

MINUTES FOR BOARD OF ALDERMEN MEETING

April 9th, 2013

6:00 PM

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

The following staff members were present: Jim Palenick, Interim Town Manager; Maria Stroupe, Administrative Services Director; Thomas Hunn, Town Attorney; Gary Buckner, Police Chief; Doug Huffman, Electric Director; Bill Trudnak, Public Works Director; Steve Lambert, Fire Chief; David Kahler, Community Services 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. There were no additions or deletions to the agenda. Mr. Beaty made a motion to set the agenda, seconded by Mr. Martin, and carried unanimously.

Mr. Beaty made a motion to approve the minutes from the February 26, 2013 special meeting and the March 12, 2013 regular meeting, seconded by Mr. Withers, and carried unanimously.

Consent Agenda:

Item 5A was a request to approve the Annual Memorial Day Celebration in conjunction with the Optimist Car Show, on Saturday, May 25, 2013. The Town will provide in-kind services; including porta-johns, public safety, and public works support; along with the closure of Main Street from College Street to Holland Street from 8:00 am to 4:00 pm.

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

Recognition of Citizens:

Ms. Stacey Duff, 506 S. Willow St., had requested to speak during this time, but was not present.

Mr. Charles Whiteside, Gaston County NAACP President, had requested to speak during this time, but was not present.

There was no other citizen comment.

Recognition of Employees:

Zachary Patterson, Police Officer was to be recognized for 5 years of service with the Town of Dallas, but was not present. (Exhibit A)

Public Hearing:

Mr. Beaty made a motion to enter into a public hearing concerning a request for voluntary annexation of Property at 1502 Lower Dallas Highway, seconded by Mr. Withers, and carried unanimously.

The MED Group, LLC, owners of three small contiguous parcels of land containing 2.64 acres at 1502 Lower Dallas Highway, voluntarily petitioned the Town to annex these parcels. The petition was investigated and found to be sufficient. Before action can be taken, this public hearing is being held to obtain public input. These parcels of contiguous property on the east side of Lower Dallas Highway together form an island of unincorporated County land encircled by property already within the corporate jurisdiction of the Town of Dallas. In addition, the land encircling the property is also owned by the same development group (MED Group, LLC) who are voluntarily requesting the annexation. The MED Group, LLC, who have already facilitated the development of the new Dollar General store to the immediate south of the parcels in question, and are soon to develop the Long Creek Apartments to the immediate east and south; are seeking annexation of these parcels so they might be incorporated in the ongoing development plans occurring in this area, with similar or compatible zoning (B-1, Neighborhood Business) as that already assigned by the Town of Dallas to the surrounding land. Seeing these parcels developed within the jurisdiction of Dallas, with the additions of new investment in real property and the generation of sales and use taxes accruing to our Town, would be in the best interest of the Town, not to mention that the Town would retain control over the nature of said development rather than the County or the City of Gastonia. Total current combined assessed property value for the parcels is \$305,026.00. If the parcels remain undeveloped, the Town would generate \$1,150.09 in new yearly property taxes at our current .38 rate; which would alone represent a clear worthwhile reason to annex. However, the likelihood and plan is that they become more fully developed with all new investment resulting in substantial additional tax revenues as well as likely additions to utility receipts. Mr. Kahler informed the Board that upon annexing this property the Town would be required to pay Spencer Mountain Volunteer Fire Department for their lost tax revenue at a cost of \$131.53 annually through November 2017 and then at an annual cost of \$57.87 through November 2027.

Mr. Withers made a motion to exit the public hearing, seconded by Mr. Beaty, and carried unanimously. Mr. Huggins made a motion to approve the annexation as presented, seconded by Mr. Withers, and carried unanimously.

Old Business:

Item 9A was a request from Mr. Palenick to adopt an agreement for joint use of poles with AT&T, North Carolina. For many years, the Town has owned and maintained a network of electric poles upon which are attached a network of electric distribution lines of the Town, as well as, in some cases, the telephone and/or CATV distribution lines of private telecommunication or CATV companies. In the case of AT&T, they also own and maintain a network of poles throughout Dallas, upon which the Dallas Electric Department attaches electric distribution lines. As such, the Town and AT&T (BellSouth) have, dating back to the 1940's, maintained an agreement to jointly allow "attachments" to each others' poles; with any excess attachments (not shared in equal number by attachment to the other party's poles) required to pay the other party \$1.00 per attachment per year. The agreement and the fee are now obsolete; particularly in light of Dallas' recently passed Pole Attachment Ordinance and fee. A new Joint Use Agreement has been developed in large part by Bob Thomas, Dallas' Electric engineering consultant, and has been approved by representatives of AT&T. All aspects of pole construction, maintenance, removal, and joint use are covered in detail and the new fee agreed to calls for \$17.50 per pole, per attachment, per year. With the current count showing total Dallas poles at 903 and AT&T poles at 779, there is a net excess of AT&T attachments on Town poles of 124. The Town would see its annual revenue from AT&T increase to \$2170 per year, up from \$124 per year, based on the \$17.50 per pole fee. This agreement, which has been fully reviewed and found to be in the Town's best interest, extends through the year 2020, allowing either party to thereafter give 1-year advance notice of termination as to additional, joint-use poles, but basically allowing then-existing joint-use attachments to continue for so long as the poles carrying the attachment(s) remain in place. Mr. Beaty made a motion to approve the agreement as presented, seconded by Mr. Martin, and approved unanimously.

Item 9B was a request to approve a budget amendment to the FY2013 Electric Department budget in facilitate purchase of two Emission Scrubbers for diesel generators. In order to comply with recent Federal mandates for emissions standards, the Town's Electric Department must install "scrubber" catalyst devised on each of its two, "peak shaving", Caterpillar diesel generators by the conclusion of the calendar year. Since the current, lowest available price for purchase, installation, and testing is \$75,360.41 each and we only budgeted \$80,000 for this item in the FY2013 budget, the intent was to purchase one in the current budget year and second in FY2014. However, the only competent and available supplier (Carolina Engine) will increase their price at least 15% after April 30th. As such, by purchasing now, Dallas will save the potential increase. Because this is a mandated requirement that must be met in a matter of months, it seems logical to move forward with the purchase of both units at the lower price. Mr. Beaty made a motion to approve the budget amendment as presented, seconded by Mr. Withers, and carried unanimously.

New Business:

Item 10A was a request to establish dates for the FY2014 Budget Work Sessions. Each year, near the end of the comprehensive municipal budget preparation process, but prior to budget approval at the June Board of Aldermen meeting, the Board sets dates for two (2) budget work sessions, in the event that one session is not enough to discuss, review, and/or amend the proposed budget. Staff is recommending the dates of Thursday, May 23, 2013 and Tuesday, May 25, 2013 (if necessary). The work session will begin at 6:00 pm in the Community Room at the Fire Station. Mr. Beaty made a motion to approve the work session dates of Thursday, May 23, 2013, to be followed if necessary by another session on Tuesday, May 28, 2013 at 6:00 pm in the Community Room at the Fire Station, seconded by Mr. Withers, and carried unanimously.

Item 10B was a request to adopt a resolution designating Maria Stroupe as the "Town Finance Officer", as this has never been formally done. Ms. Stroupe serves in this capacity for the Town, in conjunction with her other duties as Administrative Services Director and Town Clerk. General Statutes require that Finance Officers be covered by a surety performance bond in the amount of \$50,000 and Ms. Stroupe is covered by such a bond. Also, the resolution directs that a "Crime Coverage" insurance policy be maintained by the Town that shall cover each officer, employee, or agent of the Town who shall handle, or have in his/her custody more than \$100 of the Town's funds or inventories. (Exhibit B) Mr. Martin made a motion to approve the resolution as presented, seconded by Mr. Withers, and carried unanimously.

Item 10C was a request to approve a Memorandum of Understanding with the CONNECT Consortium for Participation in the Regional Strategic Planning Process. The Centralina Council of Governments (CCOG), to which the Town of Dallas is a participating member municipality, secured a \$4.9Million in HUD funding to undertake a comprehensive, regional strategic planning process known as "Project CONNECT". In order for Dallas to insure it retains the right to participate in this planning effort and to offer its input on any plans produced, it is necessary to adopt the MOU with the CONNECT Consortium by adopting a resolution stating approval of the MOU. (Exhibit C) The Town must also designate both a Staff and an Elected Official Appointee and Alternate who will serve on the Consortium "Program" Forum and "Policy" Forum respectively. There are no fees or costs associated with participation in the consortium. Mr. Withers made a motion to approve the resolution as presented approving the MOU, with Mr. Palenick as the Staff Appointee, Mr. Kahler as the Staff Alternate, Mr. Beaty as the Elected Official Appointee, and Ms. Morrow as the Elected Official Alternate; seconded by Mr. Martin; and carried unanimously.

Item 10D was a request from Mr. Huffman to declare as surplus a 1998 Chevrolet ¾ ton truck and place the vehicle for sale on GovDeals. The unit (#337) is no longer reliable enough or of function to serve the Town's needs, but could be used for other functions by another owner. In order to maximize its value and return proceeds to the Electric Enterprise Fund a "minimum reserve" will be placed on the unit to avoid potential sale at a level not valuable to the Town. Mr. Beaty made a motion to declare unit #337 as surplus and to place the vehicle for sale on GovDeals, seconded by Mr. Martin, and carried unanimously.

Item 10E was presentation of a pole attachment agreement with Charter Communications. As previously discussed in Item 9A, Staff has been working to put in place a comprehensive agreement governing attachments to the Town's electric poles by private-sector utilities and telecommunication providers. Following the recent adoption of a pole attachment ordinance and associated fee structure, the first-ever pole attachment agreement has been developed with the Town's primary CATV provider, Charter Communications. This agreement has been approved and signed by Charter representatives. It provides for up-front, yearly payments to the Town of \$15 per-pole attachment per year, consistent with the ordinance, and fully details how attachments are to be installed, maintained, repaired, and/or removed. Upon execution of this agreement, the Town will begin receiving \$14,850 in new Electric Department revenues, per-year based upon the current number of Charter pole attachments (990). The agreement continues for an indefinite term and allow the Town to increase the fee annually upon 60 days notice and consistent with applicable law. The agreement has been reviewed and approved by the Towns' Electric Director, Town Attorney, Electric Engineering Consultant, and Town Manager. Mr. Huggins made a motion to approve the Pole Attachment Agreement with Charter Communications as presented, seconded by Mr. Beaty, and carried unanimously.

Item 10F was a request to approve a resolution authorizing the negotiation of an installment financing contract and other related matters for the 3-phase water line replacement project. (Exhibit D) Mr. Beaty made a motion to approve the resolution as presented, seconded by Mr. Withers, and carried unanimously.

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

Mr. Palenick presented a request from Ms. Charlotte Jenkins, President of the Dallas Historic Courthouse Foundation, to close Holland St. from Trade Street to Main Street and Main Street from Holland Street to Gaston Street on Saturday, June 8th for the "Meet You At The Square" fundraising event being held to raise money for the Courthouse renovations. The event will occur between 12:00 pm and 5:00 pm on the Court Square. Mr. Beaty made a motion to close Holland Street from Trade Street to Main Street on June 8th for the event, but not to close Main Street as requested unless a further need arises, since that is a heavily traveled thoroughfare on Saturdays, seconded by Mr. Martin, and carried unanimously.

Mr. Beaty made a motion to recess the meeting until Tuesday, April 23, 2013 for the purpose of holding a public hearing to address ordinance repeals necessary to complete the current codification of ordinances being administered by Mr. Kahler, seconded by Mr. Martin, and carried unanimously. (6:58)

The meeting was reconvened at 6:01 pm on Tuesday, April 23, 2013. All Board members were present. The following staff members were present: Maria Stroupe, Administrative Services Director; Gary Buckner, Police Chief; and David Kahler, Community Services Director.

Mr. Huggins made a motion to enter into a public hearing concerning repeal of various outdated and unneeded ordinances, seconded by Mr. Beaty, and carried unanimously.

While reviewing Town Ordinances for the codification process Mr. Kahler came upon numerous outdated or unnecessary ordinances. He compiled a list of the ordinances in question and presented them to the Board for review and comment. (Exhibit E)

Mr. Beaty made a motion to exit the public hearing, seconded by Mr. Withers, and carried unanimously. Mr. Beaty made a motion to repeal or change the ordinances as presented, seconded by Mr. Withers, and carried unanimously.

Mr. Beaty made a motion to move the May Board of Aldermen meeting to Monday, May 13, 2013 instead of the scheduled May 14th date, seconded by Mr. Martin, and carried unanimously.

Mr. Huggins made a motion to adjourn, seconded by Ms. Morrow, and carried unanimously. (6:21)

Rick Coleman, Mayor

Maria Stroupe, Town Clerk

CERTIFICATE OF APPRECIATION

This certificate is awarded to

ZACHARY EUGENE PATTERSON

in recognition of his 5th anniversary with the Town of Dallas on March 11, 2008
and in gratitude for his years of dedication and service

TOWN OF DALLAS



Signature

Date

Signature

Date

**Resolution Officially Designating Maria E. Stroupe
As: "Town Finance Officer"
For The Town of Dallas, North Carolina**

Whereas; North Carolina State Law [G.S. 159-29] requires that each Municipal subdivision of the State, including local Town governments have a designated "Finance Officer"; and that said Finance Officer, at all such times as he/she shall perform his/her financial duties, shall have in place a bond assuring accurate and faithful performance, in an amount established by the Governing Board, but not less than fifty-thousand-dollars (\$50,000); and,

Whereas; Maria E. Stroupe, current Administrative Services Director and Town Clerk, among her varied duties serves in the capacity as the Town's Finance Officer and is therefore obligated to be "bonded" in accordance with State statute.

Now Therefore Be It Resolved; That the Town of Dallas, as a political subdivision of the State of North Carolina subject to the General Statutes thereof, does hereby appoint and designate Maria E. Stroupe as its Finance Officer, and hereby directs that she be covered by a surety performance bond in the Amount of Fifty-Thousand Dollars (\$50,000), with any and all costs of obtaining and maintaining said bond borne by the Town.

Be it Further Resolved; That the Town of Dallas, by the affirmative vote of its Board of Aldermen, also directs that a "Crime Coverage" insurance policy be hereafter acquired and maintained by the Town that shall cover each officer, employee, or agent of the Town who shall handle, or have in his/her custody more than \$100 of the Town's funds at any time, or who shall handle or have access to the inventories of the Town, in an aggregate coverage amount as recommended by the Town's Insurance carrier, and fully consistent with State Statutes.

Adopted This _____ Day of April, 2013.

**By: _____
Rick Coleman, Mayor**

**ATTEST: _____
Maria E. Stroupe, Town Clerk**

§ 159-29. Fidelity bonds.

(a) The finance officer shall give a true accounting and faithful performance bond with sufficient sureties in an amount to be fixed by the governing board, not less than fifty thousand dollars (\$50,000). The premium on the bond shall be paid by the local government or public authority.

(b) Each officer, employee, or agent of a local government or public authority who handles or has in his custody more than one hundred dollars (\$100.00) of the unit's or public authority's funds at any time, or who handles or has access to the inventories of the unit or public authority, shall, before being entitled to assume his duties, give a faithful performance bond with sufficient sureties payable to the local government or public authority. The governing board shall determine the amount of the bond, and the unit or public authority may pay the premium on the bond. Each bond, when approved by the governing board, shall be deposited with the clerk to the board.

If another statute requires an officer, employee, or agent to be bonded, this subsection does not require an additional bond for that officer, employee, or agent.

(c) A local government or public authority may adopt a system of blanket faithful performance bonding as an alternative to individual bonds. If such a system is adopted, statutory requirements of individual bonds, except for elected officials and for finance officers and tax collectors by whatever title known, do not apply to an officer, employee, or agent covered by the blanket bond. However, although an individual bond is required for an elected official, a tax collector, or finance officer, such an officer or elected official may also be included within the coverage of a blanket bond if the blanket bond protects against risks not protected against by the individual bond. (1971, c. 780, s. 1; 1975, c. 514, s. 14; 1987 (Reg. Sess., 1988), c. 975, s. 32; 2005-238, s. 2.)

**Resolution Approving Memorandum of Understanding With
"CONNECT Consortium" For Participation in Regional Strategic
Planning Process**

Whereas; The Centralina Council of Governments (CCOG), to which the Town of Dallas is a participating member municipality, secured \$4.9Million in HUD Funding to undertake a comprehensive, regional strategic planning process known as "Project CONNECT" , whose collective and voluntary participant jurisdictions make up the "CONNECT Consortium"; and,

Whereas; In order for the Town of Dallas to now insure it retains the right to participate in this strategic, regional planning effort, and to offer its input on any plans produced, it is necessary to adopt the Memorandum of Understanding (MOU) with the CONNECT Consortium, as attached hereto, and to officially designate both a Staff (employee) Appointee and Alternate, as well as an Elected Official Appointee and Alternate, to serve on the Consortium "Program" Forum and "Policy" Forum respectively; and,

Whereas; Since there are no fees required or costs associated with participation, it is in the Town's best interest to enter into the MOU and to designate Town Appointees who are prepared to engage in the planning process and to represent the best, long-term interests of the Town.

Now, Therefore Be It Resolved, That The Town of Dallas, by the affirmative vote of its Board of Aldermen, does hereby Adopt and approve the Memorandum of Understanding for CONNECT Consortium membership; and officially designates _____ as its senior staff primary appointee to the Program Forum; and, _____ as the alternate; and further designates _____ as the elected official appointee to the Policy Forum; and, _____ as the alternate.

Approved This 9th Day of April, 2013.

By: _____
Mayor Rick Coleman

ATTEST:

Maria E. Stroupe, Town Clerk

EXTRACTS FROM MINUTES OF BOARD OF ALDERMEN

* * *

A regular meeting of the Board of Aldermen (the “Board”) of the Town of Dallas, North Carolina (the “Town”) was held on Tuesday, April 9, 2013, at 6:00 p.m. in the Community Room at the Dallas Fire Station, 209 West Main Street, Dallas, North Carolina, Mayor Rick Coleman presiding, and the following Aldermen present:

Aldermen Absent:

* * * * *
* * *

Alderman _____ moved that the following resolution (the “Resolution”), a copy of which was available with the Town Clerk and which was read by title:

RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the Town of Dallas, North Carolina (the “Town”) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the “State”);

WHEREAS, the Town has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Board hereby determines that it is in the best interest of the Town (1) to execute and deliver an installment financing contract (the “Contract”) under Section 160A-20 of the General Statutes of North Carolina (the “Act”) in order to (a) pay the capital costs of certain improvements to (i) the Town’s water system and (ii) Town Hall and the Town Police Station (collectively, the “Projects”), and (b) pay certain costs related to the execution and delivery of the Contract and (2) if required by the financial institution providing funds to the Town under the Contract, to execute and deliver a deed of trust and security agreement (the “Deed of Trust”) related to the Town’s fee simple interest in all or a portion of the real property on which Town Hall and the Town Police Station are located, together with the improvements thereon, to provide security for the Town’s obligations under the Contract;

WHEREAS, the Town hereby determines that (1) the financing of the Projects is essential to the Town’s proper, efficient and economic operation and to the general health and welfare of its inhabitants; (2) the Projects provide an essential use and permit the Town to carry out public functions that it is authorized by law to perform; and (3) entering into the Contract and the Deed of Trust (if required by the

financial institution providing funds to the Town under the Contract) is necessary and expedient for the Town by virtue of the findings presented herein;

WHEREAS, the Town hereby determines that the Contract allows the Town to finance the Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the Town;

WHEREAS, the Town hereby determines that the estimated cost of financing the Projects is an aggregate principal amount not to exceed \$4,000,000 and that such cost of financing the Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the Town in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Projects pursuant to the Contract is expected to exceed the cost of financing the Projects pursuant to a bond financing for the same undertaking, the Town hereby determines that the cost of financing the Projects pursuant to the Contract and, if necessary, the Deed of Trust and the obligations of the Town thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of financing the Projects; and (3) insufficient revenues are produced by the Projects so as to permit a revenue bond financing;

WHEREAS, the Town has determined and hereby determines that the estimated cost of financing the Projects pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the Town does not anticipate a future property tax increase solely to pay installment payments falling due under the Contract;

WHEREAS, Parker Poe Adams & Bernstein LLP, as special counsel ("*Special Counsel*"), will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the Town in any action for its breach of the Contract, and the taxing power of the Town is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the Town is not in default under any of its debt service obligations;

WHEREAS, the Town's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the Town has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

WHEREAS, past audit reports of the Town indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the Town has not been censured by the North Carolina Local Government Commission (the "*LGC*"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, a public hearing on the Contract will be properly noticed and held on May 14, 2013;

WHEREAS, approval of the LGC with respect to entering the Contract must be received; and

WHEREAS, the Town hereby determines that all findings, conclusions and determinations of the Town in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract and the Projects to be financed thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Authorization to Negotiate the Contract.*** The Interim Town Manager and the Administrative Services Director, with advice from the Town Attorney and Special Counsel, are hereby authorized and directed to negotiate on behalf of the Town for the financing of the Projects for an aggregate principal amount not to exceed \$4,000,000 under the Contract to be entered into in accordance with the provisions of the Act.

Section 2. ***Application to LGC.*** The Interim Town Manager and the Administrative Services Director or their designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the Town and its financial condition as may be required by the LGC.

Section 3. ***Public Hearing.*** A public hearing (the "*Public Hearing*") shall be conducted by the Board on May 14, 2013 at 6:00 p.m. in the Community Room at the Dallas Fire Station, 209 West Main Street, Dallas, North Carolina, concerning the Contract, the proposed financing of the Projects and any other transactions contemplated therein and associated therewith.

Section 4. ***Notice of Public Hearing.*** The Town Clerk is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the Town no fewer than 10 days prior to the Public Hearing.

Section 5. ***Financing Team.*** The Town's use of Parker Poe Adams & Bernstein LLP, as special counsel, and DEC Associates, Inc., as financial advisor, is hereby approved.

Section 6. ***Repealer.*** All motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 7. ***Effective Date.*** This Resolution is effective on the date of its adoption.

On motion of Alderman _____, the foregoing resolution entitled “**RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**” was duly adopted by the following vote:

AYES:

NAYS:

STATE OF NORTH CAROLINA)
)
TOWN OF DALLAS) ss:

I, MARIA STROUPE, Town Clerk of the Town of Dallas, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**” adopted by the Board of Aldermen of the Town of Dallas, North Carolina, at a meeting held on the 9th day of April, 2013.

WITNESS my hand and the corporate seal of the Town of Dallas, North Carolina, this the day of April, 2013.

MARIA STROUPE
Town Clerk
Town of Dallas, North Carolina

EXHIBIT A

NOTICE OF PUBLIC HEARING

At its April 9, 2013 meeting, the Board of Aldermen of the Town of Dallas, North Carolina (the "Town") adopted a resolution which authorized the Town:

1. to enter into negotiations with respect to an installment financing contract (the "Contract") in an aggregate principal amount not to exceed \$4,000,000 in order to (a) pay the capital costs of certain improvements to (i) the Town's water system and (ii) Town Hall and the Town Police Station (collectively, the "Projects"), and (b) pay certain costs related to the execution and delivery of the Contract, under which the Town will make certain installment payments; and

2. if required by the financial institution providing funds to the Town under the Contract, to enter into a deed of trust and security agreement (the "Deed of Trust") under which the Town will grant a lien on the Town's fee simple interest in all or a portion of the real property on which Town Hall and the Town Police Station are located, together with the improvements thereon (collectively, the "Mortgaged Property").

Town Hall is located at 210 North Holland Street, Dallas, North Carolina 28034. The Town Police Station is located at 207 West Church Street, Dallas, North Carolina 28034.

To secure the Town's obligations under the Contract, the Town will grant a first priority security interest in the Town's right, title and interest in and to certain personal property acquired as part of the improvements to the Town's water system financed with the Contract (collectively, the "Personal Property Collateral"). If required by the financial institution providing funds to the Town under the Contract, the Town will execute and deliver the Deed of Trust, granting a lien on all or a portion of the Mortgaged Property. On the Town's payment of all installment payments due under the Contract, the Contract and the Deed of Trust and any liens created thereunder will terminate, and the Town's title to the Mortgaged Property and the Personal Property Collateral will be unencumbered.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on May 14, 2013 at 6:00 p.m. in the Community Room at the Dallas Fire Station, 209 West Main Street, Dallas, North Carolina, a public hearing will be conducted concerning the approval of the execution, delivery and performance of the Contract and the financing of the Projects. All interested parties are invited to present comments at the public hearing regarding the execution, delivery and performance of the Contract and the financing of the Projects.

/s/ MARIA STROUPE
Town Clerk
Town of Dallas, North Carolina

Published: April __, 2013

Suggested Ordinances for Repeal or Change

1. 70.07 (Prior Code H-VII-6) Trains Blocking Intersection. Reason: The Sixth US Circuit Court has ruled that the Federal Railway Safety Act preempts local railroad ordinances. Also, the Town no longer has a railroad running through it.

2. 70.08 (Prior Code H-VII-7) Speed Limit for Trains. See Above

3. 70.09 (Rewrite) Registration of Motor Vehicles (Prior Code H-VII-8)

I recommend that we rewrite this Ordinance as follows:

(A) Vehicle Registration Fee. Every person owning or leasing a motor vehicle in the Town of Dallas shall pay an annual Registration Fee as set forth by the Board of Aldermen of the Town of Dallas on each motor vehicle so owned or leased by that person.

(B) Registration Not Required

(1) The owner, operator or lease of a motor vehicle temporarily used in the Town for a period not to exceed thirty (30) days.

(2) A motor vehicle operated for demonstration purposes by manufacturers or dealers and displaying dealer's license plates by the state.

(3) Motor Vehicles owned by the Town, County, State or Federal Governments.

I recommend repeal of the rest of this ordinance (subsections C-F) since the Town no longer issues Town of Dallas Vehicle registration Plates, yet we collect a \$5 Vehicle Registration Fee on the Town's property taxes

4. 70.23 (Prior Code H-II-4) Persons Propelling Pushcarts or Riding Bicycles or Animals to Obey Traffic Regulations.

I recommend repeal of this ordinance since it is covered by GS 20-171.

5. 70.35 (Prior Code H-III-1) Obedience to Official Traffic Control Device

I recommend repeal of this ordinance because it is covered by GS 20-158.

6. 70.36 (Prior Code H-III-2) Obedience to No Turn Signs and Turning Markers

I recommend repeal of this ordinance because it is covered by GS 20-154

7. 70-38 (Prior Code H-III-4) Traffic Control Signal Legend

I recommend repeal of this ordinance because it is covered by GS 20-158.

8. 70.39 (Prior Code H-III-5) Flashing Signals

I recommend repeal of this ordinance because it is covered by GS 20-158 also. This would actually repeal all of Chapter H Article III.

9. 91.06 (Prior Code K-II-7) Permit Required for Begging.

I recommend repeal of this ordinance because it has been ruled, in *Lee v Krishna Consciousness, Inc. and Heritage Village Church and Missionary v State* that the regulation of money solicitation poses federal freedom of speech problems, and there would be difficulty enforcing this ordinance if challenged in court.

10. 114.05 (Prior Code J-V-5) Fee (Solicitors and Canvassers)

I recommend rewriting this section to read as follows:

114.05 Fee

The License Fee which shall be charged by the Town Manager or his Designee shall be set forth by the Board of Aldermen in Schedule A of the Town of Dallas Fee Schedule.

In the current ordinance, the charge is \$5 a day, yet in our Fee Schedule we are charging \$20. This would eliminate a conflict in the wording.

11. 114.06 (Prior Code J-V-6) Bond (Solicitors and Canvassers)

To my knowledge, the Town has not required nor collected a Bond from solicitors or canvassers

12. 114.07 (Prior Code J-V-7) Badges (Solicitors and Canvassers)

To my knowledge, the Town has not issued Badges to solicitors or canvassers; for purposes of identification, I have always made copies of the drivers licenses or ID cards of the solicitor.

13. 115.10 (Prior Code O-I-10) Enumeration to the Town (Community Antenna Television)

State law prohibits the collection of a Franchise Fee for cable television.

14. 130.04 (Prior Code K-I-4) Public Drunkenness

GS 14-447 prohibits charging individuals with just being drunk in public; in order to be charged, the subject must also be disruptive (GS 14-444).

Copy of Current Ordinances as Written

SEC. H-VII-6. TRAINS BLOCKING CROSSING REGULATED.

It shall be unlawful for any person, firm, or corporation to allow a railroad train, locomotive, or any railroad vehicle to stand upon a public crossings or any portion thereof, for more than five minutes at any time.

SEC. H-VII-7. SPEED LIMIT FOR TRAINS.

It shall be unlawful for any person, firm, or corporation to operate any locomotive engine or train or railroad car within the corporate limits of the Town of Dallas at any speed in excess of 35 miles per hour.

SEC. H-VII-8. REGISTRATION OF MOTOR VEHICLES.

(1) ISSUANCE OF TAG.

Every person owning, leasing or operating a motor vehicle in the Town of Dallas shall annually register the same with the Town Clerk and shall pay an annual registration fee of one dollar (\$1.00) on each motor vehicle so owned or leased by such person. Upon receipt of such registration fee, the Town Clerk shall furnish or cause to be furnished a metal tag evidencing such license, which tag shall be displayed on such motor vehicle at all times.

(2) REGISTRATION NOT REQUIRED.

THIS SECTION SHALL NOT APPLY TO THE FOLLOWING:

(A) The owners operator or lessee of a motor vehicle temporarily used in the Town for a period not exceeding thirty (30) days.

(B) A motor vehicle operated for demonstration purposes by manufacturers or dealers and displaying dealer's license plates issued by the State of North Carolina.

(C) Motor vehicles owned by the Town of Dallas, State of North Carolina, or the United States of America.

(D) Motor vehicles owned by members of the fire department and for which fire department tags have been issued.

(3) PERIOD OF REGISTRATION.

The period of registration shall include the twelve (12) months beginning with January I of the year of registration and ending on the 31st day of December of each year; provided however, the old tag may continue to be used for a period conterminous with the license plate issued by the State of North Carolina.

(4) ISSUANCE OF TAG; DUPLICATION OF LOST OR DESTROYED TAG.

For every motor vehicle registered there shall be issued an appropriate tag. Upon satisfactory evidence that such tag has been lost or destroyed a new one shall be issued.

(5) WHEN AND HOW TAG TRANSFERABLE.

A tag shall not be transferred from one vehicle to another and shall not be used by any person upon any motor vehicle except the one for which it was issued, nor shall it be used upon such vehicle except as long as such vehicle remains the property, or under the controls of the person to whom the tag was issued at the time of registration.

(6) MOTOR VEHICLES TO DISPLAY TOWN TAGS.

No person may operate a motor vehicle which is required to be registered on the streets of the Town of Dallas, unless there is displayed on the rear or front of such motor vehicle, the tag issued therefore by the Town. Every such tag shall be displayed throughout the current year for which it is issued in such manner as to be visible at all times.

SEC. H-II-4. PERSONS PROPELLING PUSH CARTS, OR RIDING BICYCLES OR ANIMALS, TO OBEY TRAFFIC REGULATIONS.

Every person propelling any push cart, or riding a bicycle or an animal, upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Chapter applicable to the driver of a vehicle, except those provisions of this Chapter which, by their very nature, can have no application.

SEC. J-V-6. BOND.

Every applicant not a resident of the Town of Dallas, or who, being a resident of the Town of Dallas, represents a firm whose principal place of business is located outside the State or North Carolina, shall file with the **Town Clerk** a surety bonds running to the town in the amount of \$1,000 with surety acceptable to and approved by the **Town Clerk**, conditioned that the said application shall comply fully with all the provisions of the ordinances of the Town of Dallas and the statutes of the State of North Carolina regulating and concerning the business of solicitor and guaranteeing to any citizen of the Town of Dallas that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and further guaranteeing to any citizen of the Town of Dallas doing business with said solicitor, that the property purchased will be delivered according to the representations of said solicitor. Action on such bond may be brought in the name of the Town to the use or benefit of the aggrieved person.

SEC. J-V-7. BADGES.

The **Town Clerk** shall issue to each licensee at the time of delivery of his license a badge which shall contain the words "Licensed Solicitor", the period for which the license is issued and the number of the licenser in letters and figures easily discernible from a distance of ten (10) feet. Such badge shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous.

(4) SEC. K-II-7. PERMIT REQUIRED FOR BEGGING.

It shall be unlawful for any person to beg on the streets or from door to door in the Town of Dallas unless such person shall first apply to the Town Clerk and obtain written

(5) SEC. K-I-4. PUBLIC DRUNKENNESS.

It shall be unlawful for any person to be found drunk anywhere within the Town limits, except on his own premises.

SEC. 0-1-10. ENUMERATION TO TOWN.

Upon acceptance of a franchise, and in consideration of the rights and privileges granted thereunder, the

grantee shall pay to the Town an initial franchise fee equal to Fifty (\$50*00) Dollars per month for each month or major fraction of a month remaining between the date of acceptance of the franchise and the end of the Town's fiscal year, thereafter; during the life of the franchise, the grantee shall pay to the Town on or before the 1st day of July of each year a franchise fee to cover the twelve (12) months period commencing July 1st and terminating the following June 30th; the amount of said franchise fee to be Six Hundred (\$600.00) Dollars or three (3%) per cent of the grantee's gross subscriber revenues for the grantee's most recent fiscal year ending on or before April 15th, whichever is greater. The fee for the last year of the grantee's franchise shall be computed on the same basis even though the term of the franchise is due to expire during the year. Within one hundred twenty (120) days after the expiration at the grantee's fiscal year, the grantee shall file with the Town a financial statement prepared by a certified public accountant, or other person satisfactory to the Town showing in detail the gross subscriber revenue, as defined herein, of grantee during such fiscal year. The payment of this fee is in addition to any ad valorem taxes which the Town may be entitled to receive by reason of the existence of grantee's real and personal property. At any time during the three fiscal years following the payment of the annual fee, the Town shall have the right to inspect the grantee's records showing the gross subscriber revenue from which these payments are computed and the right of audit and re-computation of any and all amounts under this ordinance. Acceptance of payments hereunder shall not be construed as a release or as an accord and satisfaction of any claim the Town say have for further or additional sums payable under this ordinance or for the performance of any other obligations hereunder.