

Town of Dallas
Agenda
February 14, 2023
6:00 PM
BOARD OF ALDERMEN
Rick Coleman, Mayor

Sam Martin

Frank Milton

Darlene Morrow

Jerry Cearley, Mayor Pro-Tem

E. Hoyle Withers

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MINUTES FOR BOARD OF ALDERMEN MEETING

January 10, 2023

6:00 PM

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

The following staff members were present: Maria Stroupe, Town Manager; Nolan Groce, Development Services Director; Earl Withers, Fire Chief; Sarah Hamrick, Town Clerk; Jonathan Newton, Finance Director; Robbie Walls, Police Chief; Bill Trudnak, Public Works Director; Tom Hunn, Town Attorney; Brian Finnegan, Planner; Willie Smith, Electric Director; David Lingafelt, Code Enforcement Officer, and Paul Gibson Jr., Electric Supervisor.

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

Mayor Coleman opened with the Invocation and the Pledge of Allegiance to the Flag.

Approval of Agenda:

Alderman Withers asked to add the subject of the current Covid protocols for the Board meetings to the agenda. Alderman Withers made a motion to approve the agenda with the addition, seconded by Alderwoman Morrow and carried unanimously.

Approval of Minutes:

Alderwoman Morrow motioned to approve the minutes from the December 13th Board meeting and Alderman Cearley seconded this motion and it was carried unanimously.

Recognition of Citizens:

The Mayor opened the floor to the Recognition of Citizens. He recognized Willie Smith, the new Electric Director. He also recognized the resignation of the Development Services Director, Nolan Groce, effective January 24th and thanked him for his hard work while he has been employed with the Town of Dallas.

Curtis Wilson of 438 S. Gaston Street prayed over the Board of Alderman meeting.

Mike Fields of 1333 Philadelphia Church Road thanked the Town Staff for their hard work and recognized the new owner of the Dallas Historic Jail, that is currently being renovated for a rental venue.

The owner of the Dallas Historic Jail gave an update on the renovations and voiced her concerns over the situation with the sewer line taps that are connected to the jail.

Consent Agenda:

Item 5A Budget Amendment for Finance Officer Bond

As discussed at the December 13, 2022 meeting, the General Assembly recently increased the minimum coverage amount for finance officer's bonds. Application has been made for a new bond for our Finance Officer and the following budget amendment, in the amount of \$1,300, is to appropriate funds to cover the increased cost of this bond (Exhibit 5A-1).

Item 5B Budget Amendment for NCLM Safety Grant

Dallas' Water Department was awarded the North Carolina League of Municipalities Safety Grant to purchase four Gas Detection Meters and Gas Meter Calibrator. The total cost of the equipment is \$5,296 and the grant is a 50/50 match. The Town will cover \$2,648 of the cost and the grant will cover the remaining \$2,648. Attached is a budget amendment accepting and appropriating the grant funds, along with funds to cover the additional amount needed from the Town for the purchase (Exhibit 5B-1).

Item 5C Budget Amendment for Completion of Sewer Interconnect Project

The Sewer Interconnect project between Dallas and Gastonia was budgeted in the FY2021-22 budget year. Due to supply delays, the project was not completed until the Fall of 2022, resulting in the final invoicing falling in the current budget year. No funds were budgeted in this current year, as during the budget preparation process it was anticipated that the project would be completed prior to this budget. Attached is a budget amendment appropriating funds to pay the final invoicing for the completion of the sewer interconnect project (Exhibit 5C-1).

Item 5D Resolution Accepting EEG Grant

In the 2022 grant cycle, Dallas was awarded an Environmental Enhancement Grant (EEG) from the North Carolina Department of Justice (NCDOJ) in the amount of \$49,500 to assist in addressing a critical streambank stabilization at the end of a 36" storm drainage pipe that discharges into Dallas Creek. Attached is a resolution accepting the grant funds for this project (Exhibit 5D-1).

Alderman Cearley made a motion to approve all four items on the consent agenda, seconded by Alderman Martin and carried unanimously.

Public Hearings:

There were no public hearings at this time.

Old Business:

There was no old business at this time.

New Business:

Item 8A Audit Report

Auditors from Lowdermilk Church & Co., L.L.P. will be in attendance to present the Fiscal Year 2021-2022 Independent Auditors' Report.

Alderman Milton made a motion to accept the audit as presented, seconded by Alderwoman Morrow and carried unanimously.

Item 8B Award Engineering Contract for Pump Station

Per State requirements, any engineering services in excess of \$50,000 must be contracted using a RFQ (Request for Qualifications) process. An RFQ for engineering services was sent out for an upgrade to the Dallas Stanley Highway Pump Station. As required, a panel board of four employees reviewed the RFQ responses and graded the responders on a numerical scale to obtain the high score. Diamond Engineering had the highest score average. Staff is recommending in the attached memo that the contract for engineering services be awards to Diamond Engineering (Exhibit 8B-1).

The Town Manager presented the contract and answered all questions that the Board had.

Alderman Cearley made a motion to approve the contract as presented, seconded by Alderman Martin and carried unanimously.

Item 8C 642 W. Carpenter Street Easement Agreement

Attached is an Easement Agreement with Ingles Markets, Inc. concerning 642 W. Carpenter St. This agreement is for review and possible adoption by the Town, as another step in the process of selling the property to Gaston Aquatics, Inc (Exhibit 8C, 1-8).

The Town Manager gave the presentation on the easement agreement. The Town attorney commented on the changes of the agreement made by the other party's attorney.

There was no action taken at this time.

Item 8D Davis Hills Phase I Final Subdivision Plat

HDP Davis Hills LLC (TrueHomes) has submitted a final recording plat for their property to be known as Davis Hills Phase I. Approval of this plat will create 25 of the approved 87 maximum new parcels for the project. The property is located east and west of Dallas Stanley Highway, to the South of Evans Lake Road, and North of Davis Street. The property is located within the corporate limits of Dallas and is zoned Conditional Zoning District R-6 (Cluster Development Overlay). The Board of Aldermen approved the preliminary subdivision plat by a unanimous vote on March 8, 2022. Town of Dallas Water, Sewer, and Electric will serve the lots. The owners plan to post a bond for the public improvements not yet constructed. This final plat, or any portion of its recordation, is subject to the bond being reviewed and approved by Town Staff and the Town Attorney. No building permit will be issued until the bond is approved and final plat is recorded. The final subdivision plat is in substantial conformance with the plans as originally submitted and meets requirements of the Town of Dallas Subdivision Ordinance. Therefore, the provided resolution for the approval of the plat is recommended for approval (Exhibit 8D, 1-3).

The Development Services Director gave the presentation and answered all of the Board's questions.

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

Item 8E Code Enforcement-Ordinance to Placard

The Town of Dallas has received multiple minimum housing complaints regarding the structure at 403 N. Davis St. After performing on-site inspections on October 17, 2022, Code Enforcement Officer, David Lingafelt, sent mailed notices to the registered property owners on October 25, 2022. The notice was also placed on the front door of the property. After due notice, an administrative hearing was held on November 14, 2022 at 11:00 am. Police Chief Robert Walls and Code Enforcement Officer David Lingafelt were in attendance. No other parties in interest attended the hearing. Findings of facts deemed the property a deteriorated dwelling, unfit for human habitation. Findings were sent to property owners on November 15, 2022, with a repair order deadline of December 16, 2022. The property owner has failed to comply with the order and Code Enforcement is seeking Board approval to placard the property, as required by NCGS §150.43(C). An ordinance has been provided by Staff for approval to placard the property (Exhibit 8E-1).

The Town Manager presented the ordinance with comments from the Town's Code Enforcement Officer and the Town Attorney. Together, they answered all questions from the Board.

Alderman Martin made a motion to approve the resolution to placard 403 N. Davis Street as presented, seconded by Alderman Milton and carried unanimously.

Item 8F Planning Board/Board of Adjustment Reappointment-Curtis Wilson

Curtis Wilson's current three-year term on the Planning Board/Board of Adjustment has expired. Mr. Wilson has expressed interest in continuing service on both Boards. The Board of Aldermen may reappoint him for another three-year term to be served January 2023 – January 2026. Mr. Wilson has been, and continues to be, an asset to the Town's appointed boards and Staff recommends his reappointment to serve.

Alderman Withers made a motion to reappoint Mr. Curtis Wilson to a three- year term on the Planning Board/Board of Adjustment, as presented. Alderman Cearley second the motion and it was carried unanimously.

Item 8G Current Covid Protocols for Board Meetings

Alderman Withers brought the topic to the Board of changing the current Covid protocols. The Board agreed to cease with the temperature checks and signing in at each Board meeting.

Alderman Withers made a motion to approve the change, seconded by Alderman Cearley and carried unanimously.

The Town Manager reminded the Board of up-coming events for the Town.

Alderwoman Morrow made a motion to adjourn, seconded by Alderman Martin and carried unanimously (6:45).

Rick Coleman, Mayor

Sarah Hamrick Ballard, Town Clerk

MINUTES FOR BOARD OF ALDERMEN WORK SESSION
January 24, 2023
5:00 PM

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

The following Staff members were present: Maria Stroupe, Town Manager; Nolan Groce, Development Services Director; Robbie Walls, Police Chief; Jonathan Newton, Finance Director; Brian Finnegan, Planner; Bill Trudnak, Public Works Director; Sarah Hamrick, Town Clerk; Brandon Whitener, Recreation Director; Paul Gibson Jr., Electric Supervisor; Willie Smith, Electric Director.

Mayor Coleman called the meeting to order at 5:00 pm.

The Mayor then opened with the Pledge of Allegiance to the Flag.

At this time, the Mayor asked if there were any changes to be made to the agenda. The Town Manager added a topic for discussion. Alderman Milton made a motion to approve the agenda with the addition, seconded by Alderman Cearley, and carried unanimously.

The Town Manager introduced Lindsey Tysinger, the newest collector at Town Hall, to the Board at this time.

New Business:

Item 3A Summary of Dallas History Found in Old Minutes

Chief Steve Lambert began looking at old Board of Aldermen meeting minutes a number of months ago to locate information on the Fire Department to be included with the anniversary celebration last year. Once he found that information, he embarked on looking into history associated with the Police Department, and then the Town in general. Chief Lambert gave a summary of interesting facts he had uncovered in his search.

Item 3B Police Escort Request

A discussion was held at the November 22, 2022 Board Work Session to potentially add process to accommodate a police escort through Town. Currently, these requests are handled through the Special Event Application process and must be brought before the Board for approval. Police escorts do not require the use of Town property, nor require the level of Town resources that most Special Events require. Attached is a proposed "In-Town Police Escort Request" Form that could be used in the event of a escort request. This process would be handled within the Police Department, including approval. There is no fee proposed to provide this service, but could be discussed if there is interest. If a request is received by the Police Department that goes beyond

the scope of a simple escort, the Police Chief could refer the request to follow the Special Event Application process (Exhibit 3B-1).

The Town Manager and the Police Chief led this topic and answered all questions the Board had. The Board decided to bring this back on the consent agenda as a new policy.

Item 3C Use of Public Property Ordinance

At the November Work Session, Staff was directed to draft an ordinance regulating the use of public property. The proposed ordinance, 91.09 Camping, Storage, and Other Uses of Public Property has been drafted for review and is attached. Any modification to the ordinance can be incorporated prior to a public hearing at the Regular February 14th Board Meeting, if there is a desire to proceed with the ordinance (Exhibit 3C, 1-2).

After discussion, the Board decided to bring back for approval.

3D Knox Box Ordinance

Fire Chief Withers has requested the Town consider adopting a Knox Box ordinance. This will require the installation of a Knox Box system on all new commercial and multi-tenant structures. A Knox Box is a secure rapid entry system designed to be used by Fire Department personnel in the event of an emergency to gain entry into a structure by using an enclosed, owner-provided, key or keys. Attached is a proposed ordinance for review (Exhibit 3D-1).

The Board decided to bring back for approval.

3E Text Amendment to Add Single-Family Attached Dwelling to the R-6 Zoning District

At the December 13, 2022 Board of Aldermen meeting, a public hearing was held in reference to a text amendment to add single-family attached dwellings to the R-6 zoning district. This public hearing followed prior discussions on the topic at the September 27, 2022 and November 22, 2022 Board of Aldermen Work Sessions. A text amendment petition had been submitted by David Murray, on behalf of KovalXRobinson LLC. The amendment would permit, by-right, single-family attached housing in the R-6 zoning district with a minimum lot width of 20 ft., a minimum lot area of 1500 sq. ft., and a minimum side yard exemption. Staff reviewed the petition, and are in support of the change, with modifications. The requested minimum lot width of 20 ft. and 1500 sq. ft. lot area should only apply to interior lots. Exterior lots, or end units, should be required to have a minimum side yard of 6 ft., a minimum lot width of 30 ft., and minimum lot area of 2100 sq. ft. On August 8, 2022, the Planning Board unanimously voted to send their recommendation, along with statements of consistency and reasonableness, to approve the proposed text amendment as written. The public hearing from December 13, 2022 was continued until the February 14, 2023 Board of Aldermen meeting. Included with the supporting

documentation is a rendering of a multifamily development including interior floor plans (Exhibit 3E, 1-11).

This topic will be continued in the February 14th Public Hearing that originally began at the December 13th, 2022 Public Hearing.

Item 3F Use of Historic Dallas Courthouse

A Town of Dallas citizen, on behalf of the parents of the 8th grade class of W.C. Friday school, has requested that the Town consider allowing the 8th grade students to use the Dallas Courthouse for a parent sponsored dance at little or no charge to the parents.

After discussion, the Board asked that Town Staff reach back out to the citizen and suggest they use their school gym.

The Mayor acknowledged the resignation of the Town's Development Services Director, Nolan Groce, and thanked him for his hard work and dedication during his time of employment with the Town.

The Town Manager gave a report of up-coming events.

Alderman Withers made a motion to adjourn, seconded by Alderman Martin and carried unanimously (6:10).

Rick Coleman, Mayor

Sarah Hamrick Ballard, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Proclamation of February as Black History Month

AGENDA ITEM NO. 5A

MEETING DATE: 02/14/2023

BACKGROUND INFORMATION:

Black History Month is an annual celebration of achievements by black Americans and a time for recognizing the central role of African Americans in U.S. history. The event grew out of “Negro History Week”, the brainchild of noted historian Carter G. Woodson and other prominent African Americans. President Gerald R. Ford officially recognized Black History Month in 1976, calling upon the public to ‘seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history’. Since 1976, every U.S. president has officially designated the month of February as Black History Month. Other countries around the world, including Canada and the United Kingdom, also devote a month to celebrating black history.

A proclamation is attached recognizing February as Black History Month.

MANAGER RECOMMENDATION: Approve the proclamation recognizing February as Black History Month.

BOARD ACTION TAKEN:

Proclamation of Black History Month 2023

WHEREAS, throughout the month of February, Black History Month with the theme of “*Black Resistance*”, will be observed in our State and Nation as a tangible way of encouraging all citizens to learn about and appreciate the contributions of African Americans and their impact on our past, present, and future; and

WHEREAS, Black History Month’s early origins began in February 1926, when “Negro History Week” was established by Dr. Carter G. Woodson, a Harvard scholar and a son of former slaves. Dr. Woodson launched an initiative to encourage the study of black history and the African-American experience in the United States. He chose February because it marked the birthdays of President Abraham Lincoln and the American abolitionist Frederick Douglass. Dr. Woodson’s legacy influenced the eventual shift from “Negro History Week” to a month-long celebration later to be established in the mid 1970’s and celebrated thereafter as “Black History Month; and

WHEREAS, African American legends such as writer Maya Angelou, freedom fighter Harriet Jacobs, educator Dr. Charlotte Hawkins Brown, scholar John Hope Franklin, sport hero Michael Jordan, artist Romare Bearden, and musicians John Coltrane and Thelonious Monk went from being citizens of North Carolina to citizens of the world; and

WHEREAS, North Carolina’s African American history is celebrated and studied at State Historic sites such as Historic Edenton, Charlotte Hawkins Brown Museum, Somerset Place, Historic Stagville, Reed Gold Mine, Tryon Palace Historic Sites & Gardens, Roanoke Island Festival Park, and the N.C. Transportation Museum; and

WHEREAS, Black History Month pays tribute to and recognizes the numerous outstanding accomplishments, past and present, that African Americans make to our community, state, nation, and the world;

WHEREAS, the year 2023 also marks the fifty-fifth anniversary of the Civil Rights Act, which was first proposed by President John F. Kennedy in 1963, and eventually signed into law during the height of the American Civil Rights Movement on July 2, 1964 by President Lyndon B. Johnson. The legislation prohibited discrimination on the basis of race, color, religion, sex, or national origin and paved the way for future anti-discrimination legislation.

NOW, THEREFORE, the Town of Dallas Board of Aldermen, as adopted this the 14th day of February 2023, do hereby proclaim February 2023 as “BLACK HISTORY MONTH” and call upon the citizens of Dallas to observe and commemorate Black History Month as we celebrate the accomplishments and contributions of African Americans.

Rick Coleman, Mayor

ATTESTED:

Sarah Ballard, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – AIA Grant Reimbursement

AGENDA ITEM NO. 5B

MEETING DATE: 02/14/2023

BACKGROUND INFORMATION:

In 2021, the Town of Dallas received an Asset and Inventory Assessment (AIA) Grant for our water system. The grant was a \$149,625 grant with a 5% match, resulting in \$142,500 in grant funds to the Town.

The project was completed by The Wooten Company over a period of approximately 18 months. The project was budgeted in the FY2021/22 budget year, but the final wrap up and reimbursement was completed in this current FY2022/23 budget year.

Attached is a budget amendment to accept the remaining grant funds that were recently received.

MANAGER RECOMMENDATION: Approve the budget amendment accepting the final reimbursement of funds from the AIA grant.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: February 14, 2023

Action: Water/Sewer Fund Amendment

Purpose: To Accept Final Water AIA Grant Reimbursement Funds

Number: WS-004

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
20	3999	0000	Fund Balance Appropriated	\$81,177	\$9,102	(\$72,075)
20	3455	0000	Grant Revenue	\$2,648	\$74,723	\$72,075

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment -- Vehicle Damage Reimbursement

AGENDA ITEM NO. 5C

MEETING DATE: 02/14/2023

BACKGROUND INFORMATION:

The 2013 Police Charger was damaged in a vehicle accident and an insurance check has been received for the damages.

Attached is a budget amendment to accept the funds from the insurance company and to appropriate those funds for vehicle repair.

MANAGER RECOMMENDATION: Approve the budget amendment accepting and appropriating insurance funds for vehicle damage repair, as presented.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: February 14, 2023

Action: General Fund Amendment

Purpose: To Accept and Appropriate Insurance Funds for Vehicle Damage Repair - 2013 Dodge Charger

Number: PD-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3500	0000	Miscellaneous	\$5,000	\$6,649	\$1,649
10	5100	1700	Maint & Repair: Vehicles	\$34,500	\$36,149	\$1,649

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – Façade Grant Award

AGENDA ITEM NO. 5D

MEETING DATE: 02/14/2023

BACKGROUND INFORMATION:

A Façade Grant has been awarded to Jerry Scruggs for façade improvements to 140 N. Gaston St.

Attached is a budget amendment to appropriate funds to make the Façade Grant award, as at the time of budget preparation for the current fiscal year, there were no known awards being considered.

MANAGER RECOMMENDATION: Approve the budget amendment appropriating funds to award a Façade Grant, as presented.

BOARD ACTION TAKEN:

**Town of Dallas
Budget Amendment**

Date: February 14, 2023

Action: Economic Development Fund Amendment

Purpose: To Appropriate Funds to Award a Façade Grant for 140 N. Gaston St.

Number: ED-003

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
33	3999	0000	Fund Balance	\$253,650	\$268,650	\$15,000
33	8500	7900	Façade Grants	\$0	\$15,000	\$15,000

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – NC Forest Service Grant

AGENDA ITEM NO. 5E

MEETING DATE: 02/14/2023

BACKGROUND INFORMATION:

The Fire Department was awarded a 50/50 grant for equipment by the NC Forest Service.

Attached is a budget amendment to accept the grant funds and to appropriate funds for the purchase of equipment associated with the grant.

MANAGER RECOMMENDATION: Approve the budget amendment accepting NC Forest Service grant funds and appropriating funds for the associated equipment purchase, as presented.

BOARD ACTION TAKEN:

**Town of Dallas
Budget Amendment**

Date: February 14, 2023

Action: General Fund Amendment

Purpose: To Accept and Appropriated Funds Associated with a NC Forest Service Grant

Number: FD-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3455	0000	Grant Revenue	\$17,129	\$18,088	\$959
10	3999	0000	Fund Balance Appropriated	\$538,619	\$539,578	\$959
10	5200	3400	Equipment	\$25,858	\$27,776	\$1,918

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Knox Box Ordinance

AGENDA ITEM NO. 6A

MEETING DATE: 02/14/2023

BACKGROUND INFORMATION:

Fire Chief, Earl Withers, has requested the Town adopt a Knox Box ordinance. This will require the installation of a Knox Box system on all new commercial and multi-tenant structures.

A Knox Box is a secure rapid entry system designed to be used by Fire Department personnel in the event of an emergency to gain entry into a structure by using the enclosed, owner-provided, key(s).

The proposed text amendment was reviewed at the January 24th Board Work Session. No changes have been made to the text since this review.

This public hearing was advertised as required by NCGS §160D-601. Notice of the public hearing was placed in the Gaston Gazette once a week for two successive calendar weeks on Thursday, January 26th and February 2nd.

Attached is the proposed ordinance text.

MANAGER RECOMMENDATION: Approve the Knox Box Ordinance, as presented.

BOARD ACTION TAKEN:

§ 35.11 KNOX BOXES

A Knox Box is a secure rapid entry system designed to be used by Fire Department personnel in the event of an emergency to gain entry into a structure by using the enclosed, owner provided, key(s).

(A) *Applicability*

- (1) A Knox Box system shall be required on all new commercial structures and multi-tenant residential structures containing automatic sprinkler systems or fire alarm systems.
- (2) Existing properties and business are highly encouraged, but not required, to purchase a Knox Box system.
- (3) Knox Boxes shall be located on the address side of the building near the front door, mounted between five and six feet from ground level.
- (4) The owner and/or tenant of the building is responsible for ensuring that all required and current entry keys are in the Knox Box at all times.
- (5) Approved devices can be ordered online at www.knoxbox.com.

**NOTICE OF PUBLIC
HEARING –
TEXT AMENDMENT
TOWN OF DALLAS, NC**

Notice is hereby given that the Town of Dallas will hold public hearings on the below listed proposed code text amendments. The hearings will be held before the Town Board of Aldermen at their regularly scheduled meeting on Tuesday, February 14, 2023 at 6:00 PM in the Fire Station Community Room at 209 West Main St., Dallas, NC 28034.

Use of Public Property Ordinance

The Board of Aldermen will consider a text amendment to adopt § 91.09 "Camping, Storage, and Other Uses of Public Property" into Chapter 91 of the Town Code of Ordinances. The text will add definitions and regulations to uses on public property within the town to promote public health and safety, and to ensure continued flow of traffic.

Knox Box System Requirement

The Board of Aldermen will consider a text amendment to adopt subsection 11 of Chapter 35 of the Town Code of Ordinances. The text will require a knox box system on all new commercial and multi-tenant residential structures to allow entry by public safety personnel in the event of an emergency.

All interest persons are invited and encouraged to attend this meeting in person or via Zoom. For persons requiring special assistance, please contact Town Hall at 704-922-3176 at least 48 hours in advance. For more information, email Brian Finnegan, Town Planner, at bfinnegan@dallasnc.net.

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TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Use of Public Property Ordinance

AGENDA ITEM NO. 6B

MEETING DATE: 2/14/2023

BACKGROUND INFORMATION:

At the November Work Session, Staff was directed to draft an ordinance regulating the use of public property. The proposed text amendment was reviewed at the January 24th Board Work Session. No changes have been made to the text since this review.

This public hearing was advertised as required by NCGS §160D-601. Notice of the public hearing was placed in the Gaston Gazette once a week for two successive calendar weeks on Thursday, January 26th and February 2nd.

Proposed ordinance, 91.09 Camping, Storage, and Other Uses of Public Property is attached.

MANAGER RECOMMENDATION: Approve the proposed Use of Public Property Ordinance, as presented.

BOARD ACTION TAKEN:

§ 91.09 CAMPING, STORAGE AND OTHER USES OF PUBLIC PROPERTY

(A) *Purpose.* The streets and public areas within the town should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard, which adversely affects neighborhoods and commercial spaces. Camping on private property without the owner's consent, without proper sanitary measures, and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the town. The purpose of this section is to maintain streets, parks, and other public and private areas within the town in a clean, sanitary, and accessible condition and to protect the health, safety, and public welfare of the community while recognizing that subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the town. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property

(B) *Definitions.* As used in this article, the terms listed below shall have the following definitions in addition to their ordinary dictionary definitions, unless a different meaning is required by context:

Camp or Camping means sleeping, making preparations to sleep (including lying down or the laying down of bedding for the purpose of sleeping), and/or storing personal belongings; the placement of tents, huts, tarps; parking of a motor vehicle, motor home or trailer, or mooring of a vessel or any other type of structure for living accommodation purposes.

Camp Facilities include, but are not limited to, tents, huts, vehicles, vehicle camping outfits, or temporary shelter.

Establish means setting up or moving equipment, supplies, or materials onto public or private property to "camp" or operate camp facilities.

Maintain means keeping or permitting equipment, supplies, or materials to remain on public or private property to camp or operate camp facilities.

Operate means participating or assisting in establishing or maintaining a camp or camp facility.

Private Property means all privately-owned property including, but not limited to, streets, sidewalks, alleys, and improved or unimproved land.

Public Property means all town-owned property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land, and parks.

Store means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

Trail Facility means any Class 1 trail, bicycle or multi-use trail, or natural trail that is owned, maintained, or operated by the town, including any area or access point adjoining the trail which the town owns or maintains an easement.

Unattended Property means no person is present with the personal property that asserts or claims ownership over the personal property. Conversely, the property is considered "attended" if a person is present with the personal property and the person claims ownership over the personal property.

Vehicle for the purpose of this chapter shall be defined by N.C.G.S. § 20-4.01 as it now exists or may hereafter be amended

- (C) **Unlawful Camping on Public Property.** It is unlawful to camp upon any public property within town limits, including, without limitation, streets, sidewalks, parking lots, parking structures, easements, open spaces, parks, cemeteries, real property, or corporation yards. Any encampment on publicly-owned property within the town that is deemed a high risk to the public's health and safety will be posted "No Trespass", removed, and cleaned. Camping as defined in this section is deemed a public nuisance, and the town may summarily remove a temporary shelter, bedding, or personal belongings.
- (D) **Permitted Camping during Special Events.** Camping on public or private property permitted only as a temporary ancillary use during an approved and permitted special event approved by the Board of Aldermen.
- (E) **No Storage on Town Property.** It is prohibited to leave or allow to remain unattended any equipment, packages, bags, or other personal belongings on public property unless in direct relation to a permitted special event approved by the Board of Aldermen. Any such item is subject to removal by the town. This prohibition does not apply to bicycles, carts, strollers, or other means of personal transportation, secured in such a way as to not obstruct a street or sidewalk, or to interfere with the use of town property. This article shall not apply to offices or other non- public areas assigned to or under the control of town employees or agents.
- (F) **Enforcement.** Any sworn law enforcement officer shall have the authority to enforce this section.
 - (1) **Penalty.** Any person who violates any of the provisions of this section shall be guilty of a misdemeanor as provided in G.S. § 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, imprisonment, or both pursuant with § 10.99 of this code.
 - (2) **Severability.** If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

NOTICE OF PUBLIC HEARING – TEXT AMENDMENT TOWN OF DALLAS, NC

Notice is hereby given that the Town of Dallas will hold public hearings on the below listed proposed code text amendments. The hearings will be held before the Town Board of Aldermen at their regularly scheduled meeting on Tuesday, February 14, 2023 at 6:00 PM in the Fire Station Community Room at 209 West Main St., Dallas, NC 28034.

Use of Public Property Ordinance

The Board of Aldermen will consider a text amendment to adopt § 91.09 "Camping, Storage, and Other Uses of Public Property" into Chapter 91 of the Town Code of Ordinances. The text will add definitions and regulations to uses on public property within the town to promote public health and safety, and to ensure continued flow of traffic.

Knox Box System Requirement

The Board of Aldermen will consider a text amendment to adopt subsection 11 of Chapter 35 of the Town Code of Ordinances. The text will require a Knox box system on all new commercial and multi-tenant residential structures to allow entry by public safety personnel in the event of an emergency.

All interest persons are invited and encouraged to attend this meeting in person or via Zoom. For persons requiring special assistance, please contact Town Hall at 704-922-3176 at least 48 hours in advance. For more information, email Brian Finnegan, Town Planner, at bfinnegan@dallasnc.net.

8366388 1/26 2/2/23

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Text Amendment to Add Single-Family Attached Dwellings to the R-6 Zoning District

AGENDA ITEM NO. 6C

MEETING DATE: 2/14/2023

BACKGROUND INFORMATION:

At the December 13, 2022 Board of Aldermen meeting, a public hearing was held in reference to a text amendment to add single-family attached dwellings to the R-6 zoning district. This public hearing followed prior discussions on the topic at the September 27, 2022 and November 22, 2022 Board of Aldermen Work Sessions.

A text amendment petition had been submitted by David Murray, on behalf of KovalXRobinson LLC. The amendment would permit, by-right, single-family attached housing in the R-6 zoning district with a minimum lot width of 20 ft., a minimum lot area of 1500 sq. ft., and a minimum side yard exemption.

Staff reviewed the petition, and are in support of the change, with modifications. The requested minimum lot width of 20 ft. and 1500 sq. ft. lot area should only apply to interior lots. Exterior lots, or end units, should be required to have a minimum side ayrd of 6 ft., a minimum lot width of 30 ft., and minimum lot area of 2100 sq. ft.

On August 8, 2022, the Planning Board unanimously voted to send their recommendation, along with statements of consistency and reasonableness, to approve the proposed text amendment as written.

This public hearing is a continuation of the public hearing opened on December 13, 2022 and was advertised as required by NCGS §160D-601. Notice of the public hearing was placed in the Gaston Gazette once a week for two successive calendar weeks on Tuesday, November 29, 2022 and Tuesday, December 6, 2022.

MANAGER RECOMMENDATION: Approve the text amendment, as presented.

BOARD ACTION TAKEN:

Town of Dallas
210 N. Holland Street
Dallas, NC 28034
704-922-3176

Case# T2020-02

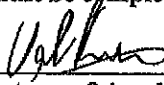
Petition for Text Amendment

Name of Applicant KovalXRobinson, LLC
Address of Applicant c/o Murray Law Firm, PLLC, 1901 Roxborough Rd., Ste. 120, Charlotte, NC 28211
Contract Information: Telephone 704-940-9095 Email david@murraylawfirm.com; val@kovalbuilders.net

Requested Change(s) to Zoning or Subdivision Ordinance Text Petitioner is seeking to amend the text in order to allow single-family attached dwellings (townhomes) within the R-6 district with a 20' minimum lot width, minimum lot area of 1500 sf, and minimum side yard exemption.

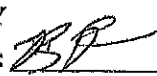
Specific Section(s) # Requested Change Section 153.026; Appendix A

We/I certify that all information provided in this application is accurate to the best of our/my knowledge, information, and belief. Furthermore, by signing this request, we/I agree to pay for advertising costs associated with this petition. We/I understand that this petition must be completed in full and the required fee paid for acceptance.


Signature of Applicant

6/21/22
Date

Fee: \$ 500 plus advertising costs.

OFFICE USE ONLY	
Accepted as complete: <u></u>	Date <u>6/22/22</u>
Action:	
On _____ the Planning Board recommended that this petition be:	Approved <input type="checkbox"/>
	Denied <input type="checkbox"/>
On _____ the Board of Aldermen held a Public Hearing concerning this request. By vote of the Board they:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>

Staff Report

Zoning Text Amendment Request: T-2022-02

Applicants: KovalXRobinson, LLC

Authorized Agent: David Murray, Murray Law Firm

Request: The applicant is requesting to add single-family attached housing (townhomes) to the R-6 zoning district in the Table of Permitted Uses in Appendix C of Chapter 153 in the Town of Dallas Code of Ordinances. Additionally, the applicant is requesting the lot specifications be reduced for such housing with a minimum interior lot width of 20 feet and a minimum interior lot area of 1500 square feet in Appendix A of Chapter 153.

Staff Analysis: The proposed text amendment, if approved, will add single-family attached housing to the R-6 as a by right permitted use. As written, the text amendment will allow townhomes in the densest residential districts in the zoning ordinance with a feasible minimum width requirement for both interior lots and end units.

The request of a 20ft interior lot seems to be within the current industry standards for single-family attached housing. "Missing Middle Housing" lists townhomes ranging from 18-25 feet wide. Looking at current development in the area, there are several townhome neighborhoods that fall in this range. Ryan Homes at Tupelo Townhomes in Gastonia shows interior lots at 22' widths on the recorded plat at bk94 pg100. Villages at Cramerton Mills Townhomes in Cramerton shows a similar width, recorded at bk91 pg100, and the Eagle Park Subdivision in Belmont has a recorded interior lot width of 16.29' at bk83 pg9. The recently approved conditional zoning for Robinson Glenn proposed by DR Horton also showed 20ft interior units on the CD site plan. Current development in the area is building in the average range for townhomes mentioned above. The request of the applicant to build an interior lot at a 20ft width is consistent with the current standards of the area.

Staff set the exterior lot width to a minimum of 30ft. This is 4ft wider than the setback requirements for R-5 & R-6, and 2ft wider than R-8. Given the allowance for narrower lots there is the potential to have taller buildings to compensate. The additional requirement on the side yard would increase the offset from existing neighboring structures as well as intersecting side streets for corner lots to balance the aesthetic of the community. The existing R-6 zone would allow this product to be built in established neighborhoods with older homes that were generally smaller structures with minimal setbacks, so to accommodate for the larger structures in these areas an additional side setback requirement is suggested. Front and rear setback increases would

potentially contribute to this balance, but doesn't seem feasible and isn't suggested at this time. This would be the minimum required side yard, and the end lots would still be subject to the additional ten feet required for all corner lots.

Comprehensive Land Use Plan: The proposed text amendment is consistent with the 2030 Comprehensive Land Use Plan. Existing R-6 zones on the zoning map fall into the Urban Neighborhood, Mixed-Use Neighborhood, and Single Family Residential categories as shown on the Future Land Use Map. All three categories reference single family attached housing (townhomes) as appropriate land use. The Urban Neighborhood and Mixed-Use Neighborhood categories describe blended housing. Allowing townhomes in this district will offer a mix of higher density rental and ownership housing.

Staff Recommendation: The proposed text amendment offers an expansion and increased accessibility to develop housing that is not readily available in Dallas. The proposed language modifies the current restrictions on townhomes to allow for lot standards that meet the design for standard townhome development. Staff is in favor of the petition and recommends the Planning Board recommend approval to the Board of Aldermen.

**APPENDIX A: YARD AND HEIGHT REQUIREMENTS FOR
RESIDENTIAL DISTRICTS**

<i>Zone</i>	<i>Minimum Lot Area (Sq. Ft.)</i>	<i>Minimum Lot Area Per Dwelling Unit (Sq. Ft.)</i>	<i>Minimum Lot Width (In feet)</i>	<i>Minimum Front and Rear* Yard Depth (In feet)</i>	<i>Individual Minimum Side Yard Depth (In feet)</i>	<i>Minimum Side Yard Depth (In feet)*</i>	<i>Maximum Building Height</i>
R-15	15,000	15,000	100	45	15	15	35 feet
R-12	12,000	12,000	90	40	12	12	35 feet
R-10	10,000	10,000	80	35	10	10	35 feet
R-8	8,000	8,000 single 6,000 1st unit 3,000 additional unit each	70	30	8	8	35 feet
R-6	6,000**	6,000** single 5,000 1st unit 2,500 additional unit each	60**	25	6	6	35 feet
R-5	5,500 **	5,500 ** - 500 SF per attached side	50	25***	6	6	35 feet

RMF		15,000 1st unit 3,500 additional unit each		45	45	45	35 feet
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* An additional ten feet shall be required to the requirements listed above on all side yards which abut a public or private street (corner lots)

** For R-5 Districts: Attached housing shall be exempt from side yard setback requirements, and may reduce lot width by 5 feet for each attached side. Further reduction may be permitted through conditional zoning. Attached buildings to include 3 or more units are only allowed with conditional approval regardless of zoning designation. For R-6 Districts: Single Family Attached Housing (Townhomes) only—interior single lots shall have a minimum required width of 20 feet with no required side setback and a minimum required lot area of 1500 square feet. Exterior units shall have a minimum lot width of 30 feet and a minimum required lot area of 2100 square feet.

*** Rear setback may be reduced by 5 feet at the discretion of Town Staff if requested to accommodate a larger front setback for parking purposes only. Further reduction may be permitted through conditional zoning.

**** Buildings may exceed 35 feet in height. But for each five feet or fraction thereof of additional height above 35 feet, each yard shall be increased five feet over the minimum requirements. Any height above 45 feet may only be approved through conditional zoning.

APPENDIX C: PERMITTED USES CHART

	Residential								Office	Business					Industrial
	R-15	R-12	R-10	R-8	R-6	R-5	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
X: Permitted by right (Supplemental regulations may apply - check town ordinances)															
S: Special Use Permit (Supplemental regulations may apply - check town ordinances)															
Permitted Uses (any use not specified below is eligible to apply for conditional zoning approval)															
RESIDENTIAL															
Single-family dwellings (attached)					X	X									
Single-family dwellings (detached)	X	X	X	X	X	X									
Manufactured/mobile homes					X	X									
Trailer camps/mobile home parks					X										
Multi-family residential				X	X		X	X			S	S	S	S	
Fraternities		S	S	S	S							S			
Homes for the aged and infirm	X	X	X												
Mixed use residential							X	X			S	S		S	
Nursing homes for chronic or convalescent patients	X	X	X												

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Placard Peachtree St. Residence for Minimum Housing

AGENDA ITEM NO. 8A

MEETING DATE: 02/14/2023

BACKGROUND INFORMATION:

The Town of Dallas has received multiple complaints for minimum housing and property maintenance issues regarding the structure at 510 E. Peachtree Street.

After performing on-site inspections on November 16, 2022, Code Enforcement Officer David Lingafelt, sent mailed notices to the registered property owners on November 21, 2022. The notice was also placed on the front door of the property.

After due notice, an administrative hearing was held on December 20, 2022 at 11:00 am. Code Enforcement Officer David Lingafelt was in attendance. Not other parties of interest attended the hearing.

Findings of facts deemed the property a deteriorated dwelling, unit for human habitation. Findings were sent to property owners on December 20, 2022, with a repair order deadline of January 23, 2023.

The property owner has failed to comply with the order and Code Enforcement is seeking Board approval to placard the property, as required by §150.43(C). An ordinance has been provided by staff.

MANAGER RECOMMENDATION: Approve the ordinance to placard 510 E. Peachtree St., as presented.

BOARD ACTION TAKEN:

ORDINANCE ORDERING TO VACATE AND CLOSE A DWELLING

ORDINANCE NO. _____

AN ORDINANCE ORDERING TO VACATE AND CLOSE THE DWELLING AT 510 EAST PEACHTREE STREET PURSUANT TO THE HOUSING ORDINANCE, CHAPTER 150, OF THE TOWN OF DALLAS CODE OF ORDINANCE AND CHAPTER 160D OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF MICHAEL W LACOUNT RESIDING AT 9210 GINHOUSE LANE, CHARLOTTE, NC 28277.

WHEREAS, the dwelling located at 510 East Peachtree Street in the Town of Dallas has been found by the Town Housing Inspector to be in violation of the Housing Ordinance, Chapter 150, of the Town of Dallas Code of Ordinances and the owners thereof have been ordered to repair, alter or improve or vacate or close said dwelling, all pursuant to the Housing Ordinance, Chapter 150, of the Town of Dallas Code of Ordinances and Chapter 160D of the General Statutes of North Carolina; and

WHEREAS, the Housing Inspector, after notice and hearing, stated in writing his findings of fact and issued an order directing and requiring the owner(s) to repair, alter and improve the structure, and

WHEREAS, said owner(s) have failed to comply with said order served by registered mail on December 20, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners, that the Housing Inspector is hereby ordered to cause the owners to vacate and close the dwelling located at 510 East Peachtree Street in the Town of Dallas, and to post on the main entrance of the dwelling a placard containing the following: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful" all in accordance with the Housing Ordinance, Chapter 150, of the Town of Dallas Code of Ordinances, Chapter 160D of the General Statutes of North Carolina.

This Ordinance shall become effective upon its adoption.

Adopted, this the 14th day of February, 2023.

ATTEST:

Rick Coleman, Mayor

Sarah Ballard, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Planning Board Reappointment -- T. Smith

AGENDA ITEM NO. 8B

MEETING DATE: 2/14/2023

BACKGROUND INFORMATION:

Thomas Smith's current three-year term on the Planning Board has expired. Mr. Smith has expressed interest in continuing his service on this board.

The Board of Aldermen may reappoint him for another three-year term (February 2023-February 2026).

Mr. Smith has been, and continues to be, an asset to the Town and Staff recommends his reappointment to serve.

MANAGER RECOMMENDATION: Reappoint Mr. Thomas Smith to a three-year term on the Planning Board, as presented.

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Planning Board Reappointment – T. Faro

AGENDA ITEM NO. 8C

MEETING DATE: 2/14/2023

BACKGROUND INFORMATION:

Tiffany Faro's current three-year term on the Planning Board has expired. Ms. Faro has expressed interest in continuing her service on this board.

The Board of Aldermen may reappoint her for another three-year term (February 2023- February 2026).

Ms. Faro has been, and continues to be, an asset to the Town and Staff recommends her reappointment to serve.

MANAGER RECOMMENDATION: Reappoint Ms. Tiffany Faro to a three-year term on the Planning Board, as presented.

BOARD ACTION TAKEN: