

## Jim Palenick

---

**From:** Jim Palenick [jpalenick@dallasnc.net]  
**Sent:** Friday, October 25, 2013 10:46 AM  
**To:** 'rcdc18@charter.net'; 'huggybarber@att.net'; 'hoylewithers@yahoo.com'; 'scott.martin@duke-energy.com'; 'JOHN BEATY'; 'ronniemorrow@att.net'  
**Cc:** 'Maria Stroupe'; 'gbuckner@dallasnc.net'; 'Steve Lambert'; 'Bill Trudnak'; 'A. Martin'; 'Doug Huffman'; 'David Kahler'; 'J. Thomas Hunn'  
**Subject:** Town Manager's Weekly Report (#50)  
**Attachments:** Jury Duty Policy Amendment.docx; An Ordinance Amending for Dogs in Parks.docx; An Ordinance to Amend Chapter 1.docx

Mayor & Board of Aldermen:

Please accept the following as the **Town Manager's Report** for the Week-ended, Friday, October 25, 2013.

- The low-bid paving contractor who was awarded the contract to complete the repaving of the town hall parking lot (Steve Mason), ostensibly completed the work early in the week, but upon inspection, it was clear that the work was highly inferior and unacceptable as put in place. Some combination of poor workmanship, improper equipment, and/or asphalt mixture quality, temperature, or timing of installation all contributed to what is a ragged surface quality and appearance. As such, the contractor has been instructed, and he has agreed (at his exclusive cost) to now add an additional surface, "finish coat" to remedy the problem. We have held off remitting any payment for the work pending final satisfaction of the finished product. Once the final surface is in and acceptable, we will then arrange for the restriping and re-installation of the parking stops.
- Also this week, the concrete steps at the front entrance to Town hall were removed and replaced. That concrete is now in and curing and as soon as this process is complete, the guard-rails will be installed and the broken façade brick repaired, and all will be opened back to the public. In the meantime, unfortunately, customers are having to use the side, handicap ramp entrance to enter the lobby.
- It was brought to my attention this last week, by one of our employees who was facing the prospect of potentially having to serve on a federal jury, that the Town personnel policy did not provide for PAID "Civil Leave" to employees serving as witnesses or jurors, but rather required employees to use their own accrued leave time, or to wind up serving without pay if and/or when such time was exhausted. I must tell you, such a policy is entirely inconsistent with both state and national standards and is blatantly punitive and unfair to employees faced with performing their involuntary civic duties. I even question if it could hold up to a challenge if disputed in court. As such, I have prepared an Amendment to the policy (attached) which is consistent with similar policies throughout the State, for approval at the November Board Meeting. I would strongly recommend its adoption. I don't think it is a wise policy to put employees in the position of having to seriously worry about how to avoid jury duty in order to avoid personal financial hardship; particularly, given how infrequently the circumstance actually occurs.
- The Planning Board held their Meeting this week and dealt with the issue of Dogs in Public Places as was requested of them by the Board of Aldermen. In fact, they have instructed David Kahler, and he has prepared, an Ordinance Amendment detailing their recommendations. I have attached that Amendment hereto for your review in advance of the November Board Meeting when you all will be asked to take action on its possible adoption.
- The County Board of Commissioners adopted a new policy this week related to the collection fees imposed on municipalities for the services they provide in collecting our individual, municipal property taxes. The earlier policy, which was to take effect for the first time with this budget year, was to charge us ½ of 1% of taxes collected this year and likely increase that amount to 1% with next year, and finally 1 and ½% the year after and beyond. Now, they have apparently made the policy that they will charge us \$4.00 (flat fee) for each parcel collected, regardless of tax value. So, the result is that at ½ of 1% of taxes collected (estimated at \$971,246 for this fiscal year) we would have paid \$4,856.23. If these increases then phased-in over three years we would (two years from now) be paying \$14,568.00. Now, however, we will pay \$4.00 per parcel (estimated total of 1881

parcels) or \$7,524.00 this year and beyond. It appears as though they have simply settled on a middle ground, imposed it immediately and did it in a way which wouldn't fluctuate or go down with additions or re-evaluations. The end result is our cost will be nearly twice that of what we anticipated this year.

- We received our fully-executed Grant Contract agreement for Jagers Park this week so we are now in position to begin to authorize and incur expenditures attributable to the Grant. With this in mind, our first action will be to identify and select a landscape Architect to develop the plans and bid spec.'s for actually bidding out the covered work. Site Solutions of Charlotte, who prepared the landscape plan for the Town Square is a regional firm with a vast amount of experience in PARTF Parks Grant work and is a likely candidate for our effort. I will be contacting their representative soon to see if their firm can perform what we need at an acceptable cost.
- The new Electronic reader Board sign to be installed along Trade Street in Town Square will be complete by late November and installed just after the first of the year to avoid any conflict with, or disruption of the Holiday decorations and festivities. Prior to installation and use, however, we need to Amend our current Sign Ordinance to allow for this type of sign in this location. To that end, I have prepared a draft ordinance Amendment (copy attached) which will be taken up by the Planning Board in November. From there, the Amendment will need Board approval in December, and we will also have to develop and approve a set of Policies attached to Advertising on the Sign. We will be working on those over the weeks to come.
- In advance of the Holiday festivities upcoming in Town Square, our new Tree crew spent the week removing dead or dangerous branches and dead trees, along with bringing up the canopy in areas of high use throughout the Square area. Following further planning, they will also be removing the large diseased tree which is in conflict with the Sign location. That effort will be timed to minimize traffic disruption and in close coordination with the police and DOT.

James M. (Jim) Palenick  
Interim Dallas Town Manager  
210 N. Holland St.  
Dallas, NC 28034  
919-922-3176 office  
704-214-1031 cell  
jpalenick@dallasnc.net

# **TOWN OF DALLAS**

## **Personnel Policy: Section 25. Civil Leave**

### **Current Text:**

"A Town employee called as a court witness on behalf of the Town of Dallas for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. A Town employee called for jury duty will charge accumulated leave for the time absent from work. If no accumulated leave is available, the employee will only receive the compensation awarded by the court system, with no additional compensation from the Town. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowances awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty."

### **Proposed, Amended Text:**

"A Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated paid leave or accumulated compensatory time. The employee may keep fees and travel allowances received for jury or witness duty in addition to their regular compensation; except, that employees must turn over to the Town any witness fees or travel allowances awarded by that court for court appearances in connection with their official duties. While on civil leave, benefits and leave shall accrue as though on regular duty."

Adopted This \_\_\_\_\_ Day of \_\_\_\_\_, 2013

---

Town Clerk, Maria Stroupe

**An Ordinance Amending Chapter 90 "Animals" of the Compiled Code of Ordinance of the Town of Dallas to Add Section 90.10 "Dogs in Parks and Public Places" to that Chapter.**

**Whereas,** Following a properly noticed public hearing before the Board of Aldermen of the Town of Dallas on November 12, 2013 and in consideration of the information received and reviewed.

**Now Therefore be it Ordained that the Compiled Code of Ordinances of the Town of Dallas is amended as follows:**

**90.10 Dogs in Parks and Public Places**

It shall be unlawful for any person to carry, take or bring a dog into a Public Park within the Town of Dallas except under the following regulations:

1. All dogs must be on a leash or lead. The maximum length of the leash or lead shall be 6 feet.
2. It shall be unlawful for any owner to fail to provide current rabies inoculation for any dog 4 months or older. The metal tag shall be securely fastened to the dog's collar.
3. It shall be unlawful for any person in charge of a dog to fail to pick up and properly dispose of feces deposited by the dog on publicly owned property.
4. Puppies brought to the Parks must be a minimum of 4 months old.
5. Acts of aggression by a dog against other dogs or people are prohibited.
6. No more than three (3) dogs are allowed per handler.
7. Close adult supervision is required for all children under the age of twelve handling a dog.
8. Females dogs in heat are prohibited within Parks while in such condition.
9. Handlers must stop dogs from digging and must fill any hole created by their dogs.
10. No littering. Place all trash in proper receptacles.

**Yeas:**

**Nays:**

**Attest:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

## **An Ordinance to Amend Chapter 1, "Zoning", 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 \_\_\_\_\_, 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 Town Ordinances is Hereby Amended as follows:

**That**, Chapter 1, "Zoning"; Article V, Sign Regulations, Section 1-V-3, "Flashing, Moving, and Electronic Variable Message (EVM) Signs; Subsections (1) through (4), be Amended and/or Added to Read:

**"(1) EVM Signs shall be permitted only within those Zones which are classified as B-2 (Highway Business) and BC-1 (Shopping Center), or, in the case of EVM signs owned by, and located entirely on property of a subdivision of government, within the B-3 (Central Business) Zone, so long as the EVM sign is no closer than 1,000 feet from any other permitted EVM Sign and providing that the government operates such EVM Sign in service to the public.**

**(2) EVM Signs shall be located a minimum distance of twenty-five (25) feet from any street Right-of-Way within the B-2 (Highway Business) and BC-1 (Shopping Center) Zones; and a minimum distance of eight (8) feet from any street Right-of-Way within the B-3 (Central Business) Zone.**

**(3) EVM Signs shall be located a minimum distance of twenty-five feet from any street or highway intersection and a minimum distance of one-hundred-fifty (150) feet from any Residentially Zoned Area.**

**(4) EVM Signs permitted within the B-3 (Central Business) Zone as provided herein, may, in addition to providing for public information dissemination and community messaging, allow for "off-premise advertising", but only if the Board of Aldermen shall have first officially adopted a set of policies, guidelines, and pricing for such advertising which shall be non-discriminatory; reflective of community standards and values; and give defined preference to local and regional goods, products, and services."**

**YEAS:**

**NAYS:**

**Attest:** \_\_\_\_\_ **Signed:** \_\_\_\_\_