

MINUTES FOR BOARD OF ALDERMEN MEETING

July 10th, 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; Steve Lambert, Fire Chief; and David Kahler, Development Services Director. Anne Martin, Recreation Director, was absent.

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. Mr. Withers asked that a closed session be added to discuss two personnel matters and seek legal counsel from the Town Attorney. Mr. Withers made a motion to set the agenda, including the addition of a closed session, seconded by Mr. Martin, and carried unanimously.

Mr. Martin made a motion to approve the minutes from the June 12, 2012 regular meeting, seconded by Ms. Morrow, and carried unanimously.

Consent Agenda:

The only item on the consent agenda was presentation of the most current uncollectibles listing. This listing must be approved by the Board before being forwarded to the Debt Set Off Program. Mr. Martin made a motion to approve the uncollectibles listing for inclusion in the Debt Set Off Program, seconded by Mr. Morrow, and carried unanimously.

Recognition of Citizens:

Mr. Daniel Britton, 4202 Springview Dr., addressed the Board on behalf of North Gaston High School's football program. He requested that N. Holland St. be blocked off between Trade St. and Main St. from 5:00-8:00 pm on Saturday, August 11, 2012 for a community pep rally to kick off the 2012 football season. There are 3 games scheduled before school starts and the coaching staff would like to get the community involved and excited about football at North Gaston High School. Mr. Beaty made a motion to approve the request, seconded by Mr. Huggins, and carried unanimously.

Recognition of Employees:

There were no employee recognitions.

Public Hearing:

There were no public hearings.

Old Business:

There was no old business.

New Business:

Item 10A was presentation by Mr. Palenick of a proposed subsidy/reimbursement program for replacement of private water service lines. The Town has approved the comprehensive rehabilitation and replacement of much of the Town's underground water main distribution system due to aging and undersized lines causing poor water quality and inadequate fire flows. The expected total project cost (Exhibit A) could exceed \$4 million and will require the Town to issue long-term Utility Fund debt of approximately \$3 million, assuming the \$750,000 CDBG proceeds are received as anticipated. The work will assure dramatically better water quality as a result of the newly-replaced, publicly-owned and maintained water main system but cannot ultimately assure that the higher quality water will reach the customer tap until or unless many/most of the Town's older households also take the opportunity to change out and replace the water service lateral lines connecting the public main and meter to the house. As such, it will be in the best interest of the Town, and system as a whole, to assist financially (to the extent possible) in the replacement of these service laterals. Contingent on the Town receiving the \$750,000 CDBG proceeds, staff is proposing the following plan for subsidizing the replacement of private water service laterals. 1) It shall be fully contingent upon the approval and receipt of CDBG infrastructure funds of \$750,000. 2) It shall provide for the Town to issue and approve rebate checks to in-Town limits single-family residential water customers who choose voluntarily, and within 12 months following the in-service completion date of the water main replacement serving their house, to replace the 3/4-inch water service lateral connecting their home to the meter. 3) The rebate checks will equal \$300.00 or 75% of the total contracted cost of such permitted replacement, whichever is less, to be issued by the Town upon submittal of a paid invoice indicating work completion. 4) The homeowners can select and utilize any private contractor who is pre-approved by the Town. Pre-approval will only be contingent upon the contractor being headquartered in Gaston County and having the proper licenses, town permits, and adequate liability insurance. 5) The rebates will be issued on a first-come, first-served basis for as long as the total amount budgeted and allocated is available; with the budget allocation set at \$50,000 for the low-to-moderate income eligible, owner-occupied households within the CDBG program area and \$70,000 for the participating, owner-occupied households in the Non-CDBG project areas. 6) Non-owner-occupied, single family houses (either CDBG-eligible or Non-CDBG eligible) will only be allowed to apply for and receive a rebate under this program, if twelve months following the final in-service completion date for the last Town water main replaced, there remains any unallocated and unspent funds from the \$120,000 originally budgeted. At such time, again on a first-come, first-served basis, the Town would allow application for a three (3) month period. After that, if funds remain unspent, they will return to the Utility Fund Balance. Mr. Withers made a motion to approve the subsidy/reimbursement program as presented, seconded by Mr. Martin, and carried unanimously.

Item 10B was a proposal from Mr. Palenick to set a policy for delay of utility disconnect in cases of extreme weather. In order to safeguard the health and safety of Town utility customers during events of extreme cold or heat, it is both appropriate and consistent with nation-wide practice to have an established policy whereby any disconnection for non-payment of utility bills is delayed until such time as the events of extreme weather temperature ease. A proposed policy (Exhibit B) was presented for consideration. Mr. Huggins made a motion to approve the Extreme Weather Policy for Disconnection of Utility Service as presented, seconded by Ms. Morrow, and carried unanimously.

Item 10C was a request by Mr. Kahler to officially name the parkland along S. Oakland St. and south of W. Church St. that is frequently referred to as the Rescue Squad Field. A resolution was presented that would officially name the park, Cloninger Park. (Exhibit C) This naming would honor three former mayors of the Town of Dallas; Polie Cloninger, Colleen Cloninger, and Carlton Cloninger; and would recognize the Cloninger family's contributions and positive influences to the Town of Dallas. Mr. Martin made a motion to approve the resolution and name the parkland described as Cloninger Park, seconded by Mr. Withers, and carried unanimously.

Item 10D was a request from Mr. Kahler to reappoint Dr. Beth Heywood to another term on the Planning Board/Board of Adjustment. Dr. Heywood was originally appointed as an alternate in 2008, and then appointed as a full member in December 2009. She has been an asset to the Board, and an asset to the Town. Her term expired on June 30, 2012. A reappointment will have her serving a new term from July 1, 2012 until June 30, 2012. Mr. Huggins made a motion to reappoint Dr. Beth Heywood to a new 3-year term on the Planning Board/Board of Adjustment, seconded by Ms. Morrow, and carried unanimously.

Item 10E was a request from Ms. Stroupe to formalize the policy concerning group healthcare benefits for retirees with 30 years of service. It has been the understanding that retirees with 30 years of service with the Town of Dallas, who retire at an age less than the current Medicare Eligible age, will continue to receive group healthcare coverage with the Town until they reach the current Medicare Eligible Age. While this has been a standing verbal policy, there has been no written policy. In order to maintain consistency and structure, this policy should be formally adopted and placed in the Town's Personnel Policy Manual. (Exhibit D) The proposed policy was discussed and through consensus some clarifications were proposed; 1) if the retiree obtains employment with another entity and becomes eligible for insurance through that employer, they would no longer be eligible for coverage under the Town's plan, and 2) the retiree would not be given the opportunity to cover a spouse or dependent under the Town's plan. Mr. Beaty made a motion to table this discussion until the next Board meeting to allow staff the opportunity to revise the policy and bring that proposal back to the Board, seconded by Mr. Martin, and carried unanimously.

Item 10F was a request for a discussion on the current noise ordinance by Mr. Brent Hoyle, owner of CrossRhodes BBQ and Tavern. Mr. Hoyle would like the Board to consider revising the current noise ordinance (Exhibit E) to allow Friday and Saturday hours to be extended until 12:00 am and to increase the decibel level from 75 db to 80 db. The current ordinance indicates a cut off time of 11:00 pm on Fridays and Saturdays. The current ordinance actually already allows a decibel of 80 db during the allowed time periods. Mr. Huggins stated that he agreed with Mr. Hoyle's request and made a motion recommending that staff revise the current ordinance to include allowable times until 12:00 am on Fridays and Saturdays, seconded by Ms. Morrow, and carried by a vote of 4 – 1 as follows: Yays – Mr. Martin, Mr. Withers, Ms. Morrow, and Mr. Huggins. Nays – Mr. Beaty. Staff will present a revised ordinance at the next meeting along with a public hearing on the matter.

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

Mr. Withers made a motion to enter into a closed session to discuss two personnel matters and seek legal advice as provided for in § 143-318.11, seconded by Ms. Morrow, and carried unanimously. (7:12)

Mr. Withers made a motion to exit the closed session, seconded by Mr. Martin, and carried unanimously. (7:39)

Mr. Martin made a motion to adjourn, seconded by Mr. Withers, and carried unanimously. (7:44)

Rick Coleman, Mayor

Maria Stroupe, Town Clerk

TOWN OF DALLAS
 WATER DISTRIBUTION SYSTEM IMPROVEMENT PROJECT
BUDGET
 FY 2012-2013

Expenditures: (Non-CDBG)**Construction Cost:**

• <u>Phase I:</u>		
12" Waterline (4100 lf)	\$213,000	
8" Waterline (9300 lf)	390,600	
6" Waterline (15,500 lf)	496,000	
2" Waterline (2,500 lf)	55,000	
		\$1,154,800
• <u>Phase II:</u>		
12" Waterline (3700 lf)	\$192,400	
8" Waterline (5900 lf)	247,800	
6" Waterline (11,200 lf)	358,400	
2" Waterline (135 lf)	2,970	
		\$801,570
• <u>Phase III:</u>		
12" Waterline (3800 lf)	\$197,600	
8" Waterline (4500 lf)	189,000	
6" Waterline (13,900 lf)	444,800	
2" Waterline (413 lf)	9,086	
		\$840,486
Construction Cost Total:		\$2,796,856

Engineering Cost:

- | | |
|------------------------------|-----------|
| • 10% of Construction Total: | \$279,685 |
|------------------------------|-----------|

Surveying Cost:

- | | |
|---|----------|
| • \$1.25 per linear foot of line replacement: | \$93,685 |
|---|----------|

Bond Counsel:

\$7,500

Financial Consultant:

\$25,000

Private Lateral Reimbursement Program:

\$70,000

Non-CDBG Expenditure Total:

\$3,272,726

Revenues: (Non-CDBG)**Proceeds of Debt Issuance:** \$3,032,500**Water/Sewer Fund Balance Allocation:** \$240,226

Non-CDBG Revenue Total: \$3,272,726

Expenditures: (CDBG Project)**Construction Cost:**

• <u>Low-to-mod Neighborhood:</u>		
8" Waterline (8700 lf)	\$365,400	
6" Waterline (7900 lf)	252,800	
2" Waterline (780 lf)	17,160	
		<u>\$635,360</u>

Engineering Cost:

• 10% of Construction Total:	\$63,536
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Surveying Cost:

• \$1.25 per linear foot of line replacement:	\$21,725
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Professional Services:

• Grant Writing:	\$7,000
• Grant Administration	\$68,000

Private Lateral Reimbursement Program: \$50,000

CDBG Expenditure Total: \$845,621

Revenues: (CDBG Project)**CDBG Grant Fund Proceeds:** \$750,000**Dallas Town Local Match Funds:**

• Water/Sewer Prof. Services Budget:	\$7,000
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• Water/Sewer Fund Balance Allocation:	<u>\$88,621</u>
CDBG Revenue Total:	\$845,621
TOTAL CDBG & NON-CDBG EXPENDITURES:	\$4,118,347
TOTAL BUDGETED USE OF FUND BALANCE:	\$328,847



Diamond Engineering, PLLC

MEMORANDUM

To: Bill Trudnak, Public Works Director
Town of Dallas

From: Johnny Denton, PE, PLS *JJD*
Diamond Engineering, PLLC

Date: June 20, 2012

Subject: 2012 Water System Improvements Cost Estimate

As you requested, I have performed an extensive review of the proposed 2012 Water System Improvements to determine the total anticipated cost and the total quantities to complete the entire system upgrades. I offer the final information for your review:

Phase I			
New 12" Waterline	4100 LF	\$52/LF	\$213,200.00
New 8" Waterline	9300 LF	\$42/LF	\$390,600.00
New 6" Waterline	15,500 LF	\$32/LF	\$496,000.00
New 2" Waterline	2500 LF	\$22/LF	\$55,000.00
Total II:			\$1,154,800.00

Phase II			
New 12" Waterline	3700 LF	\$52/LF	\$192,400.00
New 8" Waterline	5900 LF	\$42/LF	\$247,800.00
New 6" Waterline	11,200 LF	\$32/LF	\$358,400.00
New 2" Waterline	135 LF	\$22/LF	\$2970.00
Total III:			\$801,570.00

Phase III			
New 12" Waterline	3800 LF	\$52/LF	\$197,600.00
New 8" Waterline	4500 LF	\$42/LF	\$189,000.00
New 6" Waterline	13,900 LF	\$32/LF	\$444,800.00
New 2" Waterline	413 LF	\$22/LF	\$9086.00
Total IV:			\$840,486.00

Summary Of Cost

Total Anticipated Construction Cost	\$2,796,856.00
Total Engineering Cost 10%	\$279,685.60
Total Surveying Cost \$1.25/LF	\$93,685.00
Total Anticipated Project Cost	\$3,170,226.60

These are projected cost but I believe that I can cut cost by finding lines that can be maintained and by working with the contractor to save hydrants and meters where possible. If you have questions or need any additional information, you can reach me at 704-922-0024.

Civil Engineering & Surveying
Site & Subdivision Planning
Erosion Control Planning
Water & Sewer Design

440 Old NC 277 Loop Road

Dallas, N.C. 28034

Phone: (704) 922-0024

E-Mail: diamondengineering@charter.net

**TOWN OF DALLAS
UTILITY POLICY**

Extreme Weather Policy for Disconnection of Utility Service:

It shall be the Policy of the Town of Dallas That,

In the event that the forecasted high daily temperature is to **fall below thirty-two (32) degrees Fahrenheit** during the months of October through May (**Extreme Cold**); or if the forecasted high daily temperature is to **climb above ninety-five (95) degrees Fahrenheit** during the months June through September (**Extreme Heat**); then the Town shall delay any otherwise-scheduled disconnection of Utility service for non-payment until such time as a revised forecast calls for a minimum two-day period in which the expected low or high temperature no longer qualify as Extreme Cold or Extreme Heat.

Town Staff shall utilize at least two of the following sources for weather forecast information in determining and declaring a state of either Extreme Cold or Extreme Heat:

- The Weather Channel
- The Local CBS Affiliate TV Station
- The National Oceanic and Atmospheric Administration (NOAA)

Adopted This 10th Day of July, 2012

Maria Stroupe
Town Clerk, Maria Stroupe



**RESOLUTION TO NAME TOWN PROPERTY ON S. OAKLAND ST AT W. CHURCH ST
CLONINGER PARK**

WHEREAS, The Cloninger Family is a very Distinguished Name within the Town of Dallas, and

WHEREAS, Polie, Colleen and Carlton Cloninger all Served the Town of Dallas as Mayors, and

WHEREAS, Their Service and Dedication to the Town of Dallas has Helped Make the Town of Dallas
the Community it is today, and

WHEREAS, the Town of Dallas Wishes to extend its Gratitude to the Cloninger Family for their Service
to the Town of Dallas;

NOW THEREFORE BE IT RESOLVED By the Mayor and Board of Aldermen of the Town of Dallas,
Gaston County North Carolina that Henceforth the Sports Field, Walking Track and other Town Owned
Property that is on S. Oakland St and W. Church St. be named Cloninger Park, in honor of the
contributions and influences of the Cloninger Family within the Town of Dallas.

BE IT FURTHER RESOLVED that a copy of this Resolution be entered into permanent recording of
these proceedings, and become effective upon its adoption.

Adopted this 10th Day of July 2012

Mayor Rick Coleman

ALDERMEN

Allen Huggins, Mayor Pro Tem

Hoyle Withers

John L. Beaty

T. Scott Martin

Darlene Morrow

TOWN OF DALLAS
Retiree Insurance Policy

Group Healthcare Policy for Retirees with 30 years of Service:

It shall be the Policy of the Town of Dallas That,

When an employee retires with 30 years of service with the Town of Dallas, but whose age remains less than the Medicare Eligible age to receive Medicare Insurance, the Town of Dallas will continue to cover such employee under the Town's Group Health Insurance Plan until such a time as the employee reaches the Medicare Eligible age. This coverage will extend to the employee only, not any dependents that were covered during employment with the Town. At such time as the retired employee reaches Medicare Eligible age, group coverage under the Town of Dallas plan will then cease and the retired employee will be responsible for obtaining Medicare and any Supplemental Insurance as they may deem necessary, at their own cost.

This policy also applies to those employees who have accumulated a combination of years of service and sick hours with the Town of Dallas to yield 30 years of service with the North Carolina Retirement System. Any employee that has accumulated 30 years of service with the North Carolina Retirement System, but whose total accumulation includes years of service with a local government other than the Town of Dallas, will not be eligible to receive the group healthcare coverage under the Town of Dallas plan, as detailed herein.

Adopted This _____ Day of _____, 2012

Town Clerk, Maria Stroupe

SEC. K-II-2. NOISES EXPRESSLY PROHIBITED.

Section 1. Unnecessary Noise

In order to maintain peace and quiet at all times, and to keep the residents of the Town of Dallas free from disturbance by loud noises, it shall be unlawful for any person to create or assist in creating, permit, continue or continue to permit any unreasonably loud, disturbing and unnecessary noise, sound or utterance of such character, intensity or duration as to be detrimental to the peace, repose or health of any individual in the town.

Section 2. Noises Expressly Prohibited.

- 1) The sounding of any horn, gong, siren or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal, the creation, by means of any such signal device, of any unreasonably loud and harsh sound, and the sounding of such device for an unnecessary and unreasonable period except upon any police, fire or other emergency vehicle.
- 2) The keeping of any animal or bird which, by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.
- 3) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- 4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of time to begin work or stop work or as a warning of danger.
- 5) The discharge into the open air of the exhaust of any steam engines, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises wherefrom.
- 6) The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
- 7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7 A.M. and 6 P. M. on weekdays, 8 A.M. and 6 P.M. on Saturdays and 1 P.M. and 5 P.M. on Sundays for which building permits have been issued or operations not requiring permits. Provided all equipment is operated according to manufacturer's specifications and with all standard equipment manufacturers' s mufflers and noise reducing equipment in use and in proper operating condition.
- 8) The creation of any excessive noise on any street adjacent to any school, institution of learning, library, church, sanitarium or court while same is in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution.
- 9) The creation of loud and excessive noise in connection with loading or unloading any vehicle, or by opening and destruction of boxes, bales, crates and containers.
- 10) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of any persons in the vicinity thereof, excluding churches using bells and/or for the purpose of calling to service and the local government using chimes and carillon for its clock.
- 11) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet or repose of persons in the vicinity thereof.

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- 12) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, lecture or public speaking or to any sale, display or advertisement of merchandise, except by specific permit granted by the Town Manager or his designee.
- 13) The use of any mechanical loud speakers or amplifiers affixed to any vehicle, buildings or other structure or property for advertising or for other purposes except by specific permit granted by the Town Manager or his designee.
- 14) The firing of any squibs, fire crackers, gun powder or other combustible material in the streets or elsewhere for the purpose of making noise or disturbance except by specific permit granted by the Town Manager or his designee.
- 15) The conducting, operating or maintaining of any garage or filling station in any residential district or business district so as to cause loud or offensive noises to be emitted there from between the hours of 9 P.M. and 7 A.M. (6/11/1985; 03/14/2000)

Section 3. General Entertainment

The use or operation of any musical instrument, phonograph, radio, loudspeaker or any other instrument or sound amplifying device so loudly as to disturb persons in the vicinity thereof shall be unlawful, however upon application to the Chief of Police or his designee, permits may be granted to responsible entities to produce programs in music, speeches or general entertainment

1. The following guidelines shall be used when a permit is issued:
 - a. A maximum of 80 db (A) will be allowed between the hours of 6 P.M. and 9 P.M. on Mondays through Thursdays, 6 P.M. and 11 P.M. on Fridays and 2 P.M. and 11 P.M. on Saturdays, and 1pm through 6pm on Sundays.
 - b. The permit shall be limited to the days and times listed above.
 - c. Applications for permits may be obtained at the Dallas Police Department, town hall, or online. Applications must be received at least one week prior to the event to be permitted. The permit holder shall agree to cooperate with the police department in enforcing the noise control ordinance by being available at the site of the event during the entire time for which a permit has been issued and capable of assisting the police in enforcing the noise control ordinance. Failure of the permit holder to be present or to assist the police in complying with this section will be cause for revocation of said permit.
 - d. Measurements will be made at a minimum distance of ten (10) feet from the property line of the property from which the noise is emanating, measurement will be made using an A weighted decibel meter at peak level over a thirty (30) second period of time.
 - e. If upon receipt of a complaint the Chief of Police or his designee determines that the manner of use or operation of the sound amplifying device is in violation, a written warning shall be issued. Following issuance of the permit, the permit holder is allowed to receive two (2) written warnings. After these two (2) such warnings, North Carolina uniform citation shall be issued to the permit holder and the permit shall be revoked.

Upon the issuance of a North Carolina uniform citation, the Chief of Police or his designee will revoke the permit issued to the offending party. The revocation of the permit shall be for a period of 12 months, subject to the following appeals process.

Section 4. Revocation of Permit and Appeal

All appeals must be filed in writing within ten (10) days of revocation of a permit and submitted to the Chief of Police. The decision of the Chief of Police shall be returned in writing no later than ten (10) days after receiving the appeal. A final appeal may be filed with the Town Clerk to be heard by the Board of Aldermen at the next regularly scheduled Board meeting. The decision of the Board of Aldermen shall be final.

Upon its decision, the Board of Aldermen may either ratify the decision of the Chief of Police or issue a probationary permit for a period of six (6) months. After successful completion of the probation period, the permit holder may reapply for a new permit. Any violation occurring during the probationary period shall result in the issuance of a North Carolina Uniform Citation and the revocation of the permit for a period of twelve (12) months. No appeals may be filed for a second offense revocation.

Section 5. Exemptions

The following are exempted from the regulations set forth in Sections 2 and 3, above

1. Noises or sounds emanating from scheduled outdoor athletic events
2. Noises or sounds of safety signals, warning devices, church or school bells. For purposes of this subsection, the term "school and church bells" shall include electronic devices or artificial sound reproduction systems intended to sound like bells.
3. Noises or sounds emanating from any authorized emergency or public safety vehicle.
4. Noises or sounds emanating from parades, street fairs, festivals or similar events which are conducted or sponsored by the town.