

MINUTES FOR BOARD OF ALDERMEN WORK SESSION
November 26th, 2024
5:00 PM

The following elected officials were present: Mayor Beaty, Alderman Martin, Alderman Withers, Alderman Cearley, and Alderman Milton. Alderman Cloninger was absent.

The following Staff members were present: Jonathan Newton, Town Manager; Robbie Walls, Police Chief; Lanny Smith, Electric Director; Bill Trudnak, Public Works Director; Lindsey Tysinger, Town Clerk; Zack Foreman, Assistant Public Works Director; Kristin Boone, Finance Director; Alex Wallace, Parks and Recreation Director; Brittany Beams, Planner; Sonny Gibson, Electric Supervisor; and Anthony Smith, Development Services Director.

Mayor Beaty called the meeting to order at 5:01 pm.

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

Mayor Beaty asked if there were any additions or deletions to the agenda. Alderman Martin made a motion to approve the agenda, seconded by Alderman Withers and carried unanimously.

New Business:

Item 3A - FY24 Audit Presentation

Tonya Thompson with Martin Starnes & Associates will be presenting the Fiscal Year 2024 report. (Exhibit 3A 1-19)

Tonya Thompson went over and discussed the fiscal year 2024's audit PowerPoint presentation to the Board.

Item 3B - Nolan Groce - Presentation – Summey Creek

Nolan Groce to give an update on Summey Creek. Presentation attached in Agenda. (Exhibit 3B 1-11)

Nolan Groce presented an updated PowerPoint to the Board pertaining to the Annexation (small portion of parcel 309511) and Rezoning (portion of parcels 312382 & 309511) of Summey Creek.

Item 3C - § 91.02 Noises Expressly Prohibited

At the November 12th Board Meeting, Staff were tasked with reviewing the noise ordinance, identifying issues, and gathering facts. They are to present copies of the ordinance and recommendations at the next work session for the Board's review. Findings: July 2012 - Item 10F- Staff was advised to present a revised ordinance at the next meeting with a public hearing. August 2012 - 1st item under Public Hearing - 3 yays/2 nays - needed 4 affirmative votes from Board Members to pass, brought back to next meeting to vote again. September 2012 - Item 9A - No motion was made, so ordinance will remain in its original form. Attached is the current noise ordinance. (Exhibit 3C 1-2)

Staff were directed to revise the noise ordinance and bring it back to next meeting.

Item 3D - Electronic Message Board – Emergency/Disaster Response Plan

During public comment at the November 12th Board Meeting, a citizen informed the Board that he would like to see the Town put together a working group to finalize the Emergency/Disaster Response Plan.

Board directed Staff to have the public safety departments get together and create an Emergency/Disaster Response Plan.

Item 3E - Wrecker Rotation Fee

The Town has received a request from the four wrecker services currently on the Town's Wrecker Rotation List for an increase in the fees they are allowed to charge for rotation calls in Dallas. The current fees are \$75 per tow within a ten (6) mile radius, \$20 per day for storage and 50 year privilege fee. The requested fees are \$150 per tow, and \$35 per day for storage. The Town would also charge a new fee of \$150 to be on the rotation list. These charges do not apply to "owner's request" calls that are made to wrecker services on the Town's rotation list. Attached a new rotation wrecker agreement policy with new adjusted fees for review. (Exhibit 3E 1-10)

Police Chief Walls discussed updating the wrecker rotation policy and fees, will be brought back to next meeting.

Item 3F - Personnel Policy Update

The Administration/Personnel sub-committee of the Board of Aldermen met on October 12, 2023 to discuss employee compensation and ways to ensure that employee compensation is appropriate. In order to ensure that the Town's salary structure, job descriptions, and Personnel Policy are up to date, the Committee is recommending that a salary study be done that will also include updating job descriptions and the Personnel Policy. The study will be conducted by The MAPS Group and can be accomplished in time to make necessary adjustments in the upcoming FY2024/25 budget year. The Salary Study was completed in July 2024 and now we are to the last phase of this study with updating our personnel policy. For the most part, there were only minor additions to our current policy, with updating some wordage. However, there was a new law passed in regards to "Pornography on Government Networks and Devices" that went into effect October 1, 2024 that is included within the new policy that was presented at the October worksession.

Town Manager, Jonathan Newton presented item 3F, discussed with the Board of any changes that need to be made in order for the policy to be brought back in December for approval and adoption.

Manager Report

Mayor Beaty talked about her time with the students of Carr Elementary for Mayor of the Day.

Town Manager, Jonathan Newton made the Board aware of upcoming Carols on the Square Event and the Christmas Parade.

Alderman Cearly alerted Staff of the Dallas Town Sign at the exit ramp of 321 and Trade St. needs the lights replaced.

Alderman Martin made a motion to adjourn, seconded by Alderman Cearley and carried unanimously (6:18).

Hayley Beaty, Mayor

Lindsey Tysinger, Town Clerk

Town of Dallas

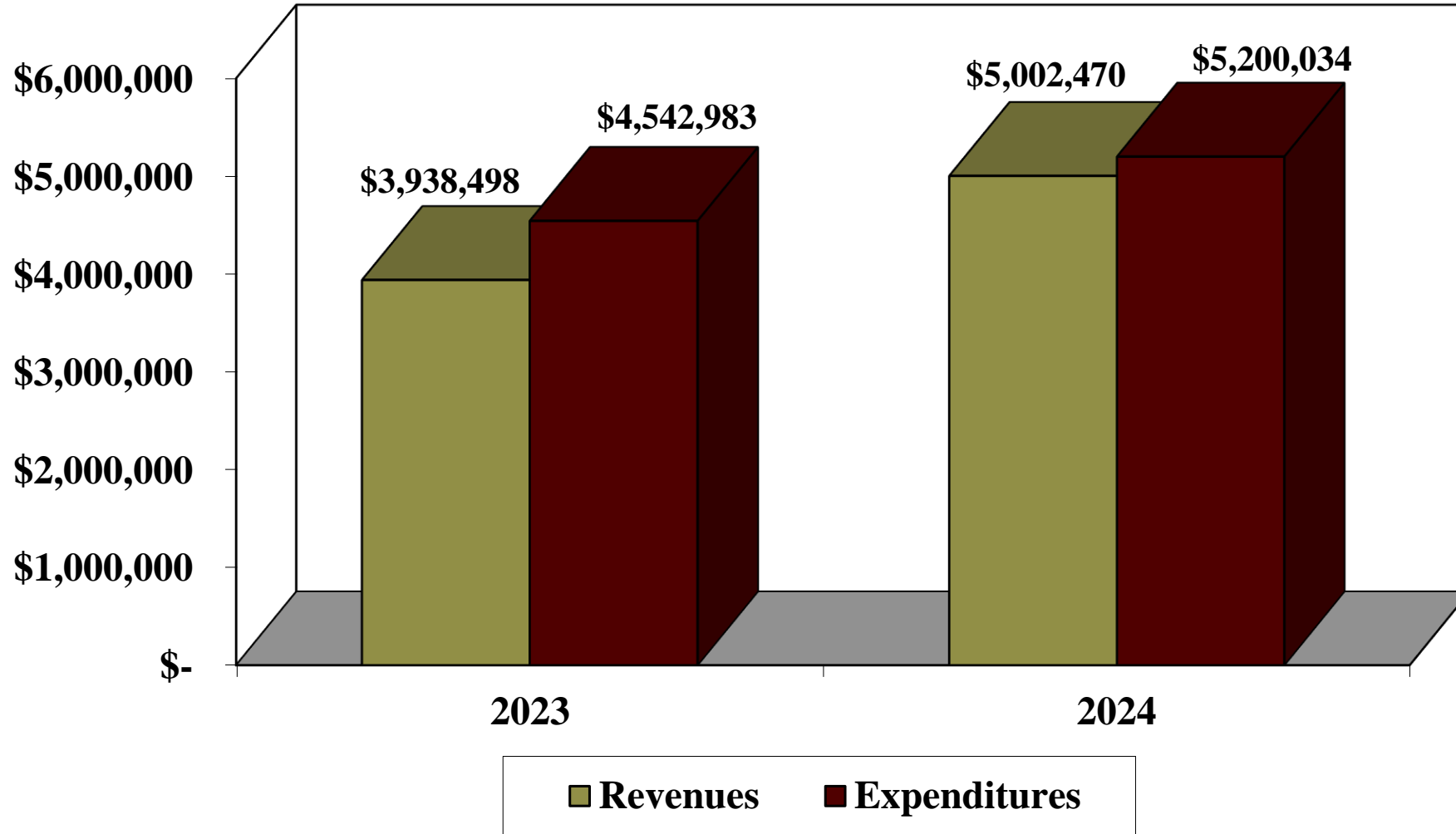
2024 Audited Financial Statements

Audit Highlights

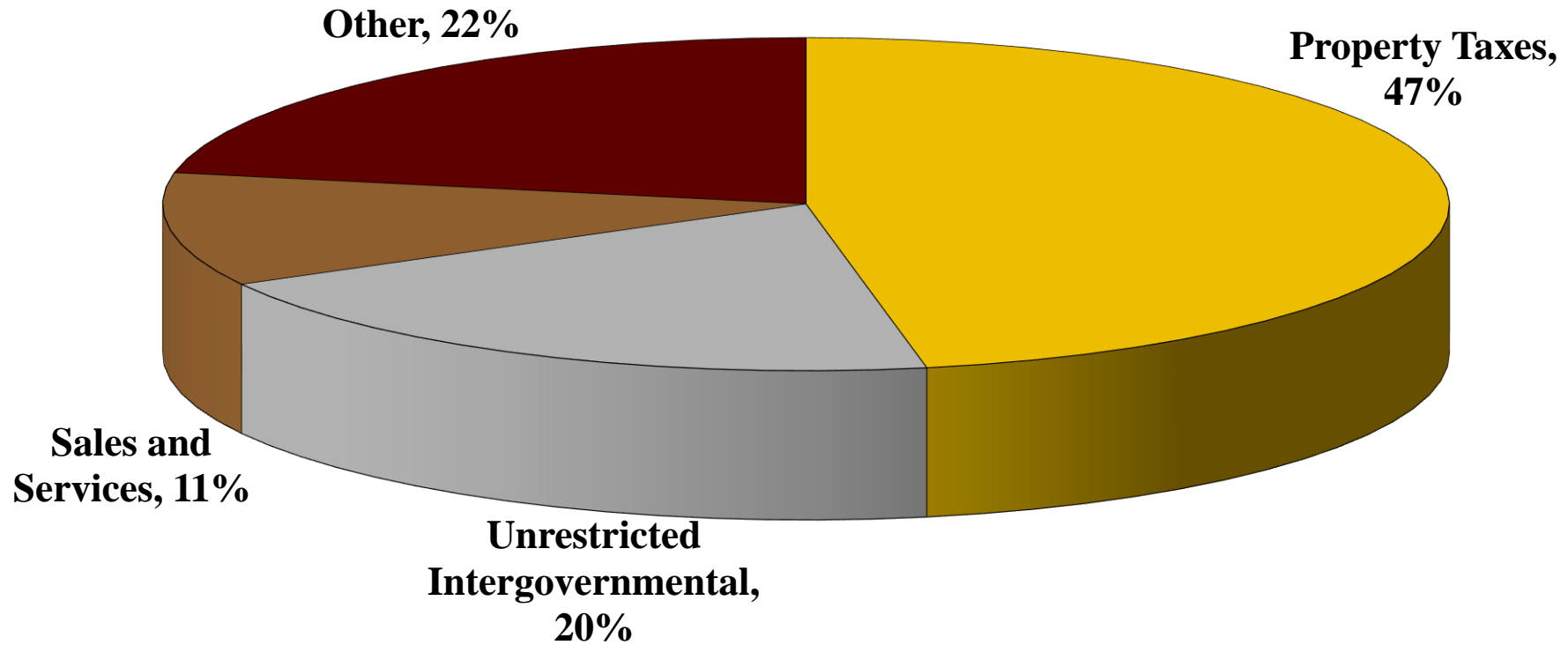
UNMODIFIED OPINION

COOPERATIVE STAFF

GENERAL FUND SUMMARY

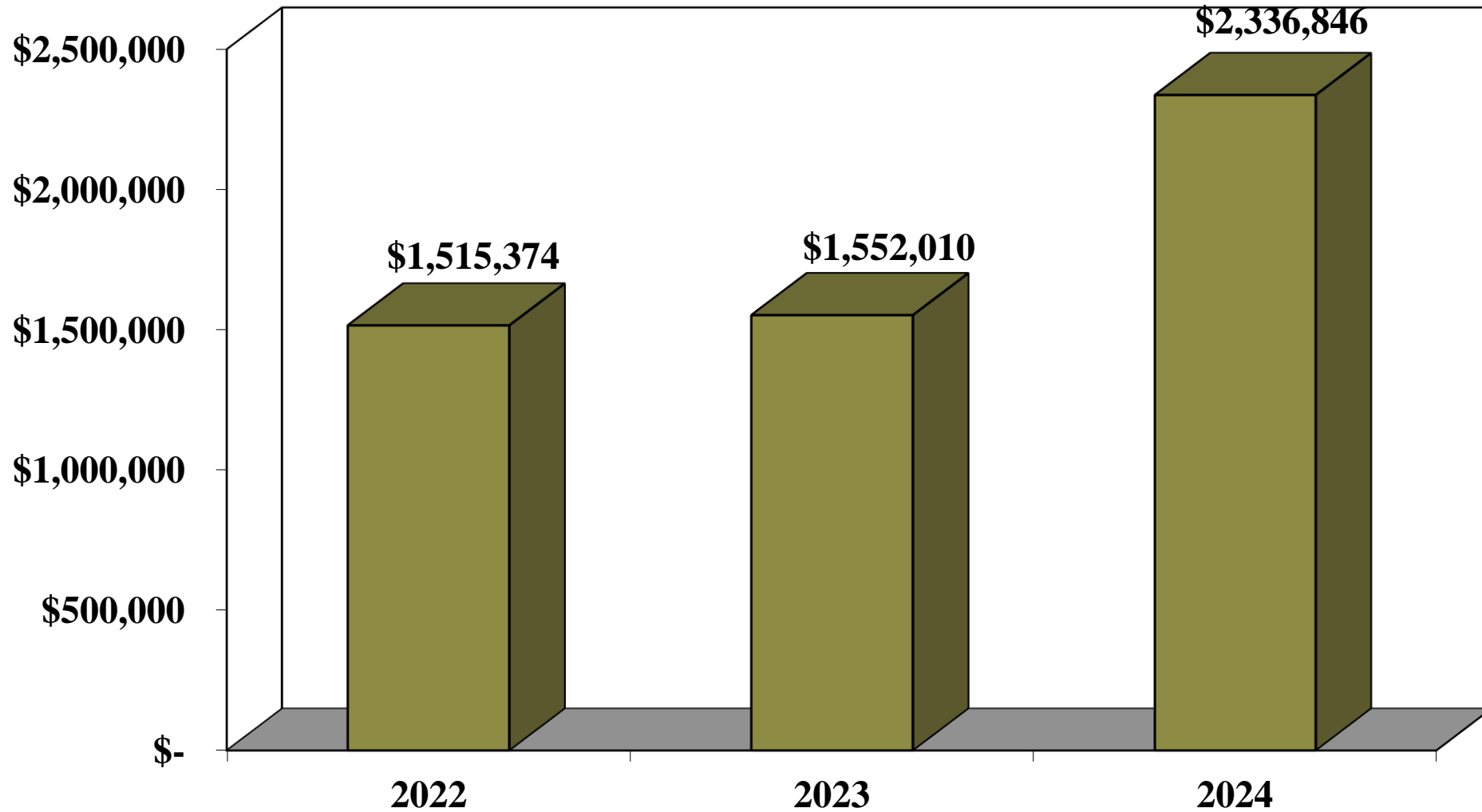


TOP 3 REVENUES: GENERAL FUND

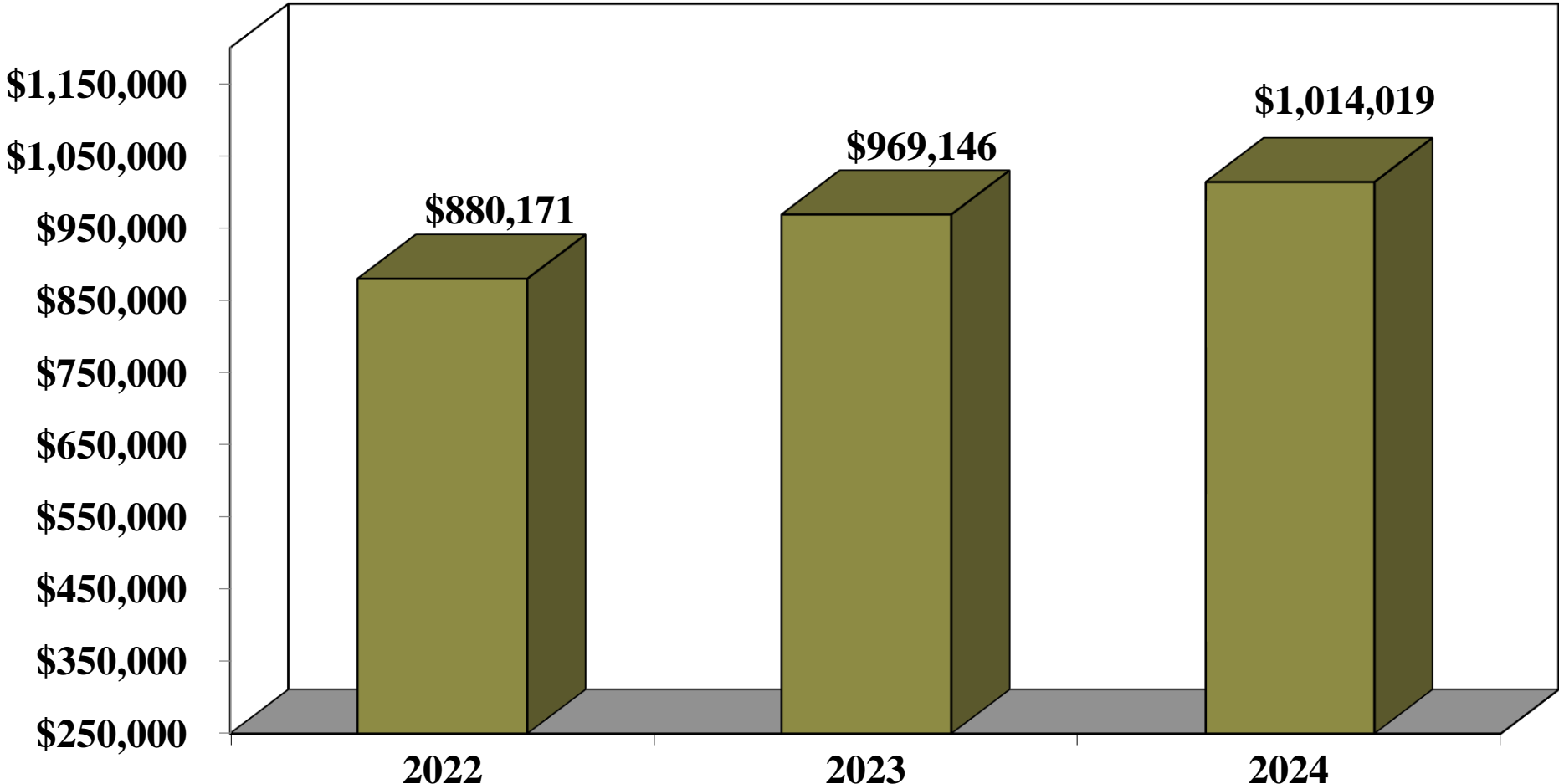


Total Revenues \$ 5,002,470

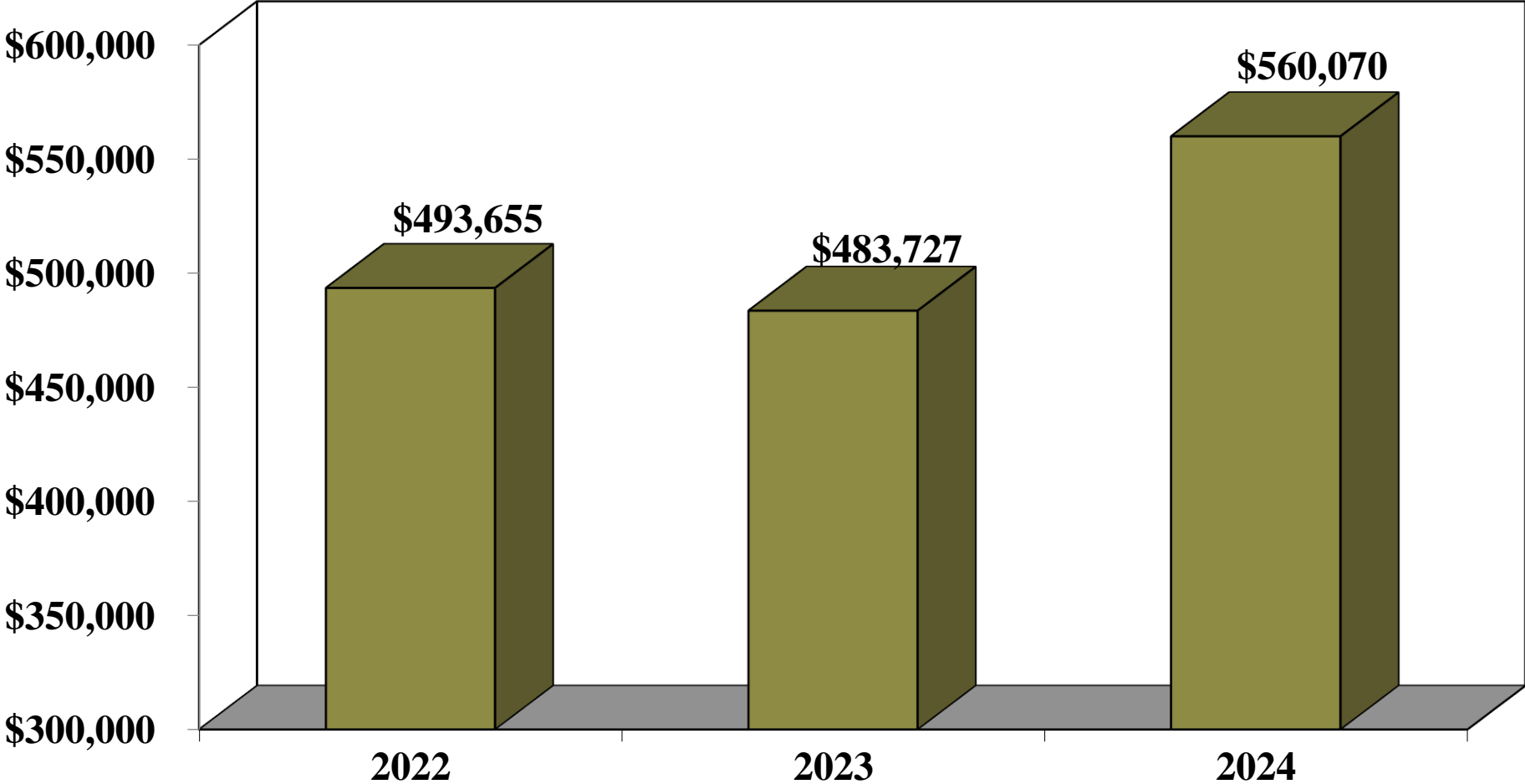
AD VALOREM TAXES



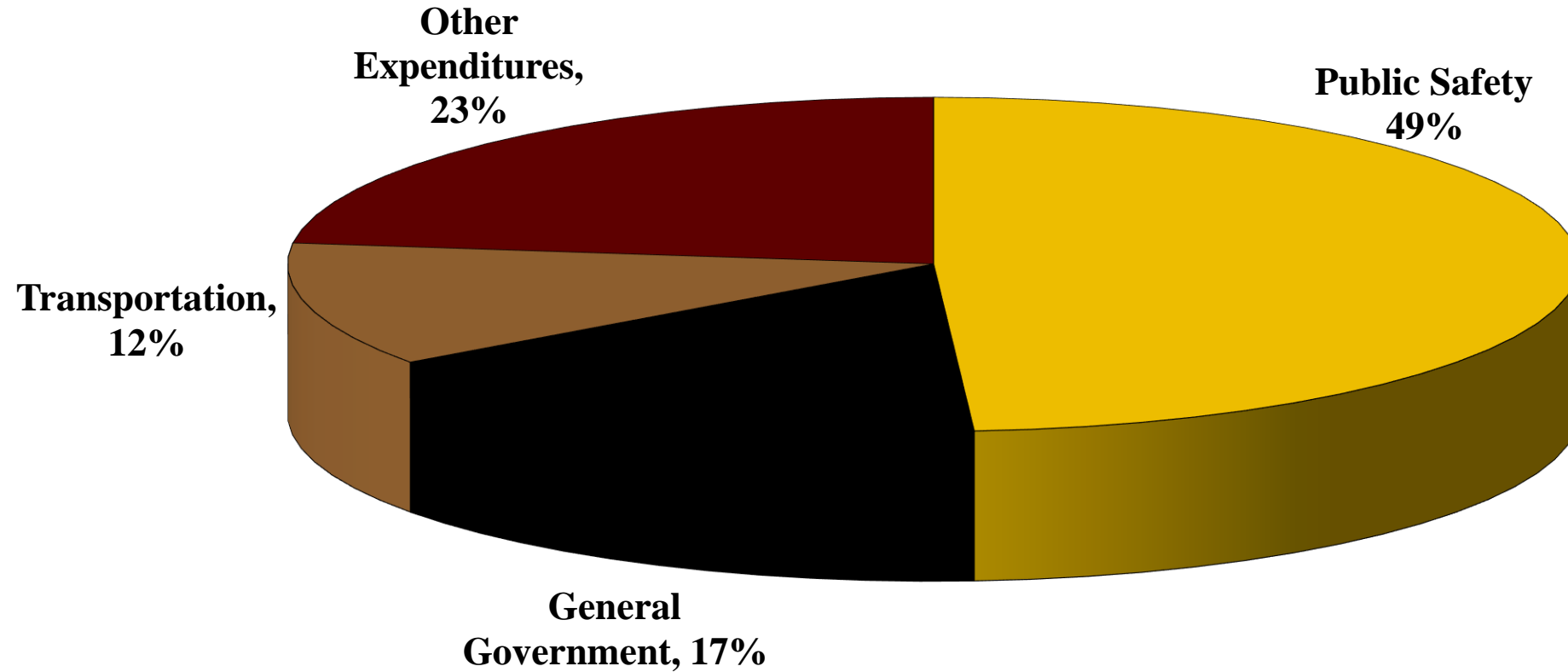
UNRESTRICTED INTERGOVERNMENTAL



SALES AND SERVICES

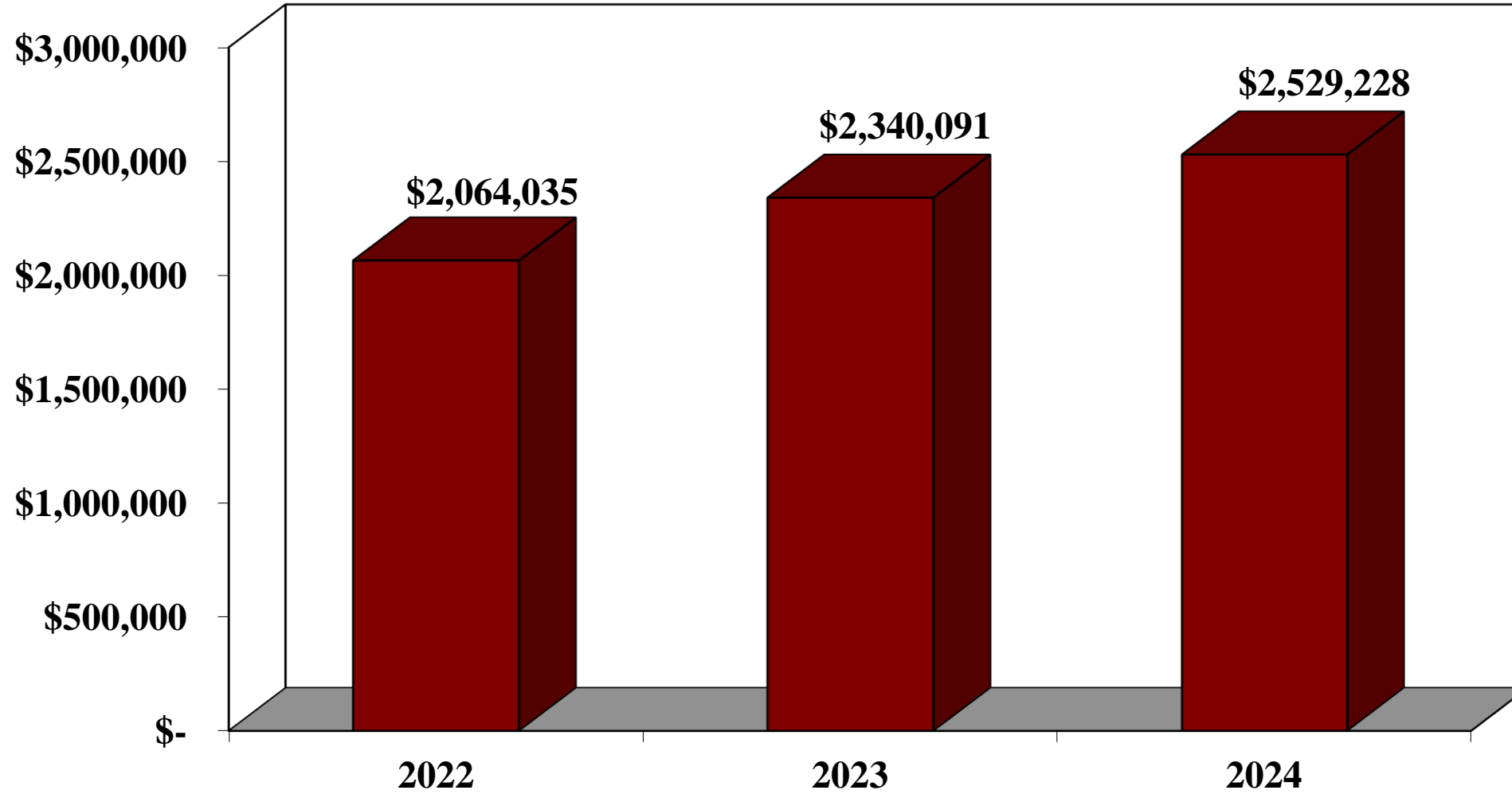


TOP 3 EXPENDITURES: GENERAL FUND

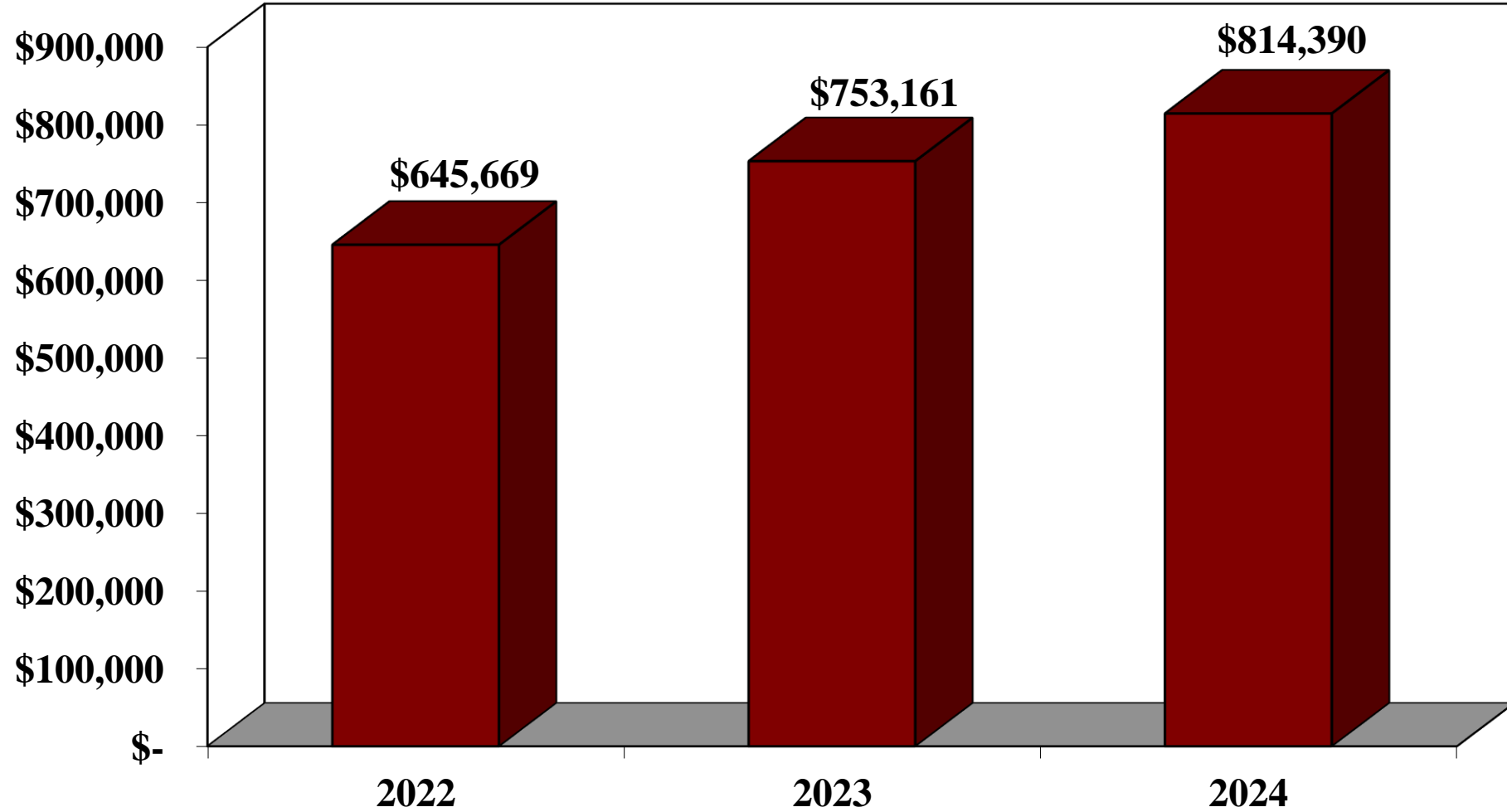


Total Expenditures \$ 5,200,034

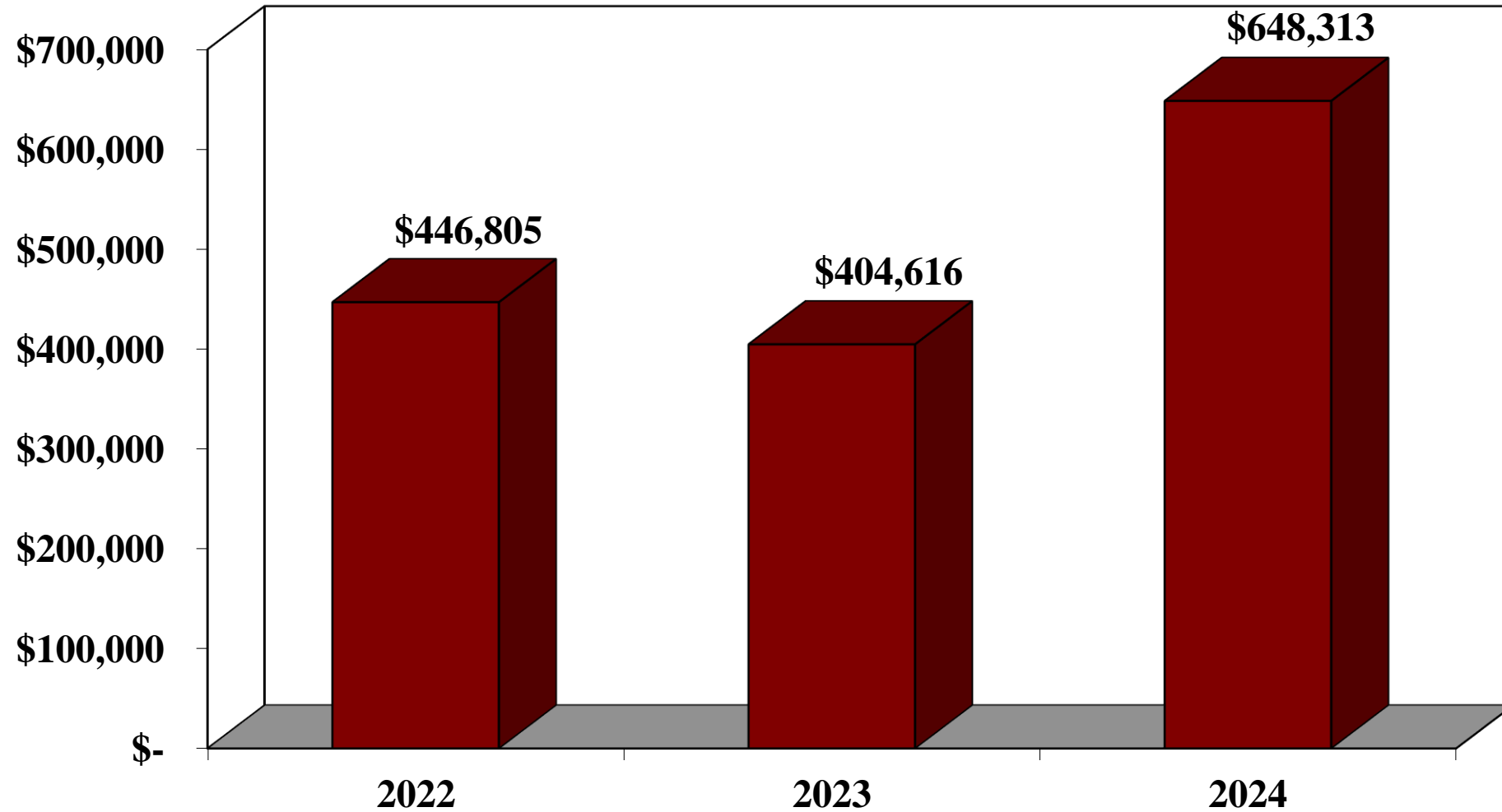
PUBLIC SAFETY EXPENDITURES



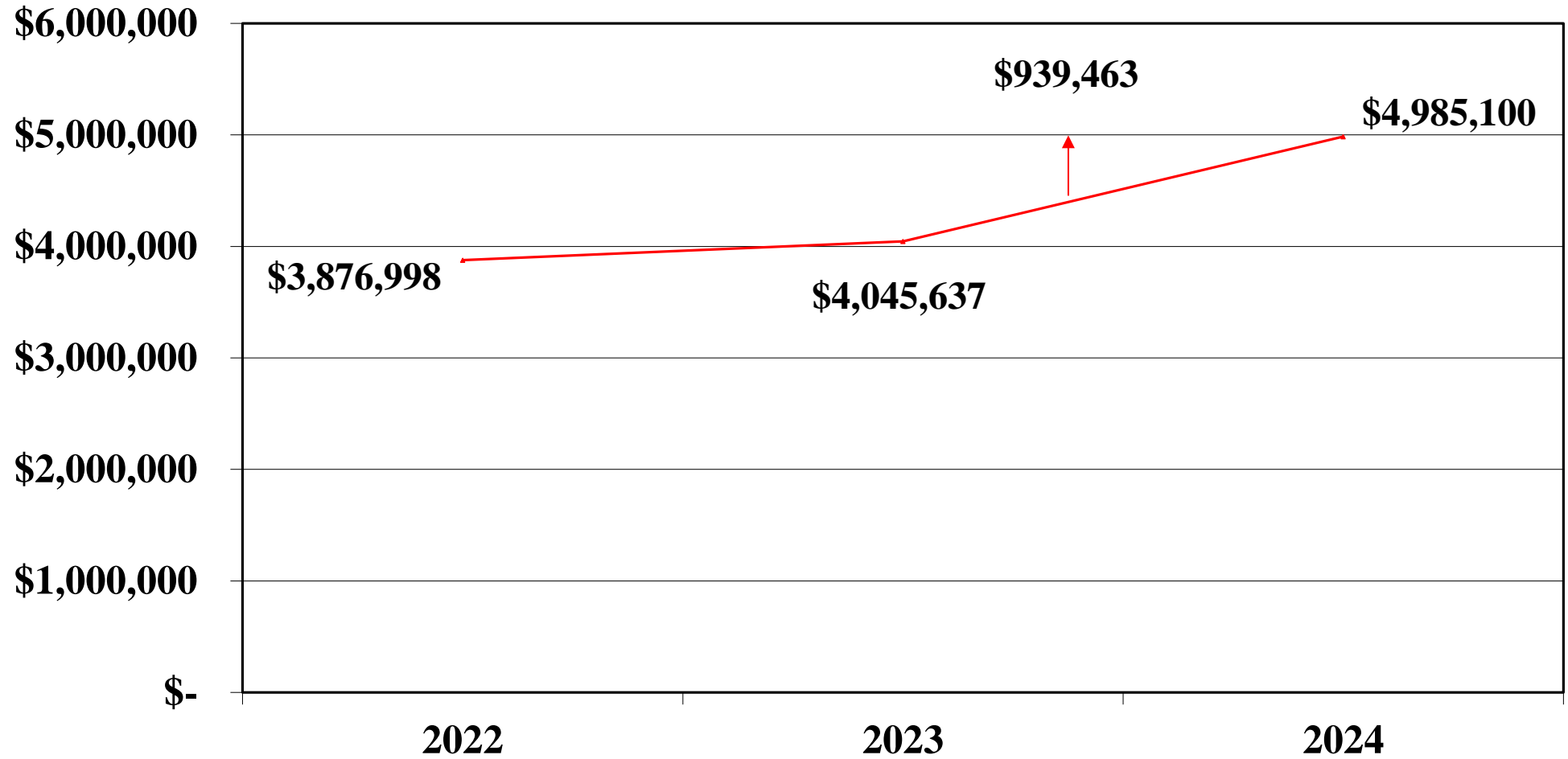
GENERAL GOVERNMENT EXPENDITURES



TRANSPORTATION



TOTAL FUND BALANCE: GENERAL FUND

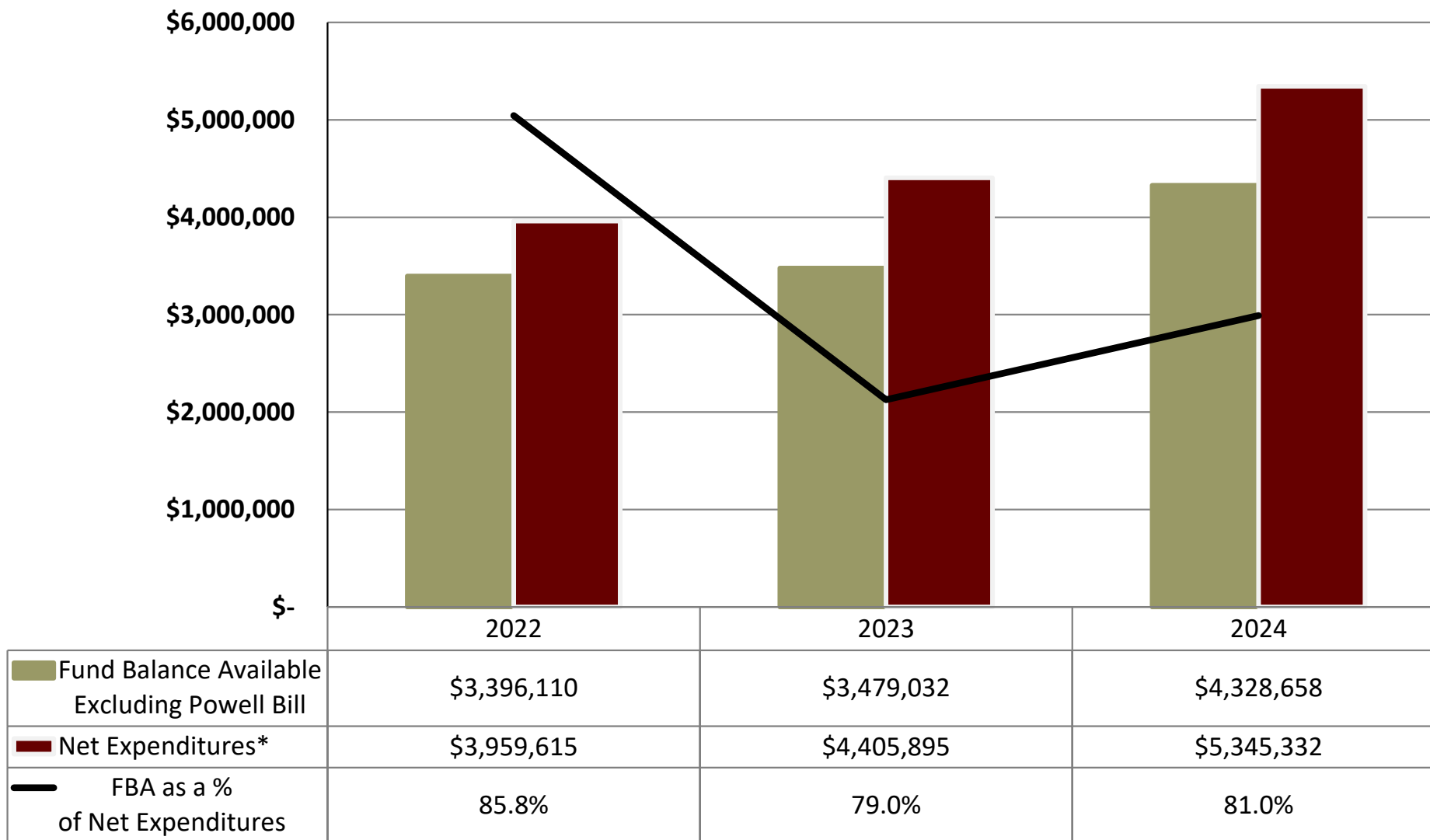


FUND BALANCE POSITION-GENERAL FUND

Total Fund Balance	\$	4,985,100
Non spendable		(312)
Stabilization by State Statute		<u>(432,953)</u>
Available Fund Balance	\$	<u>4,551,835</u>
Available Fund Balance 2023	\$	3,655,023
Increase in Available FB	\$	896,812



FUND BALANCE - GENERAL FUND



WATER & SEWER FUNDS

Cash Flow from Operations	\$	660,304
Total Net Position	\$	10,553,786
Unrestricted Net Position	\$	3,186,344
Change in net position	\$	974,558
Quick Ratio		9.69



ELECTRIC FUND

Cash Flow from Operations	\$	1,082
Total Net Position	\$	9,642,714
Unrestricted Net Position	\$	4,656,627
Change in net position	\$	(607,542)
Quick Ratio		10.60



GENERAL PERFORMANCE INDICATORS

- ❖ Positive performance indicators
 - GF fund balance available %
 - Enterprise fund quick ratios
 - Timely audit submission
 - Stable property tax valuation & collection %



GENERAL PERFORMANCE INDICATORS

- ❖ Performance Indicators – Response Required
 - Capital assets condition ration below threshold of 0.50
 - W&S Operating Transfer





Questions?

Tonya Thompson



(828)327-2727



tthompson@msa.cpa



www.msa.cpa





SUMMEY CREEK
ZONING PETITION Z-2024-02
SAMMEY CREEK DALLAS, LLC
URBAN DESIGN PARTNERS

KEENER DR

GIBSON CT

HWY 321

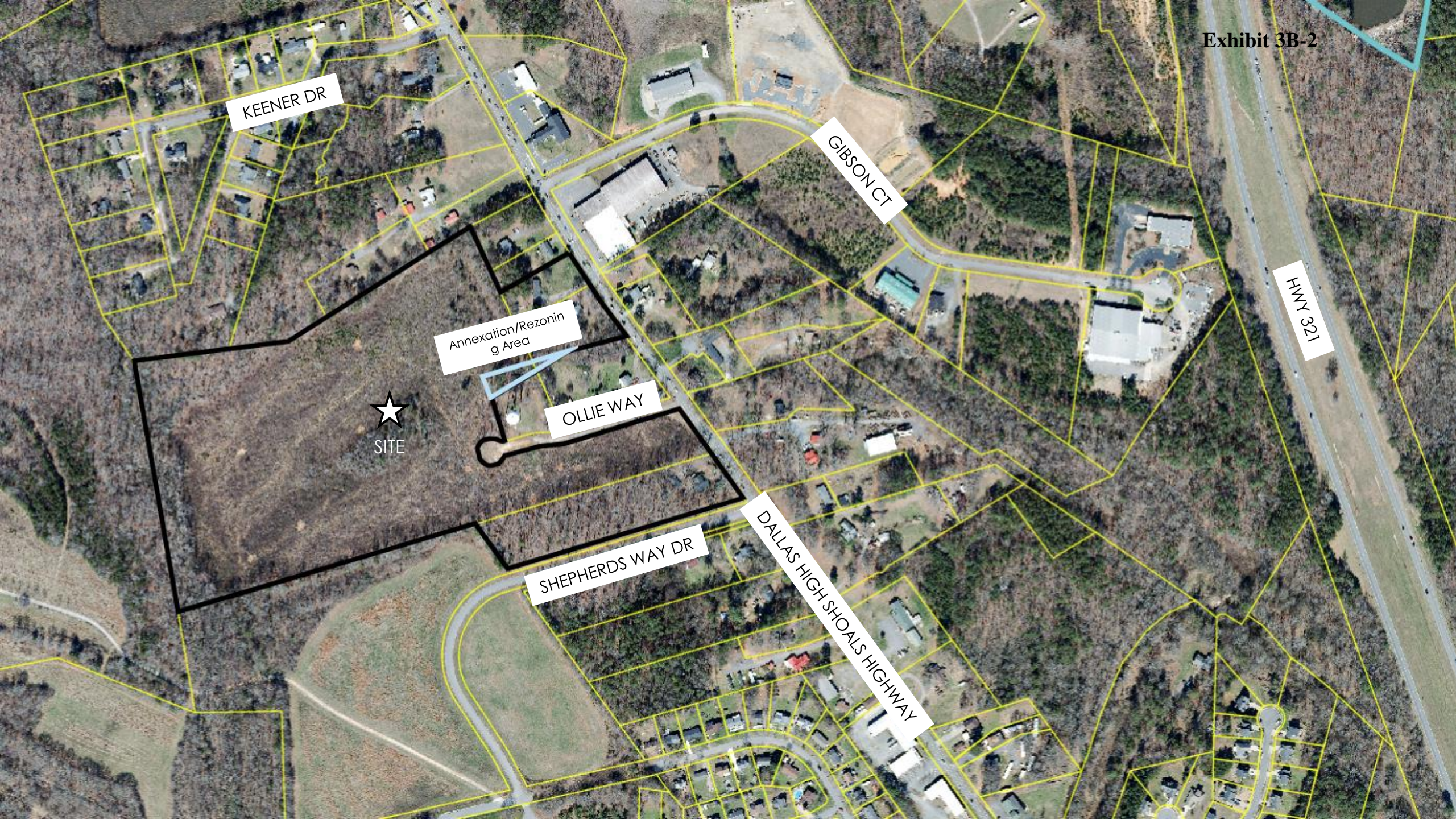
Annexation/Rezoning Area

★
SITE

OLLIE WAY

SHEPHERDS WAY DR

DALLAS HIGH SHOALS HIGHWAY





SITE

3601

3615

3613

3614

518

3605

514

510

OLLIE WAY

DALLAS HIGH SHOALS HWY

LEE J...

Existing Zoning

Exhibit 3B-4



TOWN OF DALLAS

2030 COMPREHENSIVE LAND USE PLAN

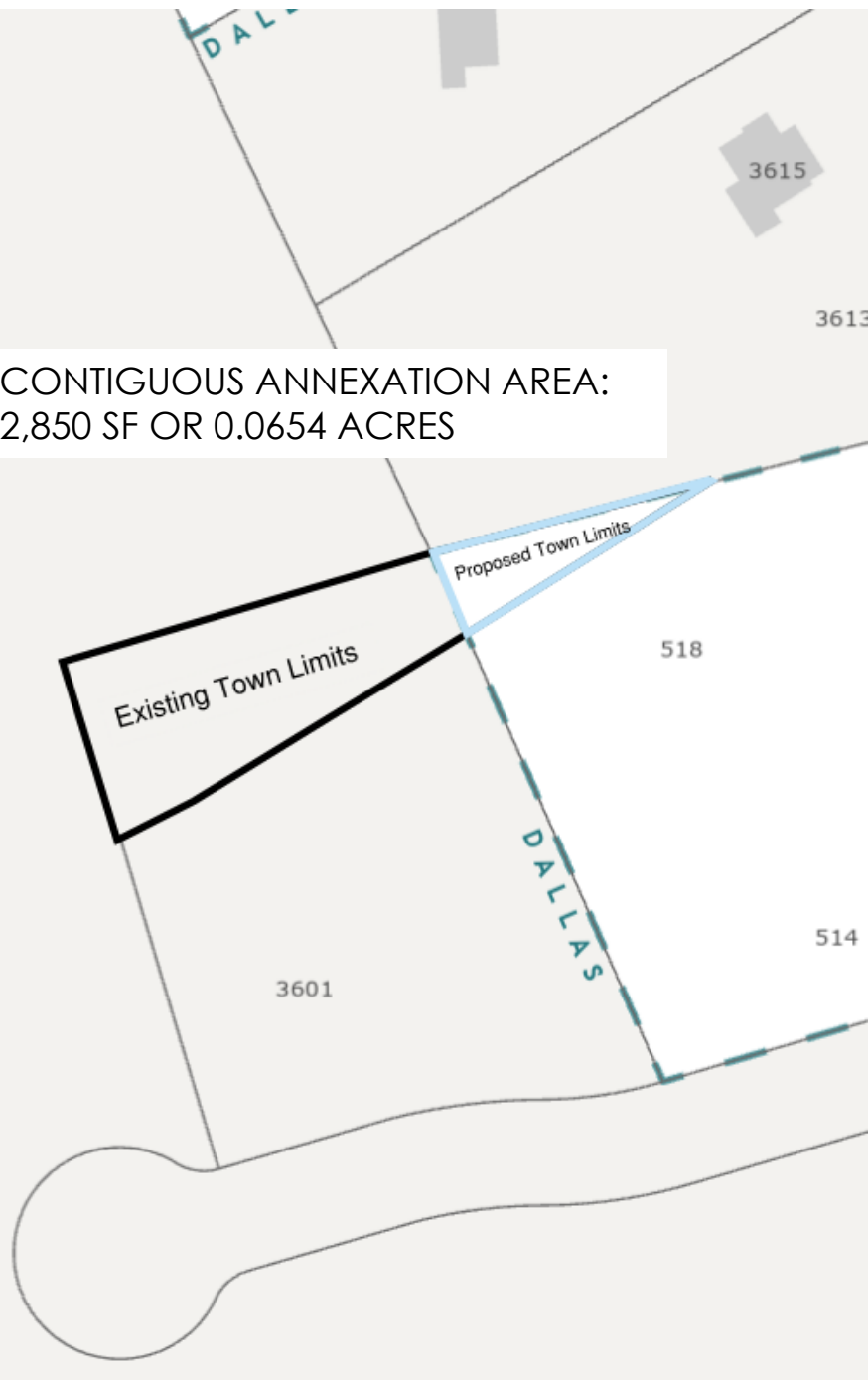
Adopted June 14th, 2022



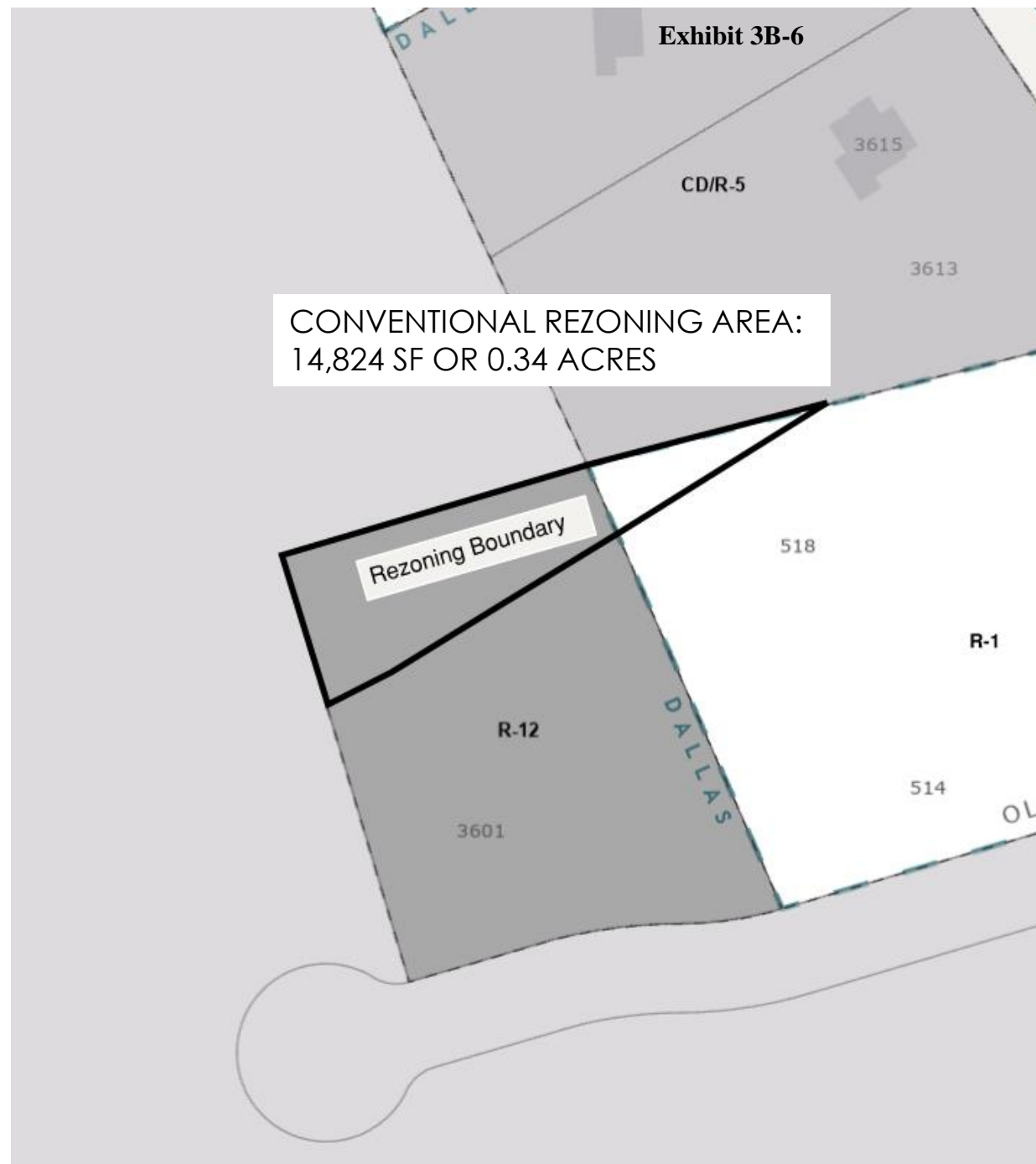
Government facility

Single-family residential

CONTIGUOUS ANNEXATION AREA:
2,850 SF OR 0.0654 ACRES



CONVENTIONAL REZONING AREA:
14,824 SF OR 0.34 ACRES



R-5 Standards

Area: 5,500 SF

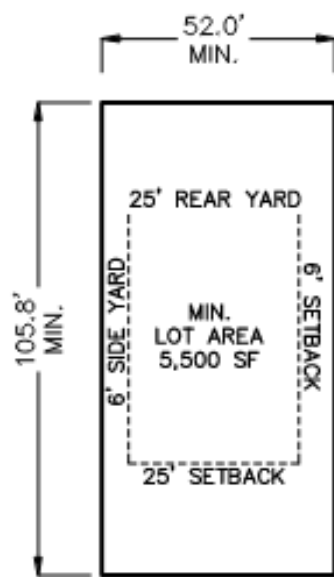
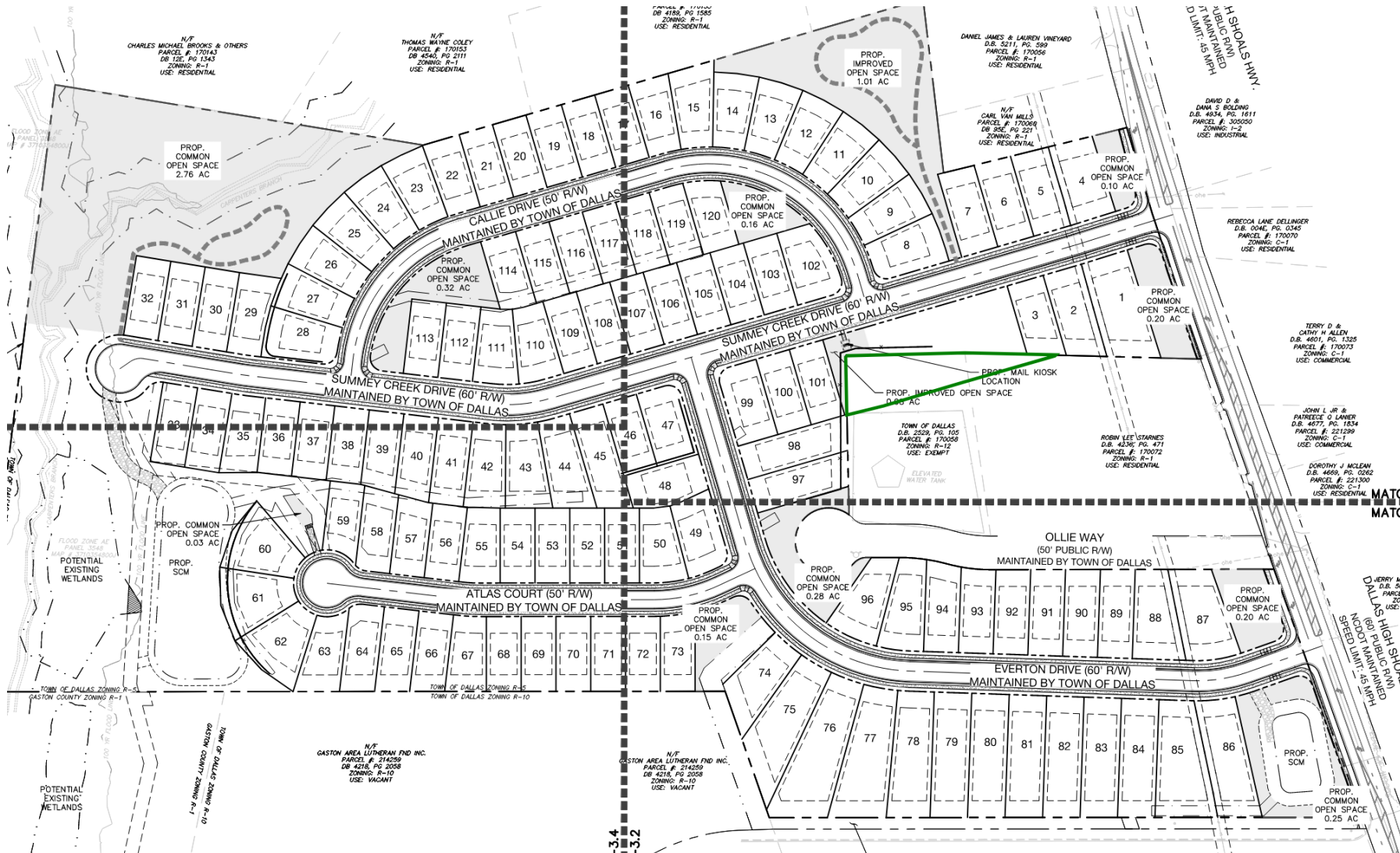
Width: 50'

Front: 25'

Side: 6'

Rear: 25'

Height: 35'



TYPICAL R-5 LOT

Questions?

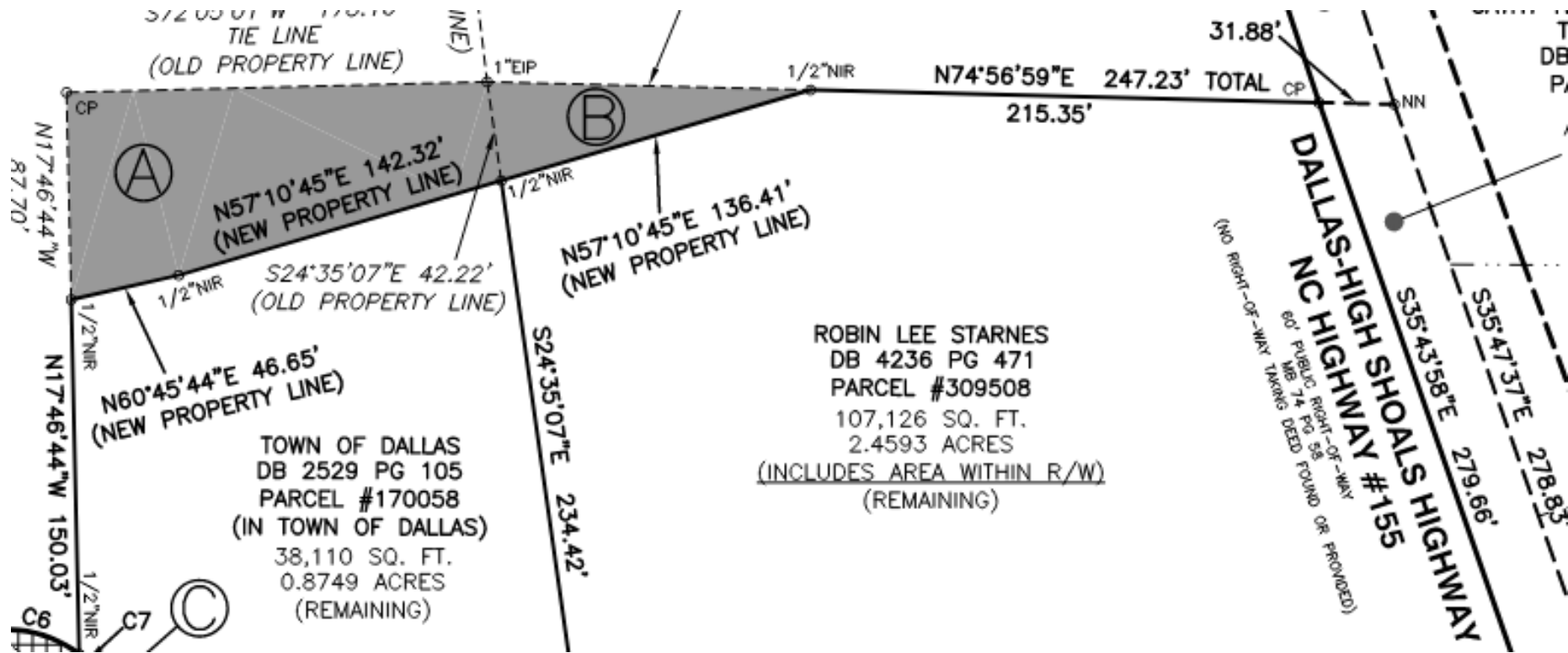
Nolan Groce, MPA

Urban Design Partners

ngroce@urbandesignpartners.com

(704) 334-3303





Ⓐ
11,974 SQ. FT.
0.2749 ACRES
TO BE RECOMBINED
WITH PID #170057

Ⓑ
2,850 SQ. FT.
0.0654 ACRES
TO BE RECOMBINED
WITH PID #170057

Rosella | 2,358 sf



Elevation TD101

Osprey | 2,083 sf



Elevation TD101



Elevation TD102



Elevation TD102



§ 91.02 NOISES EXPRESSLY PROHIBITED.

(A) *Unnecessary noise.* In order to maintain peace and quiet at all times, and to keep the residents of the town free from disturbance by loud noises, it shall be unlawful for any person to create or assist in creating, permit, continue or continue to permit any unreasonably loud, disturbing and unnecessary noise, sound or utterance of a character, intensity or duration as to be detrimental to the peace, repose or health of any individual in the town.

(B) *Noises expressly prohibited.*

(1) The sounding of any horn, gong, siren or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal, the creation, by means of any such signal device, of any unreasonably loud and harsh sound, and the sounding of the device for an unnecessary and unreasonable period except upon any police, fire or other emergency vehicle.

(2) The keeping of any animal, including but not limited to dogs, cats and/or birds, which habitually and regularly barks, howls, whines, cries, or meows in an excessive manner (**EXCESSIVE** to be defined as one or more times per minute, each minute, during any one or more continuous ten-minute period) so as to result in the documented annoyance to neighboring residents and which interferes with the reasonable use and enjoyment of the premises occupied by such residents.

(3) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in a manner so as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of time to begin work or stop work or as a warning of danger.

(5) The discharge into the open air of the exhaust of any steam engines, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.

(7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, 8:00 a.m. and 6:00 p.m. on Saturdays and 1:00 p.m. and 5:00 p.m. on Sundays for which building permits have been issued or operations not requiring permits, provided all equipment is operated according to manufacturer's specifications and with all standard equipment manufacturers's mufflers and noise reducing equipment in use and in proper operating condition.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, library, church, sanitarium or court while same is in session, or adjacent to any hospital, which unreasonably interferes with the working of the institution.

(9) The creation of loud and excessive noise in connection with loading or unloading any vehicle, or by opening and destruction of boxes, bales, crates and containers.

(10) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of any persons in the vicinity thereof, excluding churches using bells and/or for the purpose of calling to service and the local government using chimes and carillon for its clock.

(11) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet or repose of persons in the vicinity thereof.

(12) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, lecture or public speaking or to any sale, display or advertisement of merchandise, except by specific permit granted by the Town Manager or his or her designee.

(13) The use of any mechanical loud speakers or amplifiers affixed to any vehicle, buildings or other structure or property for advertising or for other purposes except by specific permit granted by the Town Manager or his or her designee.

(14) The firing of any squibs, fire crackers, gun powder or other combustible material in the streets or elsewhere for the purpose of making noise or disturbance except by specific permit granted by the Town Manager or his or her designee.

(15) The conducting, operating or maintaining of any garage or filling station in any residential district or business district so as to cause loud or offensive noises to be emitted therefrom between the hours of 9:00 p.m. and 7:00 a.m.

(C) *General entertainment.*

(1) The use or operation of any musical instrument, phonograph, radio, loudspeaker or any other instrument or sound amplifying device so loudly as to disturb persons in the vicinity thereof shall be unlawful; however, upon application to the Chief of Police or his or her designee, permits may be granted to responsible entities to produce programs in music, speeches or general entertainment. The following guidelines shall be used when a permit is issued.

(a) A maximum of 80 db(A) will be allowed between the hours of 6:00 p.m. and 9:00 p.m. on Mondays through Thursdays, 6:00 p.m. and 11:00 p.m. on Fridays and 2:00 p.m. and 11:00 p.m. on Saturdays, and 1:00 p.m. through 6:00

p.m. on Sundays.

(b) The permit shall be limited to the days and times listed above.

(c) Applications for permits may be obtained at the Town Police Department, Town Hall or online. Applications must be received at least one week prior to the event to be permitted. The permit holder shall agree to cooperate with the Police Department in enforcing the noise control ordinance by being available at the site of the event during the entire time for which a permit has been issued and capable of assisting the police in enforcing the noise control ordinance. Failure of the permit holder to be present or to assist the police in complying with this section will be cause for revocation of the permit.

(d) Measurements will be made at a minimum distance of ten feet from the property line of the property from which the noise is emanating, measurement will be made using an A-weighted decibel meter at peak level over a 30-second period of time.

(e) If upon receipt of a complaint the Chief of Police or his or her designee determines that the manner of use or operation of the sound amplifying device is in violation, a written warning shall be issued. Following issuance of the permit, the permit holder is allowed to receive two written warnings. After these two such warnings, state uniform citation shall be issued to the permit holder and the permit shall be revoked.

(2) Upon the issuance of a state uniform citation, the Chief of Police or his or her designee will revoke the permit issued to the offending party. The revocation of the permit shall be for a period of 12 months, subject to the following appeals process.

(D) *Revocation of permit and appeal.*

(1) All appeals must be filed in writing within ten days of revocation of a permit and submitted to the Chief of Police. The decision of the Chief of Police shall be returned in writing no later than ten days after receiving the appeal.

(2) A final appeal may be filed with the Town Clerk to be heard by the Board of Aldermen at the next regularly scheduled Board meeting.

(3) The decision of the Board of Aldermen shall be final.

(4) Upon its decision, the Board of Aldermen may either ratify the decision of the Chief of Police or issue a probationary permit for a period of six months.

(5) After successful completion of the probation period, the permit holder may reapply for a new permit.

(6) Any violation occurring during the probationary period shall result in the issuance of a state uniform citation and the revocation of the permit for a period of 12 months.

(7) No appeals may be filed for a second offense revocation.

(E) *Exemptions.* The following are exempted from the regulations set forth in divisions (B) and (C) above:

(1) Noises or sounds emanating from scheduled outdoor athletic events;

(2) Noises or sounds of safety signals, warning devices, church or school bells. For purposes of this division, the term **SCHOOL AND CHURCH BELLS** shall include electronic devices or artificial sound reproduction systems intended to sound like bells;

(3) Noises or sounds emanating from any authorized emergency or public safety vehicle; and

(4) Noises or sounds emanating from parades, street fairs, festivals or similar events which are conducted or sponsored by the town.

(Prior Code, § K-II-2) (Ord. passed 6-11-1985; Ord. passed 3-14-2000; Ord. passed 10-8-2013; Ord. passed 6-10-2014) Penalty, see § 91.99

OLD

Wreckers – Rotation Policy

Any wrecker company located within the town limits or within six (6) miles of the Dallas Police Department and duly licensed by North Carolina and Gaston County may make application to The Town of Dallas to be placed on the Town's list of wrecker services to be called by the Dallas Police Department to remove vehicles that are wrecked, disabled or otherwise can't be driven, from the streets and highways. In this Policy, the term "Wrecker Service" is defined as "a business or firm providing towing services for hire." The term "Rotation Wrecker List" is defined as "a list of wrecker services, which shall be contacted by the Dallas Police Department on a rotating basis, for the purpose of towing vehicles at the direction of the Dallas Police Department." The term "Owner's Request" is defined as "a request made by the owner of or the party responsible for, the vehicle that is to be towed." The Dallas Police Department shall utilize the rotation wrecker list in those instances in which the owner or persons in control of the vehicle is unable or not permitted to determine the disposition of the vehicle.

Effective July 1, 2007 wrecker service will be deemed located within the required area for the Town of Dallas only if it meets the following criteria:

1. The wrecker service must maintain an office within six (6) miles of the Dallas Police Department including a twenty-four (24) hour phone and records of wrecker services provided.
2. All wrecker services must carry adequate insurance as required by law and be able to produce proof that the insurance is current and valid.
3. The wrecker service must maintain two (2) or more serviceable tow trucks and proof that all tow trucks are properly registered and insured.
4. The wrecker service must provide information showing that all drivers are properly licensed and covered under the proper insurance of said wrecker service.
5. The wrecker service must be able to respond to calls within the Town limits of Dallas within 20 minutes of being called. Extended arrival times will be taken into consideration in the event of inclement weather or heavy traffic due to "rush hour" or traffic as a result of the accident.

Qualifying wrecker services will submit an application to the Dallas Police Department. The wreckers selected for the rotation list will be selected from the applications received. If selected, the wrecker services will have to pay a privilege fee of fifty (50) dollars per year. There will be a maximum of four (4) wrecker services selected to be put onto the rotation list. If a wrecker service selected to be on the rotation list, voluntarily drops off of the list or is removed by the Town of Dallas, the Town of Dallas will decide, at that time, if the vacant rotation position will be filled. If the vacant rotation position is filled, it will be filled by the next qualifying wrecker service from the original applications received. Wrecker services will be inspected prior to placement on the rotation wrecker list and periodically thereafter to insure continued compliance with established requirements. Prior to placement on the rotation wrecker list a wrecker company must execute a document indemnifying the Town of Dallas, and setting forth that the services are provided as independent contractors and not as an agent of the Dallas Police Department or Town of Dallas.

The wrecker services on this list will be called on a rotating basis in cases where no preference is expressed by the owner or operator. An applicant must provide in writing such information as the Chief of Police shall require. All wrecker services on the rotation list must operate twenty-four (24) hours a day, seven (7) days a week. All wrecker services shall be available to release vehicles during normal operating hours, including holidays and weekends. Wrecker services shall maintain a safe, secure location for the storage of vehicles and their contents. Storage locations must be designed in a manner rendering towed/stored vehicles from access by the general public. Wrecker services shall be responsible for the vehicle once it is placed in tow or hooked up to the wrecker. The maximum charge for towing vehicles when called from the rotation wrecker list shall be seventy five (75) dollars. The maximum charge for storage of said vehicle is twenty (20) dollars per 24 hour period. (If a car is picked up within 24 hours from time towed, the charge will be for one (1) day of storage). The wrecker service will provide, upon request from the Dallas Police Department, an itemized bill for any rotation in question. These maximum charges do not apply to "owner's request" calls that are made to wrecker services that are on the rotation wrecker list. Calls that are "owner's request" will not affect the rotation order of the list. Any wrecker service failing to answer three (3) telephone calls (where there was no answer at the number(s) provided for contact) for rotation within a thirty (30) day period shall be subject to removal from the rotation list in the following manner, and shall so be notified in writing: 1st offense, thirty (30) days; 2nd offense, sixty (60) days; 3rd offense, indefinitely.

\$150 yr

Change to min of 5

Check Lead Municipal ASO seems Low

\$35 day storage

\$150 rotation

may be too low

Wreckers - Rotation Policy continued -

In order for a wrecker service to be placed back on the rotation list after an indefinite suspension, the wrecker service must submit in writing to the Chief of Police, proof that they are prepared to respond to calls as needed. Failure to respond by the wrecker service, after an indefinite suspension, will result in the wrecker service being removed from the rotation wrecker list. If a wrecker service is unable to respond to a call, and notifies the contacting dispatcher or officer of the situation, then the next wrecker service on the rotation wrecker list will be called, and the non-responding service will not receive another rotation wrecker call until its next turn on the rotation wrecker list. Wrecker services called as "owner's request" will also have a time limit of twenty (20) minutes to respond to calls. Considerations in time allowance will be made as stated above. Wrecker services found to be "Running Wrecks" (arriving at the scene of wrecks when not dispatched by the department or called by the vehicle's owner) shall also be subject to suspension or dismissal from the rotation wrecker list. Wrecker services responding as a rotation wrecker will charge the fees listed in this policy for the towing and storage of the vehicle. Any fees in addition to those rates must reflect only "reasonable and necessary" cost. Sustained complaints of excessive charges will be investigated and could result in dismissal from the rotation wrecker list.

All wrecker services added to the rotation wrecker list will sign an Agreement acknowledging all requirements and regulations set forth in this document. Wrecker services must meet all of the applicable conditions prior to being placed on the rotation wrecker list, and must continue to meet all applicable conditions to remain on the list. In addition to the conditions provided herein, wrecker services on this the rotation wrecker list shall adhere to all other applicable laws and regulations. Eligibility for the rotation wrecker list shall be determined by the Chief of Police. Complaints pertaining to the rotation wrecker list shall be filed with the Chief of Police or his designee. All complaints will be thoroughly investigated. Appeals from decisions made, may be filed with the Chief of Police. It shall be the responsibility of the Dallas Police Department to make any amendments and/or additions to this Policy, or to the Agreement, considered necessary for the efficient and effective operations of the rotation wrecker system.

The Town of Dallas does not endorse or promote any wrecker service, be it on the rotation list or not. The Town of Dallas will not be held liable for any damage, theft, or other claims that may arise as a result of a vehicle being towed or stored.

The Town of Dallas reserves the right to change any part or all of this policy with 30 days notice. This policy being put into effect, this the 10th day of April, 2007.

leave open

DALLAS POLICE DEPARTMENT
ROTATION WRECKER AGREEMENT

I have read the foregoing agreement In full, and agree to abide by all listed requirements. I understand that adherence to these requirements is a condition of continued listing on the Rotation Wrecker List for the Dallas Police Department.

_____	_____
WRECKER COMPANY	COMPANY ADDRESS
_____	_____
AUTHORIZED COMPANY SIGNATURE	DATE
_____	_____
CHIEF OF POLICE	DATE

APPLICATION
FOR
ROTATION WRECKER SERVICE

OWNER: _____

NAME OF BUSINESS: _____

ADDRESS: _____

Telephone: Business _____ Home _____

Location of Storage Yard: _____

Number of Employees: _____

Names and Drivers Licenses of Employees:

_____ Licenses: _____

_____ Licenses: _____

_____ Licenses: _____

_____ Licenses: _____

_____ Licenses: _____

Please review the Wrecker Service Agreement and provide pictures of storage area and insurance

Date: _____

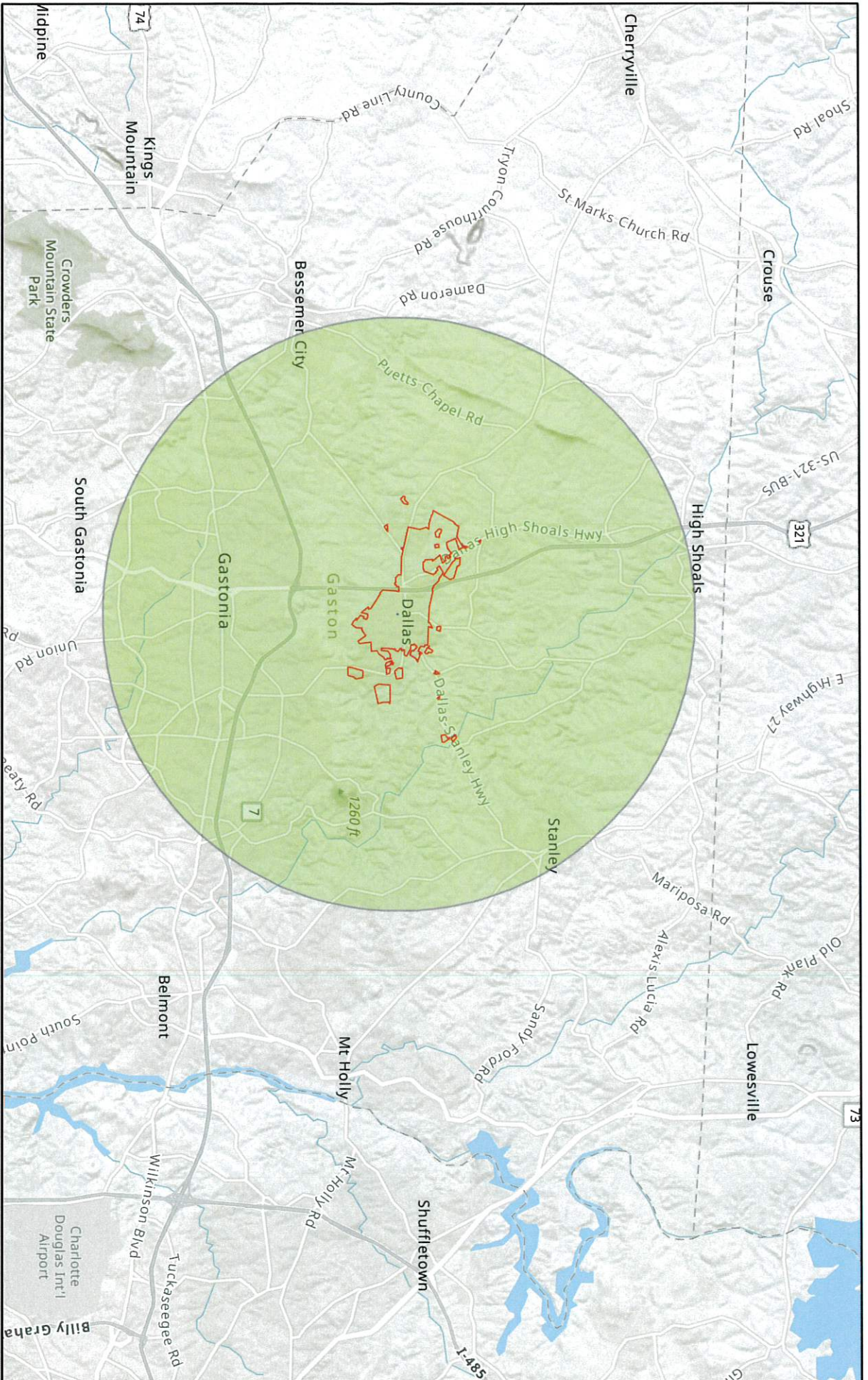
Applicant

TOWN USE: _____

Police Department: Background report attached: _____

Planning and Zoning: Property is _____ is not _____ in property zone and
does _____ does not _____ meet zoning requirements.

6 Mile PD Buffer



10/11/2023

1:216,431



Esri, NASA, NGA, USGS, County of Gaston, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

DALLAS POLICE DEPARTMENT**ROTATION WRECKER AGREEMENT POLICY****NEW**

This agreement is made and entered into by the Dallas Police Department and the Wrecker Service indicated below, for the purpose and considerations and set forth in this document.

- A. For the purpose of this Agreement Policy, the term "Wrecker Service" is defined as a business or firm providing vehicle towing services for hire. The term "Rotation Wrecker Lists" is defined as a list of Wrecker Services which shall be contacted by the Dallas Police Department on a rotating basis, for the purpose of towing vehicles at the direction of the department. The term "Owners Request" is defined as "a request made by the owner of or the party responsible for, the vehicle that is to be towed." The department shall utilize Rotation Wrecker Service's in those instances in which the owner or persons in control of the vehicle is unable or not permitted to determine the disposition or custody of the vehicle.
- B. Qualifying Wrecker Services will submit an application to the Dallas Police Department. The wreckers selected for the rotation list will be selected from the applications received. If selected, the Wrecker Services will be on the rotation list for two (2) years and will have to pay a privilege fee of One Hundred and Fifty (150) dollars per year. The privilege fee will be due by January 31st of each year.
- C. There will be a maximum of five (5) Wrecker Services selected to be put onto the rotation list. If a Wrecker Service selected to be on the rotation list, voluntarily drops off of the list or is removed by the Town of Dallas Police Department, the Town of Dallas Police Department will decide, at that time, if the vacant rotation position will be filled. If the vacant rotation position is filled, it will be filled by the next qualifying wrecker service from the original applications received.
- D. This Agreement Policy is made as a condition of the Wrecker Service's continued listing on the departments "Rotation Wrecker List". Placement on the Rotation Wrecker List shall be a privilege granted by the department, revocable upon failure to comply with any requirements contained herein. The wrecker services on this list will be called on a rotating basis in cases where no preference is expressed by the owner or operator.
- E. A Wrecker Service must meet all the applicable conditions prior to being placed on the Rotation List, and must continue to meet all applicable conditions to remain on the list. Eligibility for placement on the rotation list shall be determined by the Chief of Police.
- F. A Wrecker Service must be fully insured and bonded against claims of liability for loss or damage resulting from the removal (towing) and or storage of vehicles under this policy. In addition, the Wrecker Service shall have "garage keepers" insurance covering damages from theft, fire, windstorm and explosions. Proof of coverage shall be filed with the Dallas Police Department prior to the wrecker company being placed on the Rotation Wrecker List.
- G. Wrecker Services will be inspected by the Chief of Police or his designee, prior to placement on the Rotation List and periodically thereafter to insure continued compliance with established requirements.
- H. Prior to placement on Rotation List a wrecker company must execute a document indemnifying the Town of Dallas, and setting forth that the services are provided as independent contractors and not as an agent of the Dallas Police Department or Town of Dallas.
- I. Adherence to the following conditions shall be a condition of continued listing on the police departments Rotation Wrecker List:
1. The Wrecker Service must be located within Six (6) miles of the center of town at the address of 131 N. Gaston St., Dallas NC.
 2. The Wrecker Service must have been in business for one year prior to the date they start on rotation.

3. The Wrecker Service must maintain Two (2) or more serviceable tow trucks at all times.
4. The wrecker service must provide information showing that all drivers are properly licensed and covered under the proper insurance of said wrecker service. It is the responsibility of the Wrecker Service to keep The Dallas Police Department informed of any personnel changes. The Dallas Police Department reserves the right to periodically inspect the driver's license status of wrecker drivers as we see fit.
5. Wrecker Services shall operate in a manner so as to be available for calls on a 24 hour per day, seven days per week basis. When a Wrecker Service is unable to respond to a police request, that wrecker will be placed at the bottom of the rotation list and the next available company called. The second instance of a company being unavailable shall be grounds for suspension from the Rotation Wrecker list.
6. The Wrecker Service must be able to respond to calls within the Town limits of Dallas within 20 minutes of being called. Extended arrival times will be taken into consideration in the event of inclement weather or heavy traffic due to "rush hour", or traffic as a result of the accident.
7. Wrecker Services shall respond to rotation calls for its service only. Should a Wrecker Service determine that additional assistance is necessary they will be responsible for that help
8. A Wrecker Service found to be "Running wrecks" (arriving at scene of wrecks when not dispatched by The Dallas Police Department or called by the vehicle's owner) shall be subject to suspension or dismissal from the rotation list.
9. Vehicle's and tow equipment utilized by the Wrecker Services must be adequate to perform towing services in a satisfactory manner, and must conform to all applicable safety regulations and the following equipment must be available to the Wrecker Service when responding to a rotation call;
 - A. Shovel and/or Broom
 - B. Fire Extinguisher
 - C. Dollies
 - D. Container to dispose of debris
10. The Wrecker Service shall be responsible for the vehicle once it is placed in tow or hooked up to the wrecker.
11. The Wrecker Service shall be responsible for clearing of the debris at an accident scene. If there is more than one Rotation Wrecker called to the scene, each shall be held equally responsible for clearing the roadway.
12. If a wrecker is summoned to a rotation call, and upon arriving at the scene is not utilized due to the instruction by Police Personnel, the wrecker company shall be returned to the top of the rotation list.
13. A Wrecker Service shall make no repairs or cause any repairs to any towed or stored vehicle without authorization from the owner.
14. Wrecker Services shall maintain a safe, secure location for the storage of vehicles and their contents. Storage locations must be designed in a manner rendering towed/stored vehicles from being accessible by the general public.
15. Wrecker Services shall be available twenty-four (24) hours per day, seven days per week to release vehicles to owners or other persons authorized by The Dallas Police Department.
16. The Wrecker Service shall have adequate signs indicating their location. Operating hours of the business and an afterhours phone number shall be posted in such a manner that persons wishing to claim a vehicle can make contact.

17. Wrecker Services will maintain a log of vehicles towed or stored as a result of a rotation call. Each wrecker company will submit to the police department, on a yearly basis, a list of all unclaimed vehicle's that remain in the company's custody as a result of the rotation wrecker call.

- H. The maximum charge for towing vehicles when called from the rotation wrecker list shall be One Hundred and Fifty (150) dollars. The One Hundred and Fifty (150) dollar fee covers the towing of a vehicle to any location within a Ten (10) mile radius of 131 N. Gaston St., Dallas NC. The maximum charge for storage of said vehicle is Thirty-Five (35) dollars per 24-hour period. (If a car is picked up within 24 hours from the time towed, the charge will be for one (1) day of storage). These maximum charges do not apply to "owner's request" calls that are made to wrecker services that are on the rotation wrecker list. Calls that are "owner's request" will not affect the rotation order of the list.
- I. Wrecker Services responding as a rotation wrecker will charge fees for tow and storage services consistent with the above maximum fee schedule. Any fees in addition to those rates must reflect only "reasonable and necessary" cost. Sustained complaints of excessive charges shall be grounds for dismissal from the rotation list.
- J. All wrecker fees will be determined at time of service. Fees charged for towing and storage will be indicated on all towing receipts.
- K. No fees may be charged for a wrecker that is summoned as a second or assisting wrecker, and is not utilized after arrival on the scene.
- L. The Wrecker Service will provide, upon request from the department an itemized bill for any rotation call in question.
- M. When in the best interest of the department a Wrecker Service other than the next company on the rotation list may be utilized.
- N. In addition to the conditions provided herein, Wrecker Services on the rotation list shall adhere to all other applicable laws and regulations.
- O. Complaints pertaining to the rotation wrecker system shall be filed with the Chief of Police. All complaints will be thoroughly investigated.
- P. Appeals from decisions of the Chief of Police, shall be filed with the Town Manager. All appeals will be heard first by the Town Manager, and then, if still unsatisfactory to the appellant, the appellant may request to be heard by the Mayor and Town Board for a final decision.
- Q. It shall be the responsibility of the Police Department to recommend to the Board of Alderman amendments and/or additions to this Agreement Policy when considered necessary for the efficient and effective operations of the rotation wrecker system.

The Town of Dallas does not endorse or promote any wrecker service, be it on the rotation list or not. The Town of Dallas will not be held liable for any damage, theft, or other claims that may arise as a result of a vehicle being towed or stored.

The Town of Dallas reserves the right to change any part or all of this policy with 30 days' notice. This policy being put into effect, this the

DALLAS POLICE DEPARTMENT

ROTATION WRECKER AGREEMENT POLICY

I have read the foregoing agreement in full, and agree to abide by all listed requirements. I understand that adherence to these requirements is a condition of continued listing on the Rotation Wrecker List for the Dallas Police Department.

Upon the execution of this agreement, the Wrecker Service named herein absolves the Town of Dallas and the Dallas Police Department from any and all Liabilities pertaining to the towing and/or storing of any vehicle.

WRECKER COMPANY

COMPANY ADDRESS

AUTHORIZED COMPANY SIGNATURE

DATE

CHIEF OF POLICE

DATE

APPLICATION
FOR
ROTATION WRECKER SERVICE

Exhibit 3E-10

OWNER: _____

NAME OF BUSINESS: _____

ADDRESS: _____

Telephone: Business _____ Home _____

Location of Storage Yard: _____

Number of Employees: _____

Names and Drivers Licenses of Employees:

_____ Licenses: _____

_____ Licenses: _____

_____ Licenses: _____

_____ Licenses: _____

_____ Licenses: _____

Please review the Rotation Wrecker Agreement Policy and provide pictures of storage area and insurance

Applicant Signature

Date

Chief of Police Signature

Date