

MINUTES FOR BOARD OF ALDERMEN MEETING

July 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; Gary Buckner, Police Chief; Doug Huffman, Electric Director; Bill Trudnak, Public Works Director; Steve Lambert, Fire Chief; Anne Martin, Recreation Director; and David Kahler, Community Services Director. Thomas Hunn, Town Attorney, was absent.

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. Mr. Huggins requested that Item 9A be moved to the August meeting. Mr. Martin made a motion to set the agenda, including the deletion of Item 9A, seconded by Mr. Beaty, and carried unanimously.

Mr. Beaty made a motion to approve the minutes from the June 11, 2013 regular meeting and the June 27, 2013 Special Meeting, seconded by Mr. Withers, and carried unanimously.

Consent Agenda:

Item 5A was a request to approve the uncollectible accounts for July 2013.

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

Recognition of Citizens:

Mr. Mike Stubbs, Commander of Chapter 634 of the Military Order of the Purple Heart, was present, along with a five other members of the chapter to receive a framed copy of the proclamation designating Dallas as a "Purple Heart City".

Mr. Frank Milton, 518 E. Carpenter St., and Pastor of First Baptist Church, Dallas, had requested to be recognized to speak to a proposal from Venture Church to adopt Jaggars Park. There were a couple dozen members of the East Dallas community present in support of Mr. Milton's statements. Mr. Milton stated that he and a number of community residents were concerned by the request brought to the Board at the June meeting by Venture Church to "adopt" Jaggars Park. He understands that there is no policy providing an entity the ability to adopt Town-owned property, but wanted to voice concerns from the community. He researched the word "adopt" and found it to mean pertaining to the upkeep and beautification of a property, not a means by which to achieve a particular or exclusive use. He is not opposed to Venture Church, or any other group, adopting any Town areas for beautification purposes, but is not in favor of any agreement that allows one group exclusive use of a Town property. Jaggars Park is named after Mr. George Jaggars, Jr.; who was an educator, a faithful deacon at First Baptist Church, and to-date the only African-American to serve on the Dallas Board of Aldermen. The park also sits at the site of the old Gingles School. If a policy were to be adopted by the Board of Aldermen to allow facility adoption, he requested that the Town would consider an established group within the community that has been functioning in the East Dallas community for a number of years. Mr. Palenick informed the audience that at the time of the request from Venture Church, the Town requested that church

leaders bring a proposal to the Town Manager with a schedule of dates, times, and activities being requested in order for the Manager to review the request before any determination could be made. At this time, no one from Venture Church has presented any information to the Town Manager for review. Mayor Coleman assured Mr. Milton that any discussion on use of the Park would include Mr. Milton and other community leaders.

Mr. Bob Kendrick, 408 S. Groves St., stated that the microphones in the Board Room were not picking up statements made by the Board and should be checked. He also stated that he had a water problem on S. Groves St. due to run off from the Town replacing a pipe at his neighbor's residence. He stated that Mr. Trudnak and Mr. Kahler had both been informed of the problem, but had differing views of the situation, had not been to the area together to address the issue. Mr. Trudnak and Mr. Kahler will make a visit to the area to assess the problem together.

Recognition of Employees:

Item 7A, was recognition of Gary Buckner, Police Chief, for twenty-five years of service to the Town of Dallas. June 20, 2013 marked Gary Buckner's 25th year of service with Dallas. Gary was hired on June 20, 1988 as a Police Officer. On November 12, 1991, Gary was promoted to Sergeant. Gary was then promoted to Captain on July 1, 1998. One January 1, 2001 Gary was designated as the Interim Police Chief and was officially appointed Police Chief on May 8, 2001. Gary continues to serve Dallas as Police Chief. Mayor Coleman presented Chief Buckner with a framed certificate of appreciation for his years of service and dedication. (Exhibit A)

Public Hearing:

Mr. Withers made a motion to enter into a public hearing to consider an ordinance to amend Chapter 90, "Animals", Section 90.02, "Beehives" to allow for the keeping of bees within Town limits, under conditions regulated by permit, seconded by Mr. Huggins, and carried unanimously.

Under the current ordinance, beekeeping is not allowed at all within the "fire limits" of the Town of Dallas. However, due to a request from a beekeeper within the Town, as well as an endorsement for the request from various beekeeping organizations, Staff has undertaken to amend the ordinance to allow for beekeeping, with a permit and under certain conditions, within the Town limits. The amended ordinance would require screening of the hives; only allow hives to be placed in the rear yard; and limit the number of hives per lot to a maximum of 12. (Exhibit B) Mr. Beaty asked if the number of hives was dependent on the size of the lot. Mr. Kahler stated that there was no provision for lot size. Mr. Huggins stated that he did not believe there should be a charge per hive. Ms. Pat Heafner, Ayrshire Lane, lives in the neighborhood where a beekeeper has hives at the corner house at the entrance to the neighborhood. She does not like the way the hives look to passing traffic, as the beekeeper's back yard is visible to passing traffic on Dallas Cherryville Highway. Mr. Kahler stated that the screenings listed in the ordinance proposal was defined as blocking hives from a public road. Mr. Bob Kendrick, S. Groves St., stated that he believed the Town was going too far trying to tell Mother Nature how to regulate bees. God put bees on the earth to pollinate and there should not be an ordinance to regulate bees. Mr. Palenick stated that at this time the current ordinance actually makes it unlawful to keep bees. This ordinance amendment would allow beekeeping. The current ordinance prohibiting beekeeping needs to be addressed.

Mr. Withers made a motion to exit the public hearing, seconded by Ms. Morrow, and carried unanimously. Mr. Huggins made a motion to approve the proposed ordinance with the \$5.00 per hive fee and with a special emphasis on screening. There was no second. Mr. Palenick stated that the reason for the fee was the premise that most beekeepers collect honey from the hives and then sell it, which puts this in the category of retail sales. By requiring a permit for the hives, the Town will be able to enforce the provisions allowing beekeeping and retail sales. Mr. Huggins withdrew his motion. Mr. Huggins then made a motion to approve the ordinance amendment as presented, seconded by Mr. Beaty, and carried by the following vote: Yays – Mr. Beaty, Mr.

Huggins, Mr. Martin, and Mr. Withers. Nays – Ms. Morrow. , As provided for in N.C.G.S. § 160A-75, “In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council.” The beekeeping ordinance amendment passes on the first reading by an affirmative vote of three fourths.

Mr. Martin made a motion to enter into a Public Hearing to consider an amendment to Chapter 76, “Parking Schedules”, by the addition of a new “Schedule VIII, Handicapped Parking”, seconded by Mr. Beaty, and carried unanimously.

After a review by Town Staff, it was determined that there are currently no designated handicap parking spaces proximate to the Courthouse Square within the public parking spaces provided. The ordinance amendment proposes to rectify this by designating one space on each side of the Courthouse Square as a handicap parking space, to be marked and painted per State and Federal law. (Exhibit C)

Mr. Beaty made a motion to exit the public hearing, seconded by Mr. Huggins, and carried unanimously. Mr. Beaty made a motion to table this discussion until the August Board of Aldermen meeting in order for the Board to further review the ordinance amendment and to view the Courtsquare, seconded by Mr. Martin, and carried unanimously.

Old Business:

Item 9A was removed from the agenda, to be placed on the August Board of Aldermen meeting agenda.

Item 9B was a discussion requested by Mr. Beaty regarding competitive bidding for maintenance and repair work on Town vehicles and equipment. Mr. Beaty believes that the Town should bid out repairs, especially large repairs. He would like to see data on repairs completed and costs per vehicle. He asked that Staff prepare a proposal for obtaining quotes for large repairs and procedures for pursuing needed repairs to be presented at the August Board of Aldermen meeting.

New Business:

Item 10A was a request to consider Town support and sponsorship of “Hope 4 Gaston – Dallas” on Saturday, October 5, 2013. Over the last several years, the “Hope 4 Gaston” event, made up of a faith-based consortium of churches and charitable groups, led by John Whitaker, has consisted of an intensive day of rehabilitating the homes of people in Gastonia, who otherwise could not afford to make such improvements, as well as a day-long distribution of food and clothing and a neighborhood block party. Such an event is now proposed for the Town of Dallas, to be held on Saturday, October 5, 2013 and has set a goal of ten homes to be rehabilitated. In addition to seeking volunteers to assist with the efforts, organizers are also seeking to raise \$10,000 to purchase needed supplies. (Exhibit D) Mr. Palenick had experience with this group in Gastonia and found them to be well-run and well-organized. He stated that incredible value comes from these efforts and the dollars raised are leveraged at least 10-fold in the improvements achieved. The Town could consider being a named sponsor, providing in-kind help and resources, and providing an actual financial contribution. Mr. Ronnie Maynor, Venture Church, was present to answer any questions. He will be the main organizer for the Dallas project day. Mr. Huggins made a motion to approve the sponsorship of the event and for the Town to contribute \$3500 to the effort, seconded by Mr. Beaty. Mr. Tommy Lineman, 405 S. Ridge St., stated that if the Town would contribute \$3500, he would personally pledge \$1000 to the event. The motion was approved unanimously.

Item 10B was a request to approve the selection of Engineering Services, PA, of Garner, NC, and to award them a contract for Engineering Design and Construction Administration and Supervision Services for the CDBG-funded portion of the Water Main Replacement Project. Consistent with Federal regulations and CDBG requirements, the Town solicited Requests for Proposals (RFP's) from engineering firms interested in providing engineering design and construction administration and supervision services for our Phase IV (CDBG) Water Main Replacement Project. In response, two proposals were received, which were then evaluated by a four-member staff committee (Palenick, Trudnak, Stroupe, Huffman) charged with ranking each proposal on a 100-point-maximum scale for qualification, capacity, past performance, and familiarity with the Town's system. Results were unanimous – all Committee members ranked Engineering Services as the preferred firm by a significant margin. This firm comes highly recommended for having successfully engineered CDBG funded water infrastructure projects and meeting all State and Federal requirements and deadlines. The contract they have proposed has been standardized with other CDBG-approved projects and offers “not-to-exceed” lump-sum costs for each service provided. Upon review, the contract is in order and will meet all CDBG requirements and serve the Town's needs in governing the project moving forward. With regard to the costs of the services to be provided, they are as follows: Engineering Design will be \$63,295.00; Surveying Fees are set at \$31,500; Construction Observation costs (having an inspector on-site at all times during construction consistent with Grant requirements) are \$37,350; and Construction Administration Fees (meeting all Grant requirements and documentation, including Davis-Bacon administration) will be \$36,800. All together these fees total: \$168,945.00. The estimate originally budgeted for (based on Diamond Engineering estimates) was \$85,261.00, but that did not include either the construction supervision costs or the construction administration costs, both of which are necessary to administer a CDBG-funded project. Further, the Diamond Engineering estimate was actually 10% of Construction costs, and since the newly-estimated Construction costs are now \$284,600 higher, their corresponding engineering costs would be \$28,460 higher. On an hourly basis, the Engineering Services proposal and contract is actually less than Diamond Engineering. Upon review, Staff is fully comfortable that the engineering costs are reasonable and competitive. The cost estimates, as produced by Diamond Engineering, appear to be significantly under-estimated and as a result, the Town will now have to fund significantly more of Project expenses out of fund balance reserves than originally budgeted. (Overall Project, with Phases I – IV \$648,560.00, rather than \$328,847.) What started as a \$4.1M project is now a \$5.0M project, to be funded with \$3.6M in Bonded Debt, \$750,000 in a CDBG Grant, and \$650,000 in Town cash reserves. Nonetheless, the project is entirely necessary and being designed, administered, and constructed in the most cost-effective manner possible. Also, given the Town's healthy Water/Sewer Fund cash fund balance, this use of funding is very appropriate and will still leave the Water/Sewer Fund with nearly \$1,000,000 in reserve, according to Mr. Palenick. Mr. Palenick also pointed out that a couple of changes had been made to the proposed contract since the Board received a preliminary copy. Those changes are: Section G – Language was eliminated that would make the Town liable for termination costs and Section H – Arbitration, if necessary, would be held in Charlotte, not Raleigh. Mr. Withers made a motion to approve the selection of Engineering Services, PA, of Garner, NC and to award them the contract as presented for Engineering Design and Construction Administration and Supervision Services for the CDBG Funded portion of the Water Main Replacement Project, seconded by Mr. Beaty, and carried unanimously.

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

Mr. Beaty made a motion to adjourn, seconded by Mr. Withers, carried unanimously. (7:41)

Rick Coleman, Mayor

Maria Stroupe, Town Clerk

CERTIFICATE OF APPRECIATION

This certificate is awarded to

GARY WAYNE BUCKNER

in recognition of his 25th anniversary with the Town of Dallas on **June 20, 1988**
and in gratitude for his years of dedication and service

TOWN OF DALLAS



Signature

Date

Signature

Date

AN ORDINANCE TO AMEND CHAPTER 90, "ANIMALS", SECTION 90.02, "BEEHIVES", OF THE COMPILED CODE OF ORDINANCES OF THE TOWN OF DALLAS, NORTH CAROLINA

WHEREAS, Following a properly-noticed public hearing before the Board of Aldermen, held on July 9, 2013, and in consideration of the information and research materials received and reviewed.

NOW, THEREFORE BE IT ORDAINED, by the Board of Aldermen of the Town of Dallas, North Carolina, that the Compiled Code of the Town Ordinances is hereby Amended as follows:

That Chapter 90, Animals, Section 90.02, "Beehives Prohibited Within Town Limits", is Repealed and Replaced in its entirety by a new Section 90.02, "Urban Beekeeping", to Read:

Section 90.02 Urban Beekeeping

(A) Purpose. The purpose of this section is to encourage persons who keep bees to properly maintain hives, comply with state regulatory requirements and be considerate of neighbors. This section governs the maintenance of, establishes procedures and administration regarding, and provides penalties for enforcement of violations.

(B) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

(1) Apiary Inspector means the person designated by the State of North Carolina, Department of Agriculture to inspect all bees and hives within the State of North Carolina.

(2) Bees means eggs, larvae, developing bees and adult bees

(3) Beekeeper means the person who keeps and raises bees and harvests honey.

(4) Certificate of Inspection means all certificates and approvals from the Apiary Inspector certifying the health of the bees obtained from any source or location in or outside the State of North Carolina and any equipment purchased to keep bees.

(5) Front Yard

(a) The area extending across the full length of a lot from side lot line to side lot line and lying between the abutting street right of way or easement line and the building line; or

(b) In the case of a lot abutting more than one street, the "front yard" shall include all areas extending across the full length of a lot from property line to property line and lying between the abutting street right of way or easement and building line.

(6) Health Certificate means the periodic health inspection conducted by the NC Department of Agriculture.

(7) Hives means the wooden frame boxes used to house bees.

(8) Permit means the \$5 per hive authorization annually issued by the Town of Dallas to a beekeeper to maintain bees.

(C) Urban beekeeping Requirements

(1) No more than 12 hives will be permitted on a lot.

(2) The area wherein the hive(s) shall be located shall be screened from view by either an opaque fence of not less than 4 feet in height, and/or an equivalent screening of vegetation. In no case shall a hive be visible from a public street or highway.

(3) No hive shall be located in the front yard and no hive shall be closer than 15 feet from any property lines.

(4) All beekeeping equipment and hives must be maintained in good order and condition.

(D) Permitting and Inspection Requirements for Urban Beekeeping

(1) It shall be unlawful for any person within the Town limits of the Town of Dallas to keep bees without first obtaining a permit from the Town of Dallas.

(2) The permit must be renewed annually and a copy of the periodic health inspection report by the North Carolina Department of Agriculture is to be provided to the Town of Dallas.

(E) Enforcement Provisions

(1) Failure to comply with the provisions of this section may result in the revocation of a beekeeping permit in addition to the imposition of prescribed civil penalties.

(2) Violations of any of the provisions of this section shall subject the offender to a civil penalty in the amount of \$50. In the event there is more than one violation in any 30 day period, then the civil penalties shall be increased for each additional violation over one during the period as follows: \$100 for a second offense; \$150 for a third and subsequent offenses during a 30 day period. The date of the initial violation shall serve as the beginning for the initial 30 day period. The Town Attorney or designee may initiate litigation on behalf of the Town to collect any unpaid citations including but not limited to interest, court costs and attorney's fees. Appeals of any citation issued under this section may be appealed in writing to the Town Manager or designee within 72 hours of the citation.

(3) This section may also be enforced through equitable remedies, including but not limited to nuisance abatement procedures as issued by a court of competent jurisdiction.

(F) Amortization

Upon the effective date of the adoption of this ordinance, all then existing bee hives shall be allowed 6 months to be brought into full compliance with the provisions of this ordinance.

YEAS:

NAYS:

Attest: _____

Signed: _____

23

Proposed Change to Chapter 90 Section 90.02 (Old Chapter K, Section K-III-2)

Old Ordinance:

SEC. K-III-2 BEEHIVES PROHIBITED WITHIN FIRE LIMITS.

It shall be unlawful for any person to keep and maintain any beehives or any container or other structure wherein bees are bred, raised or otherwise kept or allowed to congregate within the fire limits of the Town.

Proposed New Ordinance:

Section 90.02 Urban Beekeeping

(A) Purpose. The purpose of this section is to encourage persons who keep bees to properly maintain hives, comply with state regulatory requirements and be considerate of neighbors. This section governs the maintenance of, establishes procedures and administration regarding, and provides penalties for enforcement of violations.

(B) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

(1) Apiary Inspector means the person designated by the State of North Carolina, Department of Agriculture to inspect all bees and hives within the State of North Carolina.

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(3) Beekeeper means the person who keeps and raises bees and harvests honey.

(4) Certificate of Inspection means all certificates and approvals from the Apiary Inspector certifying the health of the bees obtained from any source or location in or outside the State of North Carolina and any equipment purchased to keep bees.

(5) Front Yard

(a) The area extending across the full length of a lot from side lot line to side lot line and lying between the abutting street right of way or easement line and the building line; or

(b) In the case of a lot abutting more than one street, the "front yard" shall include all areas extending across the full length of a lot from property line to property line and lying between the abutting street right of way or easement and building line.

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- (3) No hive shall be located in the front yard and no hive shall be closer than 15 feet from any property lines.
- (4) All beekeeping equipment and hives must be maintained in good order and condition.

(D) Permitting and Inspection Requirements for Urban Beekeeping

- (1) It shall be unlawful for any person within the Town limits of the Town of Dallas to keep bees without first obtaining a permit from the Town of Dallas.
- (2) The permit must be renewed annually and a copy of the periodic health inspection report by the North Carolina Department of Agriculture is to be provided to the Town of Dallas.

(E) Enforcement Provisions

- (1) Failure to comply with the provisions of this section may result in the revocation of a beekeeping permit in addition to the imposition of prescribed civil penalties.
- (2) Violations of any of the provisions of this section shall subject the offender to a civil penalty in the amount of \$50. In the event there is more than one violation in any 30 day period, then the civil penalties shall be increased for each additional violation over one during the period as follows: \$100 for a second offense; \$150 for a third and subsequent offenses during a 30 day period. The date of the initial violation shall serve as the beginning for the initial 30 day period. The Town Attorney or designee may initiate litigation on behalf of the Town to collect any unpaid citations including but not limited to interest, court costs and attorney's fees. Appeals of any citation issued under this section may be appealed in writing to the Town Manager or designee within 72 hours of the citation.
- (3) This section may also be enforced through equitable remedies, including but not limited to nuisance abatement procedures as issued by a court of competent jurisdiction.

(F) Amortization

Upon the effective date of the adoption of this ordinance, all then existing bee hives shall be allowed 6 months to be brought into full compliance with the provisions of this ordinance.

AN ORDINANCE TO AMEND CHAPTER 76, "PARKING SCHEDULES" OF THE COMPILED CODE OF ORDINANCES OF THE TOWN OF DALLAS< NORTH CAROLINA

WHEREAS, Following a properly-noticed public hearing before the Board of Aldermen, held on July 9, 2013, and in consideration of the information and research materials received and reviewed.

NOW, THEREFORE BE IT ORDAINED, by the Board of Aldermen of the Town of Dallas, North Carolina, that the Compiled Code of the Town Ordinances is hereby Amended as follows:

That Chapter 76, "Parking Schedules", is Amended by the addition thereto of a new "Schedule VIII, Handicapped Parking" to Read:

Schedule VIII: Handicapped Parking

Pursuant to this Schedule, the Town of Dallas shall designate one space within so allocated public parking spaces on the following streets as Handicapped Parking Only. Said spaces shall be marked and visible according to applicable State and Federal Law.

On Street	Side	From	To
W. Trade St.	North	S. Holland St.	S. Gaston St.
N. Gaston St.	East	W. Trade St.	W. Main St.
N. Holland St.	East	W. Trade St.	W. Main St.
W. Main St.	North	N. Gaston St.	N. Holland St.

AYES:

NAYS:

Attest: _____ **Signed:** _____

Proposed Amendment to Chapter 76, Parking Schedules, of the Codified Code of Ordinances of the Town of Dallas

Chapter 76 Parking Schedules

Schedule VIII: Handicapped Parking

Pursuant to this Schedule, the Town of Dallas shall designate one space within so allocated public parking spaces on the following streets as Handicapped Parking Only. Said spaces shall be marked and visible according to applicable State and Federal Law.

On Street	Side	From	To
W. Trade St.	North	S. Holland St.	S. Gaston St.
N. Gaston St.	East	W. Trade St.	W. Main St.
N. Holland St.	East	W. Trade St.	W. Main St.
W. Main St.	North	N. Gaston St.	N. Holland St.

28



Hope 4 Gaston, whose mission is "to provide compassionate, loving support of food, clothing and minor home repairs through a cooperative effort of churches, local government, businesses, and community citizens," is coming to Dallas NC on Saturday, October 5, 2013

There will be two major activities that day: a "block party" from 9 a.m. till 1 p.m. There will be free lunch, music, games, and boxes of food from the Second Harvest food bank to be distributed to citizens in need. Also, we plan to do repair work on 10 houses wherein the owners need remodeling/repair work done, but don't meet federal guidelines for the help they need. H4G estimates an average cost of \$1,000 repairs/remodeling per home, so our financial goal is \$10,000 for remodeling and repair.

Your financial gift is needed to help underwrite the expenses for the betterment of our community that day. Your tax-deductible contribution will be used to improve the lives of the citizens of our community. Should you choose to become a supporter of H4G in Dallas, you will be listed as a sponsor on the H4G website. (Financial gifts may be made out to Hope for Gaston Dallas, and mailed to Hope4Gaston, 4008 Tall Timber CT, Gastonia NC 28056

Is Hope 4 Gaston in Dallas NC worth your company's financial donation? Just ask Mrs. Shope, who received a new roof after the hail storm in April (2011). Ask Joey and Lou, who had not had water since 1999. Ask the director of the B.C. Boys and Girls Club (Mrs. Robinson), who have a new ramp in place. And these projects are just a quick example of what Hope4Gaston offers

If I can assist you in any way, please don't hesitate to contact me. (Check out the website at www.hope4gaston.com.)

Thank you for your consideration,

John Whitaker
Executive Director, Hope4Gaston
(704) 689-2219

Ronnie Maynor
Venture Church, Dallas NC
(980) 241-0092