

MINUTES FOR BOARD OF ALDERMEN MEETING
December 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; Thomas Hunn, 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 to the agenda. Mr. Martin made a motion to set the agenda, seconded by Mr. Withers, and carried unanimously.

Mr. Martin made a motion to approve the minutes from the November 13, 2012 regular meeting and the November 13, 2012 police committee meeting, seconded by Mr. Huggins, and carried unanimously.

Consent Agenda:

Item 5A was approval of the 2013 Holiday Schedule. In 2009, the Town of Dallas adopted the North Carolina State Holiday Schedule as the standard for holidays. Each year in December, the Board formally adopts the schedule for the coming year, after which, each employee is provided a copy of the holiday schedule. The Board was presented a copy of the 2013 North Carolina State Holiday Schedule for review. (Exhibit A)

Item 5B was approval of the 2013 Board of Aldermen Meeting Schedule. Each year in December, the Board formally adopts the Board Meeting schedule for the coming year, after which, this schedule is posted publically in Town Hall and on the Town's website. (Exhibit B)

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

Recognition of Citizens:

Mr. Jamie Story, Gaston College, had requested to be placed on the agenda, but was not present.

Mr. Alan Cloninger, Chairman of the Rescue Squad, wanted to thank Town officials for their support of the Rescue Squad. This has enabled the Rescue Squad to serve the Town of Dallas. He also praised the Town for successful Town events, most recently Trick or Treat on the Square and Carols on the Square that promote community spirit and involvement. Sheriff Cloninger commended the Board for hiring Mr. Thomas Hunn as the new Town Attorney to replace Ms. Pennie Thrower, who was elected as a District Court Judge. He believes Mr. Hunn will do a great job and is pleased to see the Board using local businesses as much as possible. Mr. Cloninger stated that a letter had recently been sent out to various citizens criticizing the Police Department. This is the third time this letter has been distributed. He wanted to go on record in support of the Police Department. He believes the Police Department does a good job and that the author of the letter should bring his/her comments to an open forum, instead of sending letters out anonymously.

Mr. Louie Dean, Owner of IGA at 102 E. Fields St., stated that he moved his business to Dallas in January 2006 with 17 employees. Since that time, his work force has grown to 80 employees. He came to Dallas because he wanted to be in a small town with a close community and enjoys being here. He has invested in Dallas and encouraged Town officials to continue to support local businesses.

Mr. Curtis Wilson, 438 S. Gaston St., commended the Board on the new sidewalk connecting downtown to Gaston College. He reminded the Board of the decision made in November 2011 to move the nativity scene to the corner of Trade and Gaston Streets. It is not in this location this year and he believes it should be.

Ms. Donna Coleman, 606 Brookgreen Dr., addressed the Board concerning the placement of the nativity scene. In 2001, she was asked to help with decorating the Courtsquare for various events. In 2003, she was asked to oversee the Decorating Committee, as it had become known. Seven years ago, Ms. Anne Martin began helping with this task. For each event, a lot of time and thought goes into decoration placement. Many things are considered such as traffic flow, visibility, noise, accessibility, etc. Currently, the nativity scene is placed facing Gaston Street in front of the old courthouse. At this current location, more people are stopping to look at or walk up to the arrangement. When the move was made in 2011 to the corner of Trade and Gaston Streets, the Decorating Committee was not consulted. Based on citizen comments, and even complaints, the decision was made to move the nativity scene to its current location for this year. As previously stated, each event is decorated for with much care and thought.

Mr. Tommy Lineman, 405 S. Ridge St., spoke in support of local businesses. He owns a heating/air business and also owns some rental properties in Town. He believes the Town should cater to local businesses and asked the Board to keep that in consideration.

Mayor Coleman gave some history on the discussions concerning decorating of the Courtsquare. Based on records in the minutes, in November 2011 after much consideration, the Board decided to move the nativity scene to the corner of Trade and Gaston Streets based on requests from Mr. Wilson. In October 2010, the minutes state that Mr. Wilson addressed the Board requesting that the scene be placed facing either Gaston or Trade streets for better prominence.

Mr. Curtis Wilson, 438 S. Gaston St., stated that he appreciated the work that has been done by the Decorating Committee and for them taking such care and consideration with the Town events. He will concede to their decisions for decorating the Town Square and will leave the issue alone.

Recognition of Employees:

There were no employee recognitions.

Public Hearing:

Item 8A, Mr. Withers made a motion to enter into a public hearing concerning an ordinance to regulate the ownership and control of canines within Dallas, seconded by Mr. Martin, and carried unanimously. (Exhibit C) At the November meeting, the Board conducted a public hearing and considered a proposed revision to the Animal Control Ordinance which limited the number dogs allowed per property. A 3 – 2 vote occurred. Based on N.C.G.S. 160-A-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”, requiring that the proposed ordinance be read and voted on again at the December meeting. Mr. Huggins asked what would happen when puppies are born. Mr. Kahler stated that the ordinance applies to dogs 12 weeks or older, therefore allowing for puppies to be kept until they are old enough to go to other homes. Mr. Withers still believes the ordinance penalizes those with more dogs. There are people with only two dogs that do not take care of them. The number of dogs a person has does not dictate whether they are

cared for properly or not. Mr. Beaty made a motion to exit the public hearing and to approve the proposed ordinance as presented, seconded by Mr. Huggins, and carried by the following vote: Yays – Mr. Beaty, Mr. Huggins, Mr. Martin, and Ms. Morrow. Nays – Mr. Withers.

Item 8B, Mr. Withers made a motion to enter into a public hearing concerning an ordinance to establish construction and maintenance standards for fences within the Town of Dallas, seconded by Mr. Martin, and carried unanimously. At the November meeting, the Board conducted a public hearing and considered a proposed revision to the Property Maintenance ordinance, regarding fencing. Questions arose concerning commercial and industrial security fencing, as well as electric fencing designed to control and contain dogs and horses. A request was made to further revise the ordinance amendment to reflect those concerns. Mr. Kahler submitted the revised ordinance, including the requested changes. (Exhibit D) Mr. Withers made a motion to exit the public hearing, seconded by Mr. Martin, and carried unanimously. Mr. Beaty made a motion to approve the ordinance revision as presented, seconded by Mr. Martin, and carried unanimously.

Old Business:

There was no old business.

New Business:

Item 10A was removed prior to the meeting.

Item 10B was approval of the Electric Line Tree-Trimming and Brush Removal Contract. As has become Town practice, bids were solicited for yearly tree trimming and brush removal services necessary to maintain reliability within our electric distribution system. (Exhibit E) Dallas continues to follow the recently-developed protocol for completing the entire town-wide system within a five-year, sequenced program of work. This year lump-sum bids with and without performance bonds (covering the cost to complete in the event contractor fails to perform satisfactorily) were solicited for a single year, as well as two or three year periods. Two eligible bids were received from contractors that met all of the requirements of the process. (Exhibit F) Both of these firms have performed work for Dallas in the recent past. Staff recommended that the bid be accepted “with a performance bond”. Mr. Martin asked if payment terms were specified. Mr. Palenick stated that they were not specified within the request for proposal and were yet to be determined, but that normally contracts were paid at various levels of completion, for example 25%, 50%, 75%, and completion. Mr. Martin also asked for clarification of the statement “Removal and disposal of wood and debris related to tree trimming services at site designated by the Town of Dallas”. It was his understanding that Dallas did not provide a site for debris to be placed and that the contractor must dispose of the debris themselves. Mr. Huffman clarified that the statement referred to the area of worked to be completed. That area of work would be designated by the Town, not a site for debris. Mr. Martin was correct in his understanding that no site would be provided for debris and the contractor would be responsible for all removal of debris. Mr. Withers made a motion to award the bid to Mackey Tree Service for a 1-year term with a performance bond and with payment terms to be determined by the Town Manager, possibly at 25% completion intervals; seconded by Mr. Huggins. Before the vote was taken, Mr. Martin commented that he was in support of the motion and an advocate of small business, but had some concerns over the scope of work outlined for the size of Mr. Mackey’s business. Mr. Martin asked that if issues or concerns arise over the project, that the chain of command is followed; which would be initial contact with Mr. Huffman, Electrical Director; then Mr. Palenick, Interim Town Manager; and finally the Public Works Committee, if necessary. Mr. Martin also asked that Mayor Coleman refrain from involvement with the project to protect himself and Mr. Mackey, due to the nature of their personal relationship. Mr. Martin wished Mr. Mackey much success with the project. The motion to award the contract to Mackey Tree Service was carried by as 3 – 2 vote as follows: Yays – Mr. Huggins, Mr. Martin, and Mr. Withers. Nays – Mr. Beaty and Ms. Morrow.

Item 10C was a request to adopt and approve a multi-year Capital Improvement Program (CIP) for Stormwater infrastructure projects. In order to effectively address the various stormwater problem areas that exist within the Town, a CIP has been developed, with the first four prioritized projects to be completed in ranked order as budgeted funds allow. (Exhibit G) The estimated total cost of these four projects is \$179,350. Including the current budget year, these projects should be able to be accomplished within no more than five budget years. The CIP will be reviewed, and potentially amended, on a regular basis in order to remove projects as they are completed; add projects as they are identified; and/or alter priorities or cost estimates as greater information is received or as circumstances change. This is a planning tool. These projects are not being approved at this time, but will be addressed in subsequent budget year. At this point, staff is requesting approval of this process and upon approval, will use this to set priorities and as a planning device for upcoming budgets. Mr. Beaty made a motion to approval the Stormwater CIP process as presented, seconded by Mr. Withers, and carried unanimously.

Item 10D was a request to approve a land purchase at 301 E. Main St. for construction of a new Electric Substation. For some time, the Town's long-term capital plan for the Electric Distribution System has included the construction of a new substation at 301 E. Main St., behind the New South Athletics Warehouse where the Town and Duke Energy already own a portion of the land on which the facility will be built. With the FY 2012-2013 budget, the board approved \$20,000 for substation land acquisition; \$30,000 for substation engineering; and \$655,300 for substation (Phase I) construction. A recently completed real property appraisal by the Jerry Lackey Appraisal service determined the "fair market value" of the needed private property at \$15,900. This amount has been formally offered to the owners, Mr. Earl Groves and Mr. Gary Guy at New South Athletics, who have, in turn, indicated they would accept the offer if the Town would also add an additional \$4000 for loading dock reconfiguration improvements, which will be necessary to allow them access to their warehouse once the property is sold. The sellers would also like the Town to be responsible for any document preparation and transaction expenses. Staff requested that the Board approve the purchase of 0.259 acres of real property at 301 E. Main St., for construction of the Electric Substation, for the purchase price of \$15,900, plus \$4000 for loading dock improvements, from the property owners Mr. Earl Groves and Mr. Gary Guy at New South Athletics. Staff would prepare appropriate documentation to execute the transaction and all transaction expenses would be the responsibility of the Town. A deed would be properly recorded immediately following the purchase. Mr. Martin made a motion to approve the purchase as presented, seconded by Mr. Withers, and carried unanimously.

Mr. Palenick gave a Manager's Report, noting current projects.

Mayor Coleman welcomed Mr. Hunn to his first meeting as the Town Attorney. Mayor Coleman reminded the audience of the Christmas Parade to be held on Friday, December 14th at 4:00 pm. Mayor Coleman recognized County Commissioner Tracy Philbeck, of Dallas, in attendance at the meeting.

Mr. Withers made a motion to adjourn, seconded by Mr. Huggins, and carried unanimously. (7:05)

Rick Coleman, Mayor

Maria Stroupe, Town Clerk



STATE OF NORTH CAROLINA
 OFFICE OF STATE PERSONNEL
 1331 MAIL SERVICE CENTER
 116 WEST JONES STREET
 RALEIGH, NC 27699-1331

BEVERLY EAVES PERDUE
 GOVERNOR

LINDA D. COLEMAN
 STATE PERSONNEL DIRECTOR

MEMORANDUM

TO: Agency Heads and Chancellors
 Human Resource Directors

FROM: Linda D. Coleman

DATE: March 14, 2011

SUBJECT: **2013 Holiday Schedule**

Listed below are the holidays that will be observed by State employees during 2013.

New Year's Day	January 1, 2013	Tuesday
Martin Luther King's Day	January 21, 2013	Monday
Good Friday	March 29, 2013	Friday
Memorial Day	May 27 th , 2013	Monday
Independence Day	July 4, 2013	Thursday
Labor Day	September 2, 2013	Monday
Veteran's Day	November 11, 2013	Monday
Thanksgiving	November 28 & 29, 2013	Thursday & Friday
Christmas	December 24, 25, & 26, 2013	Tuesday, Wednesday, Thursday

NOTE: The schedule shall be used by all State agencies operating und the policies, rules and regulation of the Office of State Personnel. Institutions of higher education and agencies requiring a twenty-four hour operation may adopt varying holiday schedules in keeping with operational needs, provided the employees are given the same number of holiday as approved by the State Personnel Commission. Such special holiday schedules must be filed with the Office of State Personnel.

It is recognized that some agencies may need to adopt an additional holiday schedule applicable to employees working in twenty-four hour operation; this schedule would designate as holidays the specific dates of the legal observances rather than the substitute weekdays when the observance occurs on Saturday or Sunday. This would be in keeping with the purpose of the holiday premium pay policy.

An Equal Opportunity Employer

Town of Dallas
Board of Aldermen 2013 Meeting Schedule

Tuesday, January 8, 2013	6:00 pm	Community Room
Tuesday, February 12, 2013	6:00 pm	Community Room
Tuesday, March 12, 2013	6:00 pm	Community Room
Tuesday, April 9, 2013	6:00 pm	Community Room
Tuesday, May 14, 2013	6:00 pm	Community Room
Tuesday, June 11, 2013	6:00 pm	Community Room
Tuesday, July 9, 2013	6:00 pm	Community Room
Tuesday, August 13, 2013	6:00 pm	Community Room
Tuesday, September 10, 2013	6:00 pm	Community Room
Tuesday, October 8, 2013	6:00 pm	Community Room
Tuesday, November 12, 2013	6:00 pm	Community Room
Tuesday, December 10, 2013	6:00 pm	Community Room

Board meetings are held the second Tuesday of each month at 6:00 pm in the Community Room located at the Dallas Fire Station.

**AN ORDINANCE TO AMEND CHAPTER 90 SECTION 90.04 "Responsibilities of Owners" 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 December 11, 2012 and in consideration of the information and research materials received and reviewed,

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

That Chapter 90 Section 90.04 is hereby amended as follows:

Section 90.04 Responsibilities of Owners

A. It shall be unlawful for any person to allow any canine (dog) to run at large in the Town of Dallas. All canines shall be kept under direct control by use of a leash or contained within a fence or within an operable invisible fence. All canines must wear a current Rabies Vaccination tag. This ordinance shall be enforceable by the Development Services Director, Chief of Police or their designee(s). This section shall not apply to canines associated with sworn law enforcement activities or service animals.

A canine shall leave the owners property only under the following conditions:

(1) The canine is under restraint by virtue of being in custody of a competent person and held by a leash or other device of sufficient strength to maintain control by the person.

(2) The canine is under direct control by virtue of being in custody of a competent person and sufficiently near the person to hear the person's voice commands and is sufficiently trained and is obedient to those commands.

(3) The canine is under direct control by virtue of being held within a secure enclosure as defined in the Ordinance Regulating Dogs and Other Animals in Gaston County.

(4) The canine is engaged in organized hunting or recreational activities on private property with the consent of the owner of that property; providing that said canine is obedient to the commands of the owner.

B. It shall be unlawful for any owner to keep, maintain or harbor more than four (4) dogs twelve (12) weeks or more old upon the premises of any property or lot within the Town of Dallas. Claimed or divided ownership of any dogs by two or more owners contained within the same lot or premises shall still be prohibited by this ordinance. It is the intent of this provision to prohibit the keeping, maintaining or harboring of more than four dogs on any premises or lot within the Town of Dallas.

This Section shall not apply to Veterinary or Animal Hospitals, professional kennels, groomers or breeders when same are lawfully zoned and permitted.

Any violation of this Section shall subject the offender to such penalties and remedies as those set forth in Chapter Q of this Code of Ordinances. Continued violation or continuing violations shall subject the violator to separate, distinct and successive civil penalties.

Amortization: In the event a person owns more than the permitted number of dogs allowed under this section upon the effective date of adoption of this section, those dogs over the permitted number shall be allowed to be kept by the owner until such time as the dog shall die or be given away by its owner. However, upon the dog's death, or upon giving the dog away, that dog shall not be replaced with another dog.

Adopted this 11th day of December 2012

YEAS:

NAYS:

ATTEST:

TOWN OF DALLAS

Maria Stroupe, Town Clerk

Rick Coleman, Mayor

AN ORDINANCE TO AMEND CHAPTER 92 SECTION 92.01 "Property Maintenance, Removal of Trash, Weeds; Lien" 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 December 11, 2012 and in consideration of the information and research materials received and reviewed,

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

That Chapter 92 Section 92.01 is hereby amended as follows:

Section 92.01 Property Maintenance, Removal of Trash, Weeds; Liens

The existence of any of the following conditions on any lot or other parcel of land, whether vacant or occupied, within the corporate limits of the Town of Dallas is hereby declared to be dangerous and prejudicial to the public health or safety, and constitutes a public nuisance:

- a. Noxious weeds and other rank vegetation; any growth of weeds or grass or other vegetation to a height greater than Twelve (12) inches; or any accumulation of dead weeds, grass or brush.
- b. Uncontrolled growth of vegetation- Undeveloped Property: Any uncut, uncontrolled growth of noxious weeds, vegetation, grasses, brush or bushes to a height of twelve (12) inches on an undeveloped property shall constitute a nuisance. Notwithstanding the other sections of this chapter, (b) applies only to the outer perimeter of such property to a depth of fifty (50) feet and bordering a public right-of-way and/or developed properties.
- c. Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause accumulation of stagnant water or the inhabitation thereof by rats, mice, snakes or noxious insects.
- d. Any accessory building or structure that has become so dilapidated or deteriorated so as to constitute a public nuisance.
- e. All fences, retaining walls or similar structures that are not firmly anchored to the ground, maintained in good structural condition and free of deterioration. Deteriorated features shall be repaired, replaced or completely removed. Grass, weeds and other vegetation around such fences shall be maintained in compliance with section (a) above. All fencing must be constructed of customary or normal fencing material used consistently throughout; the material used in the construction of the fence must be manufactured and marketed for construction of permanent fencing. Materials typically used for temporary fencing may not be used for permanent fences. For commercial and industrial uses only, barbed, razor or concertina wire may be used for security purposes on portions of fencing above six (6) feet in height, and only in areas not visible from a street or public Right-of-Way. Electric fencing, with the exception of fencing designed to control and contain dogs and horses, is prohibited.
- f. Chronic Violators: The Town of Dallas shall notify any chronic violator of this section to whom a current violation notice has been provided that, pursuant to NC GS 160A-200, the Town shall take action to remedy the violation without further notice and the expense of the action shall become a lien on the property and shall be collected as unpaid taxes. For the purposes of this subsection, a "chronic violator" is a person who owns property whereupon, in the course of the then current year, the Town has provided said property owner notice of violation of any provision of this section at least two (2) previous times.

Where such conditions as described above exist so as to constitute a nuisance or danger to public health or safety the code enforcement administrator shall notify the property owner by first class mail postage prepaid of such conditions and shall order abatement thereof within ten (10) days following verified receipt of such notice. When a the property owner has failed to comply with a notice of violation as described above, the code enforcement administrator shall not be required to provide further notice of violation to that person with regard to the same property before taking any enforcement action. In addition, a Town of Dallas agent or employee may enter upon the

premises and perform any work that may be necessary to bring the property into compliance with this section and the Town shall charge the cost thereof against the premises upon which the work was performed.

In addition to the civil penalties provided for in Chapter Q of this Code of Ordinances, The costs of any work performed under this section shall constitute a lien against the premises upon which the work performed and may be collected in the same manner as taxes upon real property. The term 'cost' as used in this section shall include interest at the rate of eight percent (8%) per annum until the lien is paid. Interest does not accrue until a bill for the cost becomes overdue (Senate Bill 181, 1999)."

Adopted this 11th day of December 2012

YEAS:

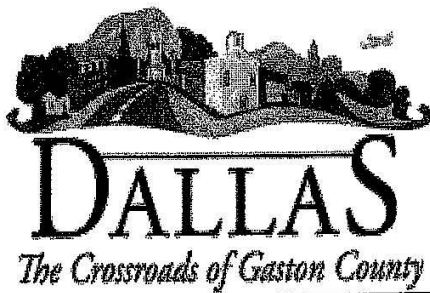
NAYS:

ATTEST:

TOWN OF DALLAS

Maria Stroupe, Town Clerk

Rick Coleman, Mayor



SCHEDULE A

SCOPE OF WORK FOR TREE TRIMMING SERVICES

The tree trimming services provided to the Town of Dallas should be performed by professional and knowledgeable personnel who will provide quality services to the Town of Dallas.

Special Safety Requirements:

Due to the dangers associated with line-clearance tree trimming operations, the contractor shall comply with all applicable OSHA standards and regulations including **but not limited** to OSHA 1910.269

(a)(2), (b), (c), (g), (k), (p) and (r):

- (a)(2)(b) Medical services and First Aid
- (a)(2)(c) Job Briefings
- (a)(2)(g) Personal Protective Equipment
- (a)(2)(k) Materials Handling and Storage
- (a)(2)(p) Mechanical Equipment
- (a)(2)(r) Line-clearance Tree Trimming Operations

In the event lane closures are required to perform tree trimming operations, the contractor shall comply with all applicable DOT standards and regulations including but not limited to proper work zone conformance per the Manual of Uniform Traffic Control Devices (MUTCD) and shall provide certified flaggers in accordance with DOT Flagger training requirements effective July 1, 2010 (21 CFR 630 Subpart J).

Service Provider Responsibilities include:

- To furnish all labor, material, supervision and equipment to perform tree trimming services. Such services and consultation shall include but not be limited to:
 - Clearing of brush and tree limbs near power lines
 - Removal and disposal of wood and debris related to tree trimming services at site designated by the Town of Dallas

➤ Advise the Town of Dallas of other work which would be helpful to maintain clear lines

- Vehicles used in the course of providing this service must comply with all North Carolina Motor Vehicle Regulations and be in good condition and suitable for work to be performed and shall be properly maintained
- Service Provider shall obtain all governmental licenses and permits necessary to perform the services to be provided and maintain all licenses and permits at all times while providing services to the Town of Dallas
- Service Provider shall comply with all requirements of federal, state and local laws, rules, regulations and ordinances applicable to the services being performed
- Service Provider will adhere to the scope of work and schedule as shown on individual forms entitled Schedule B, Service Order and as directed by the Town of Dallas
- Service Provider shall ascertain that necessary permits, licenses and/or easements have been secured by streets or utilities under the jurisdiction of a state, county, city, town or other public agency, public utility or private entity.
- Service Provider shall conduct work to ensure the least possible obstruction to traffic; that fire hydrants are kept accessible to fire-fighting equipment at all times; that any inconvenience to the general public and the residents in the vicinity of the work are kept to a minimum; and that the protection of persons and properties is maximized. Temporary provisions shall be made by Service Provider to ensure the continuing use of sidewalks and proper functioning of all gutters, sewer inlets, drainage ditches, and irrigation ditches.
- Service Provider shall provide adequate signs, barricades, lights and watchmen and take all precautions for protection of the work and safety of the public.
- Service Provider shall not enter private property without first obtaining permission of the landowner, or authorized agent and shall use precautions necessary to prevent damage and injury to all property.
- Service Provider shall be responsible for any and all damages to any property, public or private, as a result of their work.
- Service Provider shall perform reliable and accurate services in a timely manner.
- Service Provider will furnish an on-site, authorized individual or a duly authorized representative acceptable to the Town of Dallas for the duration of the services being performed.
- Workmen will be skilled and specialized in the work to which they are assigned.
- Service Provider's employees will observe all Town of Dallas's safety rules and procedures while performing tree trimming services.

Additional Service Provider Requirements

Special Safety Requirements

- The Service Provider or any employees of the Service Provider shall wear a full body harness, waist belt, at all times, while working in an aerial lift basket.

Business Code of Conduct

The Service Provider must have a suitable Business Code of Conduct policy acknowledged by its employees. This policy must cover the areas of ethics and conflict of interest. While the Service Provider's employees are on site of the property belonging to the Town of Dallas, Service Provider's employees are to conduct themselves in a professional manner.

Availability:

The daily core hours of services should not exceed ten-(10) hours (excluding lunch breaks) mutually agreeable between the service provider and the Town of Dallas.

The normal workweek is Monday through Thursday. No work will be scheduled on a holiday observed by the Town of Dallas unless requested by the Town of Dallas and agreed to by the Service Provider at an agreed upon rate of pay.

Other Requirements

The Town of Dallas reserves the right to evaluate the performance of the services being provided and make decisions based on Service providers performance. If performance is found to be unsatisfactory or unacceptable the Contract can be terminated.

Performance Bond Package

The Town of Dallas reserves the right to require that a Performance Bond be required as a condition of the contract.

The Town of Dallas's Responsibilities

- The Town of Dallas will provide all criteria and full information as to the Town's requirements using form entitled Schedule B, Service Order and designate a person with authority to act on the Town's behalf on all matters concerning the scope of work.
- The Town will to the extent lawful, arrange for access to and make all provisions for Service Provider to enter upon public and private property as required to provide the services requested.

END OF SCOPE WORK



TOWN OF DALLAS

SCHEDULE B

RESPONDENT'S PROPOSAL



Service Locations:

Entire Stanley Highway Circuit including all Primary Taps to Dead End beginning at Park Road substation and completing at Town of Dallas Water Plant.

Services Requested:

Trim overhang as high as truck will reach. (60' minimum) Trim all lines 10 feet back from edge of crossarm or 15 feet from pole if at all possible. Overhang and undergrowth removed to ground. Problem areas to be discussed and resolved between Contractor & Town of Dallas.

***Estimated Commencement and Completion Schedule:**

Year #1 to begin within two weeks of notification with an estimated completion within
90 days of commencement if weather permits.

Miscellaneous:

All Proposing firms must have representative attendance at the specified pre-job briefing/meeting to go over the entire job in detail. Failure to comply will result in dismissal of that Firm's proposal.

***Lump sum fee proposal**

Proposal shall be lump sum to complete all described services:

1.) Without Performance bond: \$ 80,389.25

2.) With Performance bond: (For full value of work proposed) \$ 81,189.25

* Responses Required on behalf of Proposing Service Provider.

Town of Dallas

Asplundh Tree Expert Co.
Contractor

By: _____

By: Bary D. Suddeth

Title: _____

Title: Vice President

Date: _____

Date: November 26, 2012

Town of Dallas
Alternate Proposal
(For Possible Extended Term)

Year #2 Service Locations:

Entire Dallas Cherryville Hwy. Circuit from Substation to Dead end. Including Taps and Bessemer City Hwy.

Services Requested:

Same as Year #1

Year # 3 Service Locations:

Entire 321 Circuits, from Substation to Dead end, including Primary Taps.

Services Required:

Same as Year #1 & #2

***Estimated Commencement and Completion Schedule:**

Year #2 work to begin in October 2013 and complete by October 2014

Year #3 work to begin in October 2014 and complete by October 2015

***Lump Sum Fee proposal:**

Year #2:	Without Performance Bond:	\$	<u>60,790.91</u>
	With Performance Bond:	\$	<u>61,390.91</u>
Year #3:	Without Performance Bond:	\$	<u>53,334.11</u>
	With Performance Bond:	\$	<u>53,864.11</u>

* Response Required on behalf of Proposing Service Provider

Town of Dallas

Asplundh Tree Expert Co.
Contractor

By: _____

By: Barry O. Suddeth

Title: _____

Title: Vice President

Date: _____

Date: November 26, 2012



TOWN OF DALLAS

SCHEDULE B

RESPONDENT'S PROPOSAL



Service Locations:

Entire Stanley Highway Circuit including all Primary Taps to Dead End beginning at Park Road substation and completing at Town of Dallas Water Plant.

Services Requested:

Trim overhang as high as truck will reach. (60' minimum) Trim all lines 10 feet back from edge of crossarm or 15 feet from pole if at all possible. Overhang and undergrowth removed to ground. Problem areas to be discussed and resolved between Contractor & Town of Dallas.

***Estimated Commencement and Completion Schedule:**

Commencement when bid is awarded
Completion Schedule 120 days depending on weather and conditions of private properties - right of ways

Miscellaneous:

All Proposing firms must have representative attendance at the specified pre-job briefing/meeting to go over the entire job in detail. Failure to comply will result in dismissal of that Firm's proposal.

***Lump sum fee proposal**

Proposal shall be lump sum to complete all described services:

- 1.) Without Performance bond: \$ 73,000.⁰⁰
- 2.) With Performance bond: (For full value of work proposed) \$ 75,400.⁰⁰

* Responses Required on behalf of Proposing Service Provider.

Town of Dallas
 By: _____
 Title: _____
 Date: _____

Contractor
 By: Brent Anderson
 Title: owner
 Date: 11-27-2012

Town of Dallas
Alternate Proposal
(For Possible Extended Term)

Year #2 Service Locations:

Entire Dallas Cherryville Hwy. Circuit from Substation to Dead end. Including Taps and Bessemer City Hwy.

Services Requested:

Same as Year #1

Year #3 Service Locations:

Entire 321 Circuits, from Substation to Dead end, including Primary Taps.

Services Required:

Same as Year #1 & #2

***Estimated Commencement and Completion Schedule:**

Commencement, when bid is awarded - Completion Schedule - 100 days year
2 & 3 depending on weather conditions of private properties & Right of Ways

***Lump Sum Fee proposal:**

Year #2:	Without Performance Bond:	\$ <u>38,000.⁰⁰</u>
	With Performance Bond:	\$ <u>39,400.⁰⁰</u>
Year #3:	Without Performance Bond:	\$ <u>41,000.⁰⁰</u>
	With Performance Bond:	\$ <u>42,400.⁰⁰</u>

Town of Dallas

Contractor

By: _____

By: Brett Woodard

Title: _____

Title: owner

Date: _____

Date: 11-27-2012

* Responses Required on behalf of Proposing Service Provider.

Town of Dallas
By: _____

Title: _____

Date: _____

Contractor
By: Brent Mandey

Title: owner

Date: 11-27-2012

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**Town of Dallas
Stormwater Management
Capital Improvement Plan 2012-2013
Description of Projects**

As the stormwater infrastructure of the Town has gradually deteriorated over the years, the necessity of major maintenance and repair projects has become greater. In conjunction with Diamond Engineering, I have identified 4 projects that, when completed, would greatly improve the stormwater flow and prevent future problems. These projects are identified herein, in recommended priority.

I. E. Carpenter St. Stream Stabilization and Drainage Improvements

This project would stabilize the flow and drainage on E Carpenter St, between S Davis and S Spargo streets. This area has long been one that has received many complaints after significant rainfall events. The residents along E Carpenter St complain about flooding, and standing water issues. Stabilizing this stream and improving the drainage would mitigate these issues.

Total Completion Time: 8 Months
Estimated Cost of Construction: \$27,200.00

II. Cloninger Park Improvements

The drainage along the walking track and west side of Cloninger Park has been a problem, and rainfall events cause erosion and puddling along the walking track. Erosion from the properties that border the west side of the park also clog the drainage ditch along the walking track, which aids in puddling. The plan calls for improving the channel along the walking track, and then creating a rain garden for water detention/quality. The addition of a rain garden (the first in Dallas) would not only improve the drainage, but also add to the natural surroundings of the park, and improve the look of the park.

Total Completion Time: 6 months
Estimated Cost of Construction: \$45,700.00

III. Border St Stream Restoration

The stream that runs along behind the residences on S Maple St has started creating its own channel, and is eroding its banks and the road at Border St between S Ridge and S Maple streets. This project would stabilize the banks of the stream, and restore it to its natural state.

Total Completion Time: 10 months
Estimated Cost of Construction: \$57,750.00

IV. Summey Knoll Drainage Improvements

The intersection of Summey Farm Dr. and Richard Steven Dr. has been a problem for quite some time. This intersection sits at the bottom of two hills, and water flows into from two different directions. The project planned for this intersection is to re-work the drainage system, install curb and gutter along the streets, and build 5 new drainage structures to handle the run-off. 3000 square feet of asphalt paving will also be replaced.

Total Completion Time: 6 months
Estimated Cost of Construction: \$48,700.00