

MINUTES FOR BOARD OF ALDERMEN MEETING

JUNE 14, 2016

6:00 PM

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

The following staff members were present: Maria Stroupe, Administrative Services Director; Town Attorney, Tom Hunn; Allen Scott, Police Chief; Doug Huffman, Electric Director; Bill Trudnak, Public Works Director; Steve Lambert, Fire Chief; Anne Martin, Recreation Director; Martine Vaca, Development Services Director; And Da'Sha Leach, Deputy Town Clerk. Barry Webb, Interim Town Manager was absent.

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

Mayor Coleman opened with a moment of silence for the Florida victims, and a prayer. This was followed by the Invocation and 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.

Alderman Withers made a motion to approve the minutes from the May 10th Regular Meeting, May 19th Work Session, and the May 24th Work Session, seconded by Alderwoman Morrow, and carried unanimously.

Consent Agenda:

Item 5A was a listing of uncollectable accounts, in the amount of \$6,004.59, to be forwarded to the NC Debt Setoff Program.

Item 5B was approval of a Right-of-Way Encroachment Agreement with Gaston County Art and History Museum. This agreement addresses the Town's right-of-way for South Holland Street, specifically the section of the right-of-way on the east side of South Holland immediately adjacent to the Museum's property. The proposed fencing will be a wrought iron fence that will be about four feet high. The agreement has an additional provision that will hold the Town of Dallas Harmless as a protection against this easement. There will be no cost to the Town of Dallas. The proposed term of the easement is thirty (30) years. NC General Statute § 160A-273 grants a municipality the right to grant an easement on a public street right-of-way as long as it does not "impair or hinder the use of the street as a way of passage." (Exhibit A)

Item 5C was acceptance of Piano Donation for Civic Building for the seniors submitted by Carolyn Barker, President of the Dallas Senior Citizen's Club. The Town will remove the current piano in the Civic Building as well as pick up the donated piano to transport it to the Civic Building after having it tuned. The existing piano could be declared as surplus property and disposed of in the manner required by NC General Statute. (Exhibit B)

Item 5D was acceptance of a petition for noncontiguous Annexation filed by Michael Lamar Cloninger for the property located at 1108 East Main Street. This property is a restaurant at this time and they would like to offer beer to customers to enjoy with their meal. In addition, to be able to serve wine if there is a demand high enough. If the property can be annexed into the corporate limits, they will have the option to serve beer & wine. As described in NC General Statute § 160A-58.1 (Petition for Annexation; Standards), the Board is authorized at this point to accept the petition and authorize the Town Clerk to investigate its sufficiency. The Clerk's report on sufficiency would then be presented at the Board meeting July 12, 2016 at which time a public hearing on the annexation petition could be called for the meeting of August 9, 2016. (Exhibit C)

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

Recognition of Citizens:

Curtis Wilson - 438 S. Gaston St. Dallas, NC 28034, thanked Mayor for the moment of silence & invocation. He said a prayer over the Town, the employees, Board, and the citizens.

Employee Recognition:

None

Special Events & Requests for In-Kind Services:

Item 8A was a request from the Dallas Optimist Club to have their 9th Annual Car Show at the Courtyard & Gazebo on June 23rd. This is an annual car show fundraiser for the Dallas Optimist Club. The show will be from 6:00 pm-9:00 pm. Road closures and set-up will begin at 5:15 pm and ending at 9:15 pm. The Holland Street would be closed between Trade and Main St., and this would be the display area for the cars. There will also be live music by James Bates as well as a food concessionaire during the event. The estimated attendance is unknown since it is open to the general public. (Exhibit D) Alderman Huggins made a motion to approve the event, seconded by Alderman Withers, and carried unanimously.

Item 8B was a request to give approval to hold the annual Fourth of July Fireworks display and celebration at Cloninger Park. The event will be on Monday, July 4th, 2016, with fireworks display beginning at approximately 9:00 pm. The plans call for live music from James Bates to be played at the park from 6:00 pm- 9:00 pm prior to the fireworks display. (Exhibit E) Alderman Withers made a motion to approve the event, seconded by Alderman Cearley, and carried unanimously.

Public Hearings:

Item 9A was a public hearing for consideration for adoption of an amendment to § 116.02(Food Truck Permitting and Regulation) for the Town of Dallas Code of Ordinances. Alderman Withers made a motion to go into public hearing, seconded by Alderwoman Morrow, and carried unanimously. Staff member, Ms. Vaca presented a unanimous recommendation from the Planning Board Meeting on May 19, 2016 to consider amending the current ordinance that was originally adopted on April 14th, 2015. The proposed amendments would eliminate the "lease fees" for use of public parking found in the current ordinance and would extend the days & hours allowed to operate. There was discussion to clarify the differences between the old and new ordinance as well as the overall impact on the Town regarding this ordinance. Ms. Vaca explained that the amendments would give other Food Trucks the option to come into Town since there would be more days available to operate as well as give the current Food Truck operators (current and new) the elimination of the lease fees under the current ordinance but they will still have the permit fees to pay as well as the presenting liability insurance information on their application. (Exhibit F) Mayor Coleman asked if anyone from the public had any questions, concerns, or comments. A member of the public Robert Kendrick stated that the Town should consult with the current food truck vendor because he has worked very hard. Mayor Coleman responded that this change would be a great benefit to the current vendor by reducing his costs as well as allowing more days to operate his Food Truck. Alderman Withers made a motion to exit the public hearing, seconded by Alderman Cearley, and carried unanimously. Alderman Huggins made a motion to approve the amendment to the Code of Ordinance § 116.02 as presented, seconded by Alderman Withers, and carried unanimously.

Item 9B was a public hearing for consideration for adoption of an amendment to § 92.01(Property Maintenance: Removal of Trash, Weeds: Lien) of Town of Dallas Code of Ordinances. Staff member, Ms. Vaca presented a unanimous recommendation from the Planning Board Meeting on May 19, 2016 to consider amending the current ordinance. The proposed amendments would reduce the time currently allowed for compliance regarding the abatement of certain nuisance violations. The recommendation would allow five days to comply instead ten in the current ordinance. The notice will be given via phone, in person, or by first class mail (instead of a certified mailing on the first attempt) by Ms. Vaca. (Exhibit G) Mayor Coleman asked if anyone in the audience had any comments or questions. A member of the public Robert Kendrick asked who determines when action takes place regarding the complaint and Ms. Vaca responded

that she follows up on any complaints received by citizens. Ms. Vaca does ride around the town to see if there is a need to address any obvious ordinance violations as well as following up on complaints. A member of the public Mary Boyce asked if this ordinance change will apply to kiddie pools that have a filter on it. Ms. Vaca explained that the intent of this change eliminate stagnant water pools, not pools with filters. Alderwoman Morrow made a motion to exit the public hearing, seconded by Alderman Cearley, and carried unanimously. Alderman Withers made a motion to approve the amendment to the Code of Ordinance § 92.01 as presented, seconded by Alderwoman Morrow, and carried unanimously.

Item 9C was a public hearing for consideration for adoption of an amendment to § 93.03(Abandoned, Nuisance, and Junk Motor Vehicles) of Town of Dallas Code of Ordinances. Alderman Withers made a motion to go into public hearing, seconded by Alderman Huggins, and carried unanimously. Staff member, Ms. Vaca presented a unanimous recommendation from the Planning Board Meeting on May 19, 2016 to consider amending the current ordinance. The proposed amendments would modify the definition of a junked vehicle. In the current ordinance, if someone in violation puts a tag on the vehicle, they fall into compliance due to the tag. In the proposed change to the ordinance, Ms. Vaca would be able to cite for non-compliance. Ms. Vaca would like the Town to follow the guidance of the General Statute in this ordinance in how it is presented. The value of \$100 and years can't really be determined by looking at a vehicle so that line will be eliminated in the proposed changes. (Exhibit H) Mayor Coleman asked if the public had any questions or comments. A member of the public Robert Kendrick told Ms. Vaca to keep riding around town checking for violations. Ms. Vaca explained that she would be riding around the community. Ms. Vaca has a procedure to follow to get compliance accomplished. Alderman Cearley made a motion to exit the public hearing, seconded by Alderwoman Morrow, and carried unanimously. Alderman Cearley made a motion to approve the amendment to the Code of Ordinance § 93.03 as presented, seconded by Alderwoman Morrow, and carried unanimously.

Item 9D was a public hearing for consideration for adoption of an amendment to § 90.09(Sanitary Requirements of Pens, Coops, Stables, and Enclosures) of Town of Dallas Code of Ordinances. Alderman Withers made a motion to go into public hearing, seconded by Alderwoman Morrow, and carried unanimously. Staff member, Ms. Vaca presented a unanimous recommendation from the Planning Board Meeting on May 19, 2016 to consider amending the current ordinance. The proposed amendments would modify regarding fenced-in-yards within the definition of enclosures in regards to the provisions of this ordinance. The intent was to give more clarity to this ordinance. (Exhibit I) Mayor Coleman asked if any audience member had any questions or comments. Alderman Huggins asked a question concerning the affect if a privacy fence was in question, and that it wouldn't violate the ordinance since you can't see through the enclosure. Ms. Vaca explained that the intent was to address the odors as a nuisance as well as enclosures. Ms. Vaca explains that she will be notifying the violator as well as following procedure to bring them into compliance. She tries to make personal contact instead of relying on certified mail and this can reduce the timeframe to get them into compliance. Alderwoman Morrow made a motion to exit the public hearing, seconded by Alderman Cearley, and carried unanimously. Alderman Withers made a motion to approve the amendment to the Code of Ordinance § 93.03 as presented, seconded by Alderman Huggins, and carried unanimously.

Item 9D was a public hearing for consideration for adoption of the Town of Dallas Budget Ordinance for FY 2016-2017. There were many months where plans for the annual budget was discussed in great detail. This budget is based on upon staff's original 2016-2017 budget proposal previously submitted to the Board of Aldermen, as modified by discussions held during the Board's two budget work sessions. Alderman Withers made a motion to go into public hearing, seconded by Alderman Cearley, and carried unanimously. NC General Statute § 159-12 requires that the Board hold a public hearing before adopting the budget ordinance so that any persons who wish to be heard on the budget may appear. As proposed, the FY 2016-2017 budget for the Town of Dallas would total \$15,658,471, which composed of the following fund breakdown: General Fund (\$3,775,066), Water & Sewer Fund (\$2,707,050), Electric Fund (\$9,048,855), Storm water Fund (\$127,500). This budget is based upon an Ad Valorem (property) tax rate of \$0.40 per \$100, a 3% adjustment to the Water & Sewer rates/fees for the Water line completion, no changes to the Electric rates, and a slight increase in the Storm water fee from \$1.85 to \$2.85 per unit. The proposed changes will be eliminating the \$10 bulk fee charged to pick up bulk items. Staff member Bill Trudnak explained some exceptions in the free pickup. Only four tires per residence can be picked up for free by the Town. Any person can take up to five tires per day for free to the landfill whereas the Town has to make an appointment to take the tires in. There are people who will pick up metal items left at the curbside to scrap themselves for money so metal shouldn't be an issue. TVs can be taken directly to the landfill by the customer for \$7.00. There is a 2% Cost of living increase to all the employees and a 2.12% increase to the Electric Lineman position in addition to the 2%. The Police department patrol officers will also get a step increase in addition to 2%. (Exhibit J) Mayor Coleman asked if

anyone in the audience had any comments or questions. An audience member Mary Boyce wanted clarification on the TVs going to the landfill for \$7.00 and Mayor Coleman clarified that is the cost if she personally takes it to the landfill herself. Mayor Coleman expressed appreciation for the time and effort that all the department head members spent working on a budget proposal to present to the Board that addressed any concerns they had at previous meetings regarding the budget proposal. The special meeting on June 28th, 2016 will be held for budget amendments to address the current budget year. Mayor Coleman addressed the audience about the size of the budget but wanted them to consider that many of the municipalities do not supply their own power which is a big cost expense in the budget. Alderman Withers made a motion to exit the public hearing, seconded by Alderwoman Morrow, and carried unanimously. Alderman Withers made a motion to approve as, seconded by Alderman Huggins, and carried unanimously.

Old Business: None

New Business:

Item 11A was a request by Tarpon Construction, Inc. for change orders to the Trade Street Intersections Improvements Project Contract. They submitted six change orders with the specifics of each change request is listed on the individual change orders, with most of the items relating to changes in either piping or curbing. Staff member Mr. Trudnak presented and addressed the changes from Tarpon Construction, Inc. to the Board that will be a total of \$14,792 increase in costs. Mr. Trudnak also presented pictures of standing water in an area that can be resolved as part of the proposed change requests. The original contract price for the project was \$342,883, so the requested change orders would represent a 4% increase. The changes orders were reviewed and approved by the project engineer. Change order # 1 was a savings of \$6,335.00 in cost for the curbing re-structure with a deletion of the 15 inch pipe across Trade Street. Change order #2 was a cost increase of \$6,825.00 to raise the curb at SW corner of Gaston Avenue and Trade Street. Change order # 3 was a cost increase of \$1,725.00 to adjust the curb on SW corner of Gaston Ave. and Trade Street. Change order #4 was a cost increase of \$13,997.00 to install a new pipe and catch basin on SW corner of Holland Street. Change order #5 was a savings for \$2,320.00 for elimination of curb and driveway on Trade Street east end. Change order #6 was a cost increase of \$900.00 to remove the footer at the corner of Trade Street and Gaston Avenue. (Exhibit K) The Board members were asking if Tarpon will be complete by the end of the month with their project. Mr. Trudnak explained that if all goes well Tarpon may be complete by then. Alderman Withers made a motion to approve the bid and award the contract as presented, seconded by Alderman Huggins, and carried unanimously.

Item 11B was a discussion on obtaining an Architectural Servicer for the Town-Owned building at 130 W. Trade Street. The Architect would address the façade exterior of the front, back, and the side of the building for a cost of \$3,205.00. The cost for the front-side only would be \$1,850.00. The architect can complete the drawings with a cost estimate and the full plan project would be put out to bid. This architect has presented to the Board before a few months prior for another project. The parking lot pavement will start in August and the alleyway is a part of that project. Mayor Coleman said he is willing to entertain a motion to approve for both front and back of 130 W. Trade St. Alderman Withers made a motion to approve, seconded by Alderman Huggins, and carried unanimously.

Manager's Report

None

Mayor Coleman made a request to adjust the agenda regarding some late requests regarding alcohol sales for the Annual Car Show for Dallas Optimist Club and the July 4th events for Ole Dallas Brewery. Old Dallas Brewery has to have Town approval to sell alcohol in the Town even though they are licensed to sell alcohol. In prior years, there were no alcohol sales at the Annual Car Show and the July 4th fireworks show. The intent is to keep the events family friendly. Mayor Coleman made a request to entertain a motion for the Annual Car Show and the Fourth of July to be able to include the allowance of alcohol sales at the two upcoming events. No motion was made so it dies on the table.

Alderman Withers made a motion to go into a closed session §143-318.11 for the purpose of filing the Manager's position, seconded by Alderwoman Morrow, and carried unanimously. (7:10)

Closed Session:

A. Personnel

Alderman Cearley made a motion to exit closed session, seconded by Alderman Withers, and carried unanimously. (7:40)

Alderman Huggins made a motion to hire Maria Stroupe as Town Manager, effective August 1st, seconded by Alderman Withers, and carried unanimously.

Alderman Withers made a motion to adjourn, seconded by Alderwoman Morrow, and carried unanimously. (7:49)

Rick Coleman, Mayor

Da'Sha Leach, Deputy Town Clerk