

MINUTES FOR BOARD OF ALDERMEN MEETING

October 9th, 2012

6:00 PM

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

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

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

Mayor Coleman opened with the Invocation and the Pledge of Allegiance to the Flag. The Mayor asked if there were any additions or deletions to the agenda. Mr. Beaty asked that a Closed Session be added to discuss a personnel issue. Mr. Beaty made a motion to set the agenda, including the added item, seconded by Mr. Martin, and carried unanimously.

Mr. Huggins made a motion to approve the minutes from the September 11, 2012 regular, seconded by Ms. Morrow, and carried unanimously.

Consent Agenda:

Item 5A was approval of the annual "Trick or Treat on the Square" on Wednesday, October 31, 2012. It will be necessary to temporarily close Holland Street from Trade Street to Church Street and Main Street from Gaston Street to Maple Street, with other closures if deemed necessary. The event will be held from 5:00 pm to 7:00 pm.

Item 5B was approval of the Annual Holiday Bonus. Historically, the Town has given employees an annual bonus each year before Thanksgiving. Employees greatly appreciate this bonus and use it toward their family's Christmas. This year it was decided during budget discussions that each full time employee with more than one year of service would receive an equal portion of the calculated bonus dollars. Percentage-wise, employees at the lower end of the wage scale will receive a larger bonus than those employees on the higher end of the wage scale. The budgeted bonus percentage is 1 ½% of each employee's base salary. Based on these calculations, each full time, eligible employee will receive \$595. Employees with less than one year of service or regular part time employees will receive \$200. \$34,538.04 is included in this year's budget for bonuses. The actual amount needed to fund the bonuses is \$34,195.18, including taxes and fringes. This is a budgeted item and will be distributed on November 15th.

Item 5C was approval of the Annual CROP Hunger Walk. The Annual CROP Hunger Walk, as created and sponsored by Church World Services, and run locally by local faith-based organizations and churches and their volunteers will be conducted on Sunday afternoon, October 21st, beginning at 2:00 pm in the Dennis Franklin Gym. The Town will make the Gym available for the opening, as well as for coordinating and accounting for donations. Also, porta-jons will be provided and the Police Department and Rescue Squad will assist with maintaining safety logistics for walkers.

Item 5D was approval of uncollectable accounts that will be sent to N.C. Debt Set-Off for collection purposes.

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

Recognition of Citizens:

Mr. Mark Otersen, Director of Marketing for Electricities, NC presented awards for Energy Efficiency, Service Excellence, and Financial Stability to Mr. Doug Huffman in recognition of the Town’s Electric Department. Mr. Huffman accepted the three awards on behalf of Dallas.

Mr. David Hoyle, Jr. had asked to address the Board of Aldermen concerning the Town’s objection to NCHFA issuance of tax credits for proposed Long Creek Apartment Project development. Mr. Hoyle was not present.

Mr. Stephen Bradley, 2362 Puetts Chapel Road, Bessemer City, requested that the Board lift the current ban he was under that prohibited his attendance at Dallas youth athletic events until February 5, 2013. The decision to ban Mr. Bradley from Town youth activities was enacted in February 2012 in response to Mr. Bradley’s actions at Town youth basketball games. Mr. Beaty made a motion to lift the ban imposed on Mr. Bradley, seconded by Ms. Morrow, and passed by a vote of 4 – 1, as follows:

Yays – Mr. Beaty, Mr. Huggins, Ms. Morrow, and Mr. Withers
Nays – Mr. Martin

Ms. Mary Boyce, 518 E. Peachtree St., said there were smells of sewer at the corner of Peachtree St. and Davis St. Mr. Trudnak will investigate this issue.

Mr. Kevin Stines, 612 Summey Farm Dr., addressed the Board concerning safety issues during Halloween in the Summey Knolls Subdivision. Traffic flow during Halloween is terribly congested in and around the subdivision. As a firefighter, Mr. Stines is concerned about access for emergency vehicles into the neighborhood in the event of an emergency situation. Mr. Stines stated there was a Facebook page from the subdivision that contained some concerning comments about the event and recommended that Town officials view the page. Mayor Coleman stated that the Town is open to suggestions from the neighborhood, as traffic is always a problem on this evening. Town staff would be glad to meet with a neighborhood group to discuss possible solutions.

Ms. Katherine Britton, 328 Holstein Dr., echoed Mr. Stines concerns. Halloween has become a large event in the neighborhood, with traffic being the primary concern, and she is concerned that neighbors may take matters into their own hands. She asked about the possibility of officers being present. Chief Buckner will assess the situation.

Recognition of Employees:

Derek Abernethy, Electric Line Technician, was recognized for 5 years of service with Dallas. Mr. Abernethy was hired on September 4, 2007. (Exhibit A)

Public Hearing:

Item 8A, Mr. Beaty made a motion to enter into a public hearing concerning the voluntary annexation of Riverside Seafood Property, seconded by Mr. Withers, and carried unanimously. The owners of 1341 Dallas-Stanley Highway, Jeff and Emily Comer, had requested voluntary annexation into the Town of Dallas. Ms. Comer was present and stated that the main reason they were petitioning for annexation was to be able to sell alcohol at their restaurant. Mr. Kahler presented information on the cost of annexing the property, which calculated to be \$358.86 per year in lost revenue and costs. (Exhibit B) Mr. Beaty made a motion to exit the

public hearing, seconded by Mr. Martin, and carried unanimously. Mayor Coleman called for a motion to proceed with the voluntary annexation of the Riverside Seafood Property. There was no motion, therefore the proceedings failed for lack of a motion.

Item 8B, Mr. Beaty made a motion to enter into a public hearing concerning a request for rezoning for 307 and 309 S. Gaston Street, seconded by Mr. Withers, and carried unanimously. The owner of the referenced property, Mr. Ronnie Stroupe, submitted an application to have the two lots rezoned from their current classification of R-8, Residential to Office and Institutional 1. The Planning Board held a public hearing on this issue on September 20th, at which time a protest petition was submitted. (Exhibit C) The Planning Board voted 3-2 to recommend denial of the application, on the grounds that the petitioner did not appear at the meeting to support the application. Due to the Protest Petition being submitted in opposition to this rezoning application, a 3/4ths vote is required by the Board of Aldermen in order to approve the rezoning request. There were no representatives from the owner present in support of the application. Mr. Robert Kendrick asked what the owner's planned use for the property was. Mr. Kahler stated that the owner would sell the property to the Crisis Pregnancy Center for an office. Mr. Huggins made a motion to exit the public hearing, seconded by Mr. Martin, and carried unanimously. Mr. Huggins made a motion to deny the rezoning request, seconded by Ms. Morrow, and carried unanimously.

Item 8C, Mr. Withers made a motion to enter into a public hearing concerning a request for rezoning for 205 E. Robinson Street, seconded by Mr. Huggins, and carried unanimously. The owner of the property, Mr. Harry Porter, filed an application to have the referenced property rezoned from its current classification of I-2, General Industrial, to Medical, Office, and Institutional for the purpose of renovating the property to locate an adolescent psychiatric hospital on the property. The Planning Board met on this issue on September 20th and voted 5-0 to recommend denial of this application for rezoning. The Planning Board noted that the request would not be consistent with the Adopted Land Use plan, nor would it reflect the current use and character of the immediately surrounding neighborhood. (Exhibit D) There were no representatives from the owner present in support of the application. Mr. Beaty made a motion to exit the public hearing, seconded by Mr. Martin, and carried unanimously. Mr. Beaty made a motion to deny the rezoning request, seconded by Mr. Huggins, and carried unanimously.

Item 8D, Mr. Withers made a motion to enter into a public hearing concerning an ordinance amendment regarding pedestrian soliciting on streets and highways, seconded by Ms. Morrow, and carried unanimously. North Carolina General Statute §20-175 allows for pedestrians to solicit funds on streets and highways if they receive a permit from the local government. The person seeking authorization must fill out an application including date, time, and location at least 7 days prior to the event and furnish the local government advance proof of liability insurance in the amount of at least two million dollars (\$2,000,000.00) to cover damages that may arise. In the past, Dallas has allowed this practice; however, with the growing traffic flow around town, Chief Buckner fears it is just a matter of time before there is an accident. By allowing this practice, Dallas is condoning citizens standing and walking in the roadway and, in turn, opening the Town up to potentially a huge liability. Chief Buckner presented an ordinance amendment (Exhibit E) for consideration. Mr. Huggins made a motion to exit the public hearing, seconded by Mr. Martin, and carried unanimously. Mr. Beaty made a motion to approve the ordinance amendment as presented, seconded by Mr. Martin, and carried unanimously.

Old Business:

There was no old business.

New Business:

Item 10A was a budget amendment for the Water Distribution System Improvement Project. In order to properly fund the upcoming Water Distribution System Improvement Project, a budget amendment must be approved appropriating Water/Sewer fund balance. The project has been broken into two segments. One segment is the portion of the project being funded by CDBG Grant Funds with a matching Town contribution of \$95,621. The other segment is the remainder of the project that is being funded largely by debt issuance, with a Town contribution of \$240,226. It is necessary to approve a budget amendment appropriating fund balance and contributing it to this project. (Exhibit F) Mr. Martin made a motion to approve the budget amendment as presented, seconded by Mr. Beaty, and carried unanimously.

Item 10B was a discussion to set a public hearing for an ordinance amendment to prohibit on-street parking on N. Davis St. between Main Street and Trade Street. Mr. Huggins made a motion to set a public hearing for November 13, 2012, seconded by Ms. Morrow, and carried unanimously.

Item 10C was a discussion to set public hearings to consider possible revisions to ordinances regarding dog ownership, refuse in streets, and fence construction/maintenance. Based on both public input and research, there are three ordinance amendments under consideration for revision to better serve the health, safety, and welfare of Town residents. The first ordinance under consideration deals with the ownership and control of canines (dogs) within the Town. The revision would limit the total number of dogs allowed at any one premise/lot to four (4); but would “grandfather” those existing non-compliant dogs to their remaining lives, or until they are permanently relocated. (Exhibit G) The second ordinance under consideration would better define the existing prohibition on throwing or burning trash or refuse in the streets to include the intentional blowing of significant quantities of grass clippings into the street or storm sewer system. (Exhibit H) The third ordinance considered would update the property maintenance language to better clarify and define the requirements for the construction and maintenance of fences. (Exhibit I) Mr. Beaty made to motion to set public hearings for the proposed ordinance revisions for November 13, 2012, seconded by Ms. Morrow, and carried unanimously.

Item 10D was a resolution accepting \$750,000 CDBG Infrastructure Grant. This resolution is necessary to formally accept the grant funding, designate a financial institution for the electronic deposit of funds, and name signatories and a certifying official. (Exhibit J) Mr. Huggins made a motion to approve the resolution as presented, seconded by Mr. Beaty, and carried unanimously.

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

Mr. Beaty made a motion to enter into a closed session as provided for in N.C. G. S. § 143-318.11 for personnel discussions, seconded by Ms. Morrow, and carried unanimously. (7:15) Mr. Withes made a motion to exit the closed session, seconded by Mr. Beaty, and carried unanimously. (7:21) No action was taken.

Mr. Martin made a motion to adjourn, seconded by Mr. Withers, and carried unanimously. (7:22)

Rick Coleman, Mayor

Maria Stroupe, Town Clerk

CERTIFICATE OF APPRECIATION

This certificate is awarded to

DEREK JACKSON ABERNETHY

in recognition of his 5th anniversary with the Town of Dallas on **September 4, 2012**
and in gratitude for his years of dedication and service

TOWN OF DALLAS



Signature

Date

Signature

Date

Riverside Seafood Property

1351 Dallas Stanley Highway

Analysis of Economic Gain and Loss to Town of Dallas Resulting from Possible Annexation:

ECONOMIC LOSS:

- Decrease in Water Revenues Due to Lesser "In-Town" Rate:

Current Monthly Avg. bill (7/1/11-6/1/12) = \$278.58

Expected Monthly Avg. bill (equal usage) = \$137.50

Difference (Loss): $\$141.08/\text{Mo.} \times 12 \text{ Mo's} = \underline{\$1,692.96/\text{Year}}$

- Added Cost of Fire Payments to Spencer Mountain Rd. Department (at minimum): = \$ 393.00/Year

TOTAL: \$2,085.96/Year

ECONOMIC GAIN:

- Increase in Property Taxes (based on .38 levy): = \$1,247.80/Year
- Addition of New Storm-Water Fees: = \$ 421.80/Year
- Addition of New Business License: = \$ 57.50/Year

TOTAL: \$1,727.10/Year

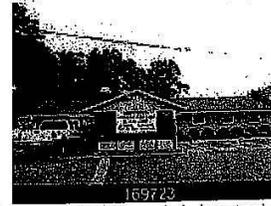
NET EFFECT: An Estimated Yearly Economic Loss of: \$ 358.86/Year

Not accounting for any possible increased cost of providing services for the property and/or its patrons as a result of its Annexation into the Town.

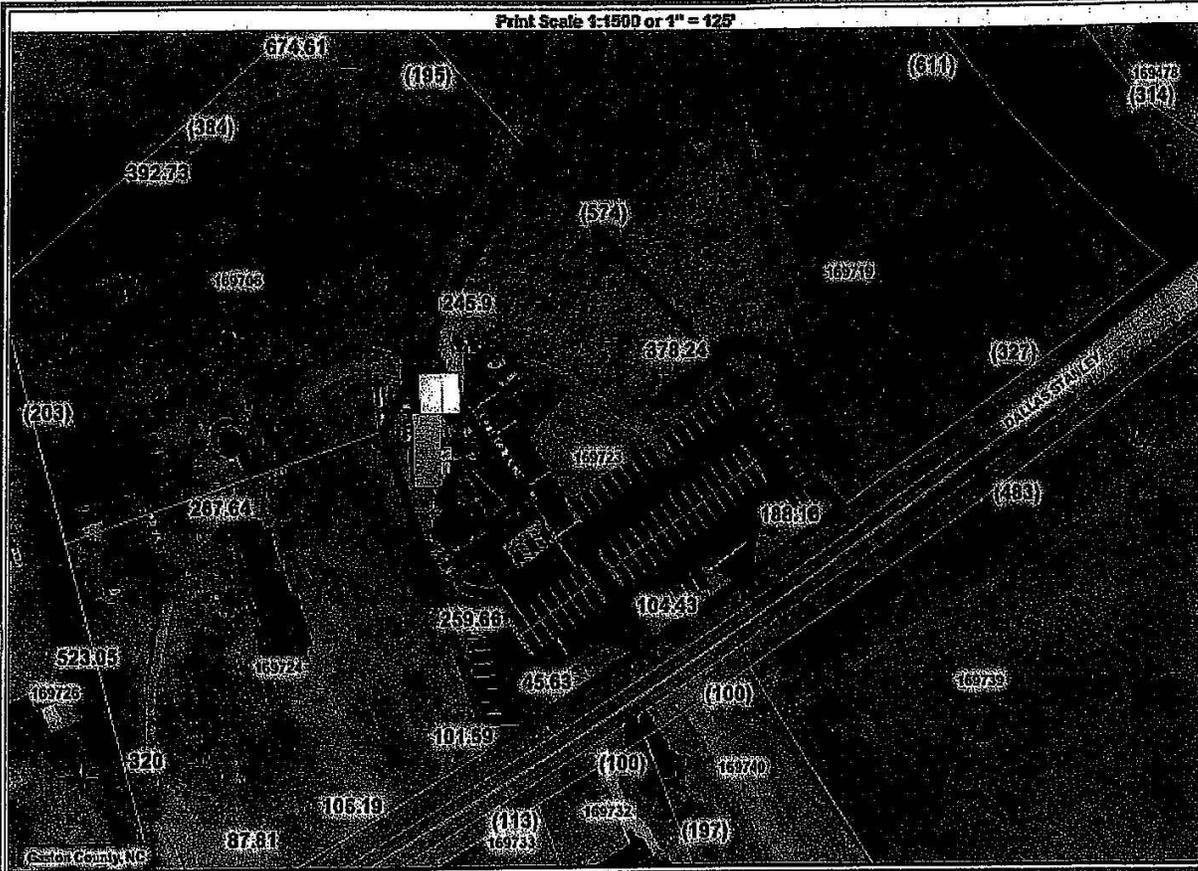
30



Gaston County, NC
Office of the Director of Revenue, GIS Division
 Disclaimer: The information provided is not to be considered as a Legal Document or Description. The Map and Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy.
 Values based on last general reappraisal - 2007
 Print Date: 7/20/2012

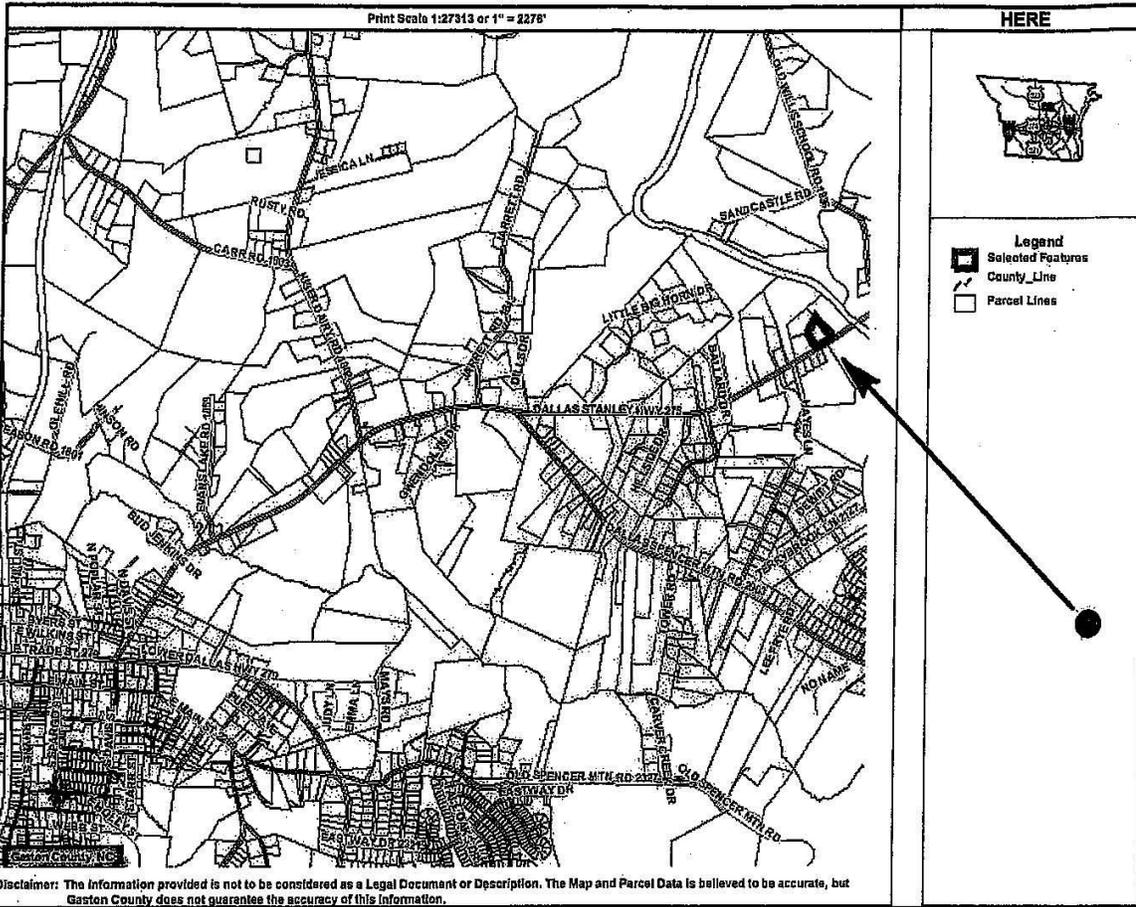


Print Scale 1:1500 or 1" = 125'



PARCEL INFORMATION

PID #: 169723 PIN #: 3568314841 NEIGH.HOOD #: DA019 NEIGH.HOOD NAME: DALLAS/STANLEY HWY	PROPERTY ADDRESS: 1351 DALLAS STANLEY HWY DEED BOOK: 3242 DEED PAGE: 0931 DEED TYPE: WD SALES AMOUNT: 0 DEED RECORDING DATE: 05/17/2001 PLAT BOOK: PLAT PAGE: LEGAL DESC 1: LEGAL DESC 2:	BASEMENT: NO # BEDROOMS: 0 # BATHS: 0 MULTI-STRUCTURES: YES ACREAGE: 2
OWNER ID #: 1351267 CURRENT OWNER 1: COMER PROPERTY MANAGEMENT INC CURRENT OWNER 2: MAILING ADDRESS 1: 1124 MILES RD MAILING ADDRESS 2: CITY: DALLAS STATE: NC ZIP CODE: 28034-0000 JAN1 OWNER 1: COMER PROPERTY MANAGEMENT INC JAN1 OWNER 2:	STRUCTURE CODE #: REST2 STRUCTURE TYPE: RESTAURANT YEAR BUILT: 1984 SQ FT: 4236	TAX DISTRICT: SPENCER MTN FD TOWNSHIP CODE: 13 TOWNSHIP DESC: DALLAS TOWNSHIP VOLUNTARY AG DIST: No LAND VALUE: \$80,000 IMPV. VALUE: \$248,368 TOTAL VALUE: \$328,368 PRESENT USE VALUE ASSESSMENT: NO ToD Tax - \$1247.50



● **Map of Requested Annexation in Relation to Dallas Town Limits. (Lot Proposed for Annexation is Highlighted in Bold)**

Petition to the Town of Dallas Zoning Board to let that we are against your proposal to place a medical facility on South Gaston St.

Name	Address	Against
Robert Collier	315 S. GASTON	yes
Rebecca K. ()	315 S. Gaston	Yes
Donald M. Hensley	319 S. Gaston	yes
Yan Hongshang ()	319 S. Gaston	yes
Debbie A. ()	313 S GASTON ST	yes
Julie Mackle	301 S. Gaston St	yes
Jack ()	301. South Gaston	Yes
Deuren & Hoffman	219 S. Gaston St	yes
Jeff ()	306 S. Gaston St	yes
Carl Hillman	306 S. GASTON ST	yes
Shirley Hillman	306 S. Gaston St	yes
Timothy ()	320 S Gaston St	YES
David ()	320 S Gaston St	yes
Michael Hamid	304 S. Gaston St.	yes
Charles E. Tilton	303 S. Gaston St.	yes
Lina Kuffler	414 S. Gaston St	yes
Scott ()	435 S. Gaston St	yes
Mark Rider	429 S. Gaston St	yes
Reigh Ann Humphris	429 S. Gaston St	yes
Rosalee ()	310 S. Gaston	yes
Julith Borge	312 S. Gaston	yes

**Statement of Facts
Rezoning Case
205 E Robinson St
September 20, 2012**

A Rezoning Application was filed by the owner of the above address, Harry Porter, and the application was heard before the Planning Board on September 20, 2012.

Having heard all of the facts and evidence of the case, the Planning Board issues the following **Statement of Facts** regarding this application, and makes the following Recommendation to the Board of Aldermen:

1. The area in which the proposed rezoning is located is within the Town of Dallas, and subject to the Zoning Code of the Town of Dallas.
2. The area in which the proposed rezoning is located is within the I-2, General Industrial zone. It is bordered by an R-8, Residential zone.
3. The proposed rezoning is to change the designation of the property at 205 E. Robinson St from I-2, General Industrial to Medical, Office and Institutional. The current use of the property is light industrial and warehouse.
4. The Land Use Plan of the Town of Dallas calls for the future development of this area to be light commercial, residential and office use. The goal of this redevelopment is to maintain the historical flavor of the mills in this area, while opening the area to small scale commercial and light office use.
5. Rezoning this lot to Medical, Office and Institutional would neither reflect the future use plan of the Town of Dallas, nor reflect the current use and development of this area.
6. Therefore, it is the recommendation of the Planning Board to the Board of Aldermen that this rezoning application be denied.


Bruce Reid, Chairman


David Kahler, Development Services Director

**An Ordinance to Regulate Pedestrians Soliciting on Public Streets and Roads
Within the Town of Dallas**

WHEREAS, the Town of Dallas Board of Aldermen is charged with protecting the public safety and welfare of its citizens; and

WHEREAS, the Town of Dallas Board of Aldermen finds that pedestrians soliciting on public streets and roads is detrimental to the safety of citizens of the Town of Dallas;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED, by the Board of Aldermen of the Town of Dallas as follows:

SECTION 1. SOLICITATION ON PUBLIC STREETS OR HIGHWAYS.

(a) It shall be unlawful for any person to stand or loiter in the main traveled portion, including the shoulders, right of way and median, of any street or highway, excluding sidewalks, or stop or attempt to stop any motor vehicle for the purpose of soliciting employment, business or contributions from the driver or occupant of any motor vehicle that impedes the normal movement of traffic on the public highways or streets: Provided that the provisions of this subsection shall not apply to licensees, employees or contractors of the Department of Transportation or of any municipality engaged in construction or maintenance or in making traffic or engineering surveys.

(b) It shall be unlawful for any person to stand, sit or loiter in any street or highway, including the shoulders or median strip but excluding sidewalks, and to solicit or accept contributions from the occupants of any stopped vehicle, or to sell or distribute merchandise or literature to the occupants of any stopped vehicle."

Adopted this 9th day of October, 2012, and effective the 1st day of December, 2012.

Richard C. Coleman, Mayor

Attest:

Maria Stroupe, Town Clerk

39

Town of Dallas
Budget Amendment

Date: October 9, 2012

Action: Water and Sewer Fund Budget Amendment

Purpose: To Increase Water and Sewer Fund Budget for Contributions to Water System Imprvmt. Funds

Number: WS - 001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
20	3999	0000	Fund Balance Appropriated	\$0	\$335,847	\$335,847
20	8100	9011	Contr. To Water Imprv. Fund	\$0	\$240,226	\$240,226
20	8100	9012	Contr. To CDBG Water Imp. Fund	\$0	\$95,621	\$95,621

Totals \$0 \$671,694 \$671,694

Approval Signature

(Town Manager or Administrative Services Director)

50

Current Ordinance Regarding Dogs:**SEC. K-III-4 RESPONSIBILITIES OF OWNERS**

(Rewritten 11-10-2003)

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 canine must wear a current Rabies Vaccination tag. This ordinance shall be enforceable by the Community Development 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 owner's 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, chain 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 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 activities on private property with the consent of the owner of that property; providing that said canine is obedient to commands of its owner.

Rewrite/Addition to Ordinance:**Sec. K-III-4 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.

Proposed Re-Write of Dallas Ordinance Chapter D Section III-1

The current version of this ordinance reads as follows:

SEC. D-III-1. THROWING OR BURNING TRASH ON STREET PROHIBITED.

No paper, straw, lemon peel, banana peel, watermelon rind, or any trash of any kind shall be thrown or swept upon any sidewalk or street of the Town.

I would like to propose the following revision:

Sec. D-III-1 Throwing, or Burning Trash on Street Prohibited

It shall be unlawful for any person to throw, sweep, blow, dispose of or otherwise deposit including burning any household, yard, or other garbage, rubbish, dirt, refuse, leaves, grass clippings or similar matter into any storm drain, manhole, gutter, ditch, culvert, street or sidewalk within the Town of Dallas.

This shall not prohibit the proper placement at street edge of leaves, brush or yard clippings for Town pickup when compliant with then in-effect Town policy; nor the incidental and unintentional placement, by wind action or lawn care activity, of insignificant quantities of grass clippings into the street or onto a sidewalk. It shall, however, render unlawful the intentional blowing or raking of grass clippings into or onto any of the public areas listed.

Revision of Chapter I, Section I-I-1 of the Code of Ordinances

The current ordinance reads as follows:

SEC. I-I-1. PROPERTY MAINTENANCE, REMOVAL OF TRASH, WEEDS; LIEN (6/8/99)
(Amended 6/12/2012)

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) of this ordinance.
- 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)."

I propose revising section (e) of this ordinance as follows:

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. No razor, barbed or concertina wire may be used in the construction of any fence except by special use permit. Electrically charged fencing is also prohibited.

56

Resolution Accepting \$750,000 CDBG Infrastructure Grant; Designating Financial Institution for Electronic Deposit of Funds; and, Naming Signatories and Certifying Official.

Whereas, The Town of Dallas has applied for and been awarded a CDBG Infrastructure Grant (Number 11-C-2351) in the amount of \$750,000 for use in the design and construction of underground water-main distribution system improvements in income-eligible areas; and

Whereas, The Town must officially accept the Award; execute the Grant documents confirming our agreement to comply with all applicable State and Federal requirements; designate a financial institution and set up an account therein for electronic deposit of funds; and, name not less than two, authorized signatories for the draw-down of funds, as well as a "certifying official" to attest to the signatures so authorized.

Now, Therefore Be It Resolved, That the Town of Dallas, by the affirmative action of its Board of Aldermen, does hereby officially accept and enter into CDBG Grant Agreement Number 11-C-2351, in the total award amount of \$750,000, and that we further designate BB&T Bank in Dallas as the repository where an account will be set up to accept the electronic transfer of CDBG Grant funds.

Be It Further Resolved, That any requisition of CDBG Funds be authorized by the signature of not-less-than-two of the following designated Town Officials:

- Rick Coleman, Mayor
- James M. Palenick, Town Manager
- E. Hoyle Withers, Alderman
- ALLEN Huggins, Alderman

Be It Further Resolved, That Maria Stroupe, Town Clerk shall be authorized to act as "Certifying Official" for the purposes of recognizing and attesting to the officials and signatures so authorized.

Adopted This _____ Day of October, 2012

Mayor

ATTEST: _____
Town Clerk