

Town of Dallas
Agenda
April 21, 2020
6:00 PM
BOARD OF ALDERMEN
Rick Coleman, Mayor

Allen Huggins

Darlene Morrow

Stacey Thomas

Jerry Cearley, Mayor Pro-Tem

E. Hoyle Withers

ITEM	SUBJECT	Page
1.	Invocation and Pledge of Allegiance to the Flag	
2.	Approval of Agenda with Additions Or Deletions	
3.	Approval of Minutes	
	A. March 10 th Regular Meeting	2
4.	Recognition of Citizens: Time set by Mayor	
	A.	
5.	Consent Agenda (to be acted on collectively, unless removed for further discussion)	
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	A.	
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10.	Closed Session:	

**TOWN OF DALLAS
MINUTES FOR BOARD OF ALDERMEN MEETING
MARCH 10, 2020
6:00 PM**

The following elected officials were present: Mayor Richard Coleman, Mayor Pro-Tem Jerry Cearley, Alderman Allen Huggins, Alderwoman Stacey Walker Thomas, Alderman E. Hoyle Withers Jr., and Alderwoman V. Darlene Morrow.

The following staff members were present: Maria Stroupe, Town Manager; Da'Sha Leach, Town Clerk; Tom Hunn, Town Attorney; Allen Scott, Police Chief; Jonathan Newton, Finance Director; Allen Scott, Police Chief; Doug Huffman, Electric Director; Garrett Lowery, Recreation Director; Bill Trudnak, Public Works Director and Earl Withers III, Fire Chief.

Mayor Coleman called the meeting to order at 6:00 pm. He opened with the Invocation and the Pledge of Allegiance to the Flag followed. He welcomed everyone to the meeting and read the meeting rules for the audience. He asked if there were any additions or deletions to amend the agenda, noting that there would be a need to add a Closed Session to the agenda. Alderwoman Morrow made a motion to approve the agenda with the Closed Session added, seconded by Alderwoman Thomas, and carried unanimously.

Alderwoman Thomas made a motion to approve the minutes from February 11th, 2020 Regular Meeting and February 25th, 2020 Work Session Meeting, seconded by Alderman Cearley, and carried unanimously.

Recognition of Citizens:

Carr School's *Student of the Month (February)* per Grade presented by the principal **Dr. Duncan:**

Kindergarten – Anita South	First Grade – Ivey Thomas	Second Grade – Stella Moss
Third Grade – Iyanna Flores	Fourth Grade – Jaysi'on London	Fifth Grade – Valeria Romero Martias

All of the students were presented with a certificate. Everyone applauded to congratulate them on the accomplishment.

Dr. Duncan invited All Board Members, and Town Management on March 25th Leadership Day 9:00 am.

Jim Bailey was not present to discuss Alcohol Sales on Sunday. (Exhibit A)

Trinity Barnes, 641 Summey Farm Dr., She discussed her rescued goat as being an emotional support animal for her. She requested to be allowed to keep her goat (currently considered a farm animal-not allowed per ordinance), read a letter of support from a neighbor, and she stated she has a petition of support from members of the neighborhood. (Exhibit B)

Curtis Wilson, 438 S. Gaston St., He prayed over the Community.

Consent Agenda:

Item 5A Sponsorship for "Casting for a Cause" (Exhibit C)

Alderman Cearley made a motion to approve, seconded by Alderwoman Morrow, and carried unanimously.

Public Hearings:

Item 6A was a Public Hearing on Text Amendments. Alderwoman Thomas made a motion to enter the public hearing, seconded by Alderman Cearley, and carried unanimously. Autumn Parker of CL Parker Gardens and Bob Clayton of An American Woodshop have jointly applied for a petition for text amendment to the Town's Permitted Uses Chart. Autumn Parker is requesting that "garden shop" be added as a permitted use by right "X" to the chart and allowed within the B-3 zone. The Planning Board recommended the revision. Bob Clayton is requesting a revision to the allowable zones for "manufacturing, servicing, processing, assembling and fabricating wood and wood products" to allow the use to be permitted by right "X" within the B-3 zone. The Planning Board voted to recommend a revision to the Permitted Uses Chart that would allow this use as "C" conditional (not permitted by right), and also recommended changing this to a conditional approval within the I-2 zone where it is currently allowable by right. This would require anyone seeking this use in either location to apply for conditional zoning approval, and allow the Town to evaluate each application based on its location and specific plans before making a decision. Staff concurs with the Planning Board's recommendation of the garden shop in B-3 being permitted by right, and their recommendation of conditional approval of wood product manufacturing in B-3, but does not foresee any adverse conditions associated this use being permitted by right within an I-2 General Industrial zone as is currently allowed. After discussion with the Board, the Mayor asked if any audience member had any questions or comments. There were not any questions or comments from the audience. Alderman Cearley made a motion to exit the public hearing, seconded by Alderwoman Morrow, and carried unanimously. Alderman Huggins made a motion to approve both as presented, seconded by Alderman Cearley, and carried unanimously. (Exhibit D) The Garden Shop is approved by right and it is ready to go. The Wood-working Shop needs to apply for Conditions.

Old Business: NONE

New Business:

Item 8A was a Proclamation for the Withers Family. For several generations, numerous members of the Withers Family have been active in the Rescue Squad and community, beginning with Earl H. Withers, Sr. as a co-founding member of the Dallas Rescue Squad. This Proclamation was read to everyone by Mayor Coleman. Alderman Cearley made a motion to approve as presented, seconded by Alderwoman Thomas and carried unanimously. (Exhibit E) The family members present were asked to stand for recognition and the audience applauded.

Item 8B was a Special Events Request-Gaston County Museum Easter Egg Hunt. The Gaston County Museum requested use of the Court Square on Saturday, April 4th for their Annual Easter Egg Hunt. The event will begin at 1:00 pm with games and the egg hunt, and conclude at 3:30 pm. The Museum requested the following assistance from the Town: 1).A \$500 donation toward eggs and candy, and 2). Closure of West Main St. between N. Holland St. and N. Gaston St. Alderwoman Thomas made a motion to approve as presented, seconded by Alderman Withers, and carried unanimously. (Exhibit F)

Item 8C was a Planning Board Member Appointments. The Planning Board has 3 vacancies: Mr. David Jones moved from Dallas, Mr. Eric Clemmer (ETJ) moved from Dallas, and Mr. John Beaty stepped down from the position. At the Planning Board's February Meeting, the members voted to recommend that Mr. Gene Brown and Mr. Reid Simms, who are currently serving as alternates, be appointed to the Planning Board as permanent seated positions. Staff presented 4 additional applications for consideration and appointment. No applications were received from anyone within the Town's ETJ, and that seat cannot be filled by someone inside municipal limits per our current ordinances. **Continued on the next page.....**

Item 8C continued.....:

Appointed members shall take a Oath of Office per 160A-61, to be filed by the Town Clerk, before serving on the Board. Staff recommended a Planning Board Orientation for all new members, and any existing members who would like to attend. The applicants Tiffany Faro, Thomas William Smith, and Carla Howell were present to answer any questions from the Board before the selection of the appointments. After a brief discussion about the applicants and their experiences, the Board decided to vote. Alderman Huggins made a motion to move Mr. Brown and Mr. Simms to permanent seats and appointing Tiffany Faro & Thomas William Smith as Alternates to the Planning Board/Board of Adjustments, seconded by Alderwoman Morrow and carried unanimously. Tiffany Faro and Thomas William Smith took the Oath of Office for the Planning Board/Board of Adjustments. (Exhibit G)

Item 8D was a Code Enforcement Position. This item was discussed October 8th, February 17th, and February 25th. As growth and development opportunities continue to increase for Dallas, it is becoming increasingly difficult for the Development Services Director to devote the time needed to pursue economic development for the Town, review and accomplish ordinance revisions, and address code enforcement complaints and violations in our Town. In order to maximize the Town's ability to provide code enforcement services, staff proposes to add a Part-Time Code Enforcement Position. The position would fall under the supervision of the Police Department, but would also coordinate with the Development Services Department, Fire Department, and other departments as needed to administer a complete enforcement program. The position would work approximately 20 hours per week on average and would receive, investigate, and enforce Town ordinances in relation to code enforcement violations and complaints. The addition of this position would facilitate the timeframe within which violations could be remediated. A listing of complaints & violations were given to the Board in their agenda packets but there are additional items that are not on the list. Many of the complaints are still waiting to be addressed, while more complaints and violations are received each week. Each violation requires a minimum of three (3) site visits: 1) To verify the initial violation, 2) To follow up after the initial deadline, and 3) To follow up after abatement to confirm compliance. There are approximately 15 new calls per month concerning code enforcement issues. A proposed Job Description for the position, an estimate of costs associated with the funding this position for the remainder of this fiscal year, and a budget amendment to fund the position for the remainder of this fiscal year was given to the Board in their agenda packet. Alderwoman Thomas made a motion to approve as presented, seconded by Alderman Cearley, and carried unanimously. (Exhibit H)

Item 8E was Annexation Request-McCall (3565 Dallas High Shoals Highway). Thomas and Colleen McCall, owners of PID#170097 (3565 Dallas High Shoals Highway), petitioned for annexation into the Town of Dallas for the development of a single family residential subdivision. The parcel is considered contiguous. The parcel is currently located outside of Town of Dallas zoning, but is adjacent to R-10 and R-5 single family residential zones. The 2003 Future Land Use Plan highlights this specific parcel for Neighborhood and Community Business, but adjacent parcels are marked for new residential development. The Planning Board recommended the requested zone of R-5 Single Family Residential. The developer, if successful with this annexation, intends to pursue a development plan to extend beyond this parcel- some of which is already located within Town limits. This application has been determined sufficient. In order to move forward with the request, the Board must schedule a public hearing. Todd Acres of 1019 Dagmen Dr. Charlotte, NC addressed the Board as a representative working with the McCall family requested to change the public hearing date for the May meeting and the McCall family reminded him it should be for June instead of May. Alderwoman Thomas made a motion to set the Public Hearing for June 9th, 2020, seconded by Alderwoman Morrow, and carried unanimously. (Exhibit I)

Item 8F was a discussion on the Annexation Agreement with Gastonia. The current annexation agreement with Gastonia is set to expire in May 2020. The agreement has a term of 10 years. It will need to be determined if there are any changes we would like to make to the agreement, before renewing. This discussion was for the Board to review and prepare for the upcoming work session discussions on this item. (Exhibit J)

Item 8G was a discussion on the Sewer Interconnect Project Update. Project specs for both entities are being reviewed and bid documents prepared. The next step is setting a date for the bids. Although each entity will be bidding their portion of the project separately, the bids will be occurring at the same time. There will be a technical meeting on Thursday.

Manager's Report and General Notices:

-Manager gave notes on upcoming events.

Closed Session § 143-318.11 (a)

Alderman Cearley made a motion to go into Closed Session to discuss personnel matters and real estate, seconded by Alderman Withers, and carried unanimously. (6:45)

Alderman Withers made a motion to exit the Closed Session, seconded by Alderman Huggins, and carried unanimously. (7:59)
No Action Taken.

Alderwoman Thomas made a motion to adjourn, seconded by Alderman Cearley, and carried unanimously. (8:00)

Rick Coleman, Mayor

Da'Sha Leach, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Uncollectable Accounts in the Amount of \$15,325.44 to be Submitted to NC Debt Setoff

AGENDA ITEM NO. 5A

MEETING DATE: 04/21/2020

BACKGROUND INFORMATION:

For authorization are uncollectable accounts from the months of October 2019 – January 2020. These accounts have been notified of their outstanding status in writing that if not paid within the notified timeframe that they would be forwarded to the NC Debt Setoff Program and that this debt would be taken from any State Income Tax Refund they are due, until the debt is satisfied.

(The individual account listing that generates the total uncollectable amount due are considered by State statute to be confidential information.)

MANAGER RECOMMENDATION: To authorize uncollectable accounts totaling \$15,325.44 be submitted to the NC Debt Setoff Program.

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Additional Donation to Gaston County Splash Pad

AGENDA ITEM NO. 8A

MEETING DATE: 04/21/2020

BACKGROUND INFORMATION:

Mayor Coleman is requesting that the Town consider donating an additional \$20,000 to the Gaston County Splash Pad project. The County has received some grant funding for the project, but is still seeking donations to address the project costs.

In the current FY2019/20 budget provisions were made for a \$30,000 donation to the Gaston County Splash Pad project being installed at Dallas Park. The proximity of the park to Dallas and accessibility for Dallas residents will benefit Town citizens and provide additional recreational opportunities.

Attached is a budget amendment for the additional donation, upon approval of the request.

MANAGER RECOMMENDATION: Approve the additional donation and accompanying budget amendment as presented.

BOARD ACTION TAKEN:

**Town of Dallas
Budget Amendment**

Date: April 21, 2020

Action: Parks and Recreation Department

Purpose: To Appropriate Additional Donation to Gaston County Splash Pad

Number: REC-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3999	0000	Fund Balance Appropriated	\$238,294	\$258,294	\$20,000
10	5700	4722	Town Sponsored Events	\$71,808	\$91,808	\$20,000

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Annexation Agreement with Gastonia

AGENDA ITEM NO. 8B

MEETING DATE: 04/21/2020

BACKGROUND INFORMATION:

The purpose of annexation agreements is to facilitate efficient growth and land use planning. The City of Gastonia and the Town of Dallas have historically had an annexation agreement setting forth the areas within which each municipality would have the right to annex. The current annexation agreement with Gastonia is set to expire in May, so it is time to renew the sphere of influence agreement between our municipalities in accordance with state law. Given the proximity of Dallas and Gastonia, this annexation agreement will serve to prevent future disputes over growth in the area covered by the agreement and will promote cooperation between our communities. The only change from the current agreement is a lengthening of terms from ten (10) years to twenty-five (25) years.

Attached is the proposed agreement, a resolution approving the agreement, the legislation authorizing municipalities in Gaston County to enter into such agreements, and the sphere of influence map.

MANAGER RECOMMENDATION: To approve the resolution and agreement as presented with a new term of 25 years.

BOARD ACTION TAKEN:

NORTH CAROLINA

GASTON COUNTY

ANNEXATION SPHERE OF INFLUENCE AGREEMENT

THIS AGREEMENT, to be effective as of the _____ day of _____, 2020, by and between the **CITY OF GASTONIA**, a North Carolina municipal corporation, hereinafter referred to as "Gastonia," and the **TOWN OF DALLAS**, a North Carolina municipal corporation, hereinafter referred to as "Dallas."

WITNESSETH:

WHEREAS, Dallas and Gastonia desire to enter into an agreement concerning the annexation of areas adjacent to both municipalities in order to facilitate efficient growth and land use planning; and

WHEREAS, Chapter 204 of the 1987 Session Laws of the North Carolina General Assembly, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, authorizes municipalities in Gaston County to enter into such agreements;

WHEREAS, Gastonia and Dallas previously entered into an annexation agreement in 2010, and as amended by the parties in 2013; and

WHEREAS, the parties wish to enter into a new annexation agreement that reaffirms the spirit of cooperation existing between both municipalities with regard to orderly growth and planning;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, Gastonia and Dallas agree as follows:

1. **Spheres of Influence.**

- (a) A sphere of influence boundary is hereby established between Dallas and Gastonia, as shown on the map attached hereto as Exhibit B and incorporated herein by reference.
- (b) Any area generally South of the sphere of influence boundary shown on Exhibit B shall be within Gastonia's sphere of influence for purposes of future annexations. Any area generally North of the sphere of influence boundary shown on Exhibit B shall be within Dallas' sphere of influence for purposes of future annexations.

- (c) Dallas shall commence no annexation procedure nor adopt any annexation ordinance the purpose of which is to annex any portion of nor all of that area within the sphere of influence of Gastonia.
 - (d) Gastonia shall commence no annexation procedure nor adopt any annexation ordinance the purpose of which is to annex any portion or nor all of that area within the sphere of influence of Dallas.
2. **Term.** The term of this Agreement shall be twenty-five (25) years from the date of execution hereof, which shall be deemed the effective date of this Agreement. It is the intent of both parties that lines of communication shall remain open between the municipalities for discussion of extending this Agreement as it nears expiration.
 3. **Existing Utility Customers.** Each respective party shall retain its existing water and sewer customers as of the effective date of this Agreement without regard to which side of the sphere of influence boundary such customers may be located on, and this Agreement shall not effect nor enable the transfer of any water or sewer customer from Dallas to Gastonia or from Gastonia to Dallas.
 4. **Notice.** Each party shall give written notice to the other party of any proposed annexation, which is within that party's sphere of influence, at least thirty (30) days prior to the adoption of an annexation ordinance. The notice shall contain a legible map clearly and accurately showing the boundaries of the area to be annexed. Any notice required by this section shall remain in effect for no more than one hundred eighty (180) days. Notices required under this section shall be sent to the following addresses:

Dallas: Town Manager
 Town of Dallas
 210 North Holland Street
 Dallas, NC 28034-1625

Gastonia: City Manager
 City of Gastonia
 P.O. Box 1748
 Gastonia, NC 28053-1748

5. **Waiver of Notice.** The party to receive such notice may waive any notice or notice period required by this Agreement. Such waiver must be in writing and must be approved by the governing board of the party waiving the notice.
6. **Amendment.** This Agreement shall be amended only by a written document executed in the same manner as this Agreement.

7. **Integration.** This instrument contains the entire agreement between the parties and no statement, either oral or written, made by either party or the agent of either party that is not contained herein shall be valid or binding.

IN WITNESS WHEREOF, Gastonia and Dallas have caused this Agreement to be signed by their duly authorized representatives the day and year first above written.

TOWN OF DALLAS

By: _____
Rick Coleman, Mayor

ATTEST:

Da'Sha Leach, Town Clerk

**STATE OF NORTH CAROLINA
COUNTY OF GASTON**

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that **Da'Sha Leach**, personally appeared before me this day and acknowledged that he/she is the Town Clerk of the Town of Dallas and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by him/her as its Town Clerk.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 2020.

Notary Public

My Commission Expires: _____

CITY OF GASTONIA

By: _____
Walker E. Reid, III, Mayor

ATTEST:

Sherry H. Dunaway, City Clerk

**STATE OF NORTH CAROLINA
COUNTY OF GASTON**

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that **Sherry H. Dunaway**, personally appeared before me this day and acknowledged that she is the City Clerk of the City of Gastonia and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and Notarial Seal, this the ___ day of _____, 2020.

Notary Public

My Commission Expires: _____

Agree1703.docx

EXHIBIT "B"

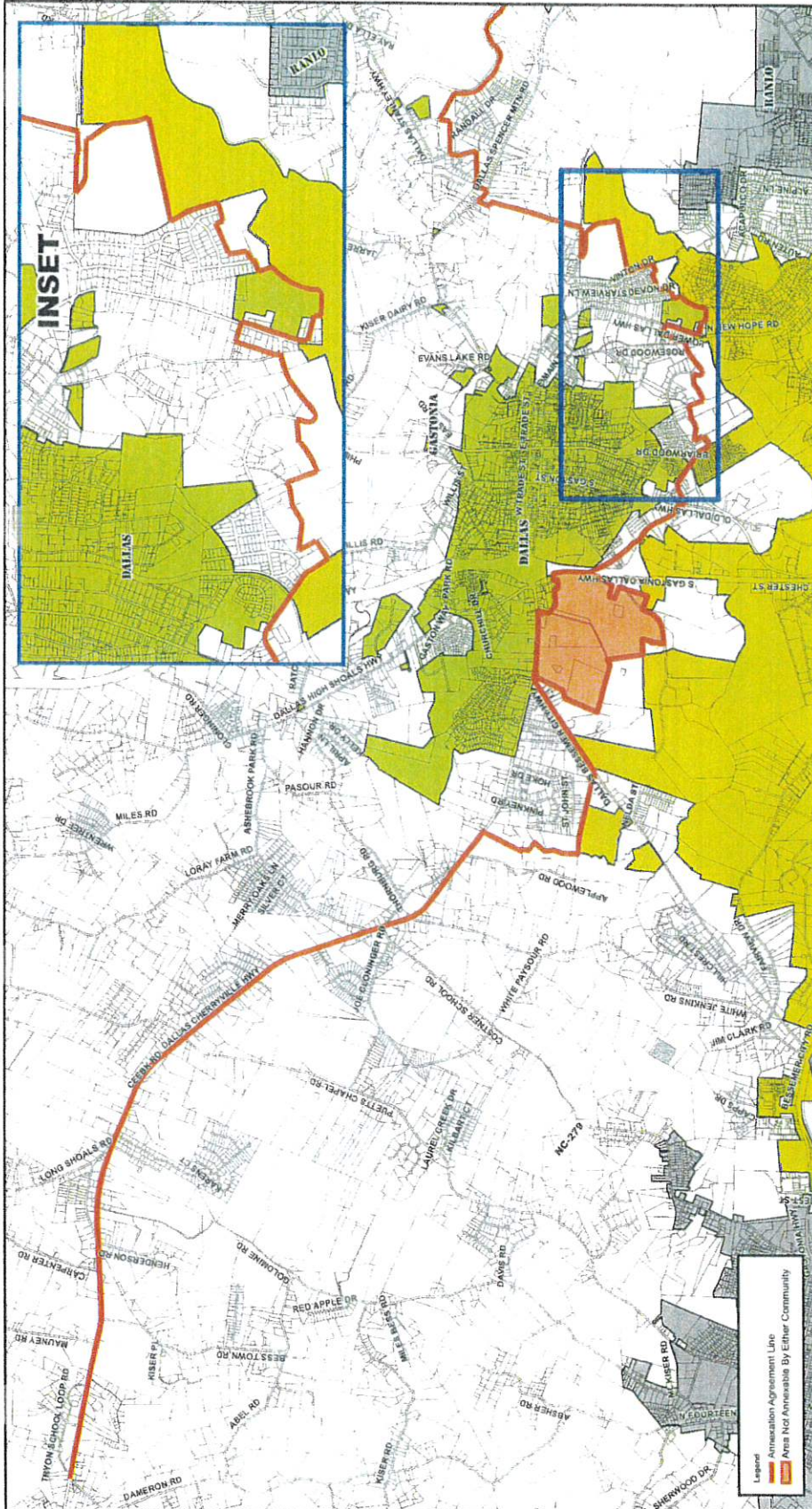
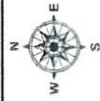


EXHIBIT B



Annexation Agreement
between
City of Gastonia, NC and Town of Dallas, NC

Resolution Approving Annexation Agreement with Gastonia

WHEREAS, the Town of Dallas and the City of Gastonia desire to enter into an annexation agreement concerning the annexation of unincorporated areas adjacent to each municipality, in order to facilitate efficient growth and land use planning; and,

WHEREAS, Chapter 204 of the 1987 Session Laws of the North Carolina General Assembly authorizes municipalities in Gaston County to enter into such agreements;

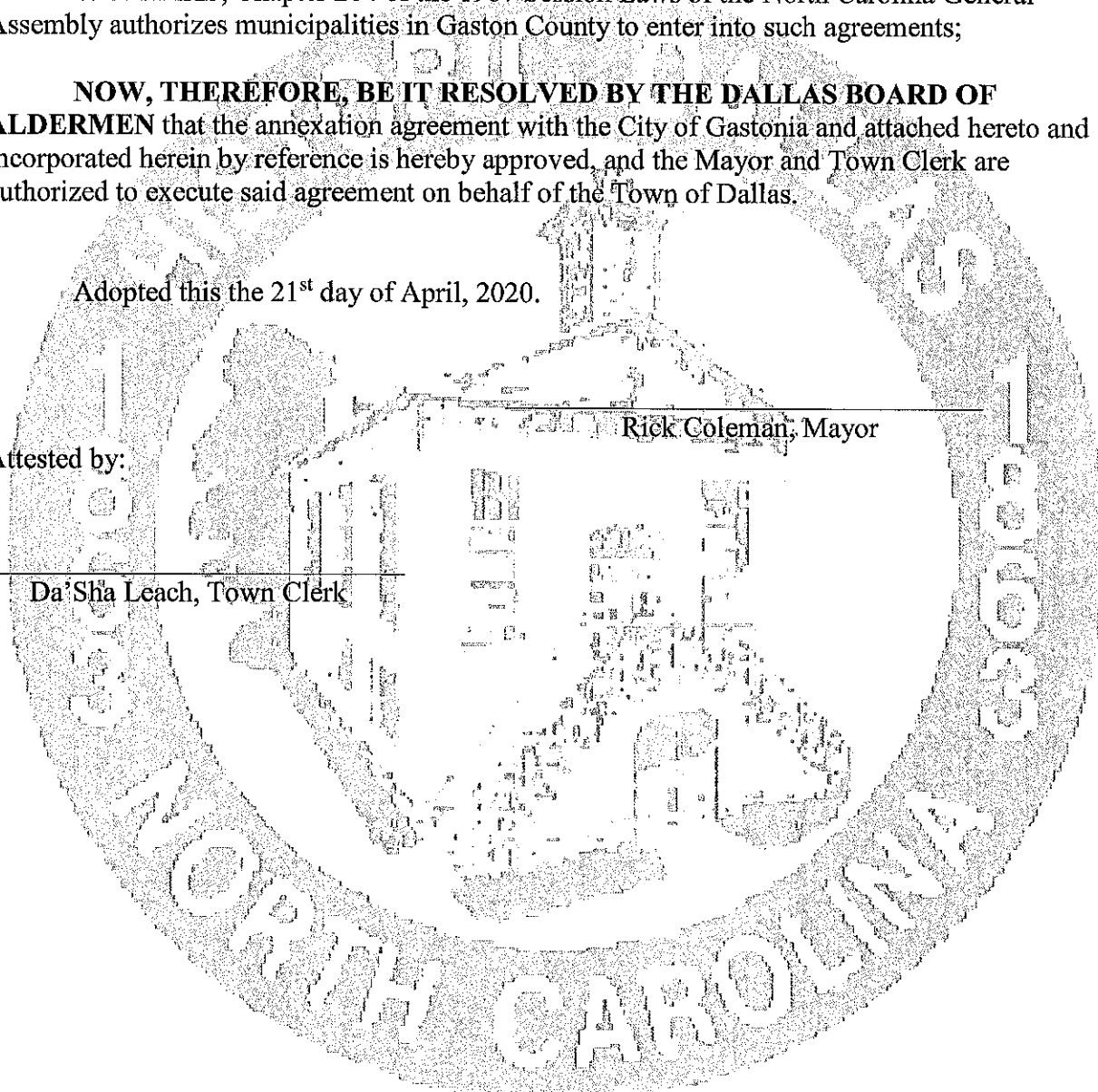
NOW, THEREFORE, BE IT RESOLVED BY THE DALLAS BOARD OF ALDERMEN that the annexation agreement with the City of Gastonia and attached hereto and incorporated herein by reference is hereby approved, and the Mayor and Town Clerk are authorized to execute said agreement on behalf of the Town of Dallas.

Adopted this the 21st day of April, 2020.

Attested by:

Rick Coleman, Mayor

Da'Sha Leach, Town Clerk



GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 204
SENATE BILL 492

AN ACT TO AUTHORIZE MUNICIPALITIES WITHIN GASTON COUNTY TO
ENTER INTO AGREEMENTS CONCERNING ANNEXATIONS.

The General Assembly of North Carolina enacts:

Section 1. It is the purpose of this act to authorize municipalities to enter into agreements concerning annexation in order to enhance planning by such municipalities as well as residents and property owners in areas adjacent to such municipalities.

Sec. 2. The words defined in this section shall have the meanings indicated when used in this act:

- (1) "Annexation" means any extension of a municipality's corporate limits as authorized by Article 4A of Chapter 160A of the General Statutes, the charter of the municipality, or any local act applicable to the municipality, as such statutory authority exists now or is hereafter amended.
- (2) "Agreement" means any written agreement authorized by this act.
- (3) "Municipality" means any city as defined by G.S. 160A-1.

Sec. 3. Two or more municipalities may enter into agreements with each other in order to designate one or more areas which are not subject to annexation by one or more of the participating municipalities. The agreements shall be of reasonable duration, but not to exceed 30 years, and shall be approved by resolution of the governing board and executed by the mayor of each municipality and spread upon its minutes.

Sec. 4. (a) The agreement shall:

- (1) State the duration of the agreement.
- (2) Describe clearly the area or areas subject to the agreement. The boundaries of such area or areas may be established at such locations as the participating municipalities shall agree. Thereafter, any participating municipality may follow such boundaries in annexing any property, whether or not such boundaries follow roads or natural topographical features.
- (3) Specify one or more participating municipalities which may not annex the area or areas described in the agreement.
- (4) State the effective date of the agreement.
- (5) Require each participating municipality which proposes any annexation to give written notice to the other participating municipality or municipalities of the annexation at least 60 days before

the adoption of any annexation ordinance, provided, however, that the agreement may provide for a waiver of this time period by the notified municipality.

(6) Include any other necessary or proper matter.

(b) The written notice required by subdivision (a)(5) of this section shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to: the area or areas described pursuant to subdivision (a)(2) of this section, roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days.

Sec. 5. From and after the effective date of the agreement, no participating municipality may consider in any manner the annexation of any area in violation of this act or the agreement. From and after the effective date of the agreement, no participating municipality may annex all or any portion of any area in violation of this act or the agreement.

Sec. 6. Nothing in this act shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.

Sec. 7. (a) Each provision of the agreement shall be binding upon the parties thereto. A participating municipality which believes that another participating municipality is violating this act or the agreement may file a petition in the superior court of the county where any of the territory proposed to be annexed is located, seeking review of the action of the municipality alleged to have violated this act or the agreement.

(b) Within five days after the petition is filed with the court, the petitioning municipality shall serve copies of the petition by certified mail, return receipt requested, upon the respondent municipality.

(c) Within 15 days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the respondent municipality shall transmit to the reviewing court:

(1) a transcript of the portions of the municipal journal or minute book in which the procedure for annexation has been set forth;

(2) a copy of any other document received or approved by the respondent municipality's governing board as part of the annexation.

(d) The court shall fix the date for review of the petition so that review shall be expeditious and without unnecessary delays. The review shall be conducted by the court without a jury. The court may hear oral arguments and receive written briefs, and may take evidence intended to show either:

(1) that the provisions of this act were not met; or

(2) that the provisions of the agreement were not met.

(e) Upon a finding that the respondent municipality has not violated this act or the agreement, the court may affirm the action of the respondent municipality without change. Upon a finding that the respondent municipality has violated this act or the agreement, the court may:

(1) Remand to the respondent municipality's governing board any ordinance adopted pursuant to Parts 2 or 3, Article 4A of Chapter

160A of the General Statutes, as the same exists now or is hereafter amended, for amendment of the boundaries, or for such other action as is necessary, to conform to the provisions of this act and the agreement.

- (2) Declare any annexation begun pursuant to any other applicable law to be null and void. If the respondent municipality shall fail to take action in accordance with the court's instructions upon remand under subdivision (e)(1) of this section within three months from receipt of such instructions, the annexation proceeding shall be deemed null and void.

(f) Any participating municipality which is a party to the review proceedings may appeal from the final judgment of the Superior Court under rules of procedure applicable in other civil cases. The appealing party may apply to Superior Court for a stay in its final determination, or a stay of the annexation ordinance, whichever shall be appropriate, pending the outcome of the appeal to the appellate division; provided, that the Superior Court may, with the agreement of the parties, permit annexation to be effective with respect to any part of the area concerning which no appeal is being made and which can be incorporated into the respondent municipality without regard to any part of the area concerning which an appeal is being made.

(g) If part or all of the area annexed under the terms of a challenged annexation ordinance is the subject of an appeal to the Superior Court or appellate division on the effective date of the ordinance, then the ordinance shall be deemed amended to make the effective date with respect to such area the date of the final judgment of the Superior Court or appellate division, whichever is appropriate, or the date the respondent municipality's governing board completes action to make the ordinance conform to the court's instructions in the event of remand.

(h) This act does not authorize any court to stay any annexation proceeding, except as specifically set forth in subsections (f) and (g) of this section.

Sec. 8. This act shall apply only to municipalities located wholly or partly in Gaston County.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 18th day of May, 1987.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Substation Upgrade Budget Amendment

AGENDA ITEM NO. 8C

MEETING DATE: 04/21/2020

BACKGROUND INFORMATION:

Once the new substation on College St. was completed, the Town entered into a project last fiscal year to upgrade the Park Road substation that was constructed in the mid-1970s. As the project progressed, it transitioned over into the current budget year before completion. At the time the budget was being drafted for this fiscal year the time overrun was not anticipated, therefore funds were not appropriated in this current year for completion of the project.

Attached is a budget amendment for the final costs of the project that was completed this fiscal year and not expended last fiscal year in the amount of \$60,000. The project is complete and this will be the final expenditure.

MANAGER RECOMMENDATION: To approve the budget amendment as presented for final project completion of the Park Road Substation Upgrade.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: April 21, 2020

Action: Park Road Substation Upgrade

Purpose: To Appropriate Funds for Completion of the Park Road Substation Upgrade Project

Number: EL-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
30	3999	0000	Fund Balance Appropriated	\$418,891	\$478,891	\$60,000
30	8500	7522	CO: Substation Construction	\$19,000	\$79,000	\$60,000

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Cancel April Work Session

AGENDA ITEM NO. 8D

MEETING DATE: 04/21/2020

BACKGROUND INFORMATION:

Due to COVID-19 and a focus on essential business, Staff is recommending cancelling the April 28th Work Session. At this time there are no pressing issues to be discussed at this meeting.

MANAGER RECOMMENDATION: To cancel the April 28th Work Session.

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Sewer Interconnect Project Update

AGENDA ITEM NO. 8E

MEETING DATE: 04/21/2020

BACKGROUND INFORMATION:

The project is ready to be put out to bid. Below is the current timetable for bids for the project, but these may need to be pushed out due to COVID-19.

Wednesday, May 6th – Bid packages sent out

Wednesday, May 20th – Pre-bid meeting at the Dallas Fire Department Community Room

Wednesday, June 3rd – Bid opening at Gastonia Municipal Operations Center

Currently the project is not budgeted, but once bids are received we can amend the budget for the project which will take place in the coming fiscal year.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN: