

Town of Dallas

Agenda

July 11, 2023

6:00 PM

BOARD OF ALDERMEN

Rick Coleman, Mayor

Sam Martin

Frank Milton

Darlene Morrow

Jerry Cearley, Mayor Pro-Tem

E. Hoyle Withers

<u>ITEM</u>	<u>SUBJECT</u>	<u>Page</u>
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	A.	
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MINUTES FOR BOARD OF ALDERMEN MEETING

June 13, 2023

6:00 PM

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

The following Staff members were present: Maria Stroupe, Town Manager; Brian Finnegan, Development Services Director; Robbie Walls, Police Chief; Sarah Hamrick, Town Clerk; Lanny Smith, Electric Director; Dustin Haney, Assistant Fire Chief; Jonathan Newton, Finance Director; Bill Trudnak, Public Works Director; Landon Wright, Planner; David Lingafelt, Code Enforcement Officer; Stevie Verrier, Street and Sanitation Supervisor and Tom Hunn, Town Attorney.

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 made a motion to approve the agenda with two additions, seconded by Alderman Cearley and carried unanimously.

Approval of Minutes:

Alderman Milton motioned to approve the minutes from the May 9th regular meeting and the May 9th and May 23rd work sessions, seconded by Alderman Martin and it was carried unanimously.

Recognition of Citizens:

The Mayor opened the floor to the Recognition of Citizens.

Mike Fields of 1333 Philadelphia Church Road thanked the Town Staff for their hard work for the concert this past weekend.

Curtis Wilson of 438 S. Gaston Street prayed over the Board of Alderman meeting and said he would like to see some improvement to the street side of Trade Street.

Consent Agenda:

Item 5A Courthouse Rental Agreement Revision

Attached is the Dallas Historic Courthouse Rental Agreement with a proposed revision to allow active Full-Time and permanent Part-Time Town of Dallas employees to rent the Courthouse facilities at a 50% discount off the current rental rates. The discounted rental would only be for a personal event for the employee.

Added language to the agreement reads as follows:

Active full-time and permanent part-time employees of the Town of Dallas may rent The Courthouse facilities for their own personal event at a 50% discount off the current rental rates. All other requirements of the rental agreement apply as written (Exhibit 5A, 1-8).

Item 5B Budget Amendment-Insurance Costs

Within the Town's Property and Casualty Insurance Policy there is provision for legal representation in the event of suits brought against the Town. This provision carries a \$10,000 deductible for each suit represented. During this current budget year, three suits have been represented on behalf of the Town. Attached is a budget amendment appropriating funds to cover the deductibles incurred for these suits, as these were not anticipated or provided for during the budgeting process (Exhibit 5B-1).

Item 5C Budget Amendment- PD Vehicle Damage Reimbursement

The Town has received funds from insurance as reimbursement for damage done to one of the 2022 Ford Interceptors. Attached is a budget amendment to accept the funds from the insurance company and to appropriate those funds for vehicle repair (Exhibit 5C-1).

Item 5D Budget Amendment-Duke Energy True Up

We have received preliminary information from Duke Energy concerning the true up to be received in July for 2022. Last month, we were projected to owe Duke Energy at minimum \$450,000. It is likely this number will go up, as it is preliminary and Duke is still calculating costs. This is the first time Dallas has ever had to pay Duke. The contract allows Duke to capture additional costs and that is what is happening this year. A number of years ago Dallas established a Rate Stabilization Fund as a way to set aside funds in the event of a large unexpected expense. Currently, the Rate Stabilization Fund contains \$836,819.49. Use of this fund would be the most logical avenue to cover the true up costs that will be owed to Duke Energy. A budget amendment will have to be made now to provide for the anticipated charge, although the actual bill will not be received until July. Over the years, the Town has benefitted from previous true ups that have enabled multiple capital projects to be completed with no debt. The true up history is also one of the main reasons there has been no electric rate increases for 12 years. Attached is a budget amendment to appropriate funds to cover the anticipated Duke Energy True Up costs (Exhibit 5D, 1-3).

Item 5E Budget Amendment-Façade Grant Award

Four Façade Grants have been awarded to Jerry Scruggs for façade improvements to 107 E. Trade St., 109 E. Trade St., 111 E. Trade St., and 113 E. Trade St. for a total of \$15,000.00, as follows:

107 E. Trade St. - \$3,750.00

109 E. Trade St. - \$3,750.00

111 E. Trade St. - \$4,500.00

113 E. Trade St. - \$3,000.00

Attached is a budget amendment to appropriate funds to make the Façade Grant awards, as at the time of budget preparation for the current fiscal year, there were no known awards being considered (Exhibit 5E, 1-5).

Item 5F Budget Amendment-Interest Earned

At the time of budget preparation for the FY 2022/23 budget year, there was uncertainty as to the amount of interest earned on investments. As this budget year has progressed, the Town has seen a significant increase in interest revenue over the amount budgeted. Attached is a budget amendment to more accurately reflect the interest earned revenue, which also reduces the amount needed to be transferred from the Electric Fund for this current year (Exhibit 5F-1).

Alderman Martin made a motion to approve all six Consent Agenda items, seconded by Alderwoman Morrow and carried unanimously.

Public Hearings:

Item 6A Rezoning Request Z-2023-01-Parcel 226089

Alderman Cearley made a motion to go into the Public Hearing, seconded by Alderman Milton and carried unanimously.

Dean Carpenter has submitted a rezoning request for Gaston County Parcel #226089 to be rezoned from Residential R-6 to Highway Business B-2. The property is currently the location of an apartment complex, which is not longer a permitted use in the R-6 District. This use is permitted as a Special Use in the B-2 District and would be required for any expansion of the existing use. At the April 20, 2023 Planning Board meeting, the Planning Board voted to send a recommendation to approve the rezoning request, along with statements of consistency and reasonableness for the rezoning. The Board of Aldermen reviewed this request at the May 23, 2023 Work Session and no changes have been made since that review. As proposed, Staff recommends allowing the rezoning, as it has the potential to increase revenue in the Town of Dallas. This public hearing was advertised as required N.C.G.S. §160D-601. Notice of the public hearing was placed in the Gaston Gazette once a week for two successive calendar weeks, on Wednesday, May 31, 2023 and Wednesday, June 7, 2023. Attached are supporting documents for this request, including the required ordinance for approval (Exhibit 6A, 1-15).

The Development Services Director presented the rezoning request to the Board. Mr. Dean Carpenter spoke to the Board concerning the rezoning.

There were no audience or Board comments.

Alderwoman Morrow made a motion to go out of the Public Hearing, seconded by Alderman Withers and carried unanimously.

Alderman Withers made a motion to approve the rezoning request including the consistency statement of approval, seconded by Alderman Cearley and carried unanimously.

Item 6B Proposed FY2023-24 Budget Ordinance

Alderman Milton made a motion to go into the Public Hearing, seconded by Alderwoman Morrow and carried unanimously.

Enclosed is the proposed Budget Ordinance for Fiscal Year 2023-2024, including the proposed fee schedules and budget message. Preparation for this Budget Ordinance included a Strategic Planning meeting that was held on March 6, 2023, with additional Budget Work Sessions held on March 28, 2023 and May 9, 2023. An original draft proposal was submitted to the Board on May 23, 2023 at the final Budget Work Session. The only changes proposed to the draft budget by the Board at the May 23rd Work Session resulted in a \$2,000 increase to the Recreation Department budget. As proposed, the FY2023-2024 for the Town of Dallas would total \$20,286,537 (an increase of 11.2% from the FY2022-2023 budget) and includes the fund breakdown show below.

General Fund:	\$6,180,474
Water & Sewer Fund:	\$4,292,873
Electric Fund:	\$9,599,640
Stormwater Fund:	\$ 213,550

This budget is based upon an Ad Valorem (property) tax rate of \$0.42 (which reflects NO change/\$100 valuation.)

N.C.G.S. §159-12 requires that the Board hold a public hearing before adopting the budget ordinance so that any person who wish to be heard on the budget may voice their comments. A public hearing notice was published in The Gaston Gazette on June 2, 2023 (Exhibit 6B, 1-24).

The Town Manager presented the budget ordinance to the Board and read the budget message. The Mayor thanked the Town Staff for their hard work on the new budget and referenced page 51, paragraph 3.

The Board and Staff discussed mid-year staff hiring. Mike Fields asked questions concerning staffing flexibility for the Police Department and Police vehicles.

Alderman Martin made a motion to go out of the Public Hearing, seconded by Alderman Milton and carried unanimously.

Alderman Martin made a motion to approve the 2023-2024 budget, seconded by Alderman Milton and carried unanimously.

Old Business:

There was no old business at this time.

New Business:

Item 8A Offer to Purchase Portion of Parcel #170058

Shawn Santee and Todd Akers, on behalf of Sammy Creek Dallas LLC, submitted an offer to purchase a portion of town-owned property located at 3601 Dallas High Shoals Highway, further identified as Gaston County Parcel #170058. The purchase portion consists of 11,974 sq. ft., or 0.2749 acres. Town Staff has calculated the asking price equivalent to the current land value based on the recent valuation of \$28,750 to be \$6,871.25. The submitted offer is for \$6,872.50. The petitioner intends to include this property in the larger development project known as Summey Creek. If the purchase is successful, this portion of land will need to be recombined with the Summey Creek project and rezoned. This same request was submitted on April 12, 2022. The Board accepted the offer and the upset bid was executed, but the sale was never finalized. The offer to purchase for \$6,872.50 was approved at the May 9, 2023 Board of Aldermen meeting. An advertisement of the offer and opening the upset bid per N.C.G.S. §160A-269 was published in the Gaston Gazette on Friday, May 19, 2023, upon receipt of the required deposit. No upset bid was received. Attached is a resolution formally accepting the offer to purchase a portion of Parcel #170058 from Sammy Creek Dallas LLC, along with supporting documents (Exhibit 8A, 1-4).

NOTE: While the subdivision will be known as Summey Creek, the paperwork was filed as Sammy Creek, which was an error in the filing by the LLC.

The Town Manager presented the item to the Board for review.

Alderman Milton made a motion to approve the offer, seconded by Alderman Cearley and carried unanimously.

Item 8B Offer to Purchase Portion of Parcel #227919

Jim Bailey, owner of Sammy's Neighborhood Pub located at 130 W. Trade Street, submitted an offer to purchase a portion of town-owned property located directly behind the restaurant, further identified as Gaston County Parcel #227919. The purchase portion consists of 853.65 sq. ft., or 0.0196 acres. Town Staff has calculated the asking price equivalent to the current land value based on the recent valuation of \$111,530 to be \$2,375. The submitted offer is for \$2,375. The offer to purchase for \$2,375 was approved at the May 9, 2023 Board of Aldermen meeting. An advertisement of the offer and opening the upset bid per N.C.G.S. §160A-269 was published in the Gaston Gazette on Wednesday, May 24, 2023, upon receipt of the required deposit. No upset bid was received. Attached is a resolution formally accepting the offer to purchase a portion of Parcel #227919 from Jim Bailey, along with supporting documents (Exhibit 8B, 1-4).

The Town Manager presented the offer to the Board for discussion. There were no questions or discussions.

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

Item 8C Agreement for Use of Dallas Historic Courthouse

Effective April 1, 2022, the agreement between the Town of Dallas and the Gaston County Museum for use of the Dallas Historic Courthouse by the Museum was terminated. A new agreement was drafted and was in the process of being reviewed by both parties until the Museum Director resigned in the fall of 2022. During the search for a new Museum Director, there was little progress on a new agreement. Recently, a new Museum Director was named and the proposed agreement is back under discussion. Attached is the proposed new agreement outlining use of the Dallas Historic Courthouse by the Gaston County Museum for educational and public programming. This proposed agreement includes the items previously desired by the Dallas Board of Aldermen and has been reviewed by personnel with Gaston County. Once approved by the Dallas Board of Aldermen, the agreement will be sent to Gaston County for their approval. The agreement can then be implemented between the two entities (Exhibit 8C, 1-4).

The Town Manager presented the agreement to the Board for discussion.

Alderman Milton made a motion to approve the agreement, seconded by Alderman Withers and carried unanimously.

Item 8D Special Event Date Change Request-Rusty Rabbit Oktoberfest

At the March 14, 2023 Board of Aldermen meeting, a special event request from the Rusty Rabbit to hold an Oktoberfest event on October 28, 2023 was approved. The Rusty Rabbit has submitted a request to change the date from October 28 to October 21. This is the only change being requested to the event approval. The other aspects of the event will remain the same. Attached is the Special Event Application reflecting the date change requested (Exhibit 8D, 1-6).

The Town Manager presented the change to the Board.

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

Item 8E Davis Hills Phase III Final Subdivision Plat

HDP Davis Hills LLC (True Homes) has submitted a final recording plat for their property to be known as Davis Hills Phase III. Approval of this plat will create the final 43 buildable lots out of the approved 87 maximum number for the project and 3 Common Open Space lots. The property is located west of Dallas Stanley Highway, to the South of Evans Lake Road, and North of North Poplar 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, Electric, and Sanitation will serve the lots. The owners plan to post a bond for the public improvements not yet constructed or accepted by the Town. 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 a substantial conformance of 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 8E, 1-4).

The Development Services Director presented the Plat to the Board for discussion.

Alderwoman Morrow approved the Plat, seconded by Alderman Cearley and carried unanimously.

Item 8F Christmas Village Through Gaston College

The Mayor presented the topic of a Drive-Thru Christmas Village at Gaston College this year and the College asked for assistance and financial help from the Town. After discussion, the Board decided to donate \$5000 to the College.

Alderman Withers made a motion to approve the donation, seconded by Alderman Milton and carried unanimously.

Item 8G Cancelling the June Work Session

The recommendation of cancelling the June 27th Work Session was presented to the Board.

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

Manager Report:

The Town Manager gave information to the Board concerning up-coming events.

Alderwoman Morrow made a motion to adjourn, seconded by Alderman Cearley and carried unanimously (7:16).

Rick Coleman, Mayor

Sarah Hamrick Ballard, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – Façade Grant Award

AGENDA ITEM NO. 5A

MEETING DATE: 07/11/2023

BACKGROUND INFORMATION:

This budget amendment was made in June, but Mr. Scruggs did not submit his receipts for the reimbursement, so the funds were not expended. Now that FY2023 has ended and FY2024 has begun, the budget amendment has to be done for this fiscal year.

Four Façade Grants have been awarded to Jerry Scruggs for façade improvements to 107 E. Trade St., 109 E. Trade St., 111 E. Trade St., and 113 E. Trade St. for a total of \$15,000.00, as follows:

107 E. Trade St. - \$3,750.00
109 E. Trade St. - \$3,750.00
111 E. Trade St. - \$4,500.00
113 E. Trade St. - \$3,000.00

Attached is a budget amendment to appropriate funds to make the Façade Grant awards, 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 Façade Grants, as presented.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: July 11, 2023

Action: Economic Development Fund Amendment

Purpose: To Appropriate Funds to Award Façade Grants to 107, 109, 111, and 113 E. Trade St.

Number: ED-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
33	3999	0000	Fund Balance	\$0	\$15,000	\$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 – PD Calendar Proceeds

AGENDA ITEM NO. 5B

MEETING DATE: 07/11/2023

BACKGROUND INFORMATION:

Each year the Police Department has a calendar made that generates a small amount of revenue for the department to use for items not in the original budget. This year the proceeds total \$3500.

Attached is a budget amendment to accept the revenue and appropriate the funds to be expended. This year the department is planning to purchase challenge coins for a community initiative and lights to be placed on the officer's uniforms for additional safety.

MANAGER RECOMMENDATION: Approve the budget amendment accepting and appropriating funds received from calendar proceeds, as presented.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: July 11, 2023

Action: General Fund Amendment

Purpose: To Accept and Appropriate PD Calendar Proceeds Revenue

Number: PD-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3500	0000	Miscellaneous	\$5,000	\$8,500	\$3,500
10	5100	3300	Departmental Supplies	\$13,000	\$14,500	\$1,500
10	5100	3600	Uniforms	\$19,125	\$21,125	\$2,000

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – K9 Medical Costs

AGENDA ITEM NO. 5C

MEETING DATE: 07/11/2023

BACKGROUND INFORMATION:

K9 Clever was seen by veterinary professionals recently for four broken canine teeth. It has been determined that he will need surgery to repair these four teeth. This is a common issue in military and police K9's due to the nature of their training and work.

Attached is a budget amendment to cover the costs of the anticipated procedure, as this information was not available during budget preparation.

MANAGER RECOMMENDATION: Approve the budget amendment appropriating funds for the necessary medical procedure to repair K9 Clever's teeth, as presented.

BOARD ACTION TAKEN:

Town of Dallas
Budget Amendment

Date: July 11, 2023

Action: General Fund Amendment

Purpose: To Appropriate Funds to Cover Medical Expenses for K9 Clever

Number: PD-002

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3999	0000	Fund Balance Appropriated	\$474,213	\$480,213	\$6,000
10	5100	3315	K9 Supplies	\$6,950	\$12,950	\$6,000

Approval Signature
(Town Manager)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Gastonia Honey Hunters/Momentum Group Presentation

AGENDA ITEM NO. 8A

MEETING DATE: 7/11/2023

BACKGROUND INFORMATION:

Representatives from the Momentum Group will be making a presentation on activities surrounding the Gastonia Honey Hunters, as well as CaroMont Park and the FUSE District.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Special Event Request – Dallas Minister’s Association Back to School Drive

AGENDA ITEM NO. 8B

MEETING DATE: 7/11/2023

BACKGROUND INFORMATION:

The Dallas Minister’s Association has submitted a Special Events Application to hold a Back-to-School Drive on August 7, 2023, in conjunction with the Dallas Police Department’s Back-to-School event. The event would run from 5:00 pm to 8:00 pm at Cloninger Park. Area churches will be distributing clothing for back to school, snowcones, and will be accompanied by music; all of which will be open to the general public.

There are no road closures being requested. They are requesting use of electrical power for amplified sound.

MANAGER RECOMMENDATION: Approve the Special Event, as presented, with the requirement to meet with electric staff to discuss electric usage at least five business days prior to the event.

BOARD ACTION TAKEN:



Special Events/ Activities Application

Town of Dallas
210 North Holland Street
Dallas, NC 28034-1625
(704) 922-3176
Fax: (704) 922-4701

The purpose of this application is to provide information about your event or activity in order for the Town of Dallas to best assist you. Refer to the Special Events Policy and Town of Dallas Fee Schedule for all Special Events requirements. Applicants are responsible for providing complete and accurate information on the application. The applicant is responsible for notifying the Town of Dallas of any changes. **A COMPLETE application must be submitted by no later than the first Tuesday of the month for consideration at the next Board of Aldermen meeting. Events must be approved at least 14 days in advance of the event.**
INCOMPLETE APPLICATIONS WILL BE RETURNED.

APPLICATION INFORMATION

Name of Event:	Back to School Drive		
Facility Requested:	Cloninger Park		
Applicant Name:	Cameron Bryson		
Organization:	Dallas Ministers Association		
Mailing Address:	PO Box 905		
City / State / Zip:	Dallas NC 28034		
Daytime Phone:	704-922-8541	Cell:	704-460-7175
		E-Mail:	Cam@restoringhope.org
Description of the Event:	Back to School Drive Free clothes, shoes, socks, undergarments, hoping for - haircut		
Does the event have a Facebook, Twitter, or other social networking page:	None		
If yes, please list URL(s):			
Date (s) Requested for Event:	August 7th 2023		
Event Start Time:	5pm	Event End Time:	8pm
Road Closure Time Begins (if applicable):	None	Road Closure Time Ends:	None
Set Up Begins:	3pm	Set Up Ends:	8:30pm
Preferred Date & Time of Inspection (if required):			
Estimated Attendance:	250 people		
The Event is:	<input type="checkbox"/> Private (by invitation only)	or	<input checked="" type="checkbox"/> Open to General Public
Describe the procedures to be used for selecting vendors and exhibitors for this event:			

Applicant's Signature: _____

Date: _____

A pre-event meeting may be required and will be scheduled to include appropriate staff. The event applicant must attend the meeting.

TENTS / CANOPIES / MEMBRANE STRUCTURES

Will tents/canopies/membrane structures be used? (Circle one) Yes / No (If no, proceed to next section)

# of Canopies	<input type="text"/>	(fabric structure that is open without sidewalls on 75% or more of perimeter)
# of Tents	<input type="text"/>	(fabric structure that is enclosed with sidewalls on more than 25% of perimeter)
# of Membrane structures	<input type="text"/>	(air supported or air inflated structure)
Other type of structure (provide description) <input style="width: 100%;" type="text"/>		

Notes

VOICE / MUSIC AMPLIFICATION

Will amplified sound be used during the event? (Circle one) **Yes** / No (If no, proceed to next section)

If yes, state the number of stages, number of bands and type of music:

Number of stages: Number of Bands:

Type(s) of music:

Indicate times of amplified sound. Start Time: Finish Time:

Will sound checks be conducted prior to the event? Yes No

If yes, please indicate times: Start Time: Finish Time:

* Must comply with Town of Dallas general entertainment and noise ordinance.

HAZARDOUS MATERIALS (helium, propane, butane, gasoline, etc.)

Will hazardous materials in tanks/cylinders be used? (Circle one) Yes / No (If no, proceed to next section)

If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.

Will there be any portable heaters? Yes No

Will there be any deep fat fryers? Yes No

Will there be any fireworks, lasers, torches, candles or pyrotechnics? Yes No

Will generators be used? Yes No

Electric Connections requested? Yes No *If yes, provide load/location.

In the case of extraordinary use or hookups, extra fees may apply.

RIDES / ATTRACTIONS

Will mechanical rides or similar attractions be used? (Circle one) Yes / **No** (If no, proceed to next section)

If yes, company name?

Company address:

List details, if any:

****Applicants contracting with amusement ride companies are required to provide the Town of Dallas with a certificate of insurance, naming applicant and the Town of Dallas as additional insured on general liability.**

ALL rides must be inspected and approved by The Department of Labor.

VENDORS

A vendor is anyone who is serving, selling, sampling, or displaying food, beverages, merchandise or services

Will the event include any vendors? (Circle one) Yes / **No** (If no, proceed to next section)

If the event will have food vendors, please check the following that apply:

Served Sold Catered Prepared Outdoors

Does the event include food concession and/or cooking areas? Yes No

If yes, please list each food vendor and specify cooking method (Gas, Electric, Charcoal, etc.)
(Use additional sheet if necessary)

Vendor Name	Address	Phone Number	Cooking Method	Food Item

Food and beverages shall not be sold at an event unless approved and licensed, if necessary by the Gaston County Health Department
Event organizers are responsible for arranging health inspections for their event.

List all other vendors who will be present during the event (serving, selling, sampling, or displaying).

VENDOR NAME	ADDRESS	PHONE NUMBER (S)

EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be complete
(Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES

SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets and the surrounding area. The plan should include the following information:

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, etc.
- Identify location of all cooking devices and open flames; generators and fuel storage.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.

SERVICES

The Town of Dallas does not provide amenities such as portable toilets, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as clean up, traffic control, etc.

TRASH CONTAINERS

In order to determine what types of containers best suit the needs of the event, please answer the following questions:

Will the event be serving/selling/distributing beverages? Yes No

If yes, in what containers will they come packaged in?

aluminum cans glass bottles/jars plastic bottles/jugs/jars

How many trash cans are you requesting for trash?

Delivery Location?

Date and Time for trash cans to be picked up?

****Applicants are responsible for cleaning and restoring the site after the event.**

Clean-up fees may be incurred due to applicant's failure to clean and/or restore the site following the event.

PUBLIC PROPERTY CLEAN-UP

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event?

SAFETY AND SECURITY (CHECK ALL TYPES OF SECURITY USED)

Stage Security Event Area Security Road Closure Security

Other

Overnight Security From : To :

Dates & Times security will be on site:

Security provided by: Number of Security Personnel:

ROUTE AND TRAFFIC PLAN

PARADE (Includes floats, vehicles, and persons)

BICYCLES

MARCH OR WALK (persons only)

FOOT RACE

VEHICLES ONLY (Includes motorcycles)

OTHER (Description:)

Number of Persons: % Children:

Number of Vehicles: Vehicle Types:

Number of Animals: Kinds:

DESCRIBE BELOW THE EVENT ROUTE. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Ex: A "RUN" may include a 5k, a 10k, and a Fun Run).

ROAD CLOSURES

If your event involves road closures, a parade, a foot or bike race, any type of procession, or more than one location, attach a Route and Traffic Plan. Include the required information (listed below) and any additional information you believe applies to your event. When planning a moving route, the Dallas Police Dept. is available to assist you.

- NC and US roadways will also require approval from the NCDOT.
- The proposed route to be traveled including the requested starting and termination point. Please also clarify the directions of movement of your event.
- Routing plans for traffic. Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.
- Whether the event will occupy all or a portion of the street(s) requested for use.
- Proposed locations for barricades, signs and police/volunteers.
- The provision of twenty foot (20') minimum emergency access lanes throughout the event site.
- White temporary water base paint can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes Home, Home Depot, etc.).

Please Note: All road closure requests will be strictly reviewed by the Town of Dallas. Approval, denial, or modification of all road closure requests are at the sole discretion of the Town of Dallas. The Town has final discretion over your Route and Traffic Plan including, but not limited to the route, placement and number of all barricades, signs, and police/volunteer locations.

DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PERMIT FROM THE TOWN OF DALLAS. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

Applicant's Signature: _____



Date: _____

6/13/23

*Once approved, a Special Event Fee will be assessed based on the current Town of Dallas Fee Schedule. The event fee is due and payable **NO LATER THAN** five (5) business days prior to the event. Events will be cancelled if fees are not paid when due.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Special Event Request – Dallas High School Reunion

AGENDA ITEM NO. 8C

MEETING DATE: 7/11/2023

BACKGROUND INFORMATION:

Mr. Ray Hoyle has submitted a Special Event Request to use the Dennis Franklin Gym for a reunion of all grades of Dallas High School in mid- to late- September. The event would include a Sock Hop dance with potentially a DJ.

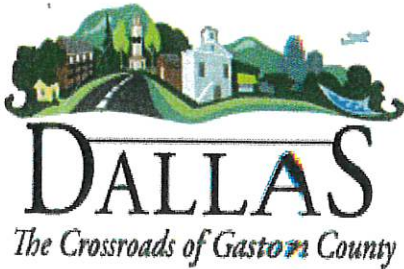
Estimated attendance is 75-100. It is noted that there were 352 in attendance at the last event in 1998. Mr. Hoyle also noted that although there were no food vendors in 1998, there could possibly be a food truck.

They are still in the early planning stages and do not have all of their plans set yet. On the application, the event time is listed as potentially 6:00 pm to 10:00 pm, but they are also considering holding a free throw contest earlier in the day. At this time, there is no time frame for the potential daytime event.

Upon submitting the application, Mr. Hoyle was informed that the Gym floor has to be torn out and replaced. This needs to be accomplished prior to the beginning of basketball season. We will be putting the project out for bids and the timing will be contingent on the chosen contractor's schedule. Mr. Hoyle understands that the floor replacement is critical for safety reasons prior to holding the Town's basketball program and the timing may interfere with the potential event.

MANAGER RECOMMENDATION: With the uncertainty surrounding the repair and replacement of the Gym floor, along with the potential safety hazard posed by soft spots in the current floor, it would be better to consider the event after the floor is repaired and basketball season is complete.

BOARD ACTION TAKEN:



Special Events/ Activities Application

Town of Dallas
210 North Holland Street
Dallas, NC 28034-1625
(704) 922-3176
Fax: (704) 922-4701

The purpose of this application is to provide information about your event or activity in order for the Town of Dallas to best assist you. Refer to the Special Events Policy and Town of Dallas Fee Schedule for all Special Events requirements. Applicants are responsible for providing complete and accurate information on the application. The applicant is responsible for notifying the Town of Dallas of any changes. **A COMPLETE application must be submitted by no later than the first Tuesday of the month for consideration at the next Board of Aldermen meeting. Events must be approved at least 14 days in advance of the event.**

INCOMPLETE APPLICATIONS WILL BE RETURNED.

APPLICATION INFORMATION

Name of Event:	DALLAS HIGH SCHOOL REUNION (ALL GRADES)		
Facility Requested:	DENNIS FRANKLIN GYM		
Applicant Name:	RAY HOYLE		
Organization:	NONE		
Mailing Address:	904 KISER DAIRY RD.		
City / State / Zip:	DALLAS, NC 28034		
Daytime Phone:		Cell: 980-329-6247	E-Mail: RHoyle@aol.com
Description of the Event:	SOCK HOP DANCE HOPEFULLY WITH D.J.		
Does the event have a Facebook, Twitter, or other social networking page:	NO		
If yes, please list URL(s):			
Date (s) Requested for Event:	MID TO LATE SEPTEMBER		
Event Start Time:	6 OR 7 PM	Event End Time:	9 OR 10 PM
Road Closure Time Begins (if applicable):		Road Closure Time Ends:	
Set Up Begins:		Set Up Ends:	
Preferred Date & Time of Inspection (if required):			
Estimated Attendance:	75-100 WE HAD 352 IN 1998		
The Event is:	<input checked="" type="checkbox"/> Private (by invitation only)	or	<input type="checkbox"/> Open to General Public
Describe the procedures to be used for selecting vendors and exhibitors for this event:			
WE HAD NO VENDORS IN 1998 - STILL IN EARLY PLANNING STAGE - POSSIBLE FOOD TRUCK BUT I DON'T KNOW ANY			

Applicant's Signature: Ray Hoyle Date: 7-5-23

A pre-event meeting may be required and will be scheduled to include appropriate staff. The event applicant must attend the meeting.

TENTS / CANOPIES / MEMBRANE STRUCTURES

Will tents/canopies/membrane structures be used? (Circle one) Yes / **No** (if no, proceed to next section)

# of Canopies	<input type="text"/>	(fabric structure that is open without sidewalls on 75% or more of perimeter)
# of Tents	<input type="text"/>	(fabric structure that is enclosed with sidewalls on more than 25% of perimeter)
# of Membrane structures	<input type="text"/>	(air supported or air inflated structure)
Other type of structure (provide description) <input style="width: 100%;" type="text"/>		

Notes

VOICE / MUSIC AMPLIFICATION

Will amplified sound be used during the event? (Circle one) **Yes** / No (if no, proceed to next section)

If yes, state the number of stages, number of bands and type of music: **INSIDE ONLY**

Number of stages: **NONE** Number of Bands: **NONE**

Type(s) of music: **SHAG (BEACH) + SLOW + ROCK + ROLL**

Indicate times of amplified sound. Start Time: Finish Time:

Will sound checks be conducted prior to the event? Yes No

If yes, please indicate times: Start Time: Finish Time:

* Must comply with Town of Dallas general entertainment and noise ordinance.

HAZARDOUS MATERIALS (helium, propane, butane, gasoline, etc.)

Will hazardous materials in tanks/cylinders be used? (Circle one) Yes / **No** (if no, proceed to next section)

If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.

Will there be any portable heaters? Yes **No**

Will there be any deep fat fryers? Yes **No**

Will there be any fireworks, lasers, torches, candles or pyrotechnics? Yes **No**

Will generators or electrical power be used? Yes **No** **MY PA SYSTEM IS PRE-CHARGED**

If yes, electrical load data and location of connection must be provided on a separate sheet.
In the case of extraordinary use or hookups, extra fees may apply.

RIDES / ATTRACTIONS

Will mechanical rides or similar attractions be used? (Circle one) Yes / **No** (if no, proceed to next section)

If yes, company name?

Company address:

List details, if any:

****Applicants contracting with amusement ride companies are required to provide the Town of Dallas with a certificate of insurance, naming applicant and the Town of Dallas as additional insured on general liability.**

ALL rides must be inspected and approved by The Department of Labor.

VENDORS

A vendor is anyone who is serving, selling, sampling, or displaying food, beverages, merchandise or services

Will the event include any vendors? (Circle one) Yes / No (if no, proceed to next section)

2

PROBABLY NOT BUT COULD HAVE FOOD TRUCK

If the event will have food vendors, please check the following that apply:

Served Sold Catered Prepared Outdoors

Does the event include food concession and/or cooking areas? Yes No

If yes, please list each food vendor and specify cooking method (Gas, Electric, Charcoal, etc.)
(Use additional sheet if necessary)

Vendor Name	Address	Phone Number	Cooking Method	Food Item

Food and beverages shall not be sold at an event unless approved and licensed, if necessary by the Gaston County Health Department
Event organizers are responsible for arranging health inspections for their event.

List all other vendors who will be present during the event (serving, selling, sampling, or displaying).

VENDOR NAME	ADDRESS	PHONE NUMBER (S)

EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be complete
(Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES
		IT'S POSSIBLE WE MAY TRY TO SCHEDULE A FREE THROW CONTEST EARLIER IN THE DAY BUT THAT IS ONLY MY IDEA THAT HAS NOT BEEN DISCUSSED WITH THE OTHER PLANNING MEMBERS.	

SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets and the surrounding area. The plan should include the following information:

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, etc.
- Identify location of all cooking devices and open flames; generators and fuel storage.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.

SERVICES

The Town of Dallas does not provide amenities such as portable toilets, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as clean up, traffic control, etc.

TRASH CONTAINERS

In order to determine what types of containers best suit the needs of the event, please answer the following questions:

Will the event be serving/selling/distributing beverages? Yes No

If yes, in what containers will they come packaged in?

aluminum cans glass bottles/jars plastic bottles/jugs/jars

How many trash cans are you requesting for trash?

Delivery Location?

Date and Time for trash cans to be picked up?

**Applicants are responsible for cleaning and restoring the site after the event.
Clean-up fees may be incurred due to applicant's failure to clean and/or restore the site following the event.

PUBLIC PROPERTY CLEAN-UP

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event?

NO PLAN AT THIS TIME OTHER THAN THE EVENT PLANNERS WILL LEAVE GYM CLEAN.

SAFETY AND SECURITY (CHECK ALL TYPES OF SECURITY USED)

Stage Security Event Area Security Road Closure Security *NONE AT THIS TIME WILL DO WHATEVER IS REQUIRED*

Other

Overnight Security From : To :

Dates & Times security will be on site:

Security provided by: Number of Security Personnel:

ROUTE AND TRAFFIC PLAN

PARADE (Includes floats, vehicles, and persons)

BICYCLES

MARCH OR WALK (persons only)

FOOT RACE

VEHICLES ONLY (Includes motorcycles)

OTHER (Description:)

Number of Persons: % Children:

Number of Vehicles: Vehicle Types:

Number of Animals: Kinds:

DESCRIBE BELOW THE EVENT ROUTE. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Ex: A "RUN" may include a 5k, a 10k, and a Fun Run).

ROAD CLOSURES

If your event involves road closures, a parade, a foot or bike race, any type of procession, or more than one location, attach a Route and Traffic Plan. Include the required information (listed below) and any additional information you believe applies to your event. When planning a moving route, the Dallas Police Dept. is available to assist you.

- NC and US roadways will also require approval from the NCDOT.
- The proposed route to be traveled including the requested starting and termination point. Please also clarify the directions of movement of your event.
- Routing plans for traffic. Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.
- Whether the event will occupy all or a portion of the street(s) requested for use.
- Proposed locations for barricades, signs and police/volunteers.
- The provision of twenty foot (20') minimum emergency access lanes throughout the event site.
- White temporary water base paint can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes Home, Home Depot, etc.).

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DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PERMIT FROM THE TOWN OF DALLAS. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

Applicant's Signature: _____



Date: _____

7-5-23

***Once approved, a Special Event Fee will be assessed based on the current Town of Dallas Fee Schedule. The event fee is due and payable NO LATER THAN five (5) business days prior to the event. Events will be cancelled if fees are not paid when due.**

TOWN OF DALLAS **SPECIAL EVENTS POLICY**

The Town of Dallas endeavors to support local businesses, groups, and individuals desiring to hold Special Events within the Town of Dallas. It is the desire of the Town of Dallas to ensure a safe and enjoyable special event.

The following criteria and procedures shall apply to all Special Events requests:

Special event permit applications must be submitted to the Town of Dallas **no later than 5:00 pm on the first Tuesday of the month** in order to be placed on the Board of Aldermen Meeting agenda for consideration and approval. Applications can be obtained at 210 N. Holland St., Dallas, NC 28034 or from the Town's website at www.dallasnc.net.

EVENTS MUST BE APPROVED AT LEAST 14 DAYS IN ADVANCE OF THE EVENT.

Typical events are defined below:

Parade: A march or procession which interferes with pedestrian and/or vehicular traffic.

Athletic Events: An occasion when a group of participants collectively engage in sport or other form of physical exercise, including an organized Walk or Race. This may interfere with vehicular and/or pedestrian traffic.

Special Events: Include street fairs, arts and crafts shows, carnivals, rallies, etc. Special events often interfere with pedestrian and/or vehicular traffic.

Block Party: A gathering which requires closure of a street.

It shall be the Policy of the Town of Dallas That,

Town-Sponsored Events take precedence over all other events. Special Event requests will not be approved if they are in conflict with Town-Sponsored Events.

Special Events requests on or adjacent to the Town of Dallas Historic Courthouse and Court Square grounds will not be approved if the Courthouse or Court Square grounds have been booked for rental.

All Special Events must comply with all Town ordinance requirements, Gaston County Health Department regulations, policies, procedures, rules, and regulations pertaining to use of parks and public spaces.

All of the following services or requirements shall be the responsibility of the applicant, unless the applicant specifically seeks and receives approval for any or all of the services or requirements to be waived as unnecessary, or provided by the Town of Dallas:

The applicant must provide, at their cost, sufficient portable toilets for the expected number of participants at the requested event.

The applicant must provide, at their cost, proof of insurance acceptable to the Town of Dallas that names the Town of Dallas as an additional insured.

The applicant shall be responsible for the security or protection of any items, merchandise, booths, or other property owned by the applicant or others participating in the Special Event.

The applicant shall provide, at their cost, authorized law enforcement personnel as security for each special event, as determined by the Town of Dallas Police Chief or his/her designee.

The applicant shall be responsible for obtaining any permits required by the Town of Dallas, Gaston County, and the State of North Carolina (or any sub-departments of those entities) for activities conducted during the Special Event.

Frequency of Events

Any one entity may be approved for up to a maximum of four (4) events in any calendar year. These events must be spaced at least 45 days apart from each other.

Event Fees

Fees will be assessed as outlined in the Town of Dallas Fee Schedule.

Adopted This 11th Day of January, 2022


Sarah Hamrick, Town Clerk



TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Shepherd's Way Annexation Petition

AGENDA ITEM NO. 8D

MEETING DATE: 7/11/2023

BACKGROUND INFORMATION:

Spencer McNab of BGE, Inc., on behalf of Gaston Area Lutheran Fund, Inc., property owner, submitted a voluntary annexation petition on 6/12/2023. The petition is for voluntary contiguous annexation of a 3.09-acre portion of Gaston County Parcel #214259 into the Town of Dallas in order to develop the entire property for single family residential.

This application was submitted, along with rezoning petition Z-2023-02, requesting the Residential R-5 Zoning District. This entire 18.61-acre parcel is highlighted for new residential development in the 2030 Future Land Use Plan.

In order to move forward with the request, the Board of Aldermen must direct Staff to investigate the sufficiency of the petition to determine if it meets the standards of 160A-31. This is the first step in the process and does not obligate the Town to annex the property at this point.

MANAGER RECOMMENDATION: Direct Staff to investigate the sufficiency of the annexation petition for a 3.09-acre portion of Parcel #214259.

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

PETITION FOR ANNEXATION

PETITION NUMBER: _____

Contiguous

Non-Contiguous

DATE: _____

FEE: \$550.00

Current Property Use: Vacant / Wooded Requested Zoning: R-5

Planned Property Use: Single-Family Residential

To the Board of Aldermen of the Town of Dallas:

We, the undersigned owners of real property, respectfully request that the area described as

0 Shepherds Way Drive, DALLAS, NC 28034, further identified as a portion of

parcel ID # 214259, be annexed to the Town of Dallas.

Print owner name(s) and information:

Gaston Area Lutheran Fund, Inc

Name Representatives: Graham Bell or George Rhyne Phone 704-922-8124

Address 916 S. Marietta St. Gastonia, NC 28054

Name _____ Phone _____

Address _____

Name _____ Phone _____

Address _____

Attachments included with Petition:

- ✓1. Legal description (as noted in property deed)
- ✓2. Letter outlining reasons for annexation request
- ✓3. List of Abutting Property Owners
- ✓4. Survey or Plat suitable for recordation
- ✓5. \$550 Fee

Owner's Signature:  Date: 6/12/2023

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

Received By: _____ Date: _____

Doc ID: 011095370004 Type: CRP
Recorded: 05/03/2008 at 04:20:14 PM
Fee Amt: \$692.00 Page 1 of 4
Excise Tax: \$669.00
Instr# 200600000797
Gaston, NC
Susan S. Lockridge Register of Deeds
BK 4218 PG 2058-2061

RECORDING FEE 230
EXCISE TAX PAID 669.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: 669.00

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: Grantee @ 435 Collier Street, Gastonia, NC 28054

This instrument was prepared by: Richard D. Laws

Brief description for the Index: _____

THIS DEED made this 27th day of APRIL, 2006, by and between

GRANTOR
Hope Lutheran School, Inc.

GRANTEE
Gaston Area Lutheran Foundation, Inc.

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Dallas Township, Gaston County, North Carolina and more particularly described as follows:

see attached Exhibit A

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3396 page 323.

A map showing the above described property is recorded in Plat Book _____ page _____.

EXHIBIT A

BEGINNING at an iron at the western terminus of the northern margin of Gaston Way, and running thence South 36-00-00 East 31.57 feet to a point in the center line of a 60-foot easement described in Book 4128 at Page 1995; and running thence with the northern line of the property conveyed to Hospice of Gaston County, Inc., by deed recorded in Book 4128 at Page 1979, Gaston County Registry, South 76-31-32 West 1,350.09 feet to a point in the eastern line of W. Summey as described in Book 1946 at Page 708; thence North 01-53-07 West 516.00 feet to an iron; thence South 88-38-45 West 311.10 feet to a poplar tree, corner with the property of P. Summey (Book 1388 at Page 98); thence with P. Summey's line North 09-50-21 West 366.80 feet to an iron in the line of G. F. Summey (Book 11 at Page 287); thence with the line of G. F. Summey, North 73-10-21 East 1,113.68 feet to an iron, corner with the property of B. Kinley as described in Book 388 at Page 249; thence South 36-00-00 East 1,953.18 feet to the point and place of Beginning, and containing 26.76 acres, more or less. The foregoing description is taken from plat of survey made by David W. Dickson, Registered Surveyor, dated February 21, 1996, and is the northern portion of that property conveyed to Hope Lutheran School, Inc., by deed recorded in Book 3396 at Page 323, Gaston County Registry.

This conveyance is subject to an easement for ingress, egress and regress to Gaston Way as described in instrument recorded in Book 4128 at Page 1995, Gaston County Registry.

By the execution of this deed, the Grantor certifies that it has complied with all provisions of that certain Agreement recorded in Book 4128 at Page 1983, Gaston County Registry, and is authorized to make this conveyance.

UNOFFICIAL

EXHIBIT B

This property is conveyed subject to the following conditions:

- (1) In the event that Gaston Area Lutheran Foundation, Inc., determines that it is willing to sell, exchange, assign, transfer or otherwise alienate all or any portion of the property to a buyer who intends to use the Property for any purpose other than religious, church or worship activities or by a church affiliated agency in accordance with the terms of a bona fide written offer made to or by Gaston Area Lutheran Foundation, Inc., or Hope Lutheran School, Inc., then Gaston Area Lutheran Foundation, Inc., shall provide Hospice of Gaston County, Inc., with a complete and legible copy of such offer within ten (10) business days of Gaston Area Lutheran Foundation, Inc.'s making or receipt of same. Upon delivering written notice by Gaston Area Lutheran Foundation, Inc., to Hospice of Gaston County, Inc., within a period of thirty (30) days thereafter, Hospice of Gaston County, Inc., shall have the right to acquire from Gaston Area Lutheran Foundation, Inc., the Property (or applicable portion thereof) on the exact material, terms and conditions (including the price and/or other consideration and including the property description) set forth in such bona fide offer. Failure of Hospice of Gaston County, Inc., to exercise its Right of First Refusal within thirty (30) days after receiving such bona fide written offer from Gaston Area Lutheran Foundation, Inc., shall waive such Right of First Refusal, and Gaston Area Lutheran Foundation, Inc., shall be free to convey the Property to said bona fide offeror on the exact material terms and conditions of said offer.
- (2) Gaston Area Lutheran Foundation, Inc., by the acceptance of this deed, grants to Hope Lutheran School, Inc., the right, at any time within three (3) years following the date of this deed, to repurchase up to six (6) acres of the above described property at the same price per acre as was conveyed herein by this deed; PROVIDED THAT, Gaston Area Lutheran Foundation, Inc., shall determine, in its sole discretion, the location of such tract (up to six acres) within the above described property, and the said tract to be reconveyed to Hope Lutheran School, Inc., shall be one contiguous parcel.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Rights set out in Exhibit B attached hereto.
Easements, restrictions and rights of way of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

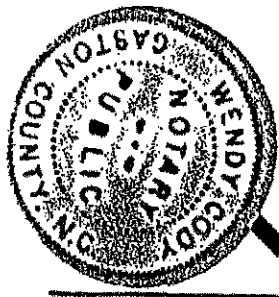
HOPE LUTHERAN SCHOOL, INC. _____ (SEAL)
(Entity Name)

By: George H. Rogers Sr. _____ (SEAL)
Title: Chairman
George H. Rogers, Sr., Chairman of the Board
By: _____ (SEAL)
Title: _____
By: _____ (SEAL)
Title: _____

USE BLACK INK ONLY

SEAL-STAMP _____
State of North Carolina - County of _____
I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20__.
My Commission Expires: _____
Notary Public

SEAL-STAMP _____
State of North Carolina - County of _____
I, the undersigned Notary Public of the County and State aforesaid, certify that George H. Rogers, Sr. personally came before me this day and acknowledged that he is the Chmn of Board of Hope Lutheran School, Inc. a North Carolina or _____ corporation/limited liability company/general partnership/limited liability partnership (delete through the inapplicable), and that by authority duly given and as the act of each entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this 27th day of April, 2006.
My Commission Expires: 2-2-08
Wendy Cody
Notary Public



SEAL-STAMP _____
State of North Carolina - County of _____
I, the undersigned Notary Public of the County and State aforesaid, certify that _____
Witness my hand and Notarial stamp or seal this _____ day of _____, 20__.
My Commission Expires: _____
Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. _____ Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds

