

MINUTES FOR BOARD OF ALDERMEN MEETING

March 10th, 2015

6:00 PM

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

The following staff members were present: Jim Palenick, Interim Town Manager; Kelly Carter, Deputy Town Clerk/Administrative Assistant; Tom Hunn, Town Attorney; Gary Buckner, Police Chief; Bill Trudnak, Public Works Director and Anne Martin, Recreation Director.

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

Mayor Coleman opened with the Invocation and the Pledge of Allegiance to the Flag.

Mayor Coleman asked if there were any additions or deletions to the agenda. Mayor Coleman asked that Item 11D be moved in front of 11A and that 11E be added – Cameras in Police Cars. Mr. Cearley made a motion to approve the agenda with the two changes, seconded by Ms. Morrow, and carried unanimously.

Mayor Coleman noted that the minutes from the Budget Work Session showed a date of January 14th, but should read January 24th. This correction will be made. Ms. Morrow made a motion to approve the minutes from the January 13, 2015 regular meeting and the January 24, 2015 Budget Work Session, seconded by Mr. Cearley, and carried unanimously.

Consent Agenda:

Request to approve uncollectable accounts for March 2015, in the amount of \$ 6,705.86. Mr. Cearley made a motion to approve the request, seconded by Ms. Morrow, and carried unanimously.

Recognition of Citizens:

Curtis Wilson, 438 S. Gaston Street, quoted Biblical passages in support of the Town, and in support of the Board's public service.

Recognition of Employees:

James Patrick McSwain was to be recognized for 10 years of services with the Town of Dallas. He was unable to attend.

Nikki Jeanee Stines was to be recognized for 5 years of services with the Town of Dallas. She was unable to attend.

Lynn Rae Nicol was recognized for 5 years of service with the Town of Dallas. Lynn was hired on February 17, 2010 as a Telecommunicator in the Police Department, where she continues to serve the Town of Dallas. Her commitment and dedication to serving the Town and its citizens is greatly appreciated.

John Watts was introduced as the new Senior Electric Line Technician, John is replacing an employee that resigned.

Dylan Long was introduced as the New Line Clearance Trimmer/Landscaper.

Special Events & Requests for In-Kind Services:

Item 8A was a request to approve the Community Awareness Day and Spring Fling at Jagers Park. This event will be April 4, 2015 from 10:00 am to 6:00pm. The event was originally expected to draw some 300 participants and include a softball game between Dallas residents along with Town employees from Police, fire, and public utilities; feature a cook-out and serve as a general meet-n-greet opportunity for residents to see and use the improved Jagers Park facilities. Also included is an Easter egg hunt for children. However, with the Jagers Park improvements delayed, the event will now be more limited to just the children's Easter Egg hunt and community gatherings, with a more extensive event to be scheduled for a later Jagers Park dedication as requested, Item 8B was a request by the Gaston County Museum of Arts and History to hold its annual Easter Egg Hunt for children from 1:30 p.m. to 3:00 p.m. on March 29, 2015. Mr. Huggins made a motion to approve both events as requested, seconded by Ms. Morrow, and carried unanimously.

Public Hearing:

Item 9A was a Public Hearing on the request to Adopt an Ordinance Allowing for and Regulating "Food Trucks" Within the Town Center of Dallas. Mr. Huggins made a motion to enter into the public hearing, seconded by Ms. Morrow, and carried unanimously. The Draft Food Truck Ordinance, which was discussed and reviewed at the February 24th Board Work Session, is now in final form and presented for the Board's Action. The Ordinance defines "Food Trucks"; establishes a program for permitting their operation on certain days and hours along designated portions of N. Holland and W. Main Streets fronting the Town Square; establishes permit and lease fees; and sets a number of requirements for maintaining a safe, clean, and healthy environment in which they must operate. This Ordinance would take immediate effect upon its adoption. Following the Hearing in which no public comment was received, Mr. Cearley made a motion to exit the public hearing, seconded by Ms. Morrow, and carried unanimously. Motion by Mr. Cearley, seconded by Ms. Morrow to Approve the Ordinance as submitted and carried unanimously. However with only 3 Board members present, Ordinance will return for Final ratification at the April Meeting.

Item 9B called for a Public Hearing on a Zoning Code Amendment Establishing Residential Fence Standards – Request to Forward to Planning Board for Review. This "new" version of the Ordinance to go first to the Planning Board at their March Meeting for recommendation, so that it will then return to the Board of Aldermen in April. Following no public comment, Mr. Cearley made a motion to exit the public hearing and send to the Planning Board, seconded by Ms. Morrow, and carried unanimously.

Old Business:

Item 10A That the Board of Aldermen Approve The Town of Dallas Resumes the Display of the Nativity Scene During the Christmas Season. The Nativity Scene Shall Consist of the Traditional Nativity Scene Displayed by the Town in the Past, in Addition to at Least (4) Secular Christmas Symbols. The Secular Symbols are to be Displayed with the Nativity Scene. This Action Ensures that the Town Comes Within the Purview of the United States Supreme Court Decision Regarding Government Displaying Nativity Scenes Outlined in Lynch vs. Donnelly 465 U.S. 668(1994) and County of Alleghany vs. ACLU of Pittsburgh 492 U.S. 573 (1989). Motion by Mr. Huggins, seconded by Ms. Morrow to approve as stated herein. Motion carried unanimously.

Item 10B Request to Approve Resolution Adopting Gaston, Cleveland, Lincoln, Hazard Mitigation Plan. In order for the three-County Region of Gaston, Cleveland, and Lincoln Counties, along with their component municipalities, to be and remain eligible to receive Federal FEMA funding through the Hazard Mitigation Grant Program; and Flood Mitigation Assistance Program; all such component municipalities must formally adopt and approve a Hazard mitigation Plan. Such plan has been prepared with the participation of all of the involved municipalities and is recommended for approval. Mr. Cearley made a motion to approve the Resolution

Adopting the Gaston, Cleveland, Lincoln, Hazard Mitigation Plan, seconded by Ms. Morrow, and carried unanimously.

New Business:

11D Application to award a \$5,000 Façade Improvement Grant, Under the TOP TIER Program, for Improvements at 138 N. Gaston Avenue; Steve Ratchford, Applicant. That the Board of Aldermen, Keeping with the Recommendation of the Review Committee, Approve and Grant a \$5,000 Façade Improvement Grant to Steve Ratchford and Ratchford Tire Service for Façade improvements at 138 N. Gaston Ave, Consistent with the TOP TIER Grant Application Submitted. Mr. Cearley made a motion to approve the Award of \$5,000 for the Façade Improvement Grant seconded by Ms. Morrow, and carried unanimously.

11A Request to Award a Contract Renewal for the Provision of Employees Health Care Insurance Coverage for the Period April 1, 2015 through March 31, 2016 to Lake Norman Benefits, for the United Healthcare Heritage Plan CWA5/27A HDHP at a yearly premium cost of #334,455.36 along with approval to Deposit \$1,200 into each individual Health Savings Plan (HSA) held on behalf of Town Employees and officials covered by the Town Healthcare coverage program for the Provision of Comprehensive Employee Health Care Coverage by the Town Health Care Coverage Program. Mr. Huggins made the motion to approve the Contract for Renewal and seconded by Mr. Cearley, and carried unanimously.

11B Request to award a Contract for the Provision of Voluntary, Employee-Paid, Ancillary Insurance Coverage for the Period April 1, 2015 Through March 21, 1016. That the Board of Aldermen Award the Contract for the Provision of Voluntary, Employee-Paid, Ancillary Insurance Coverages to Lake Norman Benefits for Life and ADD and Dental Coverage with Principal Financial for the Quoted Yearly Premium Costs of \$2,484.00 and \$22,436.40 Respectively; and Eyemed, for Vision Coverage, at the Quoted Yearly Premium cost of \$4,884.32. Mr. Huggins, following lengthy discussion, instead made a motion to award the coverage to the existing provider, Alwayscare, through the existing Broker, Penley & Associates, at the existing premium cost, and seconded by Ms. Morrow, and carried unanimously.

11C That the Board of Aldermen formally Approve the Amendment to the FY 2014-2015 Town Budget, providing designated funding for the TOP TIER Economic Incentive Program. Mr. Cearly made the motion to Approve the Budget Amendment, seconded by Mr. Huggins, and carried unanimously.

11E Request to Amend the FY2014-15 Budget to Transfer \$9,600 from General Fund unreserved Fund Balance to Police Department Equipment purchase to cover the purchase of 2 in-car cameras for cars assigned to the Chief and detective. Ms. Morrow made the motion and seconded by Mr. Cearley, to approve. Motion carried unanimously.

Mr. Palenick's Manager's Report indicated no Department Issues or Updates.

At 7:36 p.m., Mr. Huggins made a Motion to exit the Regular Meeting to go into closed, Executive Session in order to discuss strategy leading to negotiations on the purchase of real property. Seconded by Mr. Cearley and carried unanimously

At 8:20 p.m. A motion was offered by Alderman Cearley and seconded by Alderwoman Morrow to exit the Executive session. Motion carried unanimously. With no further business to conduct. A motion to adjourn was made by Anderman Huggins, seconded by Mr. Cearley carried unanimously.
Meeting adjourned at 8:21 p.m.



TOWN OF DALLAS, NORTH CAROLINA
Development Services
January 22, 2015

Mayor
Rick Coleman

Aldermen
Jerry Cearley
Stacey Duff
Allen Huggins
Darlene Morrow
Hoyle Withers

Town Manager
James Palenick

Town Clerk
Maria Stroupe

Town Attorney
J. Thomas Hunn

Public Works
Bill Trudnak

Electrical
Doug Huffman

Police Chief
Gary Buckner

Development Services
Jack Kiser

Fire Chief
Steve Lambert

Recreation
Anne Martin

Town of Dallas
210 N. Holland St.
Dallas, NC 28034

Phone:
704-922-3176
Fax:
704-922-4701
Web Page:
www.dallasnc.net



TO: Mayor and Board of Aldermen
FROM: Jack Kiser, AICP, Director of Development Services
RE: Proposed Zoning Code Amendment
Standards for Fences in Residential Districts

Attached for your consideration is a proposed amendment to the Zoning Code, which will provide some minimal standards for fences in Residential (R) Zoning Districts. This amendment was sparked by complaints of homeowners using materials other than fencing for fences and gates.

It is typical for municipalities to establish fencing standards in their zoning codes, but they usually do not require any pre-permitting for fences. In terms of the four foot height limit for front yard fences, this is the same standard existing in the Gaston County and City of Gastonia codes.

This proposed ordinance amendment establishes three very basic standards typically found in zoning codes:

- a) Fences and their appurtenances (such as gates) are to be constructed of materials designed and intended for fencing. All types of fences are allowed such as chain link, stockade, split rail, picket, metal picket, etc.; however, some private deed restriction may disallow certain fence types (which is purely a private matter and would not be within the purview of the Town Code or the Town's business to enforce).
- b) Fences in front yards are limited to four feet in height. The purpose of this is both aesthetic and safety. High fences (particularly opaque ones) can restrict views up and down residential streets. From a public safety standpoint this limits "eyes on the street" by limiting observation of potentially suspicious activity.
- c) Establishes a two feet clearance between fences and fire hydrants. A fence immediately adjacent to a fire hydrant can prevent opening the hydrant valve, thus delaying fire suppression.

There are three important notes to make:

- 1. This ordinance would apply only in Residential (R) Zoning Districts
- 2. As has been the case in the past, the Town would continue to NOT require a zoning permit or any other Town permit for installation of fences. The code provision would be enforced on an inquiry, complaint or discovery basis.
- 3. This code provision would NOT be enforceable on pre-existing situations—only enforceable on situations occurring after its adoption.

Page 2

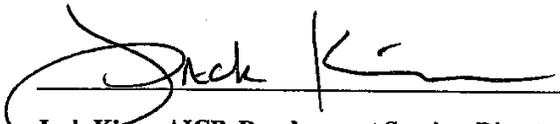
PLANNING BOARD RECOMMENDATION:

This ordinance was recommended by the Planning Board following a public hearing occurring over two meetings. The vote was 4-3 in favor of recommending the ordinance as finally written with members voting as follows:

YEAS: Mr. Curtis Wilson, Mr. David Harvell, Dr. Beth Heywood, and Mr. John O'Daly

NAYS: Mr. John Beaty, Mr. Eric Clemmer, Mr. Tim Parish

STAFF RECOMMENDATION: Approve as submitted



Jack Kiser, AICP, Development Services Director

An Ordinance to Amend Title XV, Chapter 153, "Zoning Code" of the Compiled Code of Ordinances of the Town of Dallas, North Carolina

An Ordinance amending Article I, "In General," to provide standards for fences in residential districts.

Whereas, the Town of Dallas recognizes that the installation of fences is customary in residential zoning districts; and

Whereas, it is typical for municipal zoning ordinances to establish minimal standards for fences in residential zoning districts; and

Whereas, the Town of Dallas finds that the establishment of minimal standards for fences for residential zoning districts is necessary for maintaining the economic stability and aesthetic value of properties in residential districts and for public safety.

NOW, THEREFORE BE IT HEREBY ORDAINED, by the Board of Aldermen of the Town of Dallas, North Carolina, that Title XV, Chapter 153, "Zoning Code" of the Compiled Code of Town Ordinances be amended as follows:

Section 1. Article I, "In General" shall be amended by adding a new Section 1-I-16 to read in its entirety as follows:

Sec. 1-I-16 FENCES IN RESIDENTIAL DISTRICTS

In any Residential (R) District any fence installed from and after the effective date of this Section shall meet the following standards:

- (a) Fences and their customary appurtenances shall be constructed of materials designed, intended and customarily used for fencing.
- (b) Fences installed between the front building line of the principal residential structure (a line that runs along the front wall and extends therefrom in a straight line to either side property line) and the fronting street shall not exceed four (4) feet in height. No portion of any wall that functions as a retaining wall shall be included in determining the height of a fence.
- (c) No fence shall be installed within two (2) feet of any fire hydrant.

Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 4. This ordinance shall take effect and be in force from and after the date of its adoption.

Adopted, this the _____ day of _____, 2015.

ATTEST:

Rick Coleman, Mayor

Maria Stroupe, Town Clerk

Jim Palenick

From: J Kiser <jkiser@dallasnc.net>
Sent: Monday, February 02, 2015 10:02 AM
To: 'Jim Palenick'
Subject: Cell Tower Item

Public Hearing: This is a request by SCI Towers for a Special Use Permit to erect a cellular communications tower and supporting structures and apparatus approximately **320 feet southeast of the intersection of East Church and South College Streets in Dallas**. The proposed tower is a monopole structure, 179 feet high, capable of supporting antennae array for up to four carriers. The Gaston County Parcel Identification Number for the proposed site is 204917. The property is owned by Dallas Real Estate Investment Group. The property is zoned I-2 Industrial District.

The applicant has requested a deferral of this application to an undetermined date. The Planning Board continued this hearing to its March 18, 2015 meeting. It is therefore requested that the Board of Aldermen open the hearing and then continue it until its April 14, 2015 meeting.

Jack Kiser

James L. (Jack) Kiser, AICP
Development Services Director
Town of Dallas NC
210 N. Holland St.
Dallas, NC 28034

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.5645 / Virus Database: 4273/9045 - Release Date: 02/02/15

Town of Dallas
Financial Highlights
Years Ended June 30, 2014 and 2013

	<u>2014</u>	<u>2013</u>
General Fund		
Cash and investments	\$ 1,644,656	\$ 1,551,197
Total assets	\$ 2,035,632	\$ 1,933,998
Fund balance	\$ 1,875,887	\$ 1,773,584
Total revenue	\$ 2,841,096	\$ 2,298,548
Total expenditures	\$ 3,897,513	\$ 3,178,166
Transfers (to) from	\$ 555,286	\$ 854,207
Change in fund balance	\$ 102,303	\$ (25,411)
Ad valorem taxes collected	\$ 1,082,878	\$ 1,005,497
Percent of taxes collected	97.45%	96.23%
Investment income	\$ 4,298	\$ 8,313
CDBG Grant Fund		
Cash and investments	\$ 37,200	\$ 33,480
Total assets	\$ 282,164	\$ 272,064
Fund balance	\$ -	\$ -
Enterprise Funds:		
Water and Sewer Fund		
Cash and investments (including restricted cash)	\$ 2,187,370	\$ 4,660,189
Total assets	\$ 10,633,538	\$ 10,619,314
Net Position	\$ 6,795,924	\$ 6,726,218
Operating revenue	\$ 2,121,425	\$ 2,205,325
Operating expenses	\$ 2,195,839	\$ 2,245,494
Nonoperating revenues (expenses)	\$ 122,393	\$ 97
Capital contributed from (to)	\$ 117,462	\$ -
Transfers in (out)	\$ (35,735)	\$ -
Change in net position	\$ 69,706	\$ 82,662
Accounts receivable	\$ 284,652	\$ 302,465
Investment income	\$ 707	\$ 200
Days sales in accounts receivable	51.4	52.1
Electric Fund		
Cash and investments (including restricted cash)	\$ 3,752,590	\$ 4,171,088
Total assets	\$ 8,349,554	\$ 8,699,751
Net Position	\$ 7,652,147	\$ 7,905,219
Operating revenue	\$ 7,181,077	\$ 7,341,433
Operating expenses	\$ 6,383,681	\$ 6,387,362
Nonoperating revenues (expenses)	\$ (54,801)	\$ 11,610
Capital contributed from (to)	\$ (502,939)	\$ -
Transfers in (out)	\$ (492,727)	\$ (801,000)
Change in net position	\$ (253,072)	\$ 656,462
Accounts receivable	\$ 1,094,592	\$ 1,072,013
Investment income	\$ 15	\$ 97
Days sales in accounts receivable	56.4	55.1

	Fund				Change in
	<u>Cash</u>	<u>Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Fund Balance</u>
Other Funds:					
LESA Fund	\$ 125,172	\$ 125,172	\$ 479	\$ -	\$ 11,479
Storm Water Fund	\$ 99,926	\$ 104,421	\$ 95,229	\$ 86,758	\$ 8,471
Capital Project Fund	\$ 90,915	\$ 90,915	\$ 8	\$ -	\$ (49,286)
Enhancement Grant Capital Project (1)	\$ -	\$ -	\$ -	\$ -	\$ (16,870)
Jagers Park Capital Project	\$ -	\$ (2,500)	\$ -	\$ 14,096	\$ (2,500)
Police Station Capital Project Fund (1)	\$ -	\$ -	\$ -	\$ -	\$ (18,991)
Town Hall Capital Project Fund (1)	\$ 3,850	\$ -	\$ -	\$ 31,565	\$ 4,170

(1) - Project complete at June 30, 2014.

**Town of Dallas
Schedule of Fees and Charges
2014-2015**

<u>Electric Connection Fees</u>	
Temporary (for construction)	\$30.00
Permanent	\$30.00
Underground	\$30.00
Change from Over Head to Underground Utilities Director)	Cost + 15% (See Public Utilities Director)
<u>Temporary for Non-Permanent Commercial Structure</u>	
Under 100 AMPS	\$125
Over 100 AMPS	Cost + 15% (See Public Utilities Director)
<u>Three Phase Connection</u>	
Three phase service from 200 to 400 AMPS	\$100 per phase
Three phase service over 400 AMPS and over	\$ Cost + 15%
<u>Conversion of over head to underground</u>	
Under 250' in length	\$400.00
Over 250' in length	\$400.00 + cost of wire over 250'
<u>T-2 Security Lights</u>	
Type 1: 175 watts	\$11.63
Type 2: 250 watts	\$16.20
Type 3: 400 watts	\$22.44
Pole: \$2.50 per month if installed specifically for light service	
<u>Meter Test Fee</u>	\$10.00 Residential \$50.00 Commercial
<u>Reconnection Fee</u>	\$30.00 **
<u>If Cut off At Pole</u>	\$100.00
<u>Late Charge</u>	\$6.00
<u>Meter Tamper Fee*</u>	Water \$70.00 Electric \$50.00
<u>History Print out</u>	\$5.00
<u>Deposits</u>	\$75 inside water \$150 outside water \$150 Electric
<u>Pole Attachment Fees</u>	\$15.00 per-pole, per-year \$3.00 per CATV power supply, per-year Joint-Use attachments set by agreement (Effective Date: 12/01/12)

Effective: February 11, 2015

EXHIBIT E(1)

<u>Zoning Permit Fees</u>			
Residential Permits	\$35.00		
Residential Accessory/Addition	\$15.00		
Multi Family Permits	\$50.00		
Commercial (new building) \$100; (existing)	\$20.00		
Manufacturing/Industrial	\$150.00		
Sign Permits (per sign)	\$35.00		
EVM Sign Permits (per sign)	\$350.00		
<u>Commission Applications</u> (fee covers staff time, agenda packets, and notification letters to residents. Additional cost on advertisement in newspaper.)			
Rezoning	\$300.00	Engineering	Cost Charged by Town Engineer
Conditional Use	\$300.00	Staff Review	
Variance			\$300.00
Appeal			\$300.00
Text Amendment			\$300.00
Historic District Commission Approval			\$100.00
Advertising Required Notice			Cost
<u>Site Plan Reviews</u>			
Engineering Charged by Town Engineer			Cost
Staff Review			
Multi-Family			\$75.00
Commercial			\$200.00
Manufacturing/Industrial			\$300.00
<u>Subdivision Fees</u>			
Engineering			Cost Charged by Town Engineer
Staff Review			

Effective: February 11, 2015

New Cart Fee \$30 non-refundable for new homes (paid at time of permit)

Land Lord Tenant Fee to remove Trash
 \$50.00 for a regular pick up truck
 \$100.00 for a flat bed less then 2 tons
 \$ Cost + 15% for a flat bed over 2 tons or when a back hoe is needed.

Solid Waste Fees Residential

 \$13.00 per container, per month
 \$10.00 per call-in for bulky trash outside of container

 \$1.00 per-bag/ \$22.00 per box of 25
 For "bagged" trash outside of Container

 Commercial
 \$15.00 per container, per month

2-10 lots \$100.00
 11-50 lots \$150.00
 51-100 lots \$200.00
 101-200 lots \$2 Per Lot
 201 and more lots \$4 Per Lot

Cellular/Radio Communications
 New, Facility/Tower application: \$4,500.00

Modifications, Upgrades, Co-locations on Existing Structures: \$1,500.00

Special Use Permit: \$ 500.00

Street and Solid Waste Charges

Street

New Subdivision Signs Full Reimbursement Cost of Signs And Installation

Sanitation

After Hours Truck Full Reimbursement Cost to Provide Service

Effective: February 11, 2015

AGREEMENT

This Agreement, made this ____ day of _____, 2015 by and between **GASTON COUNTY ARTS AND HISTORY MUSEUM, INC.** ("Museum"), a North Carolina not-for-profit corporation having a mailing address of 131 W. Main Street, Dallas, NC 28032 and owning the Gaston County Art and History Museum, located at 131 W. Main Street, Dallas, North Carolina, the **TOWN OF DALLAS** ("Town"), a North Carolina municipality having a mailing address of 210 N. Holland Street, Dallas, NC 28032 and **GASTON COUNTY** ("County"), a political subdivision of North Carolina, having a mailing address of Box 1578, Gastonia, NC 28053.

WHEREAS, the Town of Dallas owns a building having a street address of 131 N. Gaston Street within the town of Dallas that served as the old courthouse for Gaston County; and

WHEREAS, said building will be used for various events and meetings; and

WHEREAS, the Museum plans to manage the various events and meetings described above and also intends to provide tours of the facility to the general public; and

WHEREAS, while the Museum is a separate entity from Gaston County, Museum personnel are considered County employees, and the County pays for the museum's insurance expenses.

NOW, THEREFORE, the parties agree to the following terms:

1. This Agreement shall go into effect upon execution, and shall remain in place until any party agrees to terminate the agreement, provided at least sixty (60) days notice is provided to the other parties.
2. The Museum agrees to provide the following services:
 - a. Take all calls related to tours, events and facility rentals;
 - b. Maintain a calendar of events for the Courthouse;
 - c. Collect fees and payments for rentals;
 - d. Coordinate all facility rentals;
 - e. Provide staff for events;
 - f. Provide marketing initiatives for events and rentals.
3. The Town will provide the following services and perform the following duties:
 - a. Maintain utilities;
 - b. Maintain courthouse building and grounds;
 - c. Clean the facility on a periodic basis and before/after events;

- d. Remove trash after events and rentals, and will provide a dumpster or similar depository for trash;
 - e. Obtain insurance (property and general liability); *and provide a certificate of general liability insurance in the amount \$1,000,000 per occurrence/ \$2,000,000 aggregate. The coverage will name Gaston County and Gaston County Arts and History Museum Inc. as additional insureds.*
 - f. Provide Museum access to the Courthouse
 - g. Provide equipment for rentals and events such as tables and chairs;
 - h. Assist in marketing and advertising of the facility and periodic events at the Courthouse
4. Revenues generated from this Agreement will be divided between the Museum and Town. The Museum shall receive Sixty Percent (60%) of revenues and the Town shall receive the remainder. The Museum agrees to process the rental payments and after each rental period or event will provide to the Town, in a reasonable time, the payment as agreed to herein. Additionally, all the fees cited herein shall be decreased by Twenty Percent (20%) during the first six months of the term of this Agreement. The Town of Dallas shall be responsible for the fees and insurance costs associated with the annual alcohol license. Any increase in fees shall be approved by all the parties. The rental packages and fees are established as follows:

Events on the grounds (including gazebo)

Six hour limit, including set up and breakdown time: \$700

Twelve hour limit, including set up and breakdown time: \$1,000

Dressing facilities for bridal party, restrooms, one hour of wedding rehearsal before day of wedding will be available.

Events in Courtroom

Six hour limit, including set up and breakdown time: \$900

Twelve hour limit, including set up and breakdown time: \$1,200

Tables and chairs provided, dressing room facilities, access to warming kitchen, elevator use, restroom use, one hour of wedding rehearsal before day of wedding will be available.

Events in Courtroom and on grounds, including gazebo

Six hour limit, including set up and breakdown time: \$1,500

Twelve hour limit, including set up and breakdown time: \$1,800

Tables and chairs provided inside only, access to warming kitchen, elevator use, restrooms will be available.

Small Meeting Rooms (less than 40 guests)

Two Hours: \$75, with additional \$25 per hour. Meeting times shall be restricted to times between 8 a.m. and 6 p.m. Tables and chairs provided, restrooms will be available.

5. Museum will partner with the Town to provide free guided tours of the Museum and Courthouse. Unless otherwise agreed to, the tours will be offered every second and fourth Friday of each month at 1:00 p.m. or 3:00 p.m., by appointment only. All inquiries to tour the Courthouse shall be directed to the Museum. Each tour shall contain no more than twenty-five (25) participants and shall last for approximately ninety (90) minutes. The Museum agrees to recruit, train, and schedule the tour guides.

6. Museum will facilitate scheduled public programs at the Courthouse. The programs shall be offered to the general public at no cost, but some programs may include private vendors. Museum agrees to develop the program, provide appropriate marketing, and ensure proper staffing. Museum agrees to schedule the following programs at the Courthouse:
 - a. **Easter Egg Hunt:** Before Easter, in 2015 the date will be March 29, 2015. Museum will collect and place Easter Eggs out in the Courthouse square for children to collect at a designated time. After the egg hunt, Museum will provide activities and games for the participating families on the Courthouse grounds and inside the Courthouse;
 - b. **Spring Family Fun Day:** May, in 2015 the date will be May 16, 2015. Museum will develop and facilitate a three-mile walk in the morning. The walk will start and end at the Courthouse. Museum will attempt to obtain art demonstrations and other art activities by the Gaston Art Council. Museum will have games and activities set up for visitors. Museum will coordinate a car show with Dallas Optimist Club.
 - c. **Winter Concert Series:** January-March. Museum will schedule four concerts through the winter months inside the Courthouse. The Concerts will be free to the general public
 - d. Museum will schedule two lectures concerning local history during the spring and summer.
 - e. Museum will develop and schedule an interactive program where visitors can see how court processions operated in the 1800s.

7. Personnel of the Museum are employees of Gaston County regardless of the work performed under this Agreement. The Museum and County agrees to follow all employment laws and regulations while fulfilling the obligations established herein. Furthermore, the Town of Dallas agrees to indemnify Gaston County and the Gaston County Museum of Art and History, *to the fullest extent allowed by law*, for any damages or liabilities the County might incur for any activities, actions, or inactions arising out of the sale or consumption of alcoholic beverages, *or arising from a condition of the premises owned by the Town of Dallas* during the events listed herein or other events sponsored or created by the Museum, except to the extent that said damages or liabilities arise from, or are incurred as a result of negligence or intentional acts on the part of employees or agents of Gaston County or the Gaston County Museum of Art & History in fulfilling their duties and responsibilities.

8. The Museum shall be able to hold its own fundraisers both in the courthouse and the courthouse grounds at no cost to the Museum, provided reasonable notice is given to the Town of Dallas. Conversely, the Town of Dallas may use the Courthouse and/or Courthouse Grounds for Town-conducted or sponsored events or meetings, held without charge and open to the public; or for events specifically held to raise funds for the Dallas Historic Courthouse Foundation, so long as it provides reasonable advanced notice to the Museum, and provided that no other conflicting events are already scheduled through the Museum. Museum shall have no responsibility for staffing, coordinating, or marketing Town events; and Town shall have no responsibility for cleaning of Museum fund-raiser events.

9. Nothing in this Agreement establishes a partnership, joint venture relation, agency, or other legal relationship with any other party to this Agreement.

10. All notices shall be sent to the following entities by way of first-class mail, postage pre-paid:

GASTON COUNTY ARTS AND HISTORY MUSEUM

ATTN: DIRECTOR
131 W. MAIN STREET
DALLAS, NC 28034

GASTON COUNTY

ATTN: COUNTY MANAGER
BOX 1578
GASTONIA NC 28053

TOWN OF DALLAS

ATTN: TOWN MANAGER
210 N. HOLLAND ST
DALLAS, NC 28034

GASTON COUNTY ARTS AND HISTORY MUSEUM

Director

TOWN OF DALLAS

Town Manager

ATTEST:

_____ (SEAL)
Clerk to the Town of Dallas

APPROVED TO FORM

Attorney for Town of Dallas

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Director