

**MINUTES FOR BOARD OF ALDERMEN MEETING**  
**December 9<sup>th</sup>, 2025**  
**6:00 PM**

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

The following Staff members were present: Jonathan Newton, Town Manager; Robbie Walls, Police Chief; Lindsey Tysinger, Town Clerk; Tom Hunn, Town Attorney; Zack Foreman, Assistant Public Works Director; Kristin Boone, Finance Director; Bill Trudnak, Public Works Director; Stuart Valzonis, Planning Director; Brittany Beam, Planner; Willie Smith, Electric Director; Sonny Gibson, Electric Supervisor; Matt Kanupp, Assistant Fire Chief; Alex Wallace, Parks and Recreation Director; and Officer Enoch.

Mayor Beaty called the meeting to order at 6:01pm.

Mayor Beaty opened with the Pledge of Allegiance to the Flag and the Invocation led by Alderman Milton.

**Approval of Agenda:**

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

**Approval of Minutes:**

Alderman Withers motioned to approve the minutes from the November 10<sup>th</sup> Meeting, seconded by Alderman Martin and carried unanimously.

**Recognition of Citizens:**

Lauren Stefaniak, Principal of Carr Elementary presented the Students of the Month.

Mayor Beaty read an anonymous letter submitted by a resident with concerns about communication and their thoughts on bringing a Public Information Officer position to the Town would be beneficial.

Victoria Melvin Propert of 108 E Trade Street, expressed during the recent water main break the town experienced, believes there to be gaps in communication.

Coriene Hardin of 405 Monarch Drive, expressed concerns about people living in campers and checking in about the property that she spoke about at the last meeting.

Rylan Sloop of 1235 Maxwell Court, expressed concerns with the parking ordinance, after having company of his receiving parking violations. Would like clarification as to why it was put into place and how do they go about amending the ordinance.

Hannah King of 1136 Overland Drive, spoke on the lack of traffic lights at River Rock and how it is dangerous to the residents. Would like the Board to prioritize a traffic study and take action to install traffic lights or find other appropriate measures. Mayor Beaty did respond that this would be a DOT situation.

Mike Fields of 1333 Philadelphia Church Road, thanked the Board and Staff for their hard work and communication.

Curtis Wilson of 408 S Gaston Street, Prayed over Town.

**Consent Agenda:** NONE

**Public Hearings:**

### **6A - A. Steve's Superette Annexation Z-2025-05**

Alderman Martin motioned to go into Public Hearing, seconded by Alderman Cloninger and carried unanimously.

William Leiton, representing Steve and Maria Mason the owners of parcel 169749 located at 1020 Dallas Stanley Highway Dallas, NC 28034, submitted an annexation petition of approximately .81 acres, along with a small portion of parcel 310636 of approximately .10 acres, totaling 1.09 acres to be annexed. This application was submitted along with a rezoning petition Z-2025-05 requesting to establish B-1 (Neighborhood Business). Staff were directed to investigate the sufficiency of the petition to determine if it meets the standards of NCGS §160A-58.1. The petition has been deemed sufficient, and the Board set a public hearing for the annexation of the property, per NCGS §160A-58.2. (Exhibit 6A 1-9)

A resident within the 500-foot buffer of the property, spoke on receiving a letter and wanted more clarification. Staff responded that state law is to notify residents within 500 feet of the property must be notified of an annexation or rezoning.

No further public comment.

Alderman Cloninger motioned to go out of Public Hearing, seconded by Alderman Cearley, and carried unanimously.

Alderman Martin motioned to approve the Annexation petition, along with the ordinance to extend corporate limits, seconded by Alderman Milton, and carried unanimously.

### **6B - Steve's Superette Rezoning Z-2025-05**

Alderman Milton motioned to go into Public Hearing, seconded by Alderman Martin and carried unanimously.

William Leiton, representing Steve and Maria Mason, the owners of parcels 169749, 310636(169750) located at 1020 Dallas Stanley Highway Dallas, NC 28034, is requesting to establish the Business (B-1) zoning district for that site. Currently, that site is located outside of the Towns Extraterritorial Jurisdiction (ETJ). The public hearing notice was published in accordance with NCGS §160D-601, property was posted, and adjacent owners were notified by mail. Attached are the application, staff report, adjacent property owners list and the statements of consistency and reasonableness. (Exhibit 6B 1-11)

A resident asked if the rezoning is commercial or business. Staff responded that this zoning is B1 General Business and does allow commercial activity.

No further public comment.

Alderman Martin motioned to go out of Public Hearing, seconded by Alderman Milton, and carried unanimously.

Alderman Milton motioned to approve the Consistency Statement and Adopt the Zoning Map Amendment request, seconded by Alderman Milton, and carried unanimously.

### **6C - House Bill H926 – Text Amendments Chapters 153.072 (L) and 153.123**

Alderman Milton motioned to go into Public Hearing, seconded by Alderman Withers and carried unanimously.

October 6th, 2025, House Bill H926 – REGULATORY REFORM ACT OF 2025 was made law. North Carolina General Statue 160D-601 was amended by adding subsection (e) that prohibits waiting periods for the refiling of development applications. “NCGS §160D-601 (e) Withdrawn or Denied Application – A development regulation or unified development ordinance may not include periods prohibiting a landowner,

developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.” Staff have made the necessary changes to the language in chapters 153.072 (L) and 153.123 and is requesting the approval of this language to be added to the Town of Dallas Land Use Ordinance. (Exhibit 6C 1-2)

Alderman Milton motioned to go out of Public Hearing, seconded by Alderman Martin, and carried unanimously.

Alderman Martin motioned to approve the Text Amendment, seconded by Alderman Cloninger, and carried unanimously.

**Old Business:**

**7A - FY 2025 Audit Presentation**

The North Carolina General Statutes requires an annual audit to be completed by a Certified Public Accounting firm. The Town utilizes Martin Starnes and Associates, CPA's P.A for the performance of our annual audit. The audit was completed and submitted to the Local Government Commission in November. We are pleased to report that there were no audit report findings and no audit adjustments arising as a result of our annual audit. A short presentation by Martin Starnes and Association will highlight key results of the audit and certain financial information, for the fiscal year ended June 30, 2025. Staff, along with Martin Starnes will be available to answer any questions that may arise during the presentation. (Exhibit 7A 1-19)

Ethan Bumgardner presented the fiscal year 2025 audit.

**Organizational Meeting**

Mayor Beaty presented Alderman Cearley with a plaque, acknowledging his time as Alderman. Followed by a speech.

Mayor Beaty administered the Oath of Office for Alderman Martin, Alderman Milton, and newly elected Alderman Blythe.

Mayor Beaty called a brief recess.

**New Business:**

**9A - Election of Mayor Pro Tempore**

Alderman Cloninger nominated Alderman Martin to continue as Mayor Pro-Tem.

Alderman Milton made a motion to re-elect Sam Martin as Mayor Pro-Tem, seconded by Alderman Withers, and carried unanimously.

**9B - Calendar Year 2026 Board of Aldermen Meeting Schedules (Exhibit 9B-1)**

Alderman Cloninger made a motion to approve the Board Meeting Schedules for 2026, seconded by Alderman Martin, and carried unanimously.

**9C - FY2026-27 Budget Calendar (Exhibit 9C-1)**

Alderman Martin made a motion to approve the fiscal year 2026-27 Budget Calendar, seconded by Alderman Milton, and carried unanimously.

**9D - Committee Appointments (Exhibit 9D-1)**

Board and Staff discussed looking into the Main Street Program. The Board agreed on keeping the current committee appointments and having Alderman Blythe to take Alderman Cearley's place.

Alderman Cloninger made a motion to approve the Committee Appointments, seconded by Alderman Blythe, and carried unanimously.

**9E - Appointed Members of the Planning Board/Board of Adjustments** (Exhibit 9E-1)

Alderman Martin made a motion to approve the appointed members of the Planning Board and Board of Adjustments, seconded by Alderman Milton, and carried unanimously.

**9F - Resolution Establishing a Code of Ethics for the Board of Aldermen** (Exhibit 9F 1-6)

Alderman Cloninger made a motion to Adopt the resolution establishing the Code of Ethics for the Board of Aldermen., seconded by Alderman Blythe, and carried unanimously.

**9G - Adoption of Rules of Procedure** (Exhibit 9G 1-14)

Alderman Martin made a motion to re-adopt of the Rules of Procedure, seconded by Alderman Cloninger, and carried unanimously.

**Mayor and Aldermen's Report:**

Mayor Beaty thanked everyone for being here. Thanked staff for doing a wonderful job.

Alderman Cloninger would like to have a presentation at our next meeting about the power rates, since Duke increased our rates. Would like to know how much that is costing us, where that money is coming from that will pay for that, and if we increase the 4% on the citizen, how much would that cost the citizen?

Alderman Milton thanked Public Works for all their hard work.

Alderman Blythe thanked everybody and staff for all their hard work.

**Manager's Report:**

Manager Newton informed the Board of the upcoming Staff Christmas Lunch and the upcoming Christmas Parade.

**Adjourn:**

Alderman Martin made a motion to adjourn, seconded by Alderman Blythe and carried unanimously (7:41).

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Hayley Beaty, Mayor

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Lindsey Tysinger, Town Clerk

## TOWN OF DALLAS, NORTH CAROLINA

**PETITION FOR ANNEXATION**

PETITION NUMBER: \_\_\_\_\_

 Contiguous Non-ContiguousDATE: 8-12-2025FEE: \$550.00 plus  
the cost of advertisingCurrent Property Use: Commercial Requested Zoning: CommercialPlanned Property Use: Convenient Store**To the Board of Aldermen of the Town of Dallas:**

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

1020 Dallas Stanley Hwy DALLAS, NC 28034, further identified as  
parcel ID # 169749, be annexed to the Town of Dallas.**Print owner name(s) and information:**Name Steve P Mason Phone 704-678-1714Address 1006 Dallas Stanley Hwy Dallas NC 28034Name Maria R. Mason Phone 704-678-1528Address 1006 Dallas Stanley Hwy Dallas NC 28034

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

**Attachments included with Petition:**

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

Owner's Signature: Steve P. Mason Date: 8-12-2025Owner's Signature: Maria R. Mason Date: 8-12-2025

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

William F. Leiton  
Steve's Superette  
1006 Dallas Stanley Hwy  
Dallas, NC 28034  
stevessuperette@gmail.com

October 21, 2025  
Mayor Haley Beaty and the Board of Aldermen  
Dallas City Hall  
210 N. Holland Street  
Dallas, NC 28034

Re: Request for Annexation of 1020 Dallas Stanley Highway into Dallas City Limits

Parcel # 169749 Total Acreage - .81  
Parcel # 310636 Partial Acreage - .20

Dear Mayor Beaty and Members of the Board of Aldermen,  
I respectfully submit this formal request for the annexation of the property located at 1020 Dallas Stanley Highway into the Dallas City Limits.

Annexation of this parcel would allow the property and its occupants to benefit from full access to municipal services, including water, sewer, police and fire protection, and other essential city services. In addition, annexation would support economic development in the area and foster a stronger partnership in community growth, aligning this property with the Town of Dallas's planning and zoning objectives and contributing to the town's long-term development goals.

I believe that this annexation will be mutually beneficial, supporting both the Town of Dallas's continued growth and the effective use of this property. I kindly request that this matter be placed on the agenda for consideration by the Board of Aldermen at your earliest convenience.

Thank you for your time, service, and consideration of this request. I look forward to working with you to complete the annexation process and contribute positively to the community's growth.

Respectfully submitted,

William F. Leiton  
Steve's Superette

## SIGNATURE PAGE

The undersigned hereby execute this Agreement as of the date first written above.



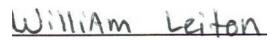
\*\*Steve P. Mason\*\*

Owner



\*\*Maria Mason\*\*

Owner



\*\*William Leiton\*\*

Partner

## REGISTER OF DEEDS CERTIFICATION

Susan S. Lockridge  
Register of Deeds  
Gaston County, North Carolina  
North Carolina, Gaston County

I, Susan S. Lockridge, Register of Deeds in and for the aforesaid county and state, hereby certify this to be a true copy of document which is recorded in

Book \_\_\_\_\_ Page \_\_\_\_\_

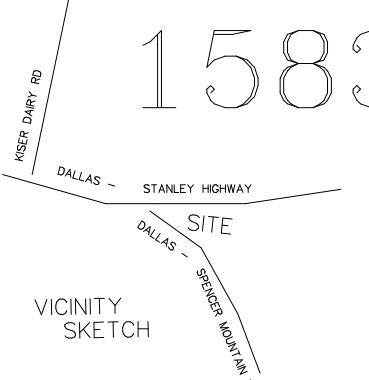
Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By:  
Johnathan L. Fletcher Register of Deeds Assistant/Deputy

State of North Carolina  
County of Gaston

I \_\_\_\_\_ Review Officer of Gaston County  
certify that the map or plot to which this certification is offixed meets  
all statutory requirements for recording.

RETURN TO :  
TOM KELSO LAND SURVEYOR  
621 CREST AVENUE  
GASTONIA, NORTH CAROLINA 28052  
704-853-9323



VICINITY SKETCH

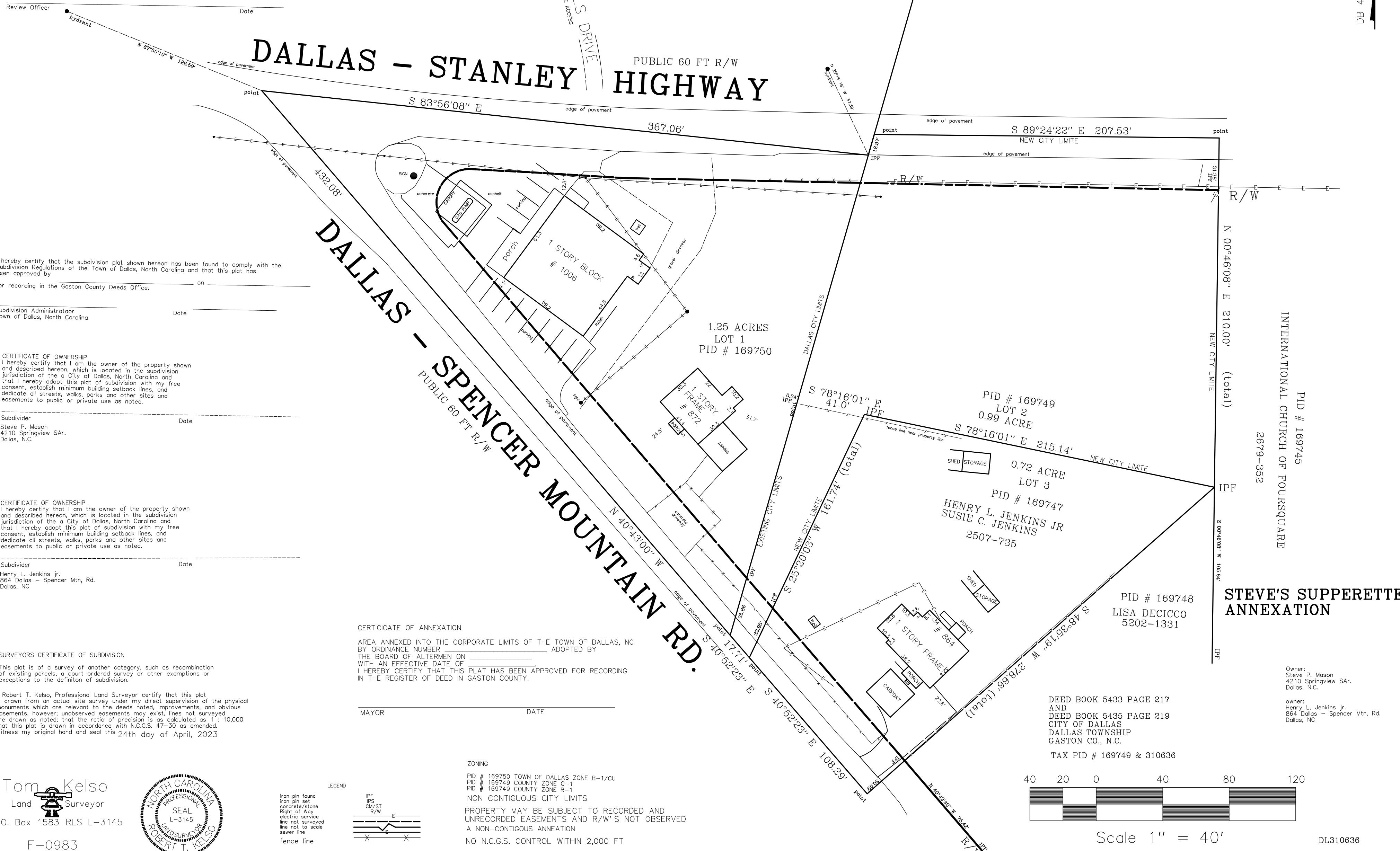
DB 4882-1687

INTERNATIONAL CHURCH OF FOURSQUARE  
2679-352  
PID # 169745

Owner:  
Steve P. Mason  
4210 Springview Sar.  
Dallas, NC

Owner:  
Henry L. Jenkins Jr.  
864 Dallas - Spencer Mtn. Rd.  
Dallas, NC

## PRELIMINARY PLAN



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Legal Description

Being located near Town of Dallas, Dalla TWSP., Gaston Co., NC.

Beginning at a point in the Dallas - Spencer Mtn., Rd. at the Existing City Limits

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THENCE with the existing City Limits North 16 04'00" East a distance of 146.87 feet crossing over an IPF at 35.86 ft. to a point for corner; common corner with Deed Book 5433 page 219, Steve P. & maria R. Mason owner:  
THENCE continuing with the city limits North 16 04'00" East a distance of 166.55 feet crossing over ab IPF at 153.80 f6t to a point for corner;  
THENCE a new line for city limits South 89 24'22" East a distance of 207.53 feet to a point common corner with International Church of Foursquare Deed book 2679 page 352;  
THENCE a new city limits line with Deed Book 2679 p. 352 South 00 46'08" West a distance of 210.00 feet to a IPF to common corner with Lisa Decicco Deed Book 5202 page 1331 and Henry l. Jenkins jr. and Susie C. Jenkins for corner;  
THENCE another new city limits line with Jenkins North 78 16'01" West a distance of 215.14 feet to a IPF for corner;  
THENCE another new city limits line South 25 20'03" West a distance of 161.74 feet crossing an IPF at 128.79 ft to a point for corner;  
THENCE another new city limits line North 40 52'23" West a distance of 17.71 feet to a POINT which is the POINT OF BEGINNING, and containing 47,372.57 square feet or 1.0875 acre(s) of land, more or less.

An Ordinance to Extend the Corporate Limits of the Town of Dallas, North Carolina  
(Adopted by the Dallas Board of Aldermen 12/9/25)

(Noncontiguous Annexation pursuant to NCGS 160A-58.1 and 160A-58.2)

**Whereas**, the Town of Dallas has received a petition under NCGS 160A-58.1 requesting the annexation of a noncontiguous area described herein; and

**Whereas**, the Town Clerk has investigated the petition and certified its sufficiency as required by NCGS 160A-58.2(a); and

**Whereas**, the Board of Aldermen held a Public Hearing on the question of annexation, said public hearing having been held on December 9<sup>th</sup>, 2025, after due notice in accordance with NCGS 160A-58.2(a); and

**Whereas**, the Board of Aldermen finds that the area described herein meets all statutory requirements for noncontiguous annexation under NCGS 160A-58.1(b), including but not limited to:

- *The total acreage does not exceed 10% of the Town's existing corporate limits;*
- *The nearest point of the annexation area is no more than three miles from the Town's primary corporate limits;*
- *No point of the territory is closer to another municipality than to the Town of Dallas;*
- *The annexation will not create an unincorporated area completely surrounded by municipal territory; and*
- *The property is in voluntary petition by the owner(s).*

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Dallas, North Carolina that:

**Section 1.** The territory described below is hereby annexed to and made part of the corporate limits of the Town of Dallas:

Legal Description / Metes and Bounds:

*Being located near Town of Dallas, Dallas TWSP., Gaston Co., NC.  
Beginning at a point in the Dallas - Spencer Mtn., Rd. at the Existing City Limits*

*THENCE with the existing City Limits North 16 04'00" East a distance of 146.87 feet crossing over an IPF at 35.86 ft. to a point for corner; common corner with Deed Book 5433 page 219, Steve P. & maria R. Mason owner;*  
*THENCE continuing with the city limits North 16 04'00" East a distance of 166.55 feet crossing over ab IPF at 153.80 f6t to a point for corner;*  
*THENCE a new line for city limits South 89 24'22" East a distance of 207.53 feet to a point common corner with International Church of Foursquare Deed book 2679 page 352;*  
*THENCE a new city limits line with Deed Book 2679 p. 352 South 00 46'08" West a distance of 210.00 feet to a IPF to common corner with Lisa Decicco Deed Book 5202 page 1331 and Henry l. Jenkins jr. and Susie C. Jenkins for corner;*  
*THENCE another new city limits line with Jenkins North 78 16'01" West a distance of 215.14 feet to a IPF for corner;*  
*THENCE another new city limits line South 25 20'03" West a distance of 161.74 feet crossing an IPF at 128.79 ft to a point for corner;*  
*THENCE another new city limits line North 40 52'23" West a distance of 17.71 feet to a POINT which is the POINT OF BEGINNING, and containing 47,372.57 square feet or 1.0875 acre(s) of land, more or less.*

**Section 2.** Upon and after December 9, 2025, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Dallas and shall be entitled to the same privileges and benefits as other parts of the Town of Dallas. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

**Section 3.** The Mayor of the Town of Dallas shall cause to be recorded in the Office of the Register of Deeds of Gaston County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Gaston County Board of Elections, as required by G.S. 163-288.1.

Adopted this 9th day of December, 2025.

ATTEST:

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Hayley Beaty, Mayor

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Lindsey Tysinger, Town Clerk

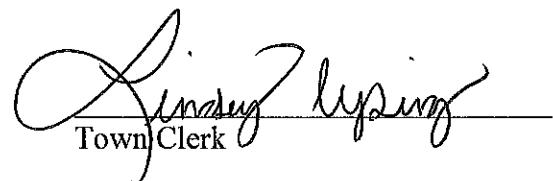
**CERTIFICATE OF SUFFICIENCY**

To the Board of Aldermen of the Town of Dallas, North Carolina:

I, Lindsey Tysinger, Town Clerk of the Town of Dallas, hereby certify that I have investigated the foregoing petition for the annexation of a noncontiguous (satellite) area and find it to be sufficient in all respects, in compliance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Dallas,  
This 5<sup>th</sup> Day of November 2025.

Re: Z-2025-05 Annexation- PID# 169749, 310636(portion)



Lindsey Tysinger  
Town Clerk

(SEAL)





**AN ORDINANCE ADOPTING A ZONING MAP AMENDMENT/REZONING  
PETITION IN THE TOWN OF DALLAS (ADOPTD BY THE DALLAS BOARD OF  
ALDERMEN (12/9/2025)**

**Whereas**, William Leiton, representing Steve and Maria Mason the owners of parcels 169749, 310636(169750) located at 1020 Dallas Stanley Highway Dallas, NC 28034, submitted an application for a zoning map amendment requesting to establish the Business (B-1) zoning district for that site.

**Whereas**, the public hearing for this map amendment has been noticed in compliance with the North Carolina General Statutes; and,

**Whereas**, the Town of Dallas Planning Board has reviewed the Rezoning petition and voted unanimously to recommend approval of the petition, finding it was neither consistent nor inconsistent with the 2030 Land Use Plan; and,

**Whereas**, the Town of Dallas Board of Aldermen held the public hearing on December 9th, 2025, and after the hearing, made the following finding:

*For this portion of the site in the Town of Dallas this petition is found to be consistent while the portion of the site outside of the Town of Dallas is neither consistent nor inconsistent with the 2030 Future Land Use Map based on the information from the staff analysis; The 2030 Future Land Use Map recommends Suburban Mixed-Use Center, and the site is outside of the Towns ETJ. However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis since it establishes a uniform zoning for the site.*

**Now Therefore be it Ordained** by the Board of Aldermen of the Town of Dallas, North Carolina, that the petitioner, is granted approval of the above-referenced Rezoning request effective December 9<sup>th</sup>, 2025, and that that the official zoning map of the Town be amended to reflect this adopted change of Parcels ID#169749, 310636(169750).

Should any provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid and unconstitutional.

This Ordinance shall take effect and be in force from and after the date of adoption, December 9<sup>th</sup>, 2025.

Attest:

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Hayley Beaty, Mayor

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Lindsey Tysinger, Town Clerk

## Town of Dallas Zoning Map Amendment (Rezoning) Application

Physical Property Address 1020 Dallas Stanley HwyTax Parcel Number 11091749 Lot Size  Current Zoning B1-CU/R1/C1 Requested Zoning B-1  
Conventional  Conditional Property Owner(s) Steve P Mason and Maria R MasonOwners Address 1020 Dallas Stanley Hwy Dallas NC 28034Phone Number 704-678-1714 Email Address smasonmari@gmail.com  
(attach separate sheet if necessary)**If different than owner:**Applicant Name William F LeitenApplicant Address 1020 Dallas Stanley Hwy Dallas NC 28034Phone Number 704-689-2788 Email Address stevescapette@gmail.com  
(attach separate sheet if necessary)Signature of Applicant William F LeitenSignature of Owner Steve P Mason**Staff Only:**

Date of completed application \_\_\_\_\_ Received by \_\_\_\_\_

Planning Board Meeting Date \_\_\_\_\_

Public Hearing Meeting Date \_\_\_\_\_

**William F. Leiton**

Steve's Superette  
1006 Dallas Stanley Hwy  
Dallas, NC 28034

**August 12, 2025**

City of Dallas NC  
210 N. Holland Street  
Dallas, NC 28034

**Re: Request for Rezoning 1020 Dallas Stanley Hwy**

Dear, Planning and Zoning Board

I am writing to formally request consideration for rezoning of my property located at 1020 Dallas Stanley Hwy.

Our interest in rezoning stems from several important factors:

The purpose of this rezoning request is to align the property's zoning with my intended use and to facilitate future development plans for a new convenient store that are consistent with the City's commercial zoning regulations. I believe this change will also contribute positively to the growing community.

I kindly request your consideration of this rezoning application and would appreciate any guidance on the next steps or requirements needed to complete this process.

Thank you for your time and attention to this matter. I look forward to your favorable response.

Sincerely,

**William F. Leiton**

Owner

Steve's Superette

**704-689-2788**

stevessuperette@gmail.com



# MEMO

**To:** Board of Aldermen  
**From:** Stuart Valzonis, Planning Director  
**Date:** 12/09/2205  
**Re:** Z-2025-05 – Conventional Zoning Request for Steve's Superette

## 1. Summary of Request

The petitioner requests to rezone and establish a zoning of approximately 2.34 acres located along Dallas-Stanley Highway to the B-1 (Neighborhood Business) Zoning District.

**Parcel ID:** 169750, 169749

**Owner(s):** Steve Mason, Maria Mason, Patrick Mason

**Petitioner:** Steve's Superette

## 2. Site Description

The site (denoted by a purple star) is located at the intersection of Dallas-Stanley Highway and Dallas-Spencer Mountain Road. The rezoning site operates a gas station.

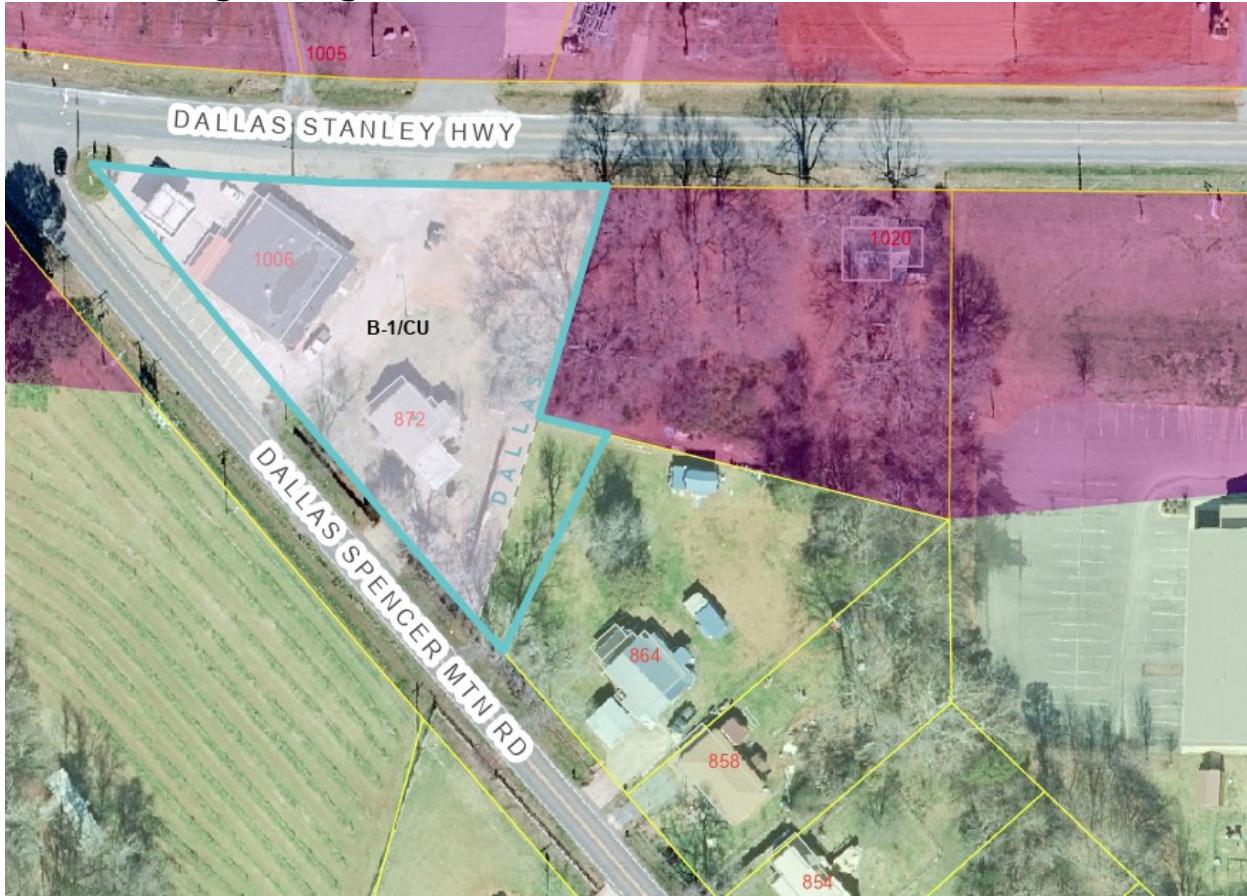


### 3. Planning Staff Review

- **Proposed Request Details**

- This is a conventional rezoning petition with no associated site plan.
- Permits all uses allowed by right in the B-1 zoning district.

- **Existing Zoning**



- The site is currently split zoned and under two zoning jurisdictions. The portion of the site under Town of Dallas jurisdiction is zoned B-1/CU (Neighborhood Business, Conditional Use) and the portion of the site under Gaston County jurisdiction is zoned C-1 (Light Commercial).
- **Future Land Use Map**
  - The *2030 Future Land Use Map* recommends Suburban Mixed-Use Center for the entirety of the site. However, a portion of the site is located outside of the Towns Extraterritorial Jurisdiction (ETJ) and for the purposes of the *2030 Comprehensive Land Use Plan* study area is categorized as "Planning Area".

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### 5. Site History

The site is comprised of two zoning districts, B-1/CU & C-1. Most of the site is used to operate a gas station. The petitioner is also requesting a voluntary annexation into the Town of Dallas for the portion of the site under Gaston County jurisdiction.

## 7. Staff Observations

### Plan Consistency

The portion of the rezoning under Town of Dallas jurisdiction is **consistent** with the *2030 Comprehensive Land Use Plan*. The portion of the rezoning outside of the Town's jurisdiction is neither **consistent nor inconsistent** with the *2030 Comprehensive Land Use Plan* being that the site is located outside of the Towns ETJ.

### Rationale

- A portion of the site is consistent with the Towns future land use policy.
- A portion of the site is outside of the Towns zoning and planning jurisdiction.
- Rezoning the site would create one up-to-date zoning district for the site, allowing for a more consistent development pattern.
- The zoning would be consistent with surrounding zonings of the parcels under Gaston County jurisdiction.

## 8. Planning Board Recommendation

The Planning Board heard the rezoning case on October 16<sup>th</sup>, 2025. They voted unanimously (6-0) to recommend approval to the Board of Aldermen for the following reasons: The portion of the site in the Town of Dallas petition is found to be consistent while the portion of the site outside of the Town of Dallas is neither consistent nor inconsistent with the *2030 Future Land Use Map* based on the information from the staff analysis and because the *2030 FLUM* recommends Suburban Mixed-Use and the site is outside of the ETJ. However, the Planning Board found this petition to be reasonable and in the public interest, based on the information from the staff analysis and because it will establish a uniform zoning for the land.

Petition Z-2025-05 by Steve's Superette

**To Approve:**

For this portion of the site in the Town of Dallas this petition is found to be **consistent** while the portion of the site outside of the Town of Dallas is neither **consistent nor inconsistent** with the *2030 Future Land Use Map* based on the information from the staff analysis and because:

- The *2030 Future Land Use Map* recommends Suburban Mixed-Use Center
- The site is outside of the Towns ETJ.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and because:

- It establishes a uniform zoning for the site.

**To Deny:**

This petition is found to be neither **consistent nor inconsistent** with the *2030 Future Land Use Map* based on the information from the staff analysis and because:

- The *2030 Future Land Use Map* recommends Suburban Mixed-Use Center
- The site is outside of the Towns ETJ.

Therefore, we find this petition to not be reasonable and in the public interest based on the information from the staff analysis and because:

- (To be explained by the Board of Aldermen)



# Town of Dallas

210 N. Holland street, Dallas, NC 28034 704-922-3176

November 26<sup>th</sup>, 2025

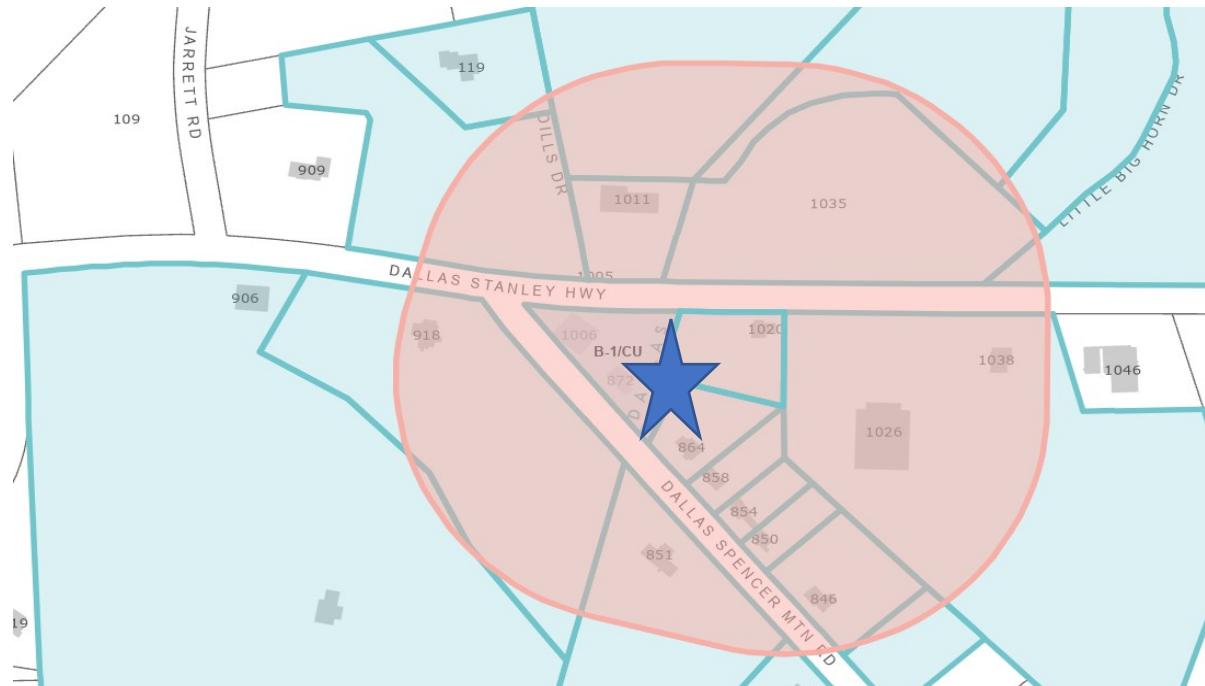
Rezoning Application Z-2025-05

To Whom It May Concern,

You are receiving this letter from the Town of Dallas since you are an adjacent property owner to the following Parcel: 169749, 1020 Dallas Stanley Highway, Dallas, NC 28034. William Leiton representing Steve and Maria Mason the owners of parcel 169749 submitted a noncontiguous (satellite) annexation petition of approximately 0.99 acres, along with a 0.10-acre portion of parcel 310636, for a total of approximately 0.91 acres proposed for annexation. Along with the annexation petition, they are requesting to establish the Business(B-1) zoning district for that site. Purpose of the request is to establish consistent zoning for development. Below is a map with the location of said property.

**On December 9<sup>th</sup>, 2025, there will be a Public Hearing held with the Board of Aldermen at 131 N Gaston Street, Dallas, NC 28034 at 6:00pm.** All interested persons are invited and encouraged to attend. For those persons requiring special assistance, please contact Town Hall at (704) 922-3176, at least 48 hours prior to the commencement of the meeting.

For questions for further information, please contact Brittany Beam at (704) 922-3176 ext 264 or email [bbeam@dallasnc.net](mailto:bbeam@dallasnc.net).



Parcel Number	Current Owners	Mailing Address	Physical Address	Deed Book	Deed Page	Sale Date	Deed Book	Deed Page	Acreage	Property Use	Taxable Value
169758	NEAL PAULA	854 DALLAS SPENCER MOUNTAIN RD , DALLAS, NC 28034 0000	854 DALLAS SPENCER MTN RD, DALLAS , NC 28034	3385	0316	1/22/2002	016	022	0.31	RESIDENTIAL	\$65,840
310636	MASON STEVE P MASON MARIA R	1006 DALLAS STANLEY HWY, DALLAS, NC 28034	1006 DALLAS STANLEY HWY, DALLAS , NC 28034	5433	0217	9/7/2023			0.94	COMMERCIAL	\$331,550
169751	LINEBERGER FAMILY LLC	2400 HUDSON POULTRY RD , IRON STATION, NC 28080 9465	918 DALLAS STANLEY HWY, DALLAS , NC 28034	4148	1249	8/4/2005			5.34	COMMERCIAL	\$265,310
169682	CO-DY INVESTMENTS LLC	1011 DALLAS STANLEY HIGHWAY, DALLAS, NC 28034	1011 DALLAS STANLEY HWY, DALLAS , NC 28034	5440	0680	10/13/2023			0.89	COMMERCIAL	\$276,400
169745	INTERNATIONAL CH OF FOURSQUARE	P O BOX 905 , DALLAS, NC 28034	1026 DALLAS STANLEY HWY, DALLAS , NC 28034	2679	0352	7/8/1997			10.98	EXEMPT	\$0
169753	BROOKS SHELDON RAY BROOKS MICHELLE LYNNA	851 DALLAS SPENCER MOUNTAIN ROAD, DALLAS, NC 28034 NC 28034	851 DALLAS SPENCER MTN RD, DALLAS , NC 28034	5336	1033	5/13/2022			12.34	RESIDENTIAL	\$369,620
169748	DECICCO LISA ANN	858 DALLAS SPENCER MOUNTAIN ROAD, DALLAS, NC 28034 NC 28034	858 DALLAS SPENCER MTN RD, DALLAS , NC 28034	5202	1331	2/25/2021			0.39	RESIDENTIAL	\$99,980

Parcel Number	Current Owners	Mailing Address	Physical Address	Deed Book	Deed Page	Sale Date	Deed Book	Deed Page	Acreage	Property Use	Taxable Value
210309	SPENCER MOUNTAIN ROAD VFD	PO BOX 504 , DALLAS, NC 28034	1035 STANLEY HWY, 0504 DALLAS , NC 28034	4936	2491	9/28/2017			4.39	EXEMPT	\$0
215769	INTERNATIONAL CH OF FOURSQUARE	P O BOX 905 , DALLAS, NC 28034	NO ASSIGNED ADDRESS,	4381	0503	1/24/2008	016	022	0.75	RESIDENTIAL	\$21,000
214263	BEANE JASON H BEANE TERESA	127 LITTLE BIG HORN DR , DALLAS, NC 28034	NO ASSIGNED ADDRESS, 8400	4625	0191	8/1/2012			2.35	RESIDENTIAL	\$23,490
169754	JENKINS RICHARD DEAN JENKINS MELODY RAE	845 DALLAS SPENCER MTN RD , DALLAS, NC 28034	845 DALLAS SPENCER MTN RD, DALLAS , NC 28034	4912	0345	5/18/2017			0.95	RESIDENTIAL	\$78,320
311587	CARPENTER JANICE WILSON 99% PENLEY SARAH CARPENTER 1%	1722 N NEW HOPE RD, DALLAS, GASTONIA, HWY, NC 28054	1059 DALLAS STANLEY, DALLAS , NC 28034	5499	0425	8/16/2024	102	084	4.99	RESIDENTIAL	\$149,110
169679	REEL LORI CHANEY	119 DILLS DRIVE, DALLAS, NC 28034	119 DILLS DR, DALLAS , NC 28034	5561	2480	6/3/2025			1.17	COMMERCIAL	\$247,970
169752	LINEBERGER FAMILY LLC	2400 HUDSON POULTRY RD , IRON STATION, NC 28080	906 DALLAS STANLEY HWY, DALLAS , NC 28034	4148	1249	8/4/2005			22.58	COMMERCIAL	\$512,760
169749	MASON STEVE PATRICK MASON MARIA R	1006 DALLAS STANLEY HWY, DALLAS, NC 28034	1020 DALLAS STANLEY HWY, DALLAS , NC 28034	5433	0219	9/7/2023			0.81	COMMERCIAL	\$48,600
214261	MATHIS AMY R	1029 DALLAS	1029 DALLAS	4457	1930	4/9/2009			4.46	RESIDENTIAL	\$253,030

Parcel Number	Current Owners	Mailing Address	Physical Address	Deed Book	Deed Page	Sale Date	Deed Book	Deed Page	Acreage	Property Use	Taxable Value
		STANLEY HWY , DALLAS, NC 28034	STANLEY HWY, DALLAS , NC 28034 0000								
169684	COURTNEY SHEILA DILLS	127 DILLS DRIVE, DALLAS, NC 28034	141 DILLS DR, DALLAS , NC 28034	4821	0451	12/28/2015			61.72	RESIDENTIAL	\$347,400
169760	NEAL PAULA	854 DALLAS SPENCER MOUNTAIN RD , DALLAS, NC 28034 0000	850 DALLAS SPENCER MTN RD, DALLAS , NC 28034 0000	3385	0316	1/22/2002	016	022	0.32	RESIDENTIAL	\$107,630
169681	LINEBERGER FAMILY LLC	2400 HUDSON POULTRY RD , IRON STATION, NC 28080 9465	NO ASSIGNED ADDRESS,	4491	2005	11/16/2009			3.51	COMMERCIAL	\$3,120
310634	JENKINS HENRY L JR JENKINS SUSIE COLE	864 DALLAS- SPENCER MOUNTAIN RD , DALLAS, NC 28034 0000	864 DALLAS SPENCER MTN RD, DALLAS , NC 28034 0000	2507	0735	12/11/1995			0.62	RESIDENTIAL	\$163,150
169757	AHRENS JENNIFER C AHRENS SCOTT L	846 DALLAS SPENCER MTN RD , DALLAS, NC 28034 0000	846 DALLAS SPENCER MTN RD, DALLAS , NC 28034 0000	3863	0459	10/30/2003	016	022	1.03	RESIDENTIAL	\$153,860

## TOWN OF DALLAS, NORTH CAROLINA

### REQUEST FOR BOARD ACTION

DESCRIPTION: House Bill H926 – Text Amendments Chapters 153.072 (L) and 153.123

AGENDA ITEM NO. 6C

MEETING DATE:12/9/25

#### BACKGROUND INFORMATION:

October 6th, 2025, House Bill H926 – REGULATORY REFORM ACT OF 2025 was made law. North Carolina General Statue 160D-601 was amended by adding subsection (e) that prohibits waiting periods for the refiling of development applications.

“NCGS §160D-601 (e) Withdrawn or Denied Application – A development regulation or unified development ordinance may not include periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.”

Staff has made the necessary changes to the language in chapters 153.072 (L) and 153.123 and is requesting the approval of this language to be added to the Town of Dallas Land Use Ordinance.

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MANAGER RECOMMENDATION: Approve the Text Amendments for Chapters 153.072 (L) and 153.123.

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BOARD ACTION TAKEN:

§ 153.072 CONDITIONAL DISTRICTS; APPLICATION, PERMITTED USES AND DEVELOPMENT REQUIREMENTS.

**(L) Petition resubmission.**

(1) If a request for conditional zoning is denied, a similar application for the same property or any portion thereof ~~shall not~~ may be filed ~~until the expiration of a 12-month period from~~ immediately after the date of denial. This waiting period shall not be applicable where the application for a conditional zoning is determined by the Administrator to be substantially different from (i.e., not similar to) the original application.

(2) Notwithstanding, the Administrator ~~may~~ must allow resubmission of a similar application within ~~said 12 month~~ any period if it determines that since the date of action on the prior petition:

- (a) There has been a significant change in the zoning district classification of an adjacent piece of property; or
- (b) The governing board has adopted a plan that changes public policy regarding how the property affected by the proposed conditional rezoning should be developed; or
- (c) Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can accommodate comfortably the intensity of development allowed under the proposed classification; or

~~—(4) (d) There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the 12 month restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.~~

~~—(L) (M) Petition withdrawal.~~ An applicant who has submitted a complete application for a conditional rezoning may withdraw the application prior to a final decision being rendered.

(1) If a petition is withdrawn once a legislative hearing has been advertised (via paper, mail, or on-premises sign), a similar petition submitted by that property owner (or his agent) ~~shall not~~ must be accepted by the Administrator ~~within 180 days of~~ at any time after the date of withdrawal. (Note: The purpose of this is to allow petitions to be withdrawn without penalty prior to the posting of any legislative hearing notices or submittal of such notice to the newspaper of general circulation).

(2) If said petition is otherwise withdrawn within two business days of a public hearing where a final decision may have been otherwise rendered, a similar petition submitted by that property owner/or his agent ~~shall not~~ must be accepted by the Administrator ~~within one year of~~ any time after the date of withdrawal.

~~—(M) (N) Appeals.~~ An appeal to the decision of the Board of Alderman shall be filed with the Clerk of Superior Court in the nature of certiorari in accordance with G.S 160D-1402 within 30 days after the Board of Alderman's decision.

(Ord. passed 12-8- 1985; Am. Ord. passed 1-14-2020; Am. Ord. passed - - )

§ 153.123 AMENDMENTS AND CHANGES.

(A) The Board of Aldermen may from time to time on its own motion or on petition after legislative notice and hearing as provided by law, amend, supplement, change, modify, or repeal the boundaries or regulations herein or subsequently established after submitting the same to the Town Planning Board for its recommendations and report.

(B) In addition to the public notice required by law, the Town Planning Board shall cause to be erected on the property, with regard to which any petition is filed to have the provisions of this chapter amended, supplemented, changed or modified, a sign of at least one foot by two feet in size giving notice that it is attached a copy of the notice required by law to be posted or advertised, which sign shall be so maintained on said property for at least 15 days prior to the date of the required public hearing.

(C) Every petition to have the provisions of this chapter amended, supplemented, changed, or modified as to any property shall be submitted on forms prepared by the town and shall be accompanied by a payment in the amount as set forth in the current fee schedule, to be used by the city toward defraying the advertising costs and other expenses in connection with such petition.

(D) (1) In any case where a petition for a change in zoning classification has been denied by the Board of Aldermen after a public hearing, any new petition can be submitted directly after the date of such decision by the Board of Aldermen.

(2) In any case where a petition for a change in zoning classification receives an unfavorable recommendation from the Town Planning Board after a public hearing and the petition either withdraws his application or fails to prosecute it before the Board of Aldermen within a period of 60 days thereafter any new petition for any change in zoning classification of the same property or any part thereof can be filed immediately following the withdrawal of the petition or the expiration of the time limit for prosecuting such petition before the Board of Aldermen.

(E) Zoning Map amendments that would result in a third-party down-zoning are not permitted in accordance with G.S. Ch. 160D-601. However, down-zonings initiated by the Town or landowner are permissible.

(Ord. passed 11-3-1970; Am. Ord. passed 1-11-1972; Am. Ord. passed 7-3-1972; Am. Ord. passed 1-10-2017; Am. Ord. passed - - )

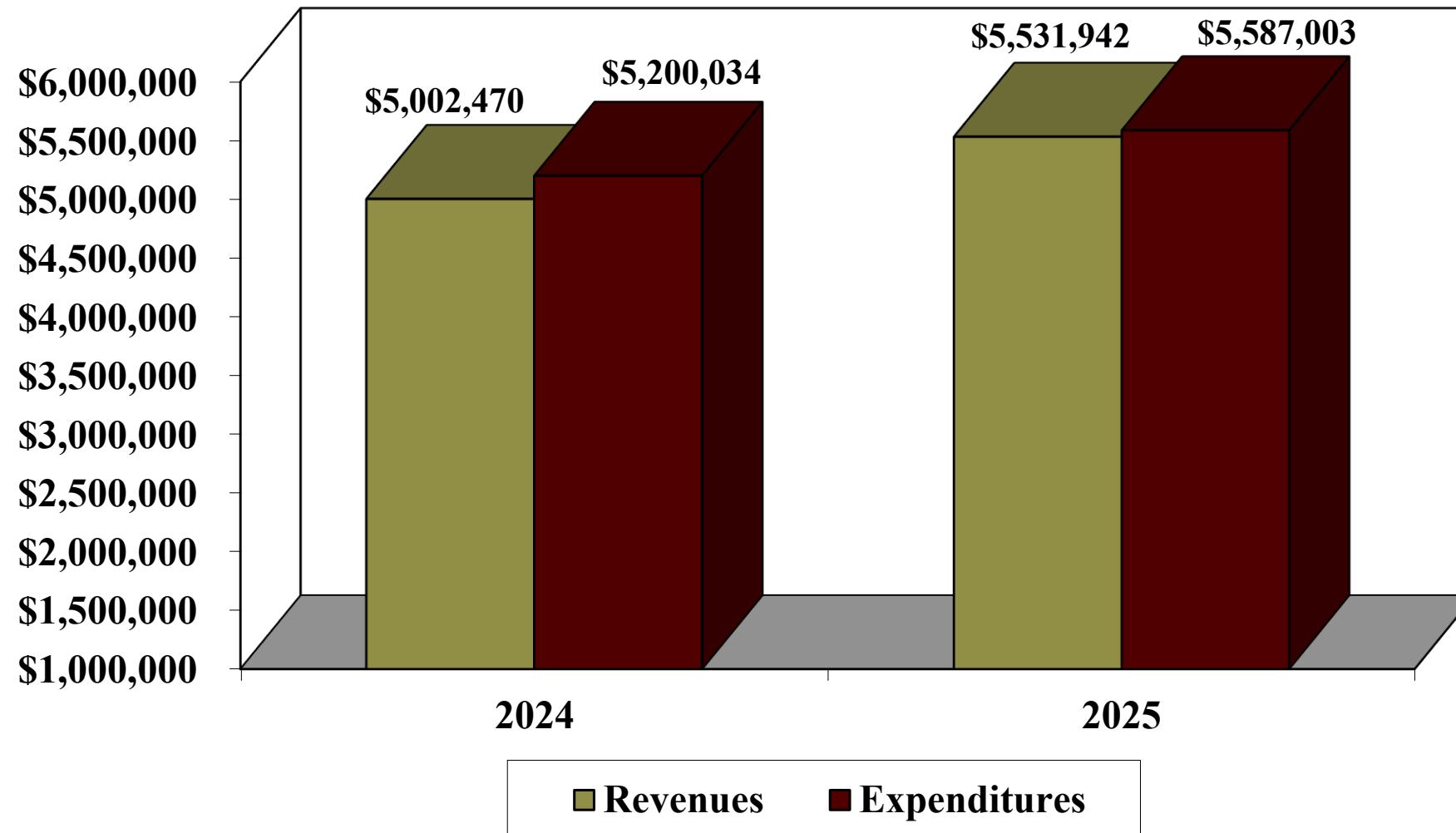
# Town of Dallas

2025 Audited Financial Statements

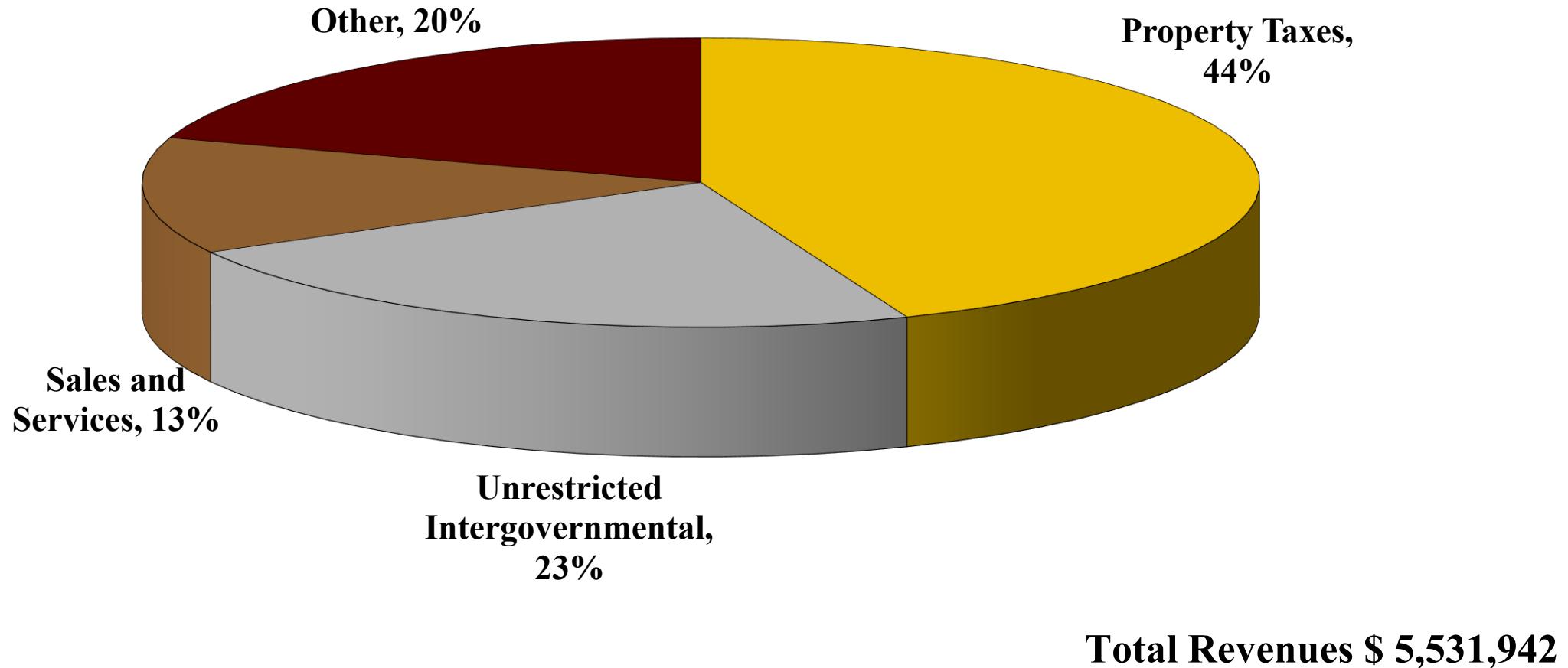
# Audit Highlights

- UNMODIFIED OPINION**
- COOPERATIVE STAFF**

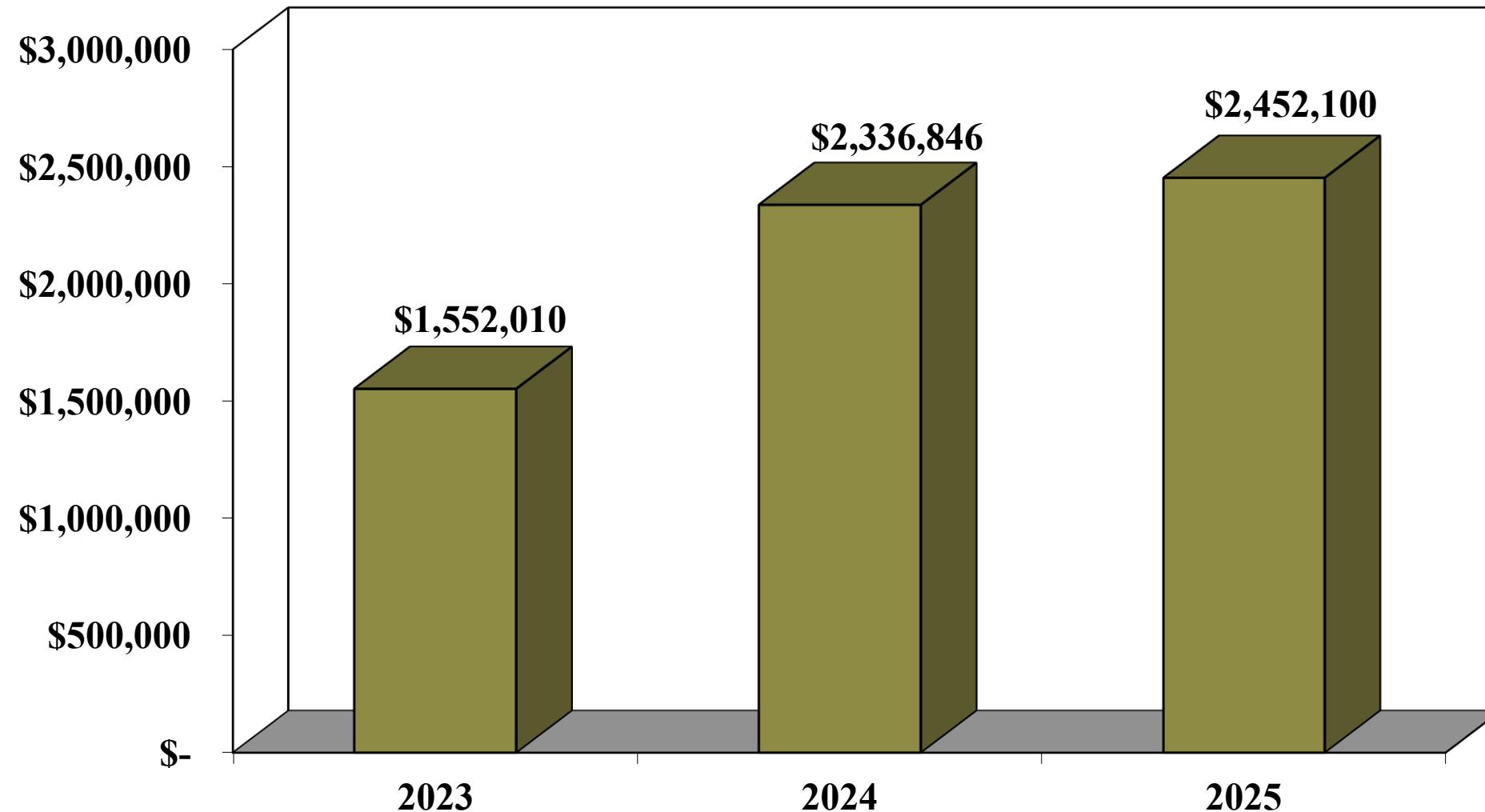
# GENERAL FUND SUMMARY



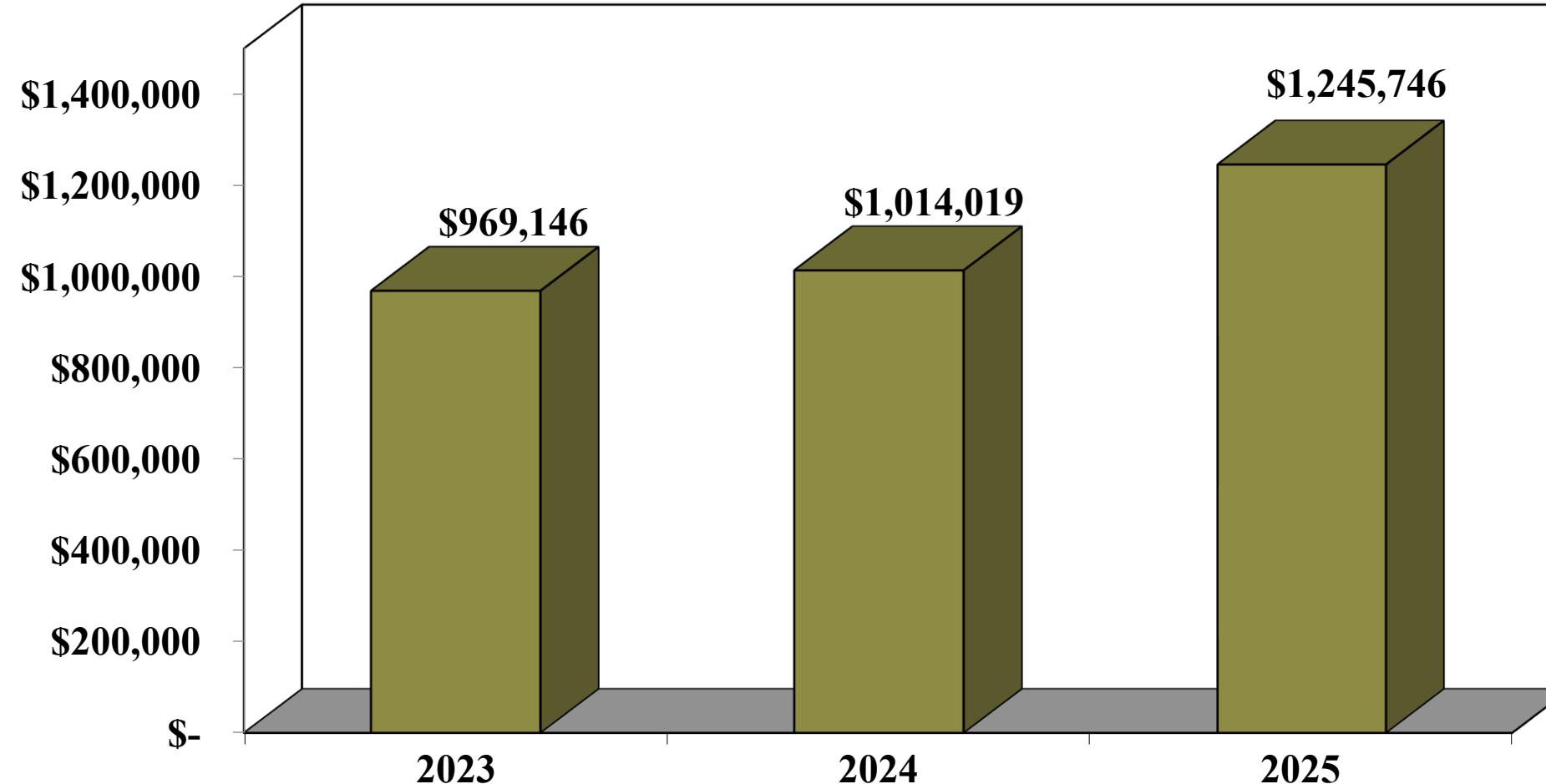
# TOP 3 REVENUES: GENERAL FUND



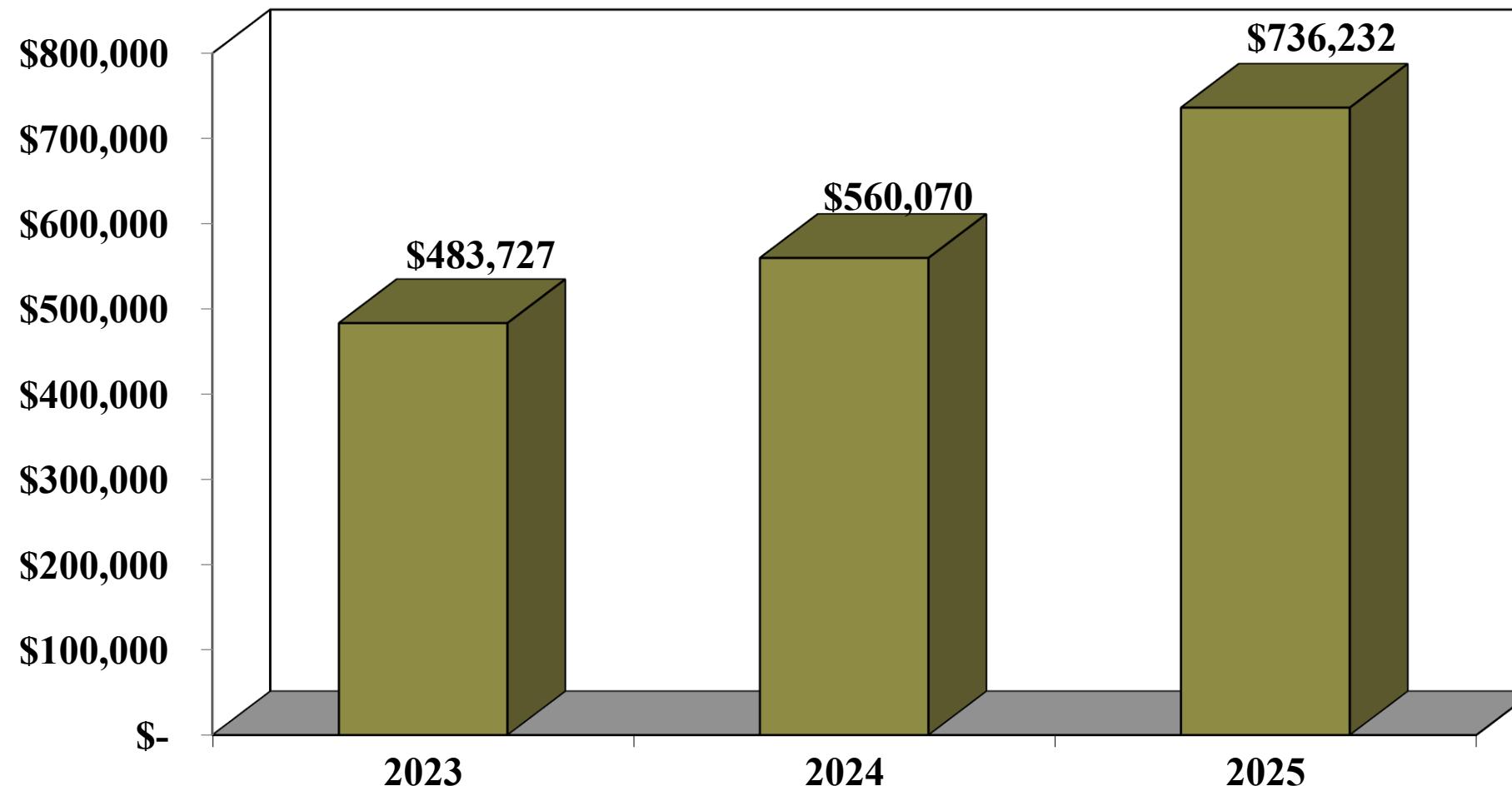
# AD VALOREM TAXES



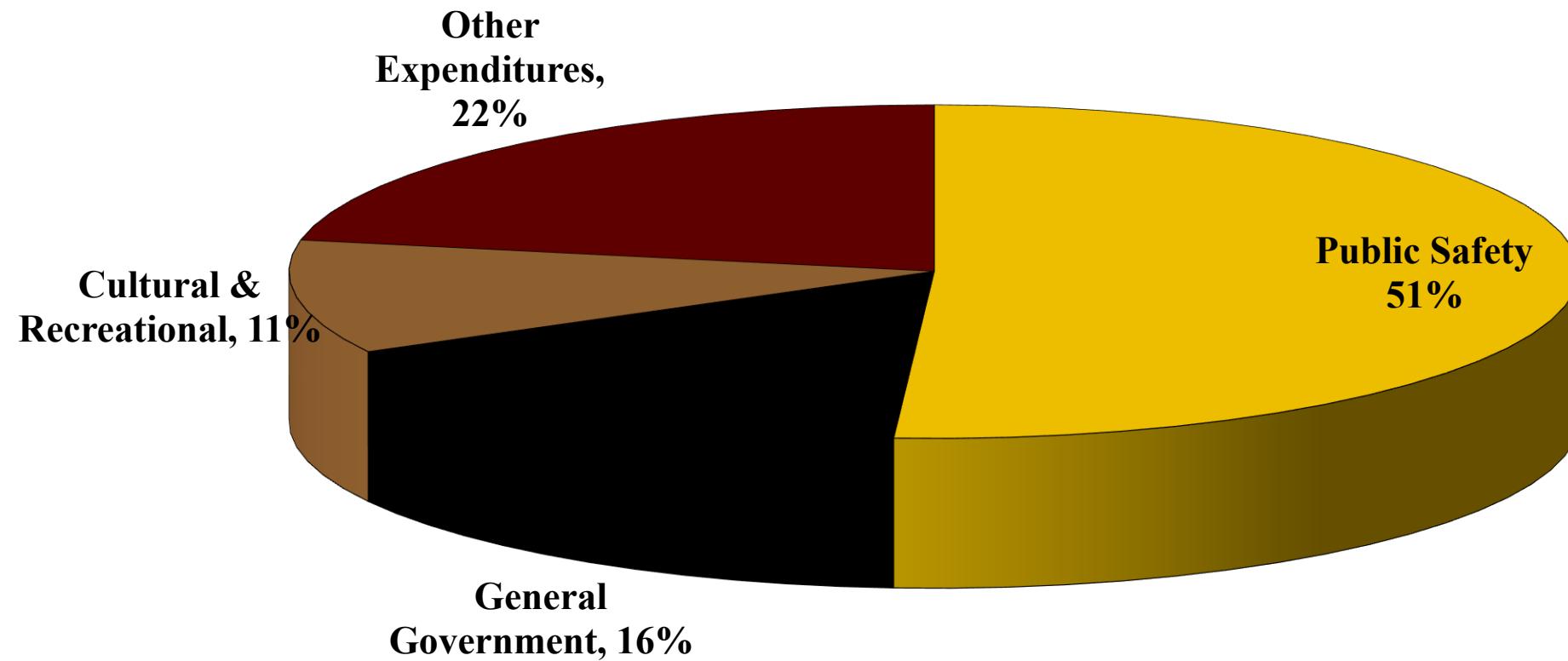
# UNRESTRICTED INTERGOVERNMENTAL



# SALES AND SERVICES

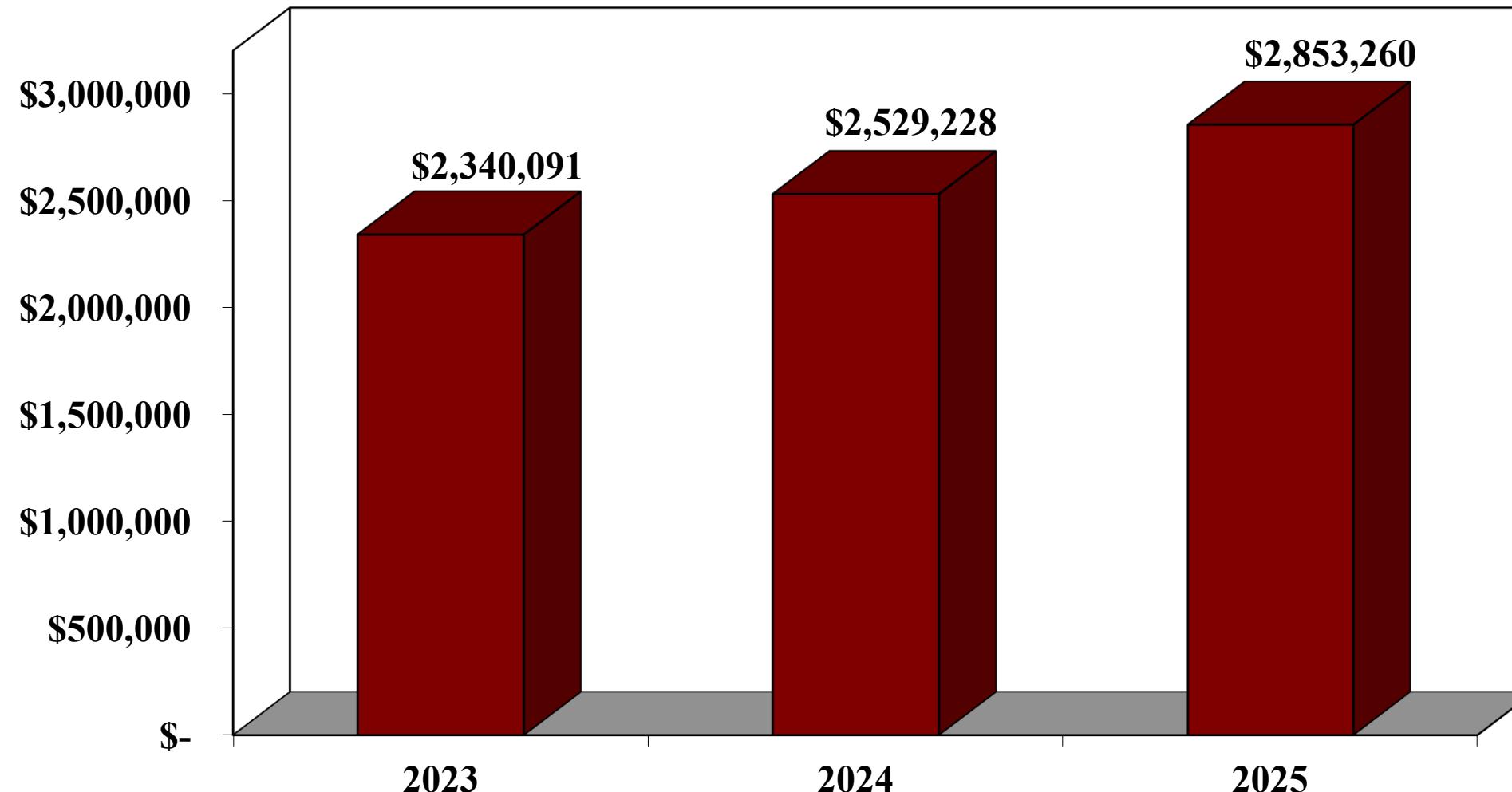


# TOP 3 EXPENDITURES: GENERAL FUND

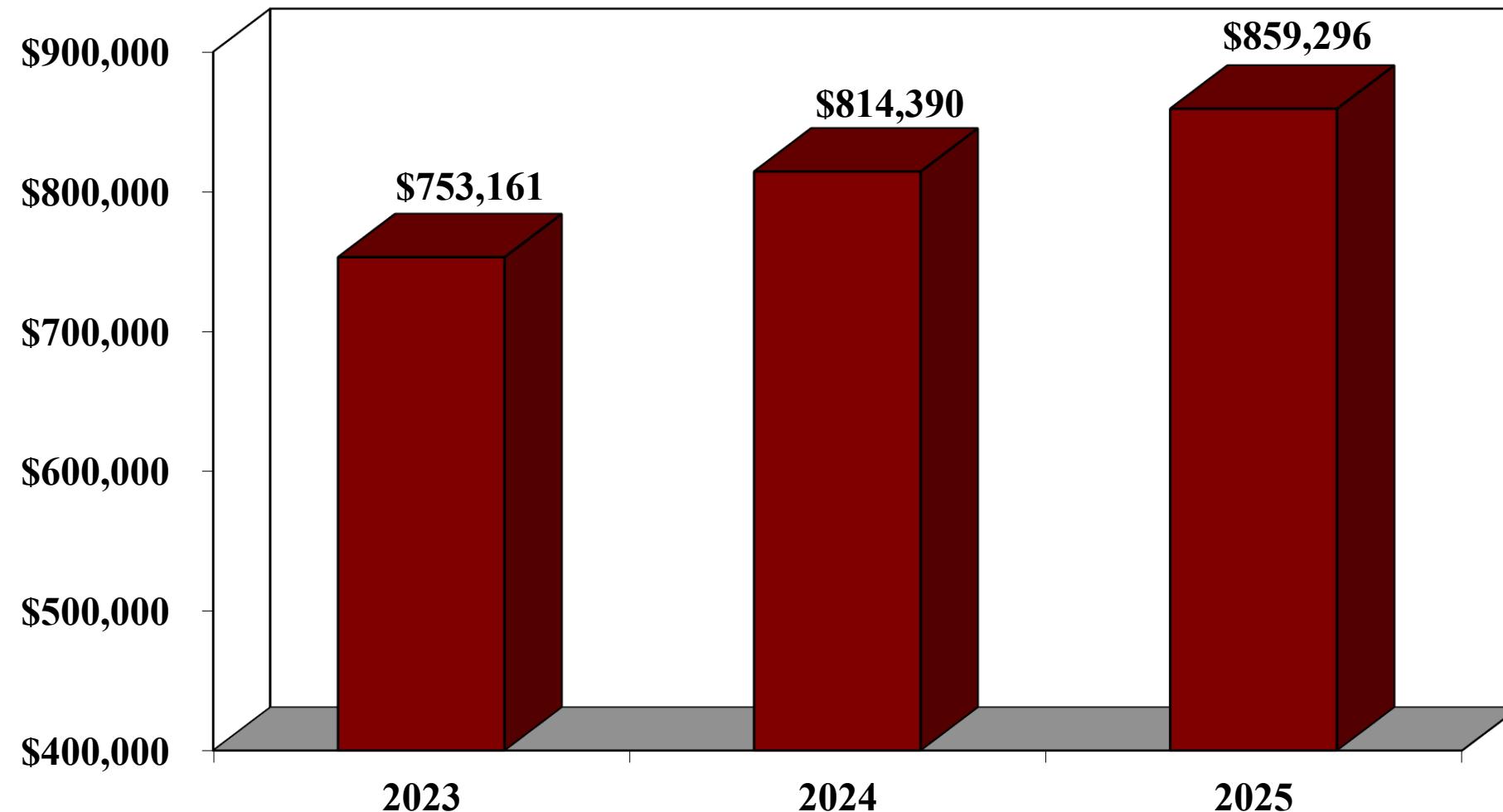


**Total Expenditures \$ 5,587,003**

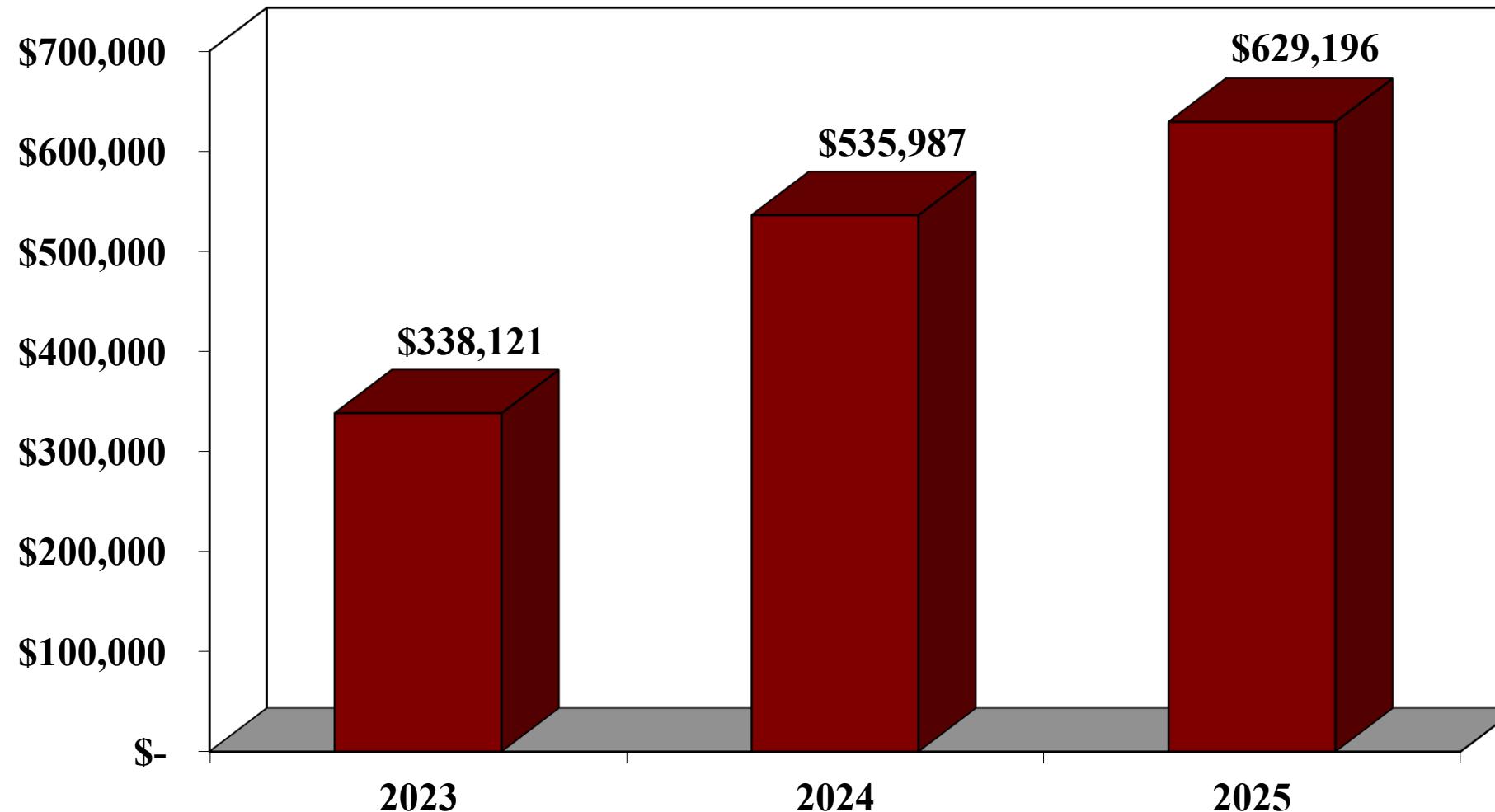
# PUBLIC SAFETY EXPENDITURES



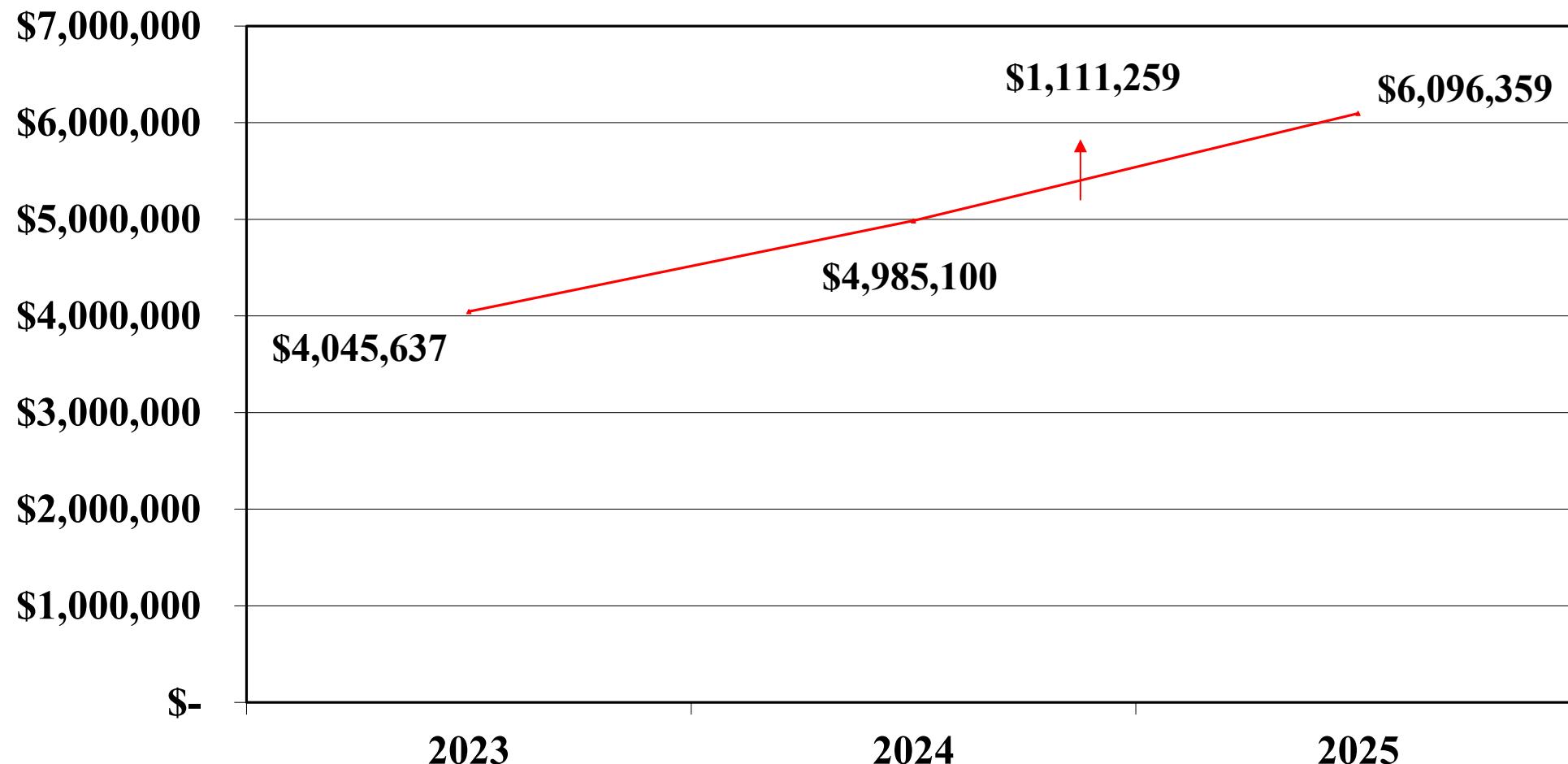
# GENERAL GOVERNMENT EXPENDITURES



# CULTURAL & RECREATIONAL



# TOTAL FUND BALANCE: GENERAL FUND

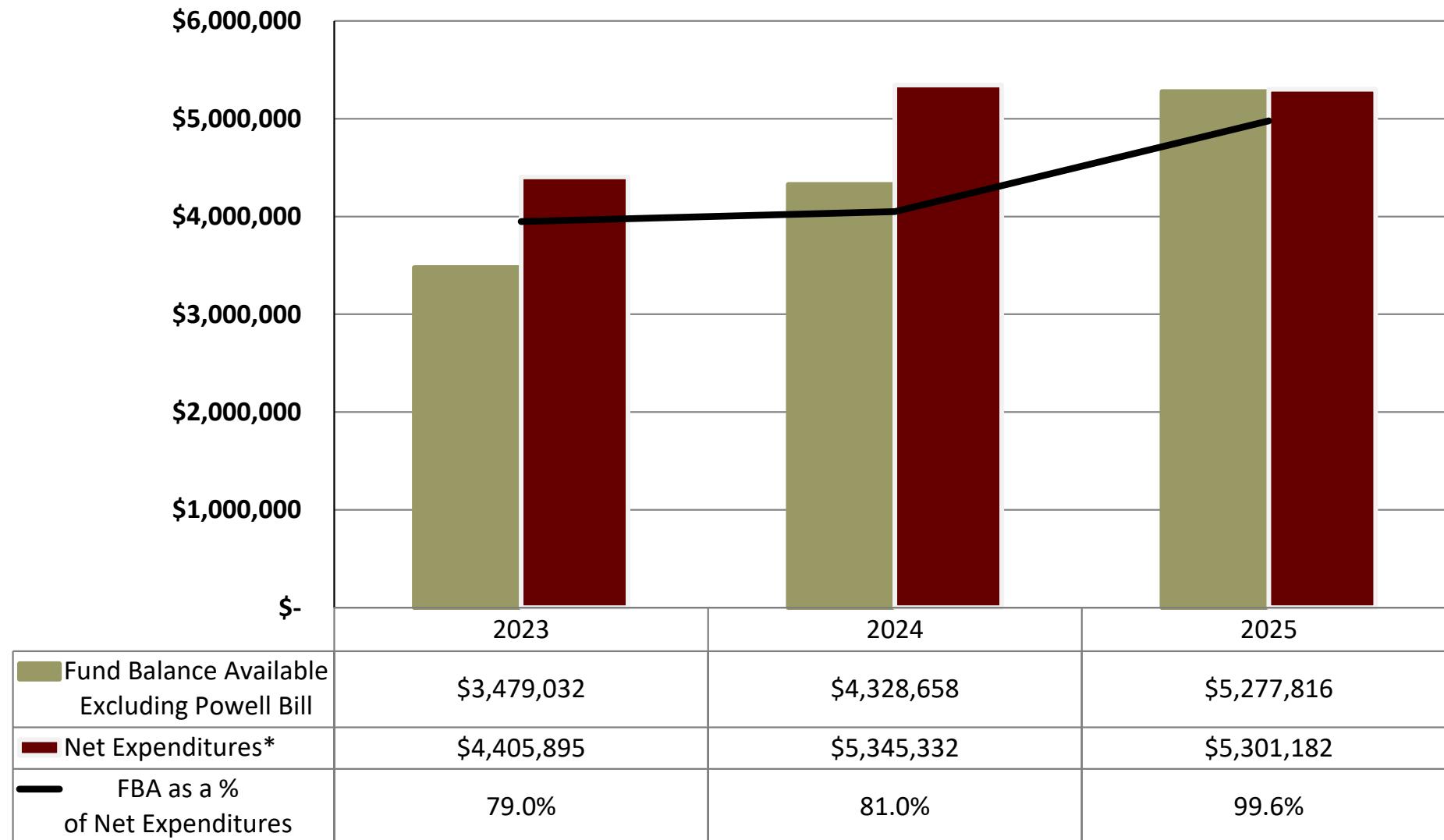


# FUND BALANCE POSITION-GENERAL FUND

Total Fund Balance	\$ 6,096,359
Non spendable	(312)
Stabilization by State Statute	<u>(490,019)</u>
Available Fund Balance	<u>\$ 5,606,028</u>
Available Fund Balance 2024	\$ 4,551,835
Increase in Available FB	\$ 1,054,193



# FUND BALANCE - GENERAL FUND



# WATER & SEWER FUNDS

Cash Flow from Operations	\$ 545,440
Total Net Position	\$ 10,621,732
Unrestricted Net Position	\$ 3,317,149
Change in net position	\$ 67,946
Quick Ratio	12.68



# ELECTRIC FUND

Cash Flow from Operations	\$ 1,996,981
Total Net Position	\$ 9,511,531
Unrestricted Net Position	\$ 4,817,231
Change in net position	\$ (131,183)
Quick Ratio	10.14



# 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 ratio below threshold of 0.50 (0.47)



# Questions?

Kelly Gooderham



(828)327-2727



[kgooderham@msa.cpa](mailto:kgooderham@msa.cpa)



[www.msa.cpa](http://www.msa.cpa)



# BOARD OF ALDERMEN 2026 MEETING SCHEDULE

Exhibit 9B-1

<u>DATE</u>	<u>TIME</u>	<u>DAY</u>	<u>MEETING</u>
January 13, 2026	6:00PM	Tuesday	Regular Meeting
January 15, 2026 <small>*Community Room</small>	1:00PM	Thursday	Pre-Strategic Planning
January 20, 2026 <small>*Community Room</small>	1:00PM	Tuesday	Strategic Planning
January 27, 2026	5:00PM	Tuesday	Work Session
February 10, 2026	6:00PM	Tuesday	Regular Meeting
February 24, 2026	5:00PM	Tuesday	Work Session
March 10, 2026	6:00PM	Tuesday	Regular Meeting
March 24, 2026	5:00PM	Tuesday	Work Session
April 14, 2026	6:00PM	Tuesday	Regular Meeting
April 28, 2026	5:00PM	Tuesday	Work Session
May 12, 2026	6:00PM	Tuesday	Regular Meeting
May 26, 2026	5:00PM	Tuesday	Work Session
June 9, 2026	6:00PM	Tuesday	Regular Meeting
June 23, 2026	No Meeting		
July 14, 2026	6:00PM	Tuesday	Regular Meeting
July 28, 2026	5:00PM	Tuesday	Work Session
August 11, 2026	6:00PM	Tuesday	Regular Meeting
August 25, 2026	5:00PM	Tuesday	Work Session
September 8, 2026	6:00PM	Tuesday	Regular Meeting
September 22, 2026	5:00PM	Tuesday	Work Session
October 13, 2026	6:00PM	Tuesday	Regular Meeting
October 27, 2026	5:00PM	Tuesday	Work Session
November 10, 2026	6:00PM	Tuesday	Regular Meeting
November 24, 2026	5:00PM	Tuesday	Work Session
December 8, 2026	6:00PM	Tuesday	Regular Meeting
December 22, 2026	No Meeting		

Board Meetings are held in the Historic Dallas Courthouse 131 N. Gaston Street

<b>Town of Dallas FY 2027 Budget Calendar</b>	
<b>Date</b>	<b>Description</b>
January 16, 2026	Budget Forms to Department Heads
January 15, 2026	<i>Pre</i> -Strategic Planning Meeting to Discuss Goals
January 20, 2026	Strategic Planning Meeting to Discuss Goals
February 3, 2026	Department Heads forward Proposed Budget Requests to Town Manager and Finance Officer
February 16 - February 20, 2026	Department Meetings on Proposed Budget Requests
March 24, 2026	Budget Worksession
April 6 - April 10, 2026	Department Meetings on Proposed Budget Requests (if necessary)
April 28, 2026	Budget Worksession
May 15, 2026	Draft Budget Submitted to Board
June 9, 2026	Adoption of Budget Ordinance
June 30, 2026	End of FY26

**Determine Town Committee Appointments**

**Newly Elected:** Dale Blythe

**Committee Appointments:**

**Administration:**

Hayley Beaty, Hoyle Withers, Sam Martin

**Community Development:**

Hayley Beaty, Hoyle Withers, ~~Jerry Cearley~~

**Recreation:**

Hayley Beaty, ~~Jerry Cearley~~, Frank Milton

**Public Safety:**

Hayley Beaty, Frank Milton, Alan Cloninger

**Public Works:**

Hayley Beaty, Sam Martin, Alan Cloninger

## **Appointed Members of the Planning Board/Board of Adjustments**

### **Planning Board**

Curtis Wilson, Chair  
Glenn Bratton, Co-Chair  
John O'Daly  
Reid Simms  
Troy Traversie (ETJ)  
Bradley Goins  
William Hairston  
Carla Howell – Alternate #1  
VACANT - Alternate #2

### **Board of Adjustment**

Curtis Wilson, Chair  
Glenn Bratton, Co-Chair  
John O'Daly  
Reid Simms  
Troy Traversie (ETJ)

### **Alternates to Board of Adjustment**

Bradley Goins  
William Hairston  
Carla Howell – Alternate #1

**RESOLUTION ADOPTING A CODE OF ETHICS FOR THE  
TOWN OF DALLAS BOARD OF ALDERMEN**

**WHEREAS**, the proper operation of municipal government requires that public officials be independent, impartial and responsible to the people, that governmental decisions and policy be made in proper channels of the governmental structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government; and

**WHEREAS**, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

**WHEREAS**, as elected local government officials, we are charged with upholding the trust of the citizens of the Town of Dallas, and with obeying the law, and

**WHEREAS**, we have each taken the oath of office required by the Constitution of North Carolina and have pledged that we will "support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith" and further that we will "faithfully discharge the duties of our office".

**Now, Therefore, Be It Resolved** that the Town of Dallas Board of Aldermen, acting pursuant to the requirements of Sections 160A-86 of the North Carolina General Statutes, do hereby adopt the following code of ethics and general principles to guide the Board of Aldermen in its lawful decision-making. (Hereinafter the terms "elected local government official(s) or elected official(s), public official(s), the board, board member(s) or elected member(s)," shall be used interchangeably when referring to the Town of Dallas Board of Aldermen.)

Adopted this 9th day of December, 2025.

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Lindsey Tysinger, Town Clerk

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Hayley Beaty, Mayor

(SEAL)

## **General Principles Underlying the Code of Ethics**

**Purpose.** The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Board members and to provide guidance in determining what conduct is appropriate in particular cases. The Code should not be considered a substitute for the law or for a Board member's best judgment.

### **Section I. Board members shall obey the law.**

Board members should take care to obey all laws that apply to their official actions as Board members. Further, Board members shall be guided by the spirit as well as the letter of the law in whatever they do.

Board members should endeavor to keep themselves up to date, through their attorney or other sources, of new or ongoing legal or ethical quandaries or difficulties that they may face in their official positions.

### **Section II. Board members need to uphold the integrity and independence of their office.**

Board members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Further, Board members should use their best judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others.

Board members should recognize they are part of a larger group and should act accordingly. They should respect their office and not behave in ways that reflect on it badly. They should treat other Board members and the public with respect and should, even if they disagree, honor the opinions of others. Members should recognize that they are not generally authorized to act on behalf of the Board since the Board must take official action as a body.

### **Section III. Board members need to avoid impropriety in the exercise of their official activities.**

Board members should avoid impropriety in the exercise of their official duties, and their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this Board will consider impropriety in terms of whether a reasonable person who is aware of all the relevant facts and circumstances surrounding the Board member's action would conclude that the action was inappropriate.

If a Board member believes that his actions, while legal and ethical, may be misunderstood, the member should seek the advice of the Town Attorney as well as consider publicly disclosing the facts of the situation and the steps taken to resolve it.

**Section IV. Board members should faithfully perform the duties of their office.**

Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the Board has authority.

Board members should be willing to bear their fair share of the Board's workload. To the extent appropriate, they should be willing to put the Board's interest ahead of their own.

**Section V. Board members should conduct the affairs of the Board in an open and public manner.**

Board members should conduct the affairs of the Board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to Board members or their employees.

To ensure strict compliance with the laws concerning openness, Board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the Board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

**Section VI. Board members shall attend ethics education training.**

All members of the Board of Aldermen shall receive a minimum of two clock hours of ethics education within twelve months after initial election or appointment to the office and again within twelve months after each subsequent election or appointment to the office in accordance with N.C.G.S. 160A-87.

- The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards or conduct at the local government level.
- The ethics education may be provided by the North Carolina League of Municipalities, North Carolina Association of County Commissioners, the School of Government at the University of North Carolina at Chapel Hill, or other qualified sources at the choice of the governing board.
- The Clerk to the governing Board shall maintain a record verifying receipt of the ethics education by each member of the Board.

### **Censure Procedures**

If a majority of the board has reason to believe that one of its members has violated a provision of this Code of Ethics, it may open an investigation into the matter to determine whether probable cause exists to initiate censure proceedings against the member. All information compiled, including the grounds for any finding of probable cause, shall be shared with the member when it is received. All information pertaining to the case shall be open to public inspection and copying pursuant to the North Carolina public records statutes. If upon investigation the board concludes that a violation of a criminal law may have occurred, it shall refer the matter to the local district attorney.

Should the board determine that it wishes to proceed further with censure proceedings, it shall call for a hearing to be held at a regular meeting or at a special meeting convened for that purpose. Notice of the hearing stating its time, place and purpose shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the jurisdiction. The notice shall be published the first time, not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. The notice shall state that a detailed list of the allegations against the member is available for public inspection in the office of the clerk to the board.

The hearing shall be convened at the time and place specified. The hearing and any deliberations shall be conducted in open session in accordance with the North Carolina open meetings statutes.

The accused board member shall have the right to have counsel present, to present and cross-examine expert and other witnesses, and to offer evidence, including evidence of the bias of any other board member or the presiding officer. An audio or video and audio tape of the proceedings shall be prepared. Any and all votes during the hearing shall be taken by the ayes and noes and recorded in the board's minutes.

Once the hearing is concluded, it shall be closed by vote of the board. The presiding officer shall next entertain a motion to adopt a non-binding resolution censuring the member based on specified violations of the code of ethics. Any motion made must be an affirmative one in favor of adopting a non-binding resolution of censure. If the motion or resolution does not state particular grounds for censure under the code of ethics, the presiding officer shall rule it out of order.

If a motion to adopt a non-binding resolution of censure stating particular grounds under the code of ethics has been made, the board shall debate the motion. The accused member shall be allowed to participate in the debate but shall not vote on the motion to adopt the resolution.

At the conclusion of the debate, the board shall vote on the resolution. If the motion to adopt the non-binding resolution of censure is approved by a three-fourths vote of those present and voting, a quorum being present, the motion passes and the non-binding resolution of censure is adopted.

The text of the non-binding resolution of censure shall be made as part of the minutes of the board. Any recording of the board's proceedings shall be approved by the board as a permanent part of the minutes. The proceedings shall then be considered concluded, the board having done all that it legally can with respect to the matter in question.

### **Guidelines For Ethical Behavior**

Local governing boards have no legal power to bring criminal charges against their members or otherwise to directly control one another's behavior. At the same time, board members should be familiar with laws that may affect them in their actions as elected local government officials, and they should take care to avoid common pitfalls. For example, some boards have found it useful in avoiding legal conflicts of interest to start each meeting by asking members to voluntarily inform the board if any matter on the agenda might present a conflict of interest or might require the member to be excused from voting.

The following guidelines are designed to translate current legal requirements into specific behaviors board members should avoid. While statutory provisions should be viewed as a minimum standard, board members should always consider whether there are ethical problems with others' behaviors, even if such behavior does not violate criminal or other statutes dealing with conflicts of interest or other subjects.

- **Avoid deriving a direct benefit from contracts in which you are involved in making or administrating on behalf of the public agency. (G.S. 14-234(a)(1); criminal penalty; note defined terms in the statute: *direct benefit, involved in making or administrating a contract*.)**
- **Avoid attempting to influence others who are involved in making or administering a contract on behalf of the public agency, even if you aren't involved, if you will derive a direct benefit from the contract. (G.S. 14-234 (a)(2); criminal penalty; note defined terms in the statute: *direct benefit, involved in making or administering a contract*.)**
- **Avoid soliciting or receiving any gift or reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency you serve. (G.S. 14-234 (a)(3); criminal penalty.)**
- **Consider the ethical and practical consequences of deriving a direct benefit from a contract that is authorized under any exception to the statute, and weigh these considerations against the potential advantage to the public agency and to yourself. Follow reporting requirements to ensure transparency. (G.S. 14-234 (b); (d1).)**
- **Avoid participating in deliberations about or voting on a contract in which you have a direct benefit, when the contract is undertaken as allowed under any exception to the statute. (G.S. 14-234 (b1); criminal penalty.)**
- **Avoid using your knowledge of contemplated action by you or your unit, or information known to you in your official capacity and not made public, to acquire a financial interest in any property, transaction, or enterprise, or to gain a financial benefit that may be affected by the information or contemplated action. Avoid intentionally aiding another to do any of these things. (G.S. 14-234.1; criminal penalty.)**

- **Avoid receiving any gift or favor from a current, past, or potential contractor. (G.S. 133-32(a); criminal penalty.)**
- **Consider the ethical and practical consequences of accepting a gift or favor under any exception to the statutory prohibition, and follow reporting requirements to ensure transparency. (G.S. 133-32(d).)**
- **Avoid voting on matters involving your own financial interest or official conduct. (G.S. 160A-75; 153A-44.) Disclose the existence of the direct financial interest in advance, and, when in doubt, obtain an opinion from your local attorney about whether you must vote or may be excused.**
- **Avoid voting on any zoning map or text amendment where the outcome of the vote is reasonably likely to have a direct, substantial, and readily identifiable financial impact on you.**
- **Do not participate in or vote on any quasi-judicial matter, including matters that come before the board when acting in a quasi-judicial capacity under G.S. 160A-388 or 153A-345, if participation would violate affected persons' constitutional right to an impartial decision-maker. Impermissible conflicts under this standard include having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. (G.S. 381(d), 160A-388(e1), 153A-340(g), 153A-345(e1); violation of constitutional standard by one board member invalidates the entire vote.)**
- **Fulfill your statutory obligation to vote on all matters that come before you even when there are appearances of conflict, and only refrain from voting when there is a legal basis for or requirement to be excused from voting.**
- **Avoid secret meeting(s) before the actual city council meeting.**

# **RULES OF PROCEDURE FOR THE TOWN OF DALLAS BOARD OF ALDERMAN**

These rules shall govern the conduct of the Town of Dallas Board of Alderman in the conduct of official meetings. This document has used the North Carolina Institute of Government model advanced in the publication Suggested Rules of Procedure for Small Local Government Board of Alderman model.

## **Part I. Applicability**

### **Rule 1. Applicability of Rules**

These rules apply to all meetings of the Town of Dallas. A meeting of the board occurs whenever a majority of the board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

## **Part II. Types of Meetings**

### **Rule 1. Regular Meetings**

The Board of Alderman shall adopt at its Regular December Board Meeting a schedule of meeting dates for Regular Board Meetings and Board Work Sessions for the next calendar year. The schedule shall give the time and location where meetings will be held. This schedule shall reflect any deviation that holiday events would cause from a normal monthly cycle. Following the adoption of the annual schedule by the Board of Alderman, the schedule shall be published in compliance with publication mandates of the state of North Carolina.

### **Rule 2. Quorum**

The presence of a quorum is necessary for the board to conduct business. A majority of the board's actual membership plus the mayor, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

### **Rule 3. Remote Participation in Board Meetings**

- (1) A member who attends a meeting electronically (via phone, skype, etc.) may take part in debate and shall not vote on any matter. A member may remotely participate by right in up to 4 meetings per calendar year. If extenuating circumstances warrant remote participation beyond 4 meetings, the board may elect to approve those instances on a case by case basis.

**Rule 4. Special, Emergency, and Recessed (or Adjourned) Meetings****(a) Special Meetings.**

(1) The Mayor, the Mayor pro tempore, or any two members of the Board of Alderman may at any time call a special Board of Alderman meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Alderman or left at his usual dwelling place at least twelve (12) hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice.

(2) Special meetings may be held at any time when the Mayor and all members of the Board of Alderman are present and consent thereto, or when those not present have signed a written waiver of notice.

**(b) Emergency Meetings.**

The Mayor, the Mayor pro tempore, or any two members of the Board of Alderman may at any time call an emergency Board of Alderman meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. Emergency meetings may be called only because of unexpected circumstances that require immediate consideration by the Board of Alderman. Only business connected with the emergency may be considered at an emergency meeting.

(1) A person or persons calling a special or emergency meeting of the Board of Alderman shall comply with the notice requirements of Article 33C of General Statutes Chapter 143.

**(c) Recessed (or Adjourned) Meetings.**

A properly called regular, special, or emergency meeting may be recessed (or adjourned) to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed (or adjourned) session of a properly called regular, special, or emergency meeting.

**Rule 5. Organizational Meeting: Selection of Mayor Pro-Tempore****(a) Scheduling Organizational Meeting.**

The board must hold an organizational meeting following each general election in which board members are elected. The organizational meeting must be held either (1) on the date and at the time of the board's first regular meeting in December following the election or (2) at an earlier date, if any, set by the incumbent board. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.

**(b) Oath of Office.**

As the first order of business at the organizational meeting, all newly elected members of the board must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the town clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

**(c) Selection of Mayor Pro Tempore.**

As the second order of business at the organizational meeting, the board shall elect from among its members a mayor pro tempore using the procedures specified in Part VI, Rule 1(b). The mayor pro tempore shall serve at the board's pleasure.

**Part III. Agenda****Rule 1. Proposed Agenda**

The Town Clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least six (6) working days before the meeting. Any Board of Alderman member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed discussion items shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Board of Alderman member shall receive a copy of the proposed agenda and agenda package and it shall be available for public inspection when it is distributed to the Board of Alderman. The Town's agenda policy will be followed; any deviation from the agenda shall be addressed during the adoption of the agenda.

**Rule 2. Adoption of the Agenda**

As the first order of business at each meeting, the Board of Alderman shall, discuss and revise the proposed agenda and adopt an agenda for the meeting. The Board of Alderman may by majority vote add or delete items from the proposed agenda, except that the Board of Alderman may not add items on the agenda of a special, emergency, or organizational meeting unless (a) all members

are present and (b) the Board of Alderman determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the Board of Alderman may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Board of Alderman members. The Board of Alderman may designate certain agenda items "for discussion and possible action." Such designation means that the Board of Alderman intends to discuss the general subject area of that agenda item before making any motion concerning that item.

(1) The agenda shall be posted in a public forum; ie: online or city clerks office for review.

**(a) Open Meetings Requirement.**

The Board of Alderman shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Board of Alderman to understand what is being deliberated, voted, or acted on. However, the Board of Alderman may deliberate, vote or otherwise take action by reference to an agenda, if copies of the agenda – sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on – are available for public inspection at the meeting.

**Rule 3. Recognition of Citizens.**

Any citizen may address the Board of Alderman at the regular meeting during the "Recognition of Citizens" portion of the regular meeting. Unless determined otherwise by the Board of Alderman, each speaker will have a maximum of three (3) minutes to address the Board of Alderman. Board members may not address any individual, group, or citizen, during this time. The Board may limit any group or groups to have one (1) speaker for any one issue.

- 1) The mayor will determine the order of speakers.
- 2) Decorum shall be maintained during recognition of citizens. Failure to maintain decorum may result in forfeiting remaining time and / or removal from the meeting.
- 3) The Mayor or Mayor Pro-Tempore shall determine decorum, which may be appealed by the Board of Alderman.

**Rule 4. Public Hearings**

Public hearings required by law or deemed advisable by the Board of Alderman shall be organized by a special order that sets forth the subject, date, place, and time of the hearing. The special order is adopted by a majority vote of the Board of Alderman. At the time appointed for the hearing, the Board of Alderman shall vote to open the hearing and the Mayor or his or her designee shall call the hearing to order and preside over it. When the hearing is complete, the presiding officer shall entertain a motion to end the hearing. The Town's public hearing policy shall be followed.

## **Rule 5. Minutes**

Full and accurate minutes of the Board of Alderman proceedings, including closed sessions, shall be kept. The Board of Alderman shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection by the public, except as otherwise provided in the rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Board of Alderman, the entire Board of Alderman shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the Board of Alderman approves.

1. Minutes and general accounts of closed sessions may be sealed by action of the Board of Alderman. Such sealed minutes and general accounts may be withheld from public inspection if it interferes with the closed session's purpose.

## **Rule 6. Order of Business.**

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

1. Invocation and Pledge of Allegiance of the Flag
2. Approval of Agenda with Additions or Deletions
3. Approval of Minutes
4. Recognition of Citizens: Time set by Mayor
5. Consent Agenda
6. Old Business
7. Public Hearings
8. New business
9. Mayor's Report
10. Manager's Report
11. Closing

By majority vote of the Board of Alderman, items may be considered out of the order prescribed above.

## **Part IV. Organization of the Board.**

### **Rule 1. Presiding Officer**

The mayor shall preside at the Board of Alderman meetings. If the Mayor is absent, the Mayor Pro-Temp shall preside. If both the Mayor and the Mayor Pro-Temp are absent, the secondary Mayor Pro-Temp designated by vote of the Board of Alderman shall preside. The Mayor Pro-Temp or other member who is temporarily presiding will retain all of his or her rights as a Board of Aldermen member, including the right to make motions and the right to vote. They will assume the role and responsibilities of the Mayor for purposes of the meeting.

If, during the absence of the Mayor, the Mayor Pro-Temp and Secondary Mayor Pro-Temp become actively involved in debate on a particular matter, the discussion shall be continued until the Mayor is able to preside.

- 1.) The Mayor may only vote to break a tie.
- 2.) In order to address the Board, an Alderman must be recognized by the Mayor.
- 3.) The Mayor Pro-Temp or Secondary Mayor Pro-Temp shall have the following powers:

- To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this grounds;
- To entertain and answer questions of parliamentary law or procedure, and consulting town legal counsel;
- To call a brief recess at any time;
- To adjourn in an emergency.

A decision by the Mayor Pro-Temp or Secondary Mayor Pro-Temp under any of the first three powers listed may be appealed to the Board of Alderman upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

## **Rule 2. Board of Alderman**

The Board of Alderman shall proceed by motion, except as otherwise provided for in Part III: Rule 3 and 5, and Part IV. Any alderman, excluding the Mayor, may make a motion.

- a.) A Second is Required
  - i. A motion does require a second.
- b.) One Motion at a Time
  - i. A member may make only one motion at a time.
- c.) Substantive Motions
  - i. A substantive motion is out of order while another substantive motion is pending.  
If during discussion of motion determines that an additional motion will be added.
- d.) Adoption by Majority Vote
  - i.) A motion shall be adopted by a majority when a quorum is present as defined in Part II.

e.) Voting by Written Ballot

i.) The Board of Alderman may choose, by majority vote, to use written ballots to vote on a motion. Such ballots shall be signed, and the minutes of the Board of Alderman shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Town Clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

f.) Debate

i.) The Mayor shall state the motion and then open the floor to debate. The Mayor shall preside over the debate according to the following principles:

- The maker of the motion is entitled to speak first;
- A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- To the extent possible, the debate shall alternate between proponents and opponents of the measure.
- The Mayor, at any time may call for an end of the debate upon equal opportunity for opponents and proponents being heard and shall call for a vote.

g.) Ratification of Actions

i.) To the extent permitted by law, the Board of Alderman may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

*Ratification: the action of signing or giving formal consent to a treaty, contract, or agreement, making it officially valid.*

### **Rule 3. Duty to Vote**

Every member must vote unless excused by the remaining members of the Board of Alderman. A member who wishes to be excused from voting shall inform the Mayor, before the vote. The Mayor shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the Board of Alderman or by law, or the member's official conduct, as defined by the Board of Alderman. In all other cases a failure to vote by a member who is physically present in the Board of Alderman chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

### **Rule 4. Special Rules of Procedure**

The Board of Alderman may adopt special rules of procedure as circumstances warrant. The special rules of procedure shall be established by a motion set out prior to discussion of the topic.

## **Part V. Procedural Motions**

### **(a) Certain Motions Allowed.**

In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

### **(b) Order of Priority of Motions.**

In order of priority (if applicable), the procedural motions are:

***Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.*** A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Board of Alderman, as specified in Rule 7. This appeal is in order immediately after a decision is announced and at no other time.

***Motion 2. To Adjourn.*** This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess or adjourn to a time and place certain shall also comply with the requirements of Rule 2(c).

***Motion 3. To Take a Brief Recess.*** This motion may be made at any time. The Mayor or Mayor Pro Tempe will determine the length of time of sure recess.

***Motion 4. Call to Follow the Agenda.*** The motion must be made at the first reasonable opportunity or it is waived.

***Motion 5. To Suspend the Rules.*** The Board of Alderman may not suspend provisions of the rules that state requirements imposed by law on the Board of Alderman. For adoption, the motion requires an affirmative vote equal to two-thirds of the entire membership of the Board of Alderman. The motion to suspend rules shall not be used to circumvent the authorities vested in the Mayor or presiding member or Alderman by the rules of procedure.

***Motion 6. To Go into Closed Session.*** The Board of Alderman may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting.

### **Rule 1. Closed Sessions**

The Board of Alderman may hold closed sessions as provided by law. The Board of Alderman shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(1), closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record; it must also state the name or citation of the law that renders the information to be discussed privileged or

confidential. If the motion is based on G.S. 143-318.11(a)(3), consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures, it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by a majority of those present and voting. The Board of Alderman shall terminate the closed session by a majority vote, using Motion 7 of rule 16(b).

Only those actions authorized by statute may be taken in closed session (Part V (b), Motion 2).

**a) Basis for Closed Session.** A closed session is permissible under the following circumstances and no other:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.
- (2) To consult with the town attorney or another attorney employed or retained by the town in order to preserve the attorney-client privilege. If the board expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.
- (3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the town or (b) the closure or realignment of a military installation. The board may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.
- (4) To establish or instruct staff or agents concerning the town's position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease.
- (5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the Town Board or other public body or is being considered to fill a vacancy on the Town Board or other public body. Final action to appoint or employ a public officer or employee must take place in open session.
- (7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.
- (8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(9) To view a law enforcement recording released pursuant to G.S. 132-1.4A.

(10) On any other basis permitted by law.

A motion based on G.S. 143-318.11(a) (1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the Board of Alderman expects to receive advice during the closed session, if in fact such advice is to be received.

***Motion 7. To Leave Closed Session.*** Must be approved by majority vote when a quorum is present.

***Motion 8. To Divide a Complex Motion and Consider It by Paragraph.*** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

***Motion 9. To Defer Consideration.*** The Board of Alderman may defer a substantive motion for later consideration at a specified time. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending. A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion (Rule 16(b), Motion 14), or else move to suspend the rules (Rule 16(b), Motion 5).

***Motion 10. Motion for the Previous Question.*** The motion is not in order until there has been at least 20 minutes of debate and/or every member has had an opportunity to speak once.

***Motion 11. To Postpone to a Certain Time or Day.*** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules.

***Motion 12. To Refer a Motion to a Committee.*** The Board of Alderman may vote to refer a substantive motion to a committee for its study and recommendation. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Board of Alderman, whether or not the committee has reported the matter to the Board of Alderman.

***Motion 13. To Amend.***

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with the amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance, policy, regulation or resolution shall be reduced to writing before the vote on the amendment.

***Motion 14. To Revive Consideration.*** The Board of Alderman may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

***Motion 15. To Reconsider.*** The Board of Alderman may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “no’s” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess or adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

***Motion 16. To Rescind or Repeal.*** The Board of Alderman may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

***Motion 17. To Prevent Reintroduction for Six Months.*** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption, an affirmative vote equal to two thirds of the entire membership of the Board of Alderman. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organization meeting of the Board of Alderman, whichever occurs first.

### **Rule 1. Renewal of Motion.**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

### **Rule 2. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before it is amended or before the Mayor puts the motion to a vote.

## **Part VI. Appointments and Appointed Bodies**

### **Rule 1. Appointments**

**(a) Appointments in Open Session.** The board must consider and make any appointment to another body or, in the event of a vacancy on the board, to its own membership in open session.

**(b) Nomination and Voting Procedure.** The board shall use the following procedure to fill a vacancy in the board itself or in any other body over which it has the power of appointment. The nominating committee shall be called upon to make its report and recommendation(s), if any. The

mayor shall then open the floor for nominations, where upon board members may put forward and debate nominees. When debate ends, the mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

**(c) Mayor.** The mayor may make nominations but shall not vote.

**(d) Multiple Appointments.** If the board is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No Board of Alderman may cast more than one vote for the same candidate for the same vacancy during a single balloting.

**(e) Duty to Vote.** It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

**(f) Vote by Written Ballot.** The board may vote on proposed appointments by written ballot in accordance with Part IV, RULE 2 e (i).

## Rule 2. Committees and Boards

**(a) Establishment and Appointment.** The board may establish temporary and standing committees, boards, and other bodies to help carry on the work of town government. Unless otherwise provided by law or the board, the power of appointment to such bodies lies with the board.

- i.) Any board shall advise on matters within the oversight of the Board of Aldermen.
- ii.) All voting matters must be presented by a representative of the committee.
- iii.) The chairman / co-chairman will present the final report to the Board of Alderman.
- iv.) The committee's work is primarily advisory in nature. Decisions or resolutions are considered proposals to the Board of Alderman.
- v.) Each board or committee shall consist of a minimum of 1 alderman, 1 representative of the department, and 2 citizens within the Dallas city limits and 1 citizen from the Dallas city limits and Township.
- vi.) The board or committee may meet once a month.
- vii.) Bylaws unique to each committee can be found online and in the clerk's office.
- viii.) The committee will determine and vote on the chairperson in the committee session.

**(1) Mayoral Appointments.** The Mayor shall make the following appointments after consultation with the Board:

### Mayor's Advisory Committee -

- a) An advisory committee is a collection of individuals who bring unique knowledge and skills which augment the knowledge and skills of the formal board of directors in order to more effectively guide the organization

- i.) The presiding Mayor shall solely select and appoint members of the Mayor's Advisory Board.
- ii.) This power does not transfer at any time to Mayor Pro-Temp.
- iii.) Appointments of the board shall last 1 year and conclude the first week of December.
- iv.) Members may be allowed to serve consecutive terms.
- v.) The Mayor shall consider nominations.

**(b) Mayor's Youth Advisory Committee** – Students from North Gaston High School are nominated by their school or a city council member to serve on the Mayor's Youth Advisory Committee each year, with representatives from the junior & senior class each year.

- i.) The presiding Mayor will appoint members to the Mayor's Youth Advisory Committee based on nominations from the school and Board of Aldermen.
- ii.) The Nominations are listed in the Bylaws
- iii.) Appointments shall last the school year starting the first week in September and conclude in May.

**(2) Board Appointments.** The Mayor and Board of Aldermen shall nominate members of the following boards and committees, and the Board of Aldermen shall vote to approve the members.

- Planning and Zoning
- Public Safety
- Community Development Association of Dallas
- Parks and Recreation Advisory Board

**(c) Open Meetings Law.** The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.

**(d) Procedural Rules.** The board may prescribe the procedures by which the town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

## **Part VII. Miscellaneous**

### **Rule 1. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to two-thirds of the entire membership of the Board of Alderman.

**Rule 2. Reference to Robert's Rules of Order Newly Revised**

The board shall refer to Robert's Rules of Order Newly Revised for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted Robert's, the mayor shall make a ruling on the issue subject to appeal to the board under Part V, Motion 1.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Hayley Beaty, Mayor

Attest:

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Lindsey Tysinger, Town Clerk