

**TOWN OF DALLAS**  
**MINUTES FOR BOARD OF ALDERMEN VIRTUAL MEETING**  
**APRIL 21, 2020**  
**6:00 PM**

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

The following staff members were present: Maria Stroupe, Town Manager; Da'Sha Leach, Town Clerk; Tom Hunn, Town Attorney and Allen Scott, Police Chief. Virtual attendance: Jonathan Newton, Finance Director; Bill Trudnak, Public Works Director; Robert Walls, Police Chief; and Earl Withers III, Fire Chief.

Mayor Coleman called the meeting to order at 6:00 pm. He opened with the Invocation and the Pledge of Allegiance to the Flag followed. He welcomed everyone to the Town's first virtual meeting and recognized the attendees. He also recognized Hydeia Hayes, Town Clerk of Bessemer City, for assisting with the virtual meeting and thanked the Bessemer City Council for allowing her to assist Dallas. Mayor Coleman read the meeting rules to the audience. He asked if there were any additions or deletions to amend the agenda, noting that there would be a need to add a Closed Session for real estate negotiations and Item 8F-Ordinance 90.01 discussion under New Business to the agenda. Alderwoman Thomas a motion to approve the agenda adding both items, seconded by Alderman Huggins, and carried unanimously.

Alderwoman Morrow made a motion to approve the minutes from March 10<sup>th</sup>, 2020 Regular Meeting, seconded by Alderman Cearley, and carried unanimously.

**Recognition of Citizens:**

**Trinity Barnes**, 641 Summey Farm Dr., She Wanted to know if the Board was willing to change the zoning ordinance to allow an emotional support animal.

**Mayor Coleman** reminded citizens that recognition was not for questions for the Board. He stated to Ms. Barnes that the zoning ordinance will be discussed later in the meeting under New Business Item 8F.

**Robert Walls**, Chapman Pointe., He expressed his thanks to Chief Scott and his leadership for the Dallas Police Department.

**Coleman Montgomery**, 219 Summey Barker Dr., He thanked Chief Scott for his dedication and all he has done for the Town. He wished Robert Walls good luck at the New Police Chief.

**Consent Agenda:**

Item 5A Written Offs

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

**Public Hearings: NONE**

**Old Business: NONE**

**New Business:**

**Item 8A** was a Donation to Gaston County Splash Pad. Mayor Coleman requested that the Town consider donating an additional \$20,000 to the Gaston County Splash Pad project. The County received some grant funding for the project but is still seeking donations to address the project costs. In the current FY2019/20 budget provisions were made for a \$30,000 donation to the Gaston County Splash Pad project being installed at Dallas Park. The County ran into additional costs in the process of completing the project. The proximity of the park to Dallas and accessibility for Dallas residents will benefit Town citizens and provide additional recreational opportunities. A budget amendment for the additional donation was given for review. Alderman Huggins made a motion to approve the donation for the \$20,000, seconded by Alderwoman Thomas. Yays- Alderwoman Thomas, and Alderman Huggins. Nays: Alderwoman Morrow, Alderman Withers, and Alderman Cearley. Due to the pandemic, the Board want to see how things go before they bring this item back for another vote. (Exhibit A)

**Item 8B** was an Annexation Agreement with Gastonia. The purpose of annexation agreements is to facilitate efficient growth and land use planning. The City of Gastonia and the Town of Dallas have historically had an annexation agreement setting forth the areas within which each municipality would have the right to annex. The current annexation agreement with Gastonia is set to expire in May. It was time to renew the sphere of influence agreement between the municipalities in accordance with state law. Given the proximity of Dallas and Gastonia, this annexation agreement will serve to prevent future disputes over growth in the area covered by the agreement and will promote cooperation between our communities. The only change from the current agreement is a lengthening of terms from ten (10) years to twenty-five (25) years. A proposed agreement, a resolution approving the agreement, the legislation authorizing municipalities in Gaston County to enter into such agreements, and the sphere of influence map was given in Board packets for review. Alderwoman Morrow made a motion to approve, seconded by Alderman Cearley, and carried unanimously. (Exhibit B)

**Item 8C** was a Substation Budget Amendment. Once the new substation on College St. was completed, the Town entered a project last fiscal year to upgrade the Park Road substation that was constructed in the mid-1970s. As the project progressed, it transitioned over into the current budget year before completion. At that time, the budget was being drafted for this fiscal year the time overrun was not anticipated, therefore funds were not appropriated in this current year for completion of the project. A budget amendment for the final costs of the Park Road Substation Upgrade project that was completed this fiscal year and not expended last fiscal year in the amount of \$60,000 was given for review. The project is complete, and the \$60,000 will be the final expenditure. Alderman Cearley made a motion to approve the budget amendment, seconded by Alderwoman Thomas, and carried unanimously. (Exhibit C)

**Item 8D** was to Cancel April Work Session. Due to the COVID-19 and the focus on essential business, staff recommended a cancellation of the April 28<sup>th</sup> Work Session. Alderwoman Thomas made the motion to cancel the April 28<sup>th</sup> Work Session, seconded by Alderwoman Morrow, and carried unanimously.

**Item 8E** was an update on the Emergency Sewer Interconnect Project. The project is ready to be put out to bid. The current timetable for bids for the projects were listed, but they may need to be extended due to COVID-19: 1) Wednesday, May 6<sup>th</sup> – Bid packages sent out. 2) Wednesday, May 20<sup>th</sup> – Pre-bid meeting at the Dallas Fire Department Community Room. 3) Wednesday, June 3<sup>rd</sup> – Bid opening at Gastonia Municipal Operations Center. Currently the project is not budgeted, but once bids are received, they can be amended on the budget for the project which will take place in the coming fiscal year. The Town was awarded a Township grant of \$300,000 that would go towards the project costs.

**New Business continued....:**

**Item 8G** was on Ordinance 90.01(a). Mayor Coleman read the ordinance for the audience and asked the Board members if they are interested in changing the ordinance. Ms. Barnes is a Dallas resident that has a goat as a support animal, and she provided documentation from a California doctor to the Town Manager. There was discussion on what is considered a house pet and the ordinance. The Town Attorney advised the Board to allow the citizen to follow the procedure in place to initiate changing the zoning ordinance because there are many factors to be considered and they would be setting a precedent for future changes for the public. When the citizen follows the procedure, this would allow the Planning Board to make a recommendation to the Board as well as the Dallas citizens will be able to publicly express their support or objection to the ordinance change before a Board vote. The Board discussed other violations in town and the enforcement of those. Staff stated that violations are generally complaint driven and processed accordingly. Ms. Barnes has been given a citation for the ordinance violation. The Board consensus was to allow the citizen to follow the procedure in place to initiate a zoning ordinance change.

**Manager's Report and General Notices:**

-Manager gave notes on procedures, and changes.

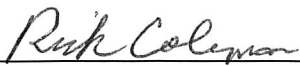
Chief Scott was asked to come up front. Mayor Coleman read him a letter and gave recognition to his service for the Town of Dallas and Gaston County. The Dallas Fire Range will be renamed the Robert Allen Scott Firing Range in honor of Chief Robert Allen Scott. He was also given his service weapon for the 25 years of service to the Town of Dallas. He was congratulated for his service with a big applause. Chief Scott thanked the Board for their support. He also acknowledged that he was proud of his department as recognized them as "The Best in the County". Robert Walls will be the new Police Chief.

**Closed Session § 143-318.11 (a)(5)**

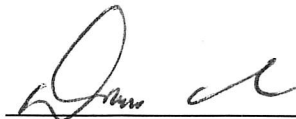
Alderwoman Thomas made a motion to go into Closed Session to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property, seconded by Alderwoman Morrow, and carried unanimously. (7:05)

Alderman Cearley made a motion to exit the Closed Session, seconded by Alderwoman Morrow, and carried unanimously. (7:20) No Action Taken.

Alderman Huggins made a motion to adjourn, seconded by Alderwoman Thomas, and carried unanimously. (7:23)



Rick Coleman, Mayor



Da'Sha Leach, Town Clerk



**Town of Dallas**  
Budget Amendment

Date: April 21, 2020

Action: Parks and Recreation Department

Purpose: To Appropriate Additional Donation to Gaston County Splash Pad

Number: REC-002

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

\_\_\_\_\_  
Approval Signature  
(Town Manager)

NORTH CAROLINA

GASTON COUNTY

**ANNEXATION SPHERE OF INFLUENCE AGREEMENT**

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

***WITNESSETH:***

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

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

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

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

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

1. **Spheres of Influence.**

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

- (c) Dallas shall commence no annexation procedure nor adopt any annexation ordinance the purpose of which is to annex any portion of nor all of that area within the sphere of influence of Gastonia.
- (d) Gastonia shall commence no annexation procedure nor adopt any annexation ordinance the purpose of which is to annex any portion or nor all of that area within the sphere of influence of Dallas.
2. **Term.** The term of this Agreement shall be twenty-five (25) years from the date of execution hereof, which shall be deemed the effective date of this Agreement. It is the intent of both parties that lines of communication shall remain open between the municipalities for discussion of extending this Agreement as it nears expiration.
3. **Existing Utility Customers.** Each respective party shall retain its existing water and sewer customers as of the effective date of this Agreement without regard to which side of the sphere of influence boundary such customers may be located on, and this Agreement shall not effect nor enable the transfer of any water or sewer customer from Dallas to Gastonia or from Gastonia to Dallas.
4. **Notice.** Each party shall give written notice to the other party of any proposed annexation, which is within that party's sphere of influence, at least thirty (30) days prior to the adoption of an annexation ordinance. The notice shall contain a legible map clearly and accurately showing the boundaries of the area to be annexed. Any notice required by this section shall remain in effect for no more than one hundred eighty (180) days. Notices required under this section shall be sent to the following addresses:
- Dallas:           Town Manager  
                      Town of Dallas  
                      210 North Holland Street  
                      Dallas, NC 28034-1625
- Gastonia:        City Manager  
                      City of Gastonia  
                      P.O. Box 1748  
                      Gastonia, NC 28053-1748
5. **Waiver of Notice.** The party to receive such notice may waive any notice or notice period required by this Agreement. Such waiver must be in writing and must be approved by the governing board of the party waiving the notice.
6. **Amendment.** This Agreement shall be amended only by a written document executed in the same manner as this Agreement.

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

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

**TOWN OF DALLAS**

By: \_\_\_\_\_  
Rick Coleman, Mayor

ATTEST:

\_\_\_\_\_  
Da'Sha Leach, Town Clerk

**STATE OF NORTH CAROLINA  
COUNTY OF GASTON**

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

WITNESS my hand and Notarial Seal, this the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

CITY OF GASTONIA

By: \_\_\_\_\_  
Walker E. Reid, III, Mayor

ATTEST:

\_\_\_\_\_  
Sherry H. Dunaway, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF GASTON

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

WITNESS my hand and Notarial Seal, this the \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

*Agree1703.docx*



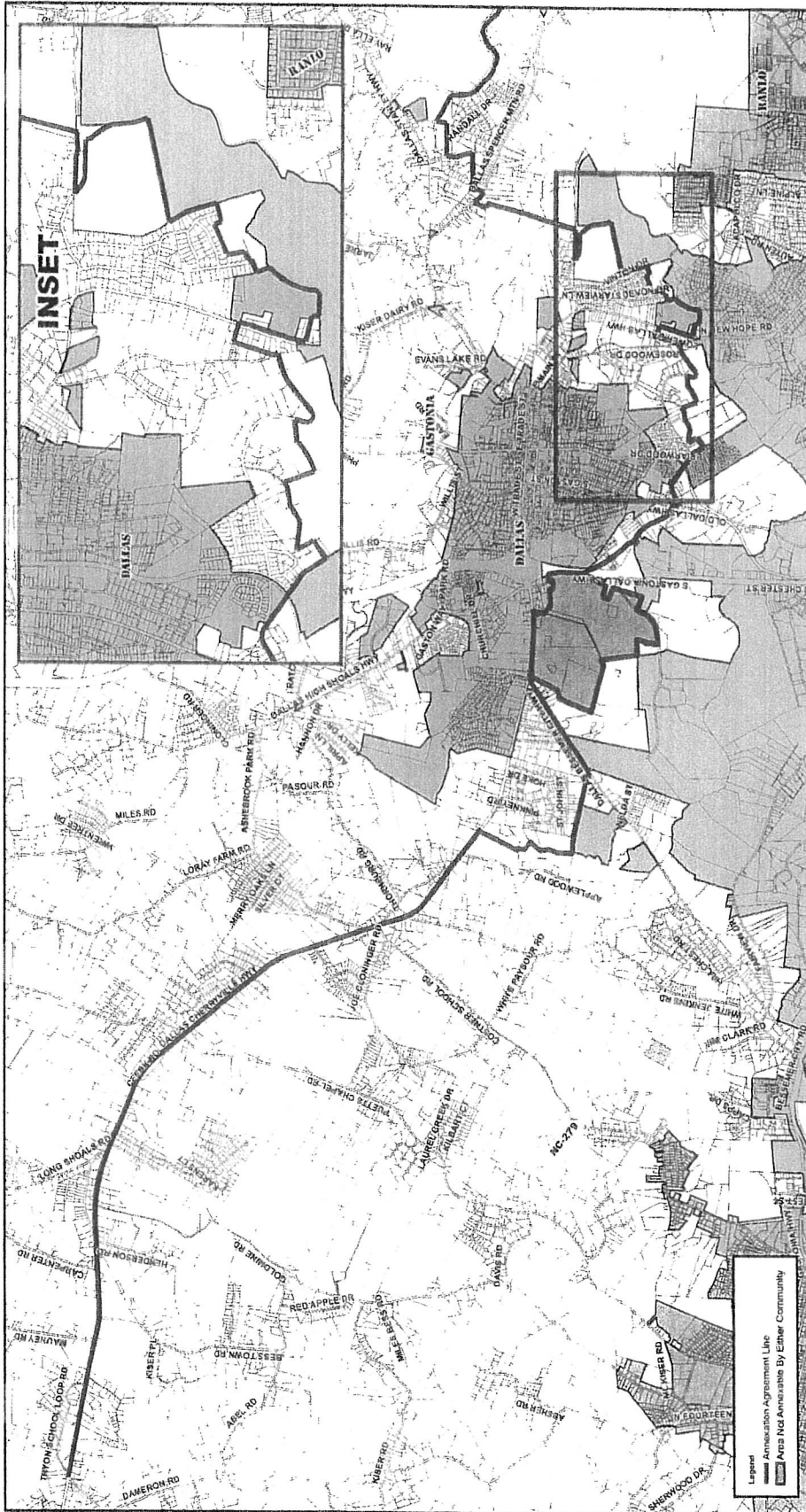


EXHIBIT B

1 inch = 3,257.48515 feet  
 prepared by: [unreadable]  
 date: 03/11/2014 10:02:00 AM

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

Resolution Approving Annexation Agreement with Gastonia

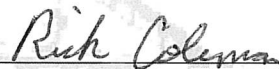
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**WHEREAS**, the Town of Dallas and the City of Gastonia desire to enter into an annexation agreement concerning the annexation of unincorporated areas adjacent to each municipality, in order to facilitate efficient growth and land use planning; and,

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

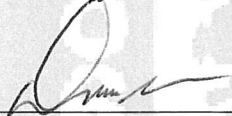
**NOW, THEREFORE, BE IT RESOLVED BY THE DALLAS BOARD OF ALDERMEN** that the annexation agreement with the City of Gastonia and attached hereto and incorporated herein by reference is hereby approved, and the Mayor and Town Clerk are authorized to execute said agreement on behalf of the Town of Dallas.

Adopted this the 21<sup>st</sup> day of April, 2020.



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

Attested by:



\_\_\_\_\_  
Da'Sha Leach, Town Clerk



GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 204  
SENATE BILL 492

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

The General Assembly of North Carolina enacts:

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

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

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

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

Sec. 4. (a) The agreement shall:

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

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

(6) Include any other necessary or proper matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. This act is effective upon ratification.

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

**Town of Dallas**  
Budget Amendment

Date: April 21, 2020

Action: Park Road Substation Upgrade

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

Number: EL-002

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

\_\_\_\_\_  
Approval Signature  
(Town Manager)