

## MINUTES FOR BOARD OF ALDERMEN MEETING

JULY 12, 2016

6:00 PM

The following elected officials were present: Mayor Coleman, Alderman Cearley, Alderman Huggins, Alderwoman Morrow, and Alderman Withers. Alderwoman Thomas was absent.

The following staff members were present: Barry Webb, Interim Town Manager; Maria Stroupe, Administrative Services Director; Town Attorney, Tom Hunn; Allen Scott, Police Chief; Doug Huffman, Electric Director; Steve Lambert, Fire Chief; Anne Martin, Recreation Director; and Martine Vaca, Development Services Director. Bill Trudnak, Public Works Director, was absent.

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

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

Mayor Coleman asked if there were any additions or deletions to the agenda. Mayor Coleman asked that Item 5E be deleted. He also asked that three items be added: 5F – a resolution to lease/purchase a bucket truck, 11B – discussion of a possible Back to School Event, and 11C – discussion of traffic on N. Davis St. Alderman Withers made a motion to approve the agenda, including the changes, seconded by Alderwoman Morrow, and carried unanimously.

Alderman Withers made a motion to approve the minutes from the June 14<sup>th</sup> Regular Meeting and the April 28<sup>th</sup> Work Session, seconded by Alderman Huggins, and carried unanimously.

### Consent Agenda:

Item 5A was a Certificate of Sufficiency for Annexation Petition and possible setting of a public hearing. At the June 14<sup>th</sup> meeting, the Board accepted a Petition for Noncontiguous Annexation filed by Michael Cloninger for property located at 1108 E. Main St. and authorized the Town Clerk to investigate the sufficiency of the petition as called for in GS §160A-58.1. The Clerk has completed the investigation and the Certificate of Sufficiency. (Exhibit A) In compliance with the requirements of §160A-58.1, the Board is now authorized to accept the Certificate of Sufficiency and set a public hearing on the question of annexation. The hearing would be scheduled for August 9, 2016.

Item 5B was a Resolution Designating an Official to Make Recommendations on ABC Permit Applications. NC General Statute §18B-904(f) addresses local government review and approval of the issuance of ABC permits. More specifically, the statute states that “the governing body of a city or county may designate an official of the city or county, by name or by position, to make recommendations concerning the suitability of a person or of a location of an ABC permit.” The statute also requires that the ABC Commission be notified of an official so designated by a city or county. Chief Allen Scott is recommending that Lt. Robert Walls be designated as the official who will make recommendations on the issuance of ABC permits for the Town of Dallas. A resolution officially designating Lt. Walls will be forwarded to the ABC Commission if approved. (Exhibit B)

Item 5C was a request to approve several items as surplus property and to authorize their disposal. The items for disposal are: 1) Administration Department - Kimball upright piano (Serial #N9285988), 2) Fire Department - 1978 Ford Fire Truck with 750 gallon per minute pump and 500 gallon water tank (VIN #C80JVBG5434), and 3) Electric Department - 2003 Model 3610 Diesel Ditch Witch Trencher with backhoe attachments and 6-way backfill blade. Upon declaration as surplus property, it is proposed that the piano and trencher be placed on the GovDeals online auction site for sale. The fire truck will be donated to Gaston College.

Item 5D was a proposal for bpscLLC for Construction and Installation of the Pedestrian Gateway. The proposal from Allison Pell III, AIA of bpscLLC for the pedestrian gateway that will be erected adjacent to the Trade Street sidewalk at the point that the walkway from the new Town Center Parking Lot will connect to that sidewalk beside 130 W. Trade St.

**(Exhibit C) This proposal is based on the design for the pedestrian gateway that was presented to and endorsed by the Board at its work session of April 26, 2016. As noted in the proposal, the full cost for this work will be \$14,942.00. This is being addressed as a design-build project, whereby the design firm is also responsible for the actual construction. Therefore, this is an actual project cost cited in the proposal and not just an estimate. The timing of this work will be coordinated with the Town Center Parking Lot project since the walkway is a part of that project.**

**Item 5E was the deleted item - Approval of Statement of Work from Centralina Council of Governments Regarding the Town of Dallas Code Enforcement Program.**

**Item 5F was the added item of a resolution to authorize the lease/purchase of a bucket truck in the Electric Department. This was a budgeted item in the FY2016-17 Approved Budget. The resolution is part of the purchase package required by the manufacturer ALTEC. (Exhibit D)**

**Alderman Huggins made a motion to approve the Consent Agenda as presented, seconded by Alderwoman Morrow, and carried unanimously.**

#### **Recognition of Citizens:**

**Mr. Curtis Wilson, 438 S. Gaston St., quoted Romans 12:21, "Do not be overcome by evil, but overcome evil with good." In light of current events in our country of mass shootings. He prayed for our country, Town Leaders, Town Staff, the agenda, and the meeting.**

#### **Special Events & Requests for In-Kind Services:**

**Item 8A was a request from the Gaston County Museum to hold the third concert in the Summer Concert Series on August 12, 2016. (Exhibit E) Jason Luker submitted the request on behalf of the Museum to conduct the concert featuring Pat "Mother Blues" Cohen & Band. As requested, this event would be held on Friday, August 12, 2016 from 6:30-8:30 pm. It is also requested that Holland Street (between Trade and Main) and Main Street (between Gaston and Holland) be closed for this event, with these road closures beginning at 5:30 pm. There will also be food and beverage concessions present during the time of the event. The cost of the concert is \$2,000 and the Museum is requesting that the Town cover this cost. Funds are included within the adopted 2016-17 budget to cover this expense. Alderman Withers made a motion to approve the event as presented, seconded by Alderman Huggins, and carried unanimously.**

**Item 8B was a request by the Town of Dallas to hold the annual Dallas Fest event on Labor Day Weekend. The requested event will be held on Saturday, September 3, 2016. As in past years, the request includes the appropriate street closures, which consist of the following: W. Main Street from Gaston Street to Oakland Street; and Holland Street from Trade Street to W. Church Street. Additionally, the request includes live music during the event and the operation of a beer sales tent as a fund-raiser for the Dallas Historic Courthouse Foundation (which will be staffed by volunteers). Alderman Huggins made a motion to approve the event as presented, seconded by Alderwoman Morrow, and carried unanimously.**

#### **Public Hearings:**

**Item 9A was a Public Hearing for consideration of amendments to Section 153.016 (Fences in Residential Districts) of the Town of Dallas Zoning Code. Alderman Withers made a motion to enter into the public hearing, seconded by Alderman Cearley, and carried unanimously. Development Services Director Martine Vaca has proposed amendments that would address materials, height, maintenance, and location requirements for residential fences. (Exhibit F) The Dallas Planning Board met on June 16, 2016 to consider these amendments and voted unanimously to recommend adoption of the text amendments as proposed. Alderman Cearley stated that on May 12, 2015 the Town adopted an ordinance pertaining to fences. He believes that Item C should state "opaque" fences are required in the front yard so that police will be able to see into the yard before entering. Ms. Vaca said that would be more appropriate in Item B and that she would bring that to the Planning Board at their next meeting. Mr. James Hovis stated that he planned to put a fence on the Oakland Street side of his business property and wondered if this would impact his plans. Ms. Vaca stated that she would be glad to take a look at the location, but believes there should be no impact. Mr. Cearley stated that current ordinances need to be**

enforced. Alderman Huggins made a motion to exit the public hearing, seconded by Alderman Cearley, and carried unanimously.

Alderman Withers made a motion to approve the amendment to Fences in Residential Districts as presented, seconded by Alderman Huggins, and carried unanimously.

Item 9B was a Public Hearing for consideration of an amendment to Section 153.012 (Obstructions to Vision at Street Intersections) of the Town of Dallas Zoning Code. Alderman Withers made a motion to enter into the public hearing, seconded by Alderwoman Morrow, and carried unanimously. Development Services Director Martine Vaca has proposed an amendment that would add a graphic depicting the sight triangle regulations for better understanding. There is no change to the text. (Exhibit G) The Dallas Planning Board met on June 16, 2016 to consider this amendment and voted unanimously to recommend adoption of the amendment as proposed. Alderman Cearley made a motion to exit the public hearing, seconded by Alderman Withers, and carried unanimously.

Alderman Withers made a motion to approve the amendment to Obstruction to Vision at Street Intersections as presented, seconded by Alderman Huggins, and carried unanimously.

Item 9C was a Public Hearing for consideration of amendments to Section 153.002 (Definitions) of the Town of Dallas Zoning Code. Alderman Cearley made a motion to enter into the public hearing, seconded by Alderwoman Morrow, and carried unanimously. Development Services Director Martine Vaca has proposed amendments that would eliminate the current definition of types of Signs and replace this text with a new, expanded list of Flags and Signs definitions. (Exhibit H) The Dallas Planning Board met on June 16, 2016 to consider these amendments and voted unanimously to recommend adoption of the text amendments as proposed. These amendments deal with definitions only, not with placement. Alderman Withers made a motion to exit the public hearing, seconded by Alderman Huggins, and carried unanimously.

Alderman Withers made a motion to approve the amendments to Definitions as presented, seconded by Alderwoman Morrow, and carried unanimously.

Item 9D was a Public Hearing for consideration of amendments to Section 153.080 (Signs Not Requiring Permits) of the Town of Dallas Zoning Code. Alderman Withers made a motion to enter into the public hearing, seconded by Alderman Cearley, and carried unanimously. Development Services Director Martine Vaca has proposed amendments that would eliminate the current list and replace it with an expanded and more detailed list of Signs Not Requiring Permits. (Exhibit I) The Dallas Planning Board met on June 16, 2016 to consider these amendments and voted unanimously to recommend adoption of the text amendment as proposed. Mr. John O'Daly, 112 Brahman Ct., asked who would enforce the ordinance. Ms. Vaca would be the one to enforce the ordinance. He asked how she would enforce ordinances. She stated that she makes visual observations through Town and she also investigates violations stemming from complaints. Mr. O'Daly stated that he believed there were other things in Dallas needing attention besides signs, namely downtown. Alderman Withers made a motion to exit the public hearing, seconded by Alderman Cearley, and carried unanimously.

Alderman Withers made a motion to approve the amendments to Signs Not Requiring Permits as presented, seconded by Alderman Huggins, and carried unanimously.

Item 9E was a Public Hearing for consideration of amendments to Section 153.081 (Prohibited Signs) of the Town of Dallas Zoning Code. Alderman Withers made a motion to enter into the public hearing, seconded by Alderman Cearley, and carried unanimously. Development Services Director Martine Vaca has proposed amendments that would eliminate the current wording regarding Unsafe Signs and replace it with expanded and more detailed working on Prohibited Signs. (Exhibit J) The Dallas Planning Board met on June 16, 2016 to consider these amendments and voted unanimously to recommend adoption of the text amendment as proposed. Alderman Cearley made a motion to exit the public hearing, seconded by Alderman Withers, and carried unanimously.

Alderman Huggins made a motion to approve the amendments to Prohibited Signs, along with an addition to item I to read "also known as billboards"; seconded by Alderman Withers; and carried unanimously.

Item 9F was a Public Hearing for consideration of amendments to Section 153.009 (Accessory Structures on Residential Lots) of the Town of Dallas Zoning Code. Alderman Withers made a motion to enter into the public hearing, seconded by Alderman Huggins, and carried unanimously. Development Services Director Martine Vaca has proposed amendments that would eliminate the current wording regarding the Location of Accessory Buildings on Residential Lots and replace it with expanded wording on Accessory Structures on Residential Lots, which includes coverage for swimming pools. (Exhibit K) The Dallas Planning Board met on June 16, 2016 to consider these amendments and voted unanimously to recommend adoption of the text amendment as proposed. Mr. Bob Kendrick, S. Groves St., stated that we had been here 45 minutes and that time has been wasted on things that don't matter. Mayor Coleman stated that this is not wasted time, and that the Town needs enforceable ordinances and that Ms. Vaca is trying to clear up deficiencies in the Zoning Code. Alderman Withers made a motion to exit the public hearing, seconded by Alderman Huggins, and carried unanimously.

Alderman Huggins made a motion to approve the amendments to Accessory Structures on Residential Lots as presented, seconded by Alderman Withers, and carried unanimously.

Old Business:

None

New Business:

Item 11A was a request to adopt a Resolution Supporting the Gaston College Area Sidewalk and Crosswalks Project Application for Congestion Mitigation and Air Quality (CMAQ) Funding. (Exhibit L) Essentially, the new application combines the project elements of the two previously submitted CMAQ applications (C-5508 and C5606D) into one project, which should benefit the Town in regards to attracting bidders and eliminating duplicate cost elements (such as project mobilization). The resulting project would consist of approximately 3,000 linear feet of sidewalk construction in the following locations; on the western side of US-321B from McDonald's to the US Post Office; on the northern side of NC-279/275 from Walgreens to the intersection of the Gaston College Access Road; and on the southern side of NC-279/275 from the Gaston College Access Road to the access road to Gaston County Park. The project would also include marked crosswalks and pedestrian signals at the intersection of Gaston College Access Road and NC-279/275. Total estimated cost of the project at this point is \$482,795, of which the Town would be responsible for \$99,016. Alderman Huggins made a motion to adopt the resolution as presented, seconded by Alderwoman Morrow, and carried unanimously.

Item 11B was the added item to discuss a Back to School Event. Discussion was in favor of an event with the suggestion that the Police Department co-ordinate the event. Chief Scott with bring back a proposal for the July 26<sup>th</sup> meeting.

Item 11C was the added item to discuss traffic on N. Davis Street. A resident in the 100 block of N. Davis Street has requested that the street be designated one way only going north from Main Street to Trade Street. Currently, the street is designated as "No Trucks Allowed". Alderman Huggins made a motion to set a public hearing on the topic of designating the 100 block of N. Davis St. as one way going north for August 9<sup>th</sup>, seconded by Alderwoman Morrow, and carried unanimously.

Manager's Report

Mr. Webb gave an update on various Town projects. Mayor Coleman thanked Mr. Webb for his time in Dallas, as this is his last regular Board Meeting as Interim Town Manager.

Closed Session:

Alderman Withers made a motion to enter into a closed session as provided for in GS §143.318.1 to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public good, seconded by Alderwoman Morrow, and carried unanimously.

Alderman Withers made a motion to exit the public hearing, seconded by Alderwoman Morrow, and carried unanimously. No action was taken.

**Alderman Withers made a motion to adjourn, seconded by Alderwoman Morrow, and carried unanimously. (8:00)**

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**Rick Coleman, Mayor**

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**Maria Stroupe, Town Clerk**



CERTIFICATE OF SUFFICIENCY

for Cloninger satellite annexation, 1108 E. Main Street, Dallas, NC

Pursuant to the motion passed by the Board of Aldermen on June 14, 2016,  
and GS 160A-58.2, I have investigated the petition for noncontiguous ("satellite")  
annexation from Michael Lamar Clonginger,

I have determined that the petition is sufficient and technically meets the  
requirements of GS 160A-58.1.

In accordance GS160A-58.2, upon my certification, the Board of Aldermen shall  
fix a date for public on the question of the requested annexation.

Maria Stroupe  
Maria Stroupe, Town Clerk

6-21-16  
Date

TOWN OF DALLAS, NORTH CAROLINA  
PETITION FOR NONCONTIGUOUS ANNEXATION  
FOR MICHAEL LAMAR CLONINGER, 1108 EAST MAIN STREET

PETITION NUMBER: 2016-01

DATE: 05-20-16 FEE: \$100.00 paid \*

\* Petitioner understands there will be additional costs associated with this petition such as advertising, postage, etc. and agrees to pay these fees upon receipt of invoice(s).

To the Board of Aldermen of the Town of Dallas:

1. We, the undersigned owners of real property, respectfully request that the area described As 1108 EAST MAIN STREET, DALLAS, NC 28034, further identified as parcel ID # 171417, be annexed to the Town of Dallas:

A. Name of petitioner/property owner:

**Michael Lamar Cloninger**

Address of property owner:

**1031 Rosewood Drive, Dallas, NC 28034**

*Michael Lamar Cloninger*

Michael Lamar Cloninger

*Martine Vaca*

Martine Vaca, Development Services Director

May 20, 2016

To Whom It May Concern:

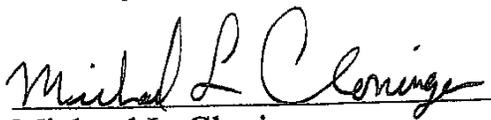
Subject: Annexation

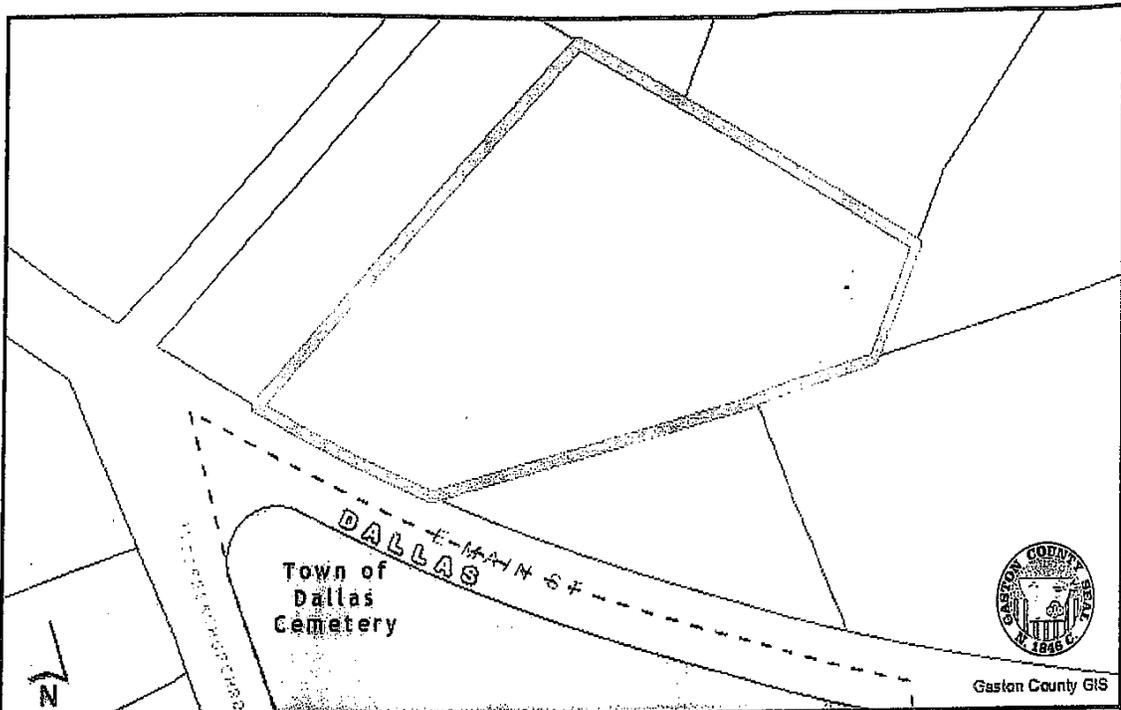
It is my request for the property 1108 East Main Street to be annexed into the corporate limits of the Town of Dallas.

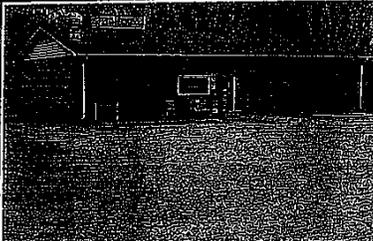
This property is a restaurant and at this time, would like to be able to offer beer for customers to enjoy with their meal. In addition, to be able to serve wine if there is a demand high enough.

The current tenant's desire is to be able to serve craft beer and/or wine with food. This can only be accomplished through the property being annexed into the corporate limits of the Town of Dallas. Due to the property being located in the county it would not be eligible to sell beer or wine at this sight. The restaurant would serve the Dallas area and provide a neighborhood spot for the community to enjoy a good meal with an adult beverage.

Thank you for your consideration.

  
\_\_\_\_\_  
Michael L. Cloninger



 <p>171417 03/09/2014</p>	<p align="center"><b>Tax Information</b></p> <p>DEED TYPE : WD                  DEED BK : 2588 PG : 0049                  DEED RECORDING DATE : 09/10/1996                  SALES AMOUNT : \$0                  PLAT BK : PG :                  LEGAL DESC 1 :                  LEGAL DESC 2 :                  STRUCTURE TYPE : CONVENIENCE STORE                  YEAR BUILT : 1966                  SQUARE FOOTAGE : 2154                  BASEMENT : No                  # BEDROOMS : 0 # BATHS : 0                  MULTI-STRUCTURES : NO                  ACREAGE : 1.25                  TAX DISTRICT : SPENCER MTN FD                  VOLUNTARY AG DISTRICT : NO                  MARKET LAND VALUE : \$48,750                  MARKET IMPV. VALUE : \$57,047                  MARKET VALUE : \$105,797                  FARM DISCOUNT : NO                  TAXABLE VALUE : \$105,797</p>	<p align="center"><b>Election Information</b></p> <p>PRECINCT NAME : DALLAS II                  POLLING PLACE : HISTORIC DALLAS COURTHOUSE                  POLLING ADDRESS : 131 N GASTON ST                  WARD # :                  CONGRESS REPRESENTATIVE : MEMBER PATRICK MCHENRY                  CONGRESSIONAL DISTRICT : 10                  HOUSE REPRESENTATIVE : REPRESENTATIVE KELLY E. HASTINGS (REP)                  HOUSE DISTRICT : 110                  SENATOR : SENATOR KATHY HARRINGTON (REP)                  SENATE DISTRICT : 43</p>
	<p align="center"><b>Tax Information</b></p> <p>LOCATION : 1108 E MAIN ST                  PID # : 171417                  PIN # : 3557554701                  NBHD # : DA023                  NBHD NAME : OLD EAST MAIN DALLAS                  TOWNSHIP : DALLAS TOWNSHIP</p>	<p align="center"><b>Parcel Information</b></p> <p>POLICE DISTRICT : GASTON COUNTY                  FIRE DISTRICT : SPENCER MTN                  EMS RESCUE : DALLAS RESCUE SQUAD                  STATION # : GEMS STATION 1                  FLOOD :                  CENSUS TRACT : 030902</p>
	<p>OWNER ID # : 00904454                  CURRENT OWNER 1 : CLONINGER MICHAEL L                  CURRENT OWNER 2 :                  MAILING ADDRESS : 1031 ROSEWOOD DR                  CITY : DALLAS                  STATE : NC ZIP : 28034-0000                  JAN1 OWNER 1 : CLONINGER MICHAEL L                  JAN1 OWNER 2 :</p>	<p align="center"><b>School Information</b></p> <p>ELEMENTARY : CARR                  MIDDLE : W.C. FRIDAY                  HIGH : NORTH GASTON</p>
	<p align="center"><b>Printed On: 3/30/2016</b></p>	

Disclaimer: The information provided is not to be considered as a Legal Document or Description. The Map & Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2015.

**Description of Property of 1108 East Main Street**

**Dallas North Carolina**

A certain tract or parcel of land in Dallas Township, Gaston County, North Carolina, adjoining the lands of Carrie P. Lewis, and being more particularly described as follows:

Beginning at a stake on the North side of Lower Dallas (or Lowell) road, said beginning point 554 feet South 60-40 East along the Northern edge of said road from McGee's Southwest corner; runs thence North 42-30 East 275 feet to a stake; thence South 63-30 East 236 feet to a stake: thence South 24-10 West 68 feet to a stake in Lewis' line; thence with said line South 74-30 West 303.5 feet to a stake on side of the road; thence with said road North 63-40 West 90 feet to the Beginning, containing one acre, more or less. The front stakes are set 21 feet from the center of the road

Being the same property conveyed to George W. Cloninger and wife Lois M. Cloninger by deed dated July 31, 1945 and recorded in Deed Book 468 at Page 297 Gaston County Registry

NORTH CAROLINA  
ALCOHOLIC BEVERAGE CONTROL COMMISSION  
(919) 779-0700

Location: 400 E. Tryon Road  
Raleigh, NC 27610

Mail: 4307 Mail Service Center  
Raleigh, NC 27699-4307

RESOLUTION OF THE CITY OF Dallas, COUNTY OF Gaston, REGARDING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

WHEREAS G.S.18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS the City of Dallas, County of Gaston, wishes to notify the NC ABC Commission of its designation as required by G.S.18B-904(f);

BE IT THEREFORE RESOLVED that Robert W. Walls, Lieutenant,  
(Name of Official) (Title or Position)

is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the City of Dallas, County of Gaston, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the City of Dallas, County of Gaston, should be mailed or delivered to the official designated above at the following address:

Mailing address: 207 W. Church St.

Office location: Dallas Police Dept.

City: Dallas, NC

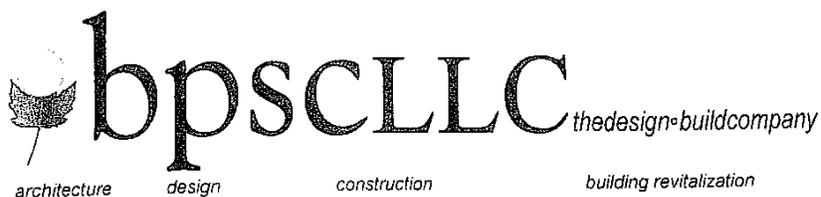
Zip Code: 28034 Phone #: (704) 922-3131

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Mayor/Chairman)

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Clerk)



property rejuvenation

June 09, 2016

**The Honorable Rick Coleman Mayor of The Town of Dallas**  
**Mr. Barry Webb Interim Town Manager**

Mid-Block of West Trade Street, Dallas NC  
 New Pedestrian Alleyway Entry

Gentlemen,

167westmain•avenue#130  
 gastonia•northcarolina28052

**bpscLLC** would like to offer the following pricing for the construction and installation of the new Pedestrian Entry into the Historic Square of The Town of Dallas, which is documented on Sheet A-1 dated March 31, 2016, & revised April 20<sup>th</sup>, 2016. The pricing includes full fabrication as well as installation and coordinations with the **Town of Dallas** as well as with **benesch Engineers & Planners** who are constructing the Alleyway pavers.

phone • 704•607•0454  
 fax • 866•787•8497

Procedure	Time Est.	Cost
Job coordination/Cutting/Anchor/Footings	3 days	\$2,660.00
Masonry (existing brick)stone caps	3 days	\$1,660.00
Metal Fab Powder Coated./deliver/installation	38 days	\$5,122.00
Roof fabrication/install/weatherproofing	2 days	\$2,500.00
Labor/Supervision/coordination	14 days	\$3,000.00
<b>Total Construction &amp; Install cost</b>	<b>60 days</b>	<b>\$14,942.00</b>
Deposit to initiate project commencement 30%		\$4,482.60

allisonpellIIIIAIA•designsystems  
 ernestsimmons•buildingsystems

Please review this proposal and call this office if there are any questions. We would be happy to meet with you concerning any parts of this unique project.

Sincerely,

Allison Pell III AIA

a.pell@thebaraprocess.com  
 simmonsconstruction  
 group@hotmail.com

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

**Whereas**, the governing body of Town of Dallas, North Carolina ("Lessee") has determined that a true and very real need exists for the Equipment (the "Equipment") described in the proposed Equipment Lease/ Purchase Agreement (the "Agreement") by and between ALTEC CAPITAL SERVICES, L.L.C., as Lessor, and Lessee, as lessee, presented to this meeting; and,

**Whereas**, Lessee has taken the necessary steps, including those relating to any applicable legal binding requirements, to arrange for the acquisition of the Equipment; and,

**Whereas**, Lessee reasonably anticipates that it and its subordinate units will not issue tax-exempt obligations in the face amount of more than \$10,000,000 during the current calendar year; and,

**Whereas**, Lessee proposes to enter into the Agreement with ALTEC CAPITAL SERVICES, L.L.C. substantially in the proposed form presented to this meeting.

**Now Therefore be it Resolved by the Governing Body of Lessee as Follows:**

**Section 1.** It is hereby found and determined that the terms of the Agreement in the form presented to this meeting and incorporated in this resolution, are in the best interests of the Lessee for the acquisition of the Equipment.

**Section 2.** The Agreement is hereby approved. The Town Manager of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge, and deliver the Agreement with any changes, insertions, and omissions therein as may be approved by the officers who execute the Agreement, such approval to be conclusively evidenced by such execution and delivery of the Agreement. The Town Manager of Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Agreement and attest the same.

**Section 3.** The proper officers of Lessee be, and each them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinion, certificates, affidavits, and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Agreement.

**Section 4.** Lessee hereby designates the Agreements as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The project to which the original expenditure relates can be generally described as 2017 Kenworth T370 Altec Bucket. The original expenditure will be made from Lessee's general operating account. The maximum principal amount of the obligations expected to be issued for the project is \$212,033.00. This resolution is being entered into on or before, or not later than 60 days after, the date on which the original expenditure to be reimbursed will or have been paid. This resolution is intended to be a declaration of official intent within the meaning of Treasury Regulations Section 1.150-2.1.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the Equipment Lease/Purchase Agreement by and between ALTEC CAPITAL SERVICES, L.L.C., as Lessor, and Town of Dallas, as Lessee, is the same as presented at said meeting of the governing body of Lessee, excepting only such changes, insertions, and omissions as shall have been approved by the officers who executed the same.

[SEAL]

\_\_\_\_\_  
(Secretary/Clerk)

\_\_\_\_\_  
Date

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

## Special Events/ Activities Application

Town of Dallas

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. Depending on the specific event, a permit application and/or fee(s) from other departments may be required.

The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan when applicable. The applicant is responsible for notifying the Town of Dallas of any changes after submittal of the application. Incomplete applications will not be accepted. A complete application must be submitted at least 30 days prior to the event.

### APPLICATION INFORMATION

<b>Name of Event:</b>	Court Square Summer Concert Series featuring Pat "Mother Blues" Cohen & Band		
<b>Facility Requested:</b>	Historic Dallas Courthouse, Square, and Gazebo		
<b>Applicant Name:</b>	Jason Luker		
<b>Organization:</b>	Gaston County Museum of Art & History		
<b>Mailing Address:</b>	131 West Main Street		
<b>City / State / Zip:</b>	Dallas, NC 28034		
<b>Daytime Phone:</b>	704-922-7681 ex.105	<b>Cell:</b>	
		<b>E-Mail:</b>	jason.luker@gastongov.org
<b>Description of the Event:</b>	GCM will partner with the Town of Dallas and the Department of Travel & Tourism to offer a free concert on the court square. There will be three performances throughout the summer featuring talented acts performing varied music styles. On August 12th Pat Cohen will be performing and will be accompanied by her band.		
<b>Does the event have a Facebook, Twitter, or other social networking page:</b>	No		
<b>If yes, please list URL(s):</b>	N/A		
<b>Date (s) Requested for Event:</b>	Friday, August 12, 2016		
<b>Event Start Time:</b>	6:30pm	<b>Event End Time:</b>	8:30pm
<b>Road Closure Time Begins (if applicable):</b>	5:30pm	<b>Road Closure Time Ends:</b>	8:30pm
<b>Set Up Begins:</b>	3:30pm	<b>Set Up Ends:</b>	9:30pm
<b>Preferred Date &amp; Time of Inspection (if required):</b>			
<b>Estimated Attendance:</b>	300		
<b>The Event is:</b>	<input type="checkbox"/> Private (by invitation only)	or	<input checked="" type="checkbox"/> Open to General Public
<b>Describe the procedures to be used for selecting vendors and exhibitors for this event:</b>			
GCM will organize all food and beverage vendors and all vendors will preregister with GCM prior to the date of the event.			
GCM is looking to have one food vendor and two beverage vendors 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.

**153.016 FENCES IN RESIDENTIAL DISTRICTS.**

In any Residential (R) District any fence installed from and after the effective date of this section shall meet the following standards.

(A) ~~Fences and their customary appurtenances shall be constructed of materials designed, intended and customarily used for fencing.~~ All fencing and appurtenances must be constructed in a durable fashion of brick, stone, other masonry materials or wood posts and planks, chain link, vinyl or metal materials specifically designed as fencing materials, or any combination thereof. The material used in the construction of the fence must be designed for construction of permanent fencing. Materials typically used for temporary fencing may not be used for permanent fences. All fences or similar structures must be firmly anchored to the ground, maintained in good structural condition and free of deterioration. The finished side of all fences and walls shall face the exterior of the property.

(B) Fences in the front yard shall be a maximum of four feet above grade, six feet in the side yard and eight feet in the rear yard. Fences installed between the front building line of the principal residential structure (a line that runs along the front wall and extends therefrom in a straight line to either side property line) and the fronting street shall not exceed four feet in height. The height of vertical support structures (posts, columns, pillars, etc.) for fences within front yard setbacks may be up to six (6) feet high, as long as such supporting structures are no larger than two feet in width or diameter. Vertical columns shall be placed at least 6' apart.

(C) Notwithstanding the division (B) above, when the Zoning Administrator finds that there exists an unusual or extraordinary circumstance where an overwhelming public interest is served by allowing a fence of additional height to protect a residential use from negative impacts of adjoining non-residential uses, he/she may permit a fence up to six feet high in the front, side and rear yards along the property lines separating the residential and non-residential uses.

(D) Maintenance required: All fences and walls shall be kept in good repair, with construction, maintenance, replacement and reconstruction occurring as needed. A fence will be considered dilapidated when, by reason of inadequate maintenance, obsolescence or abandonment, it is deteriorated or decayed, or has bent or broken supports and panels and no longer adequately serves the purpose for which it was originally intended. If vegetative screening is included with the fence/wall, vegetation and shrubs must be trimmed and maintained.

(E) No fence shall be installed within two feet of any fire hydrant. No fence shall be constructed within a general drainage or utility easement, so as to block or materially impede the flow of storm-water runoff, nor in any right- of-way.

(F) On corner lots, Section 153.012 regarding "obstructions to vision at street intersection" shall apply.

§ 153.012 OBSTRUCTIONS TO VISION AT STREET INTERSECTION.

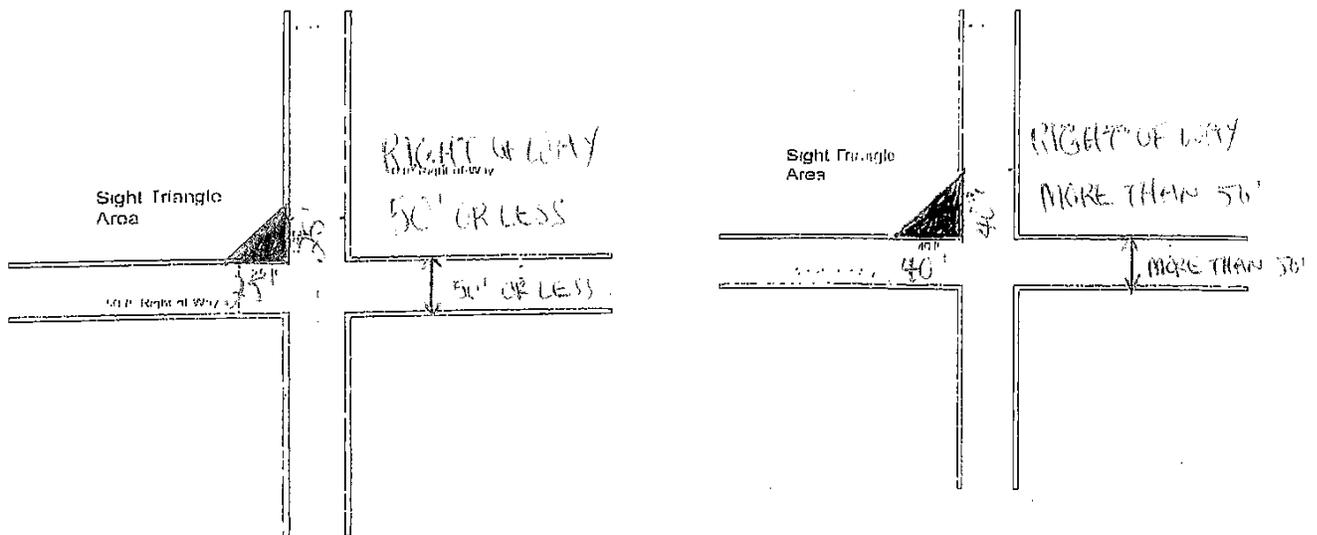
(A) On corner lots in residential or office and institutional zones there shall be no obstruction to vision, except for natural grade, between a height of two feet and a height of ten feet measured above the average elevation of the existing surfaces of the intersecting streets of their existing surfaces of the intersecting streets at their center lines within the area formed by joining points on the property lines measured as follows:

(1) On property lines abutting streets 50 feet or less in right-of-way width, the points on the property lines shall be 25 feet from the lot corner.

(2) On property lines abutting streets more than 50 feet in right-of-way width, the points in the property lines shall be 40 feet from the lot corner.

(B) The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)



## § 153.002 DEFINITIONS.

*SIGN.* Any form of publicity visible from a public street or highway directing attention to an individual activity, business, service, commodity, or product and conveyed by means of words, figures, numerals lettering, emblems, devices, designs, trademarks or trade names or other pictorial matter designed to convey information concerning the same and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings, or other structures or supports. See also §§ 153.080 through 153.087.

~~(1) *ADVERTISING SIGN.* A sign which directs attention to a business, commodity, activity, service or product not necessarily conducted sold or offered upon premises where such sign is located or to which it is attached.~~

~~(2) *AREA OF SIGN.* The area that is measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertising copy area excluding architectural trim and structural embellishments in computing the area, only one side of a double faced sign structure shall be considered.~~

~~(3) *BULLETIN BOARD.* A sign used to announce meetings or programs of a church, schools, auditorium library, museum, community recreation center or similar non-commercial place of public assembly.~~

~~(4) *BUSINESS SIGN.* A sign which directs attention to a business, profession commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.~~

~~(5) *GROUND SIGN.* A sign supported by a pole, uprights or braces on the grounds.~~

~~(6) *IDENTIFICATION SIGN.* A sign used to identify only the name of the individual, family, organization or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed.~~

~~(7) *ILLUMINATED SIGN.*~~

~~(a) A lighted sign shall mean one which is illuminated only by light cast upon it from a concealed light source.~~

~~(b) A luminous sign shall mean one which is illuminated by any type of light source.~~

~~(8) *POLE SIGN.* A type of ground sign affixed or erected upon a pole or poles most commonly associated with gasoline service stations.~~

153.002 (DEFINITIONS); FLAGS AND SIGNS:

Flag:

A. Description: a piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature of standard government size.

B. Standards: Flag pole shall be less than the height of the building or 50 feet, whichever is less. The length of the flag shall be less than 1/3 of the height of the flag pole.

Sign: Any object, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, activity, service, event or location, by any means, including but not limited to words, letters, figures, designs, logos, symbols, fixtures, colors, illumination or projected images.

Sign area: The area that is measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertising copy area, excluding architectural trim and structural embellishments. When computing the square footage of a double-faced sign, only one side of a double-faced sign structure shall be considered.

Sign face: The portion of the sign used for display of sign copy, including all background area, pictures, and any other advertising devices shown in or on the sign. Sign frame and supports are excluded from this definition.

Sign, air blown; a balloon or other air-borne flotation device, ("wind dancers"), which is tethered to the ground or to a building or other structure and directs attention to a business, commodity, service, entertainment sold or offered or special event or sale. Windblown or inflated signs fluttering, spinning, windblown or inflated devices including pennants, propeller discs



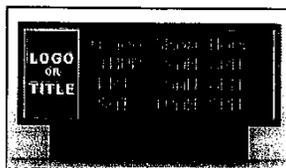
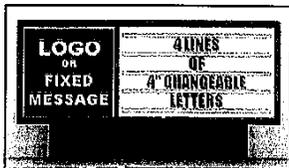
Sign, awning: A sign located on an awning

Sign, building marker: Any sign indicating the name of a building and date and incidental information about its construction. Such sign is typically cut into a masonry surface or made of bronze or other permanent material.

Sign, canopy: A sign located on a canopy



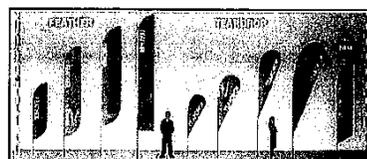
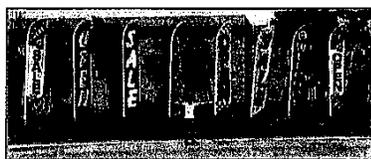
Sign, changeable copy: Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.



Sign, directory: A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows or other directional information.



Sign, feather (also known as “teardrop”): A form of temporary sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material’s edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall and narrow when affixed into the ground or other bottom support, affixed to a pole which is located outdoors and contains language for advertisement, greeting or similar messaging purposes, which is activated by the wind and is used by businesses or organizations to promote events, products or services.



Sign, government: A sign usually erected and maintained by a public agency that provides the public with information and in no way relates to a business, commercial activity or specific use. Examples include, but are not limited to: speed limit signs, city limit signs, stop signs, yield, speed limit, parking, handicapped parking, and street name signs.

Sign, ground (also known as a monument sign): Any sign which extends from the ground or which has supports which places the bottom thereof less than two (2) feet from the ground directly beneath the sign.



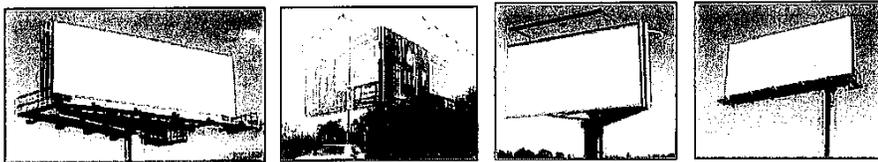
Sign, identification: A sign used to identify only the name of the individual, family, organization or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed.

Sign, menu board: An accessory sign providing items and prices associated with a drive-through window.

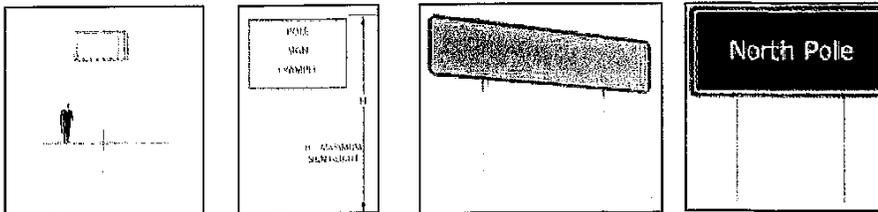
Sign, non-commercial: A sign, other than a "political sign" that contains a message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

Sign, non-conforming: A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one (1) or more of the regulations set forth in this Ordinance.

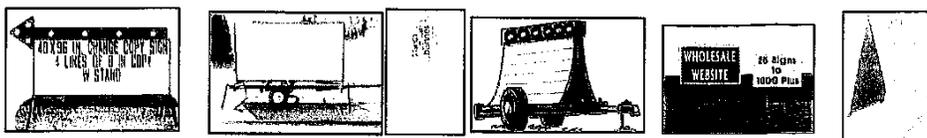
Sign, off-premise advertising (also referred to as a "billboard"): a sign other than a directional, real estate, political, non-commercial copy sign or other sign specifically allowed by this Ordinance to be placed off-premises, that draws attention to, or communicates information about a business, service, or commodity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located.



Sign, pole: A detached sign erected and maintained on a freestanding frame or pole and not attached to any building. The bottom of such signs shall be equal to or greater than two (2) feet from the ground directly beneath the sign.



Sign, portable: Any sign that rests upon the ground, a structure, frame, building or other surface, not permanently attached to the ground, as structure or a building. It can easily be moved from one location to another. These include but are not limited to the following: trailer signs, sandwich board signs (a-frame signs), and yard signs.



Sign, promotional event: A sign identifying a grand opening, parade, festival, fund drive, holidays, fairs, carnivals, special sales, or similar events. Special event signs are temporary signs permitted on a case-by-case basis by the Town authority.

Sign, roof: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, sandwich board: (also known as an “a-frame” sign) A moveable ground sign, not secured or attached to the surface of the ground upon which it is located, that is constructed in such a manner as to form an “A” or tent-like shape.

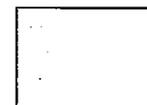


Sign, temporary: A sign that can be used only for a designated period of time. Examples of temporary signs include any free-standing flag or banner not attached to a permanent flagpole (including smaller flags, vertical banners, feather flags, blade flags, teardrop flags, windsocks, wind activated and similar products), often used during grand opening, special or promotional events.

Sign, vehicular: A sign on a parked vehicle visible from the public right-of-way where the primary purpose of the vehicle as parked is to advertise a product or to direct people to a business or activity located on the same or nearby property.



Sign, wall: Any sign directly attached to, or painted on and exterior wall of a building, dependent upon a building for its support with its exposed face parallel to the plane of the building on which the sign is affixed.



Sign, window: a sign placed on the interior surface of a glass window or door, intended to be seen by pedestrians, motorists or customers from the outside of the building, from the outside. This includes lighted and/or neon signs.

Sign, yard: A portable, lightweight sign, also known as lawn signs, bandit signs, placards, and road signs, among other names, used for local advertising. They are temporary in nature, and easily moved from one location to another.



~~§ 153.080 SIGNS NOT REQUIRING PERMITS.~~

~~The following types of signs are exempt from permit requirements and may be placed in any zoning district subject to the provisions of this chapter. Such signs shall otherwise be in conformance with all applicable requirements contained in this chapter. There shall be no limit as to the number of such signs on any lot, except as herein prescribed. All such signs (except government signs) shall be located outside a street right of way.~~

~~(A) Signs to regulate traffic.~~

~~(B) Signs required to be posted by law.~~

~~(C) Warning signs and trespass signs.~~

~~(D) Signs established by governmental agencies (e.g. traffic signs, directional signs, caution signs, no parking signs).~~

~~(E) Signs giving information concerning the location or use of accessory off street parking facilities or loading and unloading facilities.~~

~~(F) Temporary real estate signs not exceeding four square feet in area advertising specific property for sale, lease, rent or development.~~

~~(G) Temporary signs involving religious, charitable, civic, fraternal and similar organizations.~~

~~(H) Campaign, political and election signs provided that:~~

~~(1) No sign shall be placed in any right of way, on any utility pole or street sign, or on any public property.~~

~~(2) All such signs shall not be placed at a height or in a manner that would interfere or obstruct the sight distance of a motorist, pedestrian or bicyclist.~~

~~(3) Each sign shall not exceed 16 square feet.~~

~~(4) All such signs must be removed within ten days following Election Day, provided that signs of candidates in a run-off election may remain up until ten days after the run-off election.~~

~~(5) No such sign shall be lighted or luminous, nor shall it have any flashing lights as described in § 153.082.~~

~~(6) No sign shall be at the designated polling places except on the day of the election. These signs shall not penetrate the ground and must be removed at the close of the polls.~~

~~(7) No such sign may be placed on private property without the permission of the owner. The property owner upon whose land the signs are placed will be responsible for any violations.~~

~~(8) Subdivision identification signs shall not exceed 12 square feet in area.~~

~~(9) Temporary signs involved in campaigns of religious charitable, civic, fraternal, political and similar organizations.~~

~~(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)~~

### 153.080 Signs not requiring a permit.

The following signs shall not be required to have a permit issued from the administrator for their placement.

Any such signs (except government signs) shall be located placed outside of a street right-of-way or required sight distance triangle.

A. Any official or public notice or warning sign required by a valid or applicable federal, state, or local law; by a public utility company; or by a court of competent jurisdiction, such as traffic regulating signs, directional signs, caution signs, no-parking signs, warning and trespass signs.

B. Building marker signs that include the building name, date of construction, or historical data, with a maximum aggregate area of 6 square feet.

C. On-premises decorative, seasonal, or corporate logo flags. Decorative, seasonal flags, or corporate logo flags (may include the company name, insignia or symbol) may be up to 16 square feet.

D. Governmental signs, erected and maintained by or on behalf of the United States, North Carolina, Gaston County or the Town of Dallas for the purpose of regulating traffic or for civic purposes.

E. On-premises public interest signs. Signs indicating vehicular entrances and exits, parking areas, one-way traffic, "no trespassing", "no loitering", "help wanted, now hiring", etc. Such signs may be illuminated, shall not exceed four square feet in area and shall be located at the driveway entrance or where other instruction is required.

F. Memorial signs, plaques or grave markers that are noncommercial in nature.

G. Flags, pennants, insignia, or religious symbols of any nonprofit or not-for-profit organization or government, when not displayed as an advertising device or attraction feature for commercial purposes, including non-commercial signs.

H. On-premises identification signs for residential uses that show the name and may also include the street address, with a maximum area of four square feet. Mailbox signs on mailboxes shall be limited to individual name(s) and the address of the property served by the mailbox.

I. Incidental signs: On-premise signs which are displayed for the convenience of the general public. These include signs identifying visitor centers, public rest rooms; automobile inspection; hours of operation; credit cards accepted, etc. Such signs may not be illuminated and shall contain no other sign copy other than service information, trade names, and logos. Such signs shall be a maximum of four square feet apiece and are limited to two per property, shall be located on the property of the business to which the sign applies, and shall be located on private property, outside of the street right of way.

J. Campaign, Political and Election signs, (adopted 05/10/16), provided that the following conditions are met:

1. If placed within the street right-of-way:

- a) Sign area shall not exceed five (5) square feet;
- b) Sign height shall not exceed thirty-six (36) inches above the street level nearest to the sign; provided however, if sign is located within twelve (12) feet of the point of intersection of the edges of pavement of two intersecting streets, no sign shall exceed thirty (30) inches above the height of said street level.
- c) Such sign shall not be put up more than thirty (30) days before the election and must be removed within five (5) days following the date of election. Signs for candidates in a runoff election may stay up until five (5) days following the runoff election day.
- d) No such sign shall be placed over any curb, street or highway median, street surface or sidewalk; or on any utility pole, government sign or signpost, bridge, tree, rock, fence, or guardrail; or within fifteen (15) feet of any fire hydrant.
- e) No such sign shall be placed within two (2) feet of any public street sign or highway sign.
- f) Such signs are prohibited within the right-of-way of any fully controlled access highway.
- g) The tenant or other person entitled to possession of the property fronting along the street right-of-way on which a sign is placed may remove such sign at any time.
- h) Such signs shall not be placed on right-of-way fronting public facilities (e.g. government office or operations center, post office, public cemetery, historic courthouse, public safety station, public library, public museum, public community center, public park, public school, etc.) except on election day where said public facility is a polling place and is placed in accordance with the rules of the Gaston County Board of Elections.
- i) Notwithstanding the forgoing, the Town of Dallas shall remove any such signs or group of signs the Zoning Administrator deems to be an obstruction to the safe vision of motorists or is deemed to be in violation of this Ordinance.

2. If placed on private property, outside the street right-of-way:

- a) Sign area shall not exceed thirty-two (32) square feet.
- b) No such sign may be placed on private property without permission of the owner. The property owner upon whose land the signs are placed will be responsible for any violations.
- c) Sign height shall not exceed ten (10) feet or two and one-half (2.5) times the vertical dimension of the sign face, whichever is less.
- d) No such sign shall obstruct the safe vision of motorists.

3. Irrespective of location, no campaign or election sign shall be lighted or luminous, nor shall it have any flashing lights, moving or windblown parts.

K. Temporary real estate signs advertising a specific property for sale, lease, rent or development, or "open houses" shall be located as follows:

1. For Sale, For Lease, For Rent Signs

- a. One sign per street frontage advertising real estate "For Sale," "For Rent," "For Lease," or "For Development."
- b. The maximum area of such sign shall be as follows: Four square feet in a residential district.
- c. Thirty-two square feet in area in all other districts.
- d. Such allowances shall be followed provided that the sign is located on the property being advertised, and sign is located behind the street right-of-way line.
- e. Up to eight off-premises temporary directional signs per residential development for the purpose of providing directions to multiple new dwellings for sale or lease; provided,
  - o each such sign is no larger than three square feet in size and four feet in height, and
  - o is attached to its own support anchored in the ground, and
  - o signs are allowed only between 6:00 p.m. on Fridays and 6:00 p.m. on Sundays.
- f. Two off-premises directional signs per residential dwelling for sale; provided that each off-premise sign is no larger than two square feet in size and two and a half feet in height, and is attached to its own support anchored in the ground.

2. "Open House" signs

- a. No greater than four off-premises signs shall be allowed per open house event.
- c. Such signs shall be in place from 6:00 p.m. on Fridays until 6:00 p.m. on Sundays only.
- d. Open House signs shall not exceed three square feet in size and four feet in height.
- e. No sign allowed under this subsection shall be illuminated.

3. Any real estate sign located in the public right-of-way shall be deemed a violation of this ordinance and may be removed by the administrator and destroyed without notice.

4. No signs shall be located within 15 feet of any fire hydrant.

L. Construction/improvement signs (including financing signs and future development signs) are allowed under the following conditions:

1. Signs in conjunction with any residential use shall not exceed four square feet each. Signs in conjunction with all other uses shall have a maximum area of 32 square feet each.
3. One sign per premises shall be allowed, shall not be illuminated and shall appear only at the construction site and shall be removed within seven days after a certificate of occupancy for the advertised property has been issued.

M. Subdivision/multi-family development/planned residential development identification signs shall be allowed under the following conditions:

1. Such signs may be placed at each principal entrance to the development.
2. Such signs shall not exceed 32 square feet in area apiece.
3. Such signs may not be placed in a street median (i.e., in a street right-of-way).
4. Such signs shall not consist of yard signs, flags, feather flags, etc. and shall be removed after the development is completed.

N. On-premises temporary banners and signs for nonresidential uses located in nonresidential districts for promotional event or grand opening, provided that:

1. For a continuous advertising period not to exceed 14 days, on-premises banners, balloons less than two feet in diameter, pennants, and flags (including "feather" flags), for special events (promotional sales, products, etc.) are permitted so long as said signs/objects are not located in a street right-of-way.
2. Within any calendar year, any use may be permitted temporary signs of this nature for no greater than 3 (three), non-consecutive 14-day (two week) periods. No such banners, signs or balloons shall be placed on a roof, shall have a maximum area of 24 square feet and no more than three on-premises banners or signs shall be allowed during each advertising period.

O. **Sandwich board signs:** Sandwich board signs shall be allowed provide the following requirements are met:

1. The total area of the signboard shall not exceed ten (10) square feet per side.
2. The sign shall have a maximum height of five (5) feet and a maximum width of two (2) feet.
3. The sign must be constructed of materials that present a finished appearance. Rough-cut plywood and similar unfinished surfaces shall not be used for such signs.
4. Signs may be placed in a sidewalk or within a street right-of-way (but outside a vehicular travel way) as long as they do not interfere with pedestrian or vehicular movement and circulation.
5. Signs shall be removed by the end of the business day.

P. **Commercial signs placed in an athletic field and other outdoor space** where such signs are intended to be visible by persons attending such events at such facilities.

Q. **Holiday decorations, with no commercial messages.** Such decorations may be placed outside of the street right-of-way.

R. **Off-premises permanent directional signs for public, non-profit uses (churches, etc.)** provided that:

1. Such signs shall be permanent ground signs. Portable signs shall not be allowed.
2. No greater than two directional signs per use shall be allowed, irrespective of location.
3. No two directional signs shall be located within five linear feet of each other.
4. All directional signs in this category shall be constructed of durable wood or non-reflective metal or plastic materials.
5. Directional signs shall not be illuminated.

S. **Special event signs for public, quasi-public or not-for-profit organizations.** Such signs may be erected by organizations (e.g., schools, churches, etc.) without a permit under the following conditions:

1. The sign is in association with a special event (e.g., barbeque, rummage sale, fair, etc).
2. Such signs shall be non-illuminated and shall have a maximum area of 32 square feet.
3. For scheduled events such as rummage sales, fund-raising events, fairs, festivals, barbeques, etc, on-premise signs only (including portable signs) shall be allowed.
4. Such signs may be erected 14 days prior to the event and shall be removed within 72 hours of the termination of the event.

T. Window signs, intended to be seen by pedestrians, motorists or customers from the outside of the building, from an adjoining street. This pertains to signs placed on the inside of glass windows and doors and does not include exterior wall signs which require permits.

U. Yard Sale/Garage Sale/Estate Sale/Auction Signs provided that:

1. Such signs may not be illuminated, may be placed within 24 hours prior to the sale, and removed within 12 hours after the event.
2. Each sign may have a maximum area of six square feet. Such signs may be placed on or off-premises. If off-premises, permission of the property owner is required.
3. A maximum of three off-premises signs and one on-premises sign is allowed per yard sale.
4. No such signs are allowed on telephone poles, sign poles, etc. These signs must be free standing (on their own supports). Notwithstanding the forgoing, the Town of Dallas shall remove any such signs or group of signs the Zoning Administrator deems to be an obstruction to the safe vision of motorists or is deemed to be in violation of this Ordinance.

**153.081 UNSAFE SIGNS. REPLACE WITH 153.081 PROHIBITED SIGNS**

~~—Signs that are structurally unsafe and thereby endanger the public safety shall be removed unless they are repaired and made to otherwise comply with the requirements of this Code.~~

~~(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)~~

### 153.081 Prohibited signs.

All signs not expressly addressed under this chapter or elsewhere in this ordinance are prohibited.

A. Any sign that obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of, or obscures, any traffic sign, device or signal, shall be prohibited.

B. Signs, other than traffic regulatory signs, which contain lights, rotating disks, words and other devices not erected by a public authority that may be erroneously construed as government signs or emergency-warning signs shall be prohibited. An example of this is a sign that contains a picture of a traffic sign and/or the word "Stop," "Yield", etc.

C. Any sign placed on any curb, street or highway median, street surface or sidewalk, or across or over any public street or right-of-way, or on any utility pole, government sign, street sign or signpost, bridge, tree, rock, fence, or guardrail; or within fifteen (15) feet of any fire hydrant shall be prohibited\*.

D. Signs placed in a required sight distance triangle (according to Section 153.012, Obstructions to vision at street intersection) shall also be prohibited\*.

\*NOTE: The Town administrator or designee shall have the authority to remove and may discard without notice any such prohibited sign placed according to Sections C and D and may immediately discard or destroy such sign.

E. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with scrolled messages (except light emitting diode (LED) signs in accordance with section 153.082. Signs which contain public information service information such as date, time, temperature or similar information are exempt from this prohibition.

F. Portable signs, excluding temporary signs otherwise permitted as set forth in this Ordinance. A sign originally constructed as a portable sign may not be converted into a permanent sign by chaining or bolting it to the ground, or by other means or alterations.

G. Signs that advertise an activity or business no longer conducted on the property upon which the sign is located.

H. Inflatable objects and wind-activated signs, including balloons with a diameter of two feet or greater, air-blown objects, "air dancers" (powered by air), feather flags, spinners, pennants, streamers, animated, moving or motion signs, flashing signs, signs with flashing or reflective disks, flashing lights or lights of changing degree of intensity or color, oscillating, pop-up and/or blow-up objects, flags or banners which do not conform to the requirements of this Ordinance.

I. Off-premise advertising sign

J. Any sign not expressly permitted by this Ordinance shall be prohibited.

~~153.009 LOCATION OF ACCESSORY BUILDINGS ON RESIDENTIAL LOTS.~~

~~—(A) On any residential lot accessory buildings shall not be located in any required front or side yard, shall not cover more than 30% of any required rear yard, shall be at least five feet from all lot lines, and shall be at least five feet from any other building on the same lot.~~

~~—(B) When the rear line of any residential lot adjoins a residential zone, no part of any accessory building which is built within 25 feet of the common lot line shall be nearer a side street lot line than the depth of the minimum yard required along such street for a dwelling on such adjoining lot.~~

~~(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)~~

REPLACE WITH:

153.009 Accessory structures on residential lots:

This section shall apply to any structure 12' or more in any dimension, whether enclosed or open, whether site built or built off-site and brought to the property. This section shall also apply to swimming pools.

A. Accessory buildings shall not be located in any required front or side yard.

B. The total square footage of all accessory buildings shall not exceed 50% of the square footage of the primary structure (house, dwelling) on the property.

C. Accessory structures shall be located a minimum of 5' from side property lines, 5' from rear property lines, 5' from any other building on the same lot and 10' from any building on adjacent lots. If property lines are not clear enough to determine if setback requirements can be met, the Administrator may require a survey of the property prior to issuing permit for accessory structure.

D. Swimming pools (any structure intended for swimming or recreational bathing that contains water over 24" deep, including in-ground, above-ground or on-ground swimming pools, hot tubs and spas) shall be provided with a barrier (a fence, wall, building wall, or combination thereof which completely surrounds the water structure and obstructs access to the water structure) and shall comply with the most current North Carolina Building Code Appendix G.

E. No accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character, shall not be made of highly reflective metal materials and shall be finished with an exterior color and texture similar to the primary structure on the property. Some examples of structures that cannot be used as an accessory structure to a residential use include: school buses, manufactured homes, tractor-trailers (with or without wheels), buses, recreation vehicles, cargo containers, etc.

F. No accessory structure shall be constructed or placed on a lot without a permitted principal use or structure on the same lot.

G. No accessory structure for which this section is applicable shall be constructed or placed on a lot without prior issuance of a zoning permit issued by the Town Administrator.

H. Private residential quarters: Private residential quarters shall be permitted as an accessory use to any single-family detached dwelling unit (except manufactured homes) in accordance with the following requirements:

1. The private residential quarters may be attached to or separate from the principal dwelling unit. If it is located in a detached structure, it shall meet the requirements listed in items A, E, F and G referenced in this section.
2. The owner of the principal dwelling unit shall live on-site and the owner of the private residential quarters shall be the same as the owner of the principal dwelling unit.
3. No more than one private residential quarter shall be allowed per lot.
4. The private residential quarters shall be occupied by a disabled or elderly person, family member or occasional guest.
5. The ground floor area of the private residential quarters shall be no greater than 50% of the principal dwelling unit, or 750 square feet, whichever is less.
6. The private residential quarters shall be located in the rear yard only and setbacks shall be at least 15' from the side and rear lot lines.
7. The private residential quarters shall be served by the same driveway as the principal structure and shall have at least two (2) off-street parking spaces dedicated to this use.



**RESOLUTION SUPPORTING GASTON COLLEGE AREA SIDEWALK AND  
CROSSWALKS PROJECT APPLICATION FOR CONGESTION MITIGATION AND  
AIR QUALITY (CMAQ) FUNDING**

**WHEREAS**, the Federal Highway Administration's CMAQ improvement grant program provides funding to select local governments in air quality non-attainment and maintenance areas in North Carolina to undertake projects that reduce emissions from on-road motorized vehicles; and,

**WHEREAS**, CMAQ funds are distributed by the North Carolina Department of Transportation to the Gaston-Cleveland-Lincoln Metropolitan Planning Organization for use by eligible members; and,

**WHEREAS**, the Town of Dallas has previously submitted two CMAQ project applications (C-5508 and C-5606D) for new sidewalk installation in the immediate vicinity of Gaston College in the following locations: on the western side of US-321B from where it currently ends at 3117 Dallas High Shoals Highway (McDonald's) to (and along the front of) 3151 Dallas High Shoals Highway (US Post Office); on the northern side NC-279/275 from where it currently ends at 1000 Dallas Cherryville Highway (Walgreens) to the intersection of Gaston College Access Road; and on the southern side of NC-279/275 from Gaston College Access Road to the entrance of the Gaston County Citizens Resource Center/Senior Center and access drive to Gaston County Park; and

**WHEREAS**, these previous CMAQ also called for the installation of crosswalks and pedestrian signals at the intersection of Gaston College Access Road and NC-279/275 and the installation of pedestrian scale lighting along the proposed sidewalks; and,

**WHEREAS**, it has been determined, given that these proposed sidewalk installations are immediately adjacent to one another, that it would be both operationally and financially beneficial to combine these two project into one; and

**WHEREAS**, the cost estimate for the combined replacement project \$482,795, with the Town of Dallas committing a local funds match of 20% or \$99,016 and with CMAQ funding of 80% or \$383,779; and,

**WHEREAS**, the Town of Dallas acknowledges that any cost in excess of those paid through a CMAQ grant are the responsibility of the Town and that implementation of the projects, if awarded the CMAQ grant, is the responsibility of the Town:

**NOW, THEREFORE BE IT RESOLVED** by the Board of Aldermen of the Town of Dallas, North Carolina, that it supports submission of this project application for CMAQ funding to the Gaston-Cleveland-Lincoln Metropolitan Planning Organization.

Adopted this the 12<sup>th</sup> day of July, 2016.

ATTESTED BY:

\_\_\_\_\_  
Rick Coleman, Mayor

\_\_\_\_\_  
Maria Stroupe, Town Clerk