From Long Term Debt	\$3,032,500.00
3910	Contribution From Water & Sewer Fund	<u>\$240,226.00</u>
	TOTAL	\$3,272,726.00

Motion by Alderman _____ to adopt this Ordinance, seconded by Alderman _____, and carried by the following vote:

Yays:

Nays:

Adopted this 11th day of September, 2012.

Rick Coleman, Mayor

Attest: _____
Maria Stroupe, Town Clerk

RESOLUTION DECLARING THE INTENT OF THE TOWN OF DALLAS TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CERTAIN WATER SYSTEM IMPROVEMENTS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING FISCAL YEAR 2013.

WHEREAS, the Board of Aldermen of the Town of Dallas, North Carolina (the "*Town*") hereby finds and determines that it is in the best interests of the Town to make improvements to the Town's water system (the "*Project*");

WHEREAS, the Town reasonably expects to receive the proceeds of the sale of tax-exempt obligations (the "*Tax-Exempt Obligations*") during fiscal year 2013 to finance the Project;

WHEREAS, the Town desires to proceed with the Project and will incur capital expenditures (the "*Capital Expenditures*") in connection therewith before the issuance of the Tax-Exempt Obligations; and

WHEREAS, the Town will advance moneys from funds currently on hand to pay for the Capital Expenditures and the Town intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds of the sale of the Tax-Exempt Obligations to be issued by the Town;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Dallas, North Carolina as follows:

Section 1. Official Declaration of Intent. The Town presently intends and reasonably expects to reimburse itself for the Capital Expenditures to be incurred and paid by the Town in connection with the Project before the issuance of the Tax-Exempt Obligations from a portion of the proceeds of the Tax-Exempt Obligations which are reasonably expected to be issued during fiscal year 2013. The Board of Aldermen expects that the maximum principal amount of tax-exempt obligations reasonably expected to be issued as Bonds for the Capital Expenditures with respect to the Project to be reimbursed is \$3,790,000.

Section 2. Compliance with Regulations. The Town adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 3. Itemization of Capital Expenditures. The Interim Town Manager of the Town or his designee, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the Town for the purpose of determining and itemizing all of the Capital Expenditures which the Town reasonably expects to reimburse itself for in connection with the Project.

Section 4. Effective Date. This Resolution is effective immediately on the date of its adoption.

STATE OF NORTH CAROLINA)
)
TOWN OF DALLAS) SS:

I, *Maria Stroupe*, duly appointed Town Clerk of the Town of Dallas, North Carolina, *DO HEREBY CERTIFY*, that the foregoing is a true and accurate copy of a resolution adopted by the Board of Aldermen of the Town of Dallas, North Carolina, at its regular meeting held on September 11, 2012, to become effective on September 11, 2012, and that such resolution has been duly recorded in the minutes of the Town.

WITNESS my hand and the corporate seal of the Town of Dallas, North Carolina, this 11th day of September, 2012.

(SEAL)

Maria Stroupe
Town Clerk
Town of Dallas, North Carolina

**SCHEDULE A
(Right-of-Way Cutting)**

Forming part of the GENERAL AGREEMENT between TOWN OF DALLAS

and ASPLUNDH TREE EXPERT CO, dated this _____ day of _____, 20__.

Rates Become Effective January 2, 2013.

Payment shall be made by COMPANY, for right-of-way cutting work performed by CONTRACTOR at the following rates and subject to special conditions listed (if any) in addition to those set forth in the attached Agreement.

Pricing for annual right of way maintenance on designated sections of the TOWN OF DALLAS electrical system as outlined and color coded on the Town's main circuit map:

Year of Service	Map Color Code	Miles	Price
2013	Orange	8.79	\$65,000.00
2014	Blue	7.50	\$68,000.00
2015	Pink	11.21	\$65,000.00
2016	Green	8.50	\$65,000.00
2017	Yellow	7.40	\$68,000.00

APPROVED FOR:

Asplundh Tree Expert Co.

By: Barry D. Luddett

Title: Vice President

Date: July 30, 2012

Town of Dallas

By: _____

Title: _____

Date: _____

SCHEDULE B
(Tree Trimming and Removal)

Forming part of the GENERAL AGREEMENT between TOWN OF DALLAS
and ASPLUNDH TREE EXPERT CO, dated this _____ day of _____, 20__.

Labor, Material & Equipment RatesEffective January 2, 2013.

Payment shall be made by COMPANY, for tree trimming and removal work performed by CONTRACTOR at the following rates and subject to special conditions listed (if any) in addition to those set forth in the attached Agreement. Overtime rates would apply after 40 hours and outside normal working hours. Double time would apply on Sundays and Holidays. Additional work will be done only as authorized by COMPANY and billed for at the rates shown below.

Labor Classification	Straight Time Bill Rate				
	2013	2014	2015	2016	2017
Foreman	\$27.70	\$28.26	\$28.82	\$29.40	\$29.99
Climber/Operator	\$22.28	\$22.72	\$23.18	\$23.64	\$24.11
Climber	\$20.51	\$20.92	\$21.34	\$21.77	\$22.20
Equipment					
Paddle Foot	\$24.62	\$25.12	\$25.62	\$26.13	\$26.65
Split Dump	\$9.50	\$9.69	\$9.88	\$10.08	\$10.28
Disc Chipper	\$6.11	\$6.23	\$6.36	\$6.48	\$6.61
Power Saw	\$0.92	\$0.94	\$0.96	\$0.97	\$0.99

APPROVED FOR:

Asplundh Tree Expert Co.

By: Bary D. SeddethTitle: Vice PresidentDate: July 30, 2012

Town of Dallas

By: _____

Title: _____

Date: _____

**Town of Dallas
Budget Amendment**

Date: September 11, 2012

Action: FY2012-13 Budget Amendments

Purpose: To Fund Needed Capital & Civic Projects with Fund Balance Surpluses

Number: BA-001-13

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3900	0000	Contr. From Elect. Fund	\$525,000	\$801,000	\$276,000
10	4100	9310	Contr. To DHCF - SesquiC.	\$0	\$10,000	\$10,000
10	4100	9311	Contr. To DHCF - Challenge Gr.	\$0	\$200,000	\$200,000
10	5700	4722	Town-Spons.-Events	\$16,000	\$28,000	\$12,000
10	5700	7100	Cap. Outl. -Parks & Cts.	\$0	\$9,000	\$9,000
10	5700	7502	Cap. Outl. - Build. & Grds.	\$0	\$45,000	\$45,000
30	3999	0000	Fund Balance Appropriated	\$125,611	\$1,106,911	\$981,300
30	8500	7520	Substation - Land Aquis.	\$0	\$20,000	\$20,000
30	8500	7521	Substation - Engineering	\$0	\$30,000	\$30,000
30	8500	7522	Substation - Construction	\$0	\$655,300	\$655,300
30	8500	9000	Contri. To (General Fund	\$525,000	\$801,000	\$276,000
Totals				\$1,191,611	\$3,706,211	\$2,514,600

Approval Signature
(Town Manager or Administrative Services Director)

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\$10,000 is "Seed Funding" for Sesquicentennial and Fund-Raising Events
\$200,000 is For Courthouse Renovation - paid out as 1-for-1 grant to funds raised.
\$12,000 is in support of Town Expenses for Sesquicentennial.
\$9,000 is for Jagers Park Play structure elements and installation
\$45,000 is for Gym bathroom/ADA/lot paving improvements.

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DALLAS NC SUBSTATION COST ESTIMATE 9/4/2012

	INITIAL QTY.	ORIGINAL COST ESTIMATE PRICE EACH	TOTAL PRICE
TRANSFORMERS	1	575,000.00	\$575,000.00
STRUCTURAL STEEL	1	375,000.00	\$375,000.00
INSTALLATION	1	350,000.00	\$350,000.00
SWITCHBOARD	0	70,000.00	\$0.00
CIRCUIT SWITCHERS	0	40,000.00	\$0.00
VOLTAGE REGULATORS	6	15,000.00	\$90,000.00
BREAKERS	2	25,000.00	\$50,000.00
SCADA	1	40,000.00	\$40,000.00
MISC(ROCK, ETC)	1	40,000.00	\$40,000.00
GRADING	1	45,000.00	\$45,000.00
FENCING	1	12,000.00	\$12,000.00
CONTROL HOUSE	1	25,000.00	\$25,000.00
SURVEYING	1	7,500.00	\$7,500.00
CIRCUIT TIES AND SWITCHING	1	100,000.00	\$100,000.00
TOTAL EQUIP/LABOR COST			\$1,709,500.00
ENG, OH, CONTIN. @ 15%			\$256,425.00
TOTAL INSTALLED COST			\$1,965,925.00

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Town of Dallas
Operational Results (unaudited) For Fiscal-year 2011-2012

FUND BALANCES

General Fund: (Budgeted)

Beginning Fund Balance (7/1/11):	\$1,786,809
Budgeted Use of Fund Balance (FY2011-12):	- 300,263
Expected Ending Fund Balance (6/30/12):	<u>\$1,486,546</u>

(Actual)

Beginning Fund Balance (7/1/11):	\$1,786,809	
Actual Use of Fund Balance (FY2011-12):	- 0	
Actual Ending Fund Balance (6/30/12):	<u>\$1,786,809</u>	<u>*NET: + \$300,263</u>

Electric Fund: (Budgeted)

Beginning Fund Balance (7/1/11):	\$3,095,292
Budgeted Use of Fund Balance (FY2011-12):	- 265,546
Expected Ending Fund Balance (6/30/12):	<u>\$2,829,746</u>

(Actual)

Beginning Fund Balance (7/1/11):	\$3,095,292	
Actual Use of Fund Balance (FY2011-12):	- 0	
Surplus for FY2011-12:	+ 744,817	
Ending Fund Balance (6/30/12):	<u>\$3,840,109</u>	<u>*NET: + \$1,010,363</u>

Water/Sewer Fund: (Budgeted)

Beginning Fund Balance (7/1/11):	\$1,443,283
Budgeted Use of Fund Balance (FY2011-12):	- 0
Expected Ending Fund Balance (6/30/12):	<u>\$1,443,283</u>

Water/Sewer Fund: (Actual)

Beginning Fund Balance (7/1/11):	\$1,443,283	
Actual Use of Fund Balance (FY2011-12):	- 0	
Surplus for FY2011-12:	+ 87,678	
Ending Fund Balance (6/30/12):	\$1,530,961	*NET: + \$87,678

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