

**MINUTES
CITY OF DUNN
DUNN, NORTH CAROLINA**

The City Council of the City of Dunn held a Regular Meeting on Thursday, January 14, 2010, at 7:00 p.m. in the Dunn Municipal Building. Present was Mayor Oscar N. Harris, Mayor Pro Tem N. Carnell Robinson, Council Members Buddy Maness, Bryan Galbreath, Billy Tart, Chuck Turnage and Joey Tart. Also present was City Manager Ronnie Autry, Finance Director Mark Stephens, Police Chief B.P. Jones, Public Works Director Billy Addison, Public Utilities Director Dean Gaster, Planning Director Steven Neuschafer, Chief Building Inspector Mike Blackmon, Recreation Director Perry Hudson, Librarian Mike Williams, City Clerk Debra West, and Daily Record Reporter Reece Murphy.

Attorney Wiley Pope was present in the absence of law partner/City Attorney P. Tilghman Pope.

INVOCATION

Mayor Harris opened the meeting at 7:00 p.m. and recognized Boy Scout Troop 711 represented in the audience. Police Chaplain Reverend Roy Johnson gave the invocation. Afterwards, the Pledge of Allegiance was repeated.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Joey Tart and seconded by Mayor Pro Tem Robinson to adopt the January 14, 2010 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- none

Agenda Items Removed:

- none

Motion unanimously approved.

PRESENTATIONS

**Retirement Resolution
Mr. Raymond Moore**

Mayor Harris and City Manager Autry presented a retirement resolution to Raymond Moore, in recognition and appreciation of his 25 years of service to the City of Dunn Public Works Department. *A copy of Resolution (R2010-01) recognizing Raymond Moore is incorporated into these minutes as Attachment #1.*

**Proclamation Presentation
Habitat for Humanity
of Harnett County**

Mayor Harris and Mayor Pro Tem Robinson presented Habitat for Humanity Executive Director William “Bill” Cunningham and President Keith Goretzka, a proclamation recognizing the contributions made by Habitat for Humanity of Harnett County. *A copy of Proclamation (P2010-01) recognizing Habitat for Humanity is incorporated into these minutes as Attachment #2.*

**Plaque Presentation
Executive Director
William “Bill” Cunningham
Habitat for Humanity
of Harnett County**

Mayor Harris and Mayor Pro Tem Robinson presented Habitat for Humanity Executive Director William “Bill” Cunningham, a plaque in appreciation of his many years of dedication and volunteerism to Habitat for Humanity of Harnett County.

Mr. Cunningham recognized Mayor Harris and Mayor Pro Tem Robinson as charter members in the organization of Habitat for Humanity of Harnett County in 1993 and thanked them for their contributions to this organization.

PUBLIC COMMENT PERIOD

Mayor Harris opened the floor for a (30) minute public comment period.

Mr. Thomas Ellis II, 400 S. Magnolia Avenue, Dunn, NC – He stated that Grove Park subdivision has been a well respected African-American community for many years. He disagreed with describing Grove Park as drug infested, adding that such statements make it hard for the citizens of Grove Park to sell their homes.

Mr. Derrick Pine, 114 Bryd Drive, Dunn, NC - He owns Green Guy Recycling which offers weekly curbside collection service in Dunn. He charges \$6.00 per month and provides an eighteen gallon tub for recycling. He would like the opportunity to grow his business and asked for an option to offer his service to the citizens of Dunn.

Hearing no further comments, the public comment period was closed.

Mayor Harris opened public hearings at 7:26 p.m.

PUBLIC HEARINGS

Rezoning Request PZ-06-09
Gene Page
PIN #1516-48-3326.000
610 W. Cumberland Street

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Gene Page to rezone a parcel of land, totaling .24 acres +/-, located at 610 W. Cumberland Street.

This property is currently zoned CO; Office & Institutional District and is requested to be rezoned to C-3; Highway Commercial District.

The public hearing was duly advertised on December 10th, 29th, & January 5th, 2010.

Mayor Harris asked if there was anyone present to speak for or against this rezoning request.

Mrs. Adelaide Page, 222 Skinner Road, Four Oaks, NC – She and her husband own this property and they propose to open an art gallery and florist shop. Monthly art exhibitions will be held and she will invite artwork from school-age to retirees.

Ms. Marsha West, 2149 Timothy Road, Dunn, NC – She is the floral designer interested in operating her business out of this art gallery. She has been a florist for several years.

Hearing no further comments, Mayor Harris closed the public hearing.

Ordinance Amendment OA-09-09
Chapter 22 – Adding Residential District RA-40
Single Family Dwelling and Agricultural District

Mayor Harris stated that this is a request to create a new Residential Zoning District RA-40, Single Family Dwelling and Agricultural District and its particular uses and regulations. This request also includes changes in other residential districts and conditional uses to support this proposed district.

As a result of the Planning Board tabling this amendment at their November 19, 2009 meeting, the City Council met on December 8, 2009 and tabled this public hearing.

The Planning Board met December 17, 2009 and voted unanimously to recommend approval of this ordinance amendment.

The public hearing was duly advertised on November 12th, 24th, & December 1st, 2009.

Mayor Harris asked if there was anyone present to speak for or against this ordinance amendment.

Hearing no comments, Mayor Harris closed the public hearing.

**City of Dunn Water Shortage
Response Plan**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received for the purpose of adopting a proposed Water Shortage Response Plan for the City of Dunn.

N.C.G.S. 142-355(1) requires that each unit of local government that provides public water services or plans to provide such services shall prepare a Water Shortage Response Plan.

The public hearing was duly advertised on December 31, 2009.

Mayor Harris asked if there was anyone present to speak for or against the proposed Water Shortage Response Plan.

Hearing no comments, Mayor Harris closed public hearings at 7:32 p.m. and reconvened the regular meeting.

CONSENT ITEMS

Minutes - Council considered approval of minutes of the December 1, 2009 Special Call Council meeting.

Minutes – Council considered approval of minutes of the December 8, 2009 Council meeting.

Tax Releases/Refunds – Council considered approval of Tax Releases/Refunds #160 - #222. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

Budget Amendment – Council considered approval of BA #9. *A copy of BA #9 is incorporated into these minutes as Attachment #3.*

Motion by Council Member Joey Tart and seconded by Council Member Turnage to approve all consent items. **Motion unanimously approved.**

ITEMS FOR DECISION

**Rezoning Request PZ-06-09
Gene Page
PIN #1516-48-3326.000
610 W. Cumberland Street**

This is a request to rezone a parcel of land totaling .24± acres, located at 610 W. Cumberland Street. This property is currently zoned CO; Office & Institutional District and is requested to be rezoned to C-3; Highway Commercial District.

The Planning Board met on December 17, 2009, to review the request and ask for comments from the public. After hearing comments from the public and the request from the applicant, the Planning Board recommended unanimously to approve this request.

Motion by Council Member Turnage and seconded by Council Member Joey Tart to approve the request from Gene Page to rezone a parcel of land (PIN #1516-48-3326.000) totaling .24± acres and located at 610

W. Cumberland Street from CO; Office & Institutional District to C-3; Highway Commercial District based on the following justification:

- 1) The City of Dunn Land Use Plan identifies this area as office on the future land use map. This property is located in area one of the Land Use Plan.
- 2) The amendment is not inconsistent with the surrounding land uses which are both (mixed commercial and office space) in this area.
- 3) The permitted uses in the C-3 District are not considered detrimental to the area and would be beneficial to the entire community.

Motion unanimously approved.

**Ordinance Amendment OA-09-09
Chapter 22 – Adding Residential District RA-40
Single Family Dwelling and Agricultural District**

Mayor Harris stated that this amendment will create a new Residential Zoning District RA-40, Single Family Dwelling and Agricultural District and its particular uses and regulations. This request also includes changes in other residential districts and conditional uses to support this proposed district.

City Planner Neuschafer stated that after clarification from their prior meeting, the Planning Board recommended approval of this amendment at their December 17, 2009 meeting. This amendment creates a residential district with a minimum lot size of 40,000 square feet unless it has at least one public water or sewer service, then it would be eligible to be reduced to 20,000 square feet. Currently, the largest minimum lot size is 20,000 square feet in the R-20 zoning district. The RA-40 district would allow some agricultural type uses, ecotourism, wineries, equestrian and stables in a planned unit development. By creating this district, it removes those uses from R-20, R-10 and R-7 districts. It centralizes the agricultural districts.

Mr. Neuschafer explained that the RA-40 district will generally be in the ETJ area and will allow some rural uses to be weaved into the ETJ areas.

Motion by Council Member Galbreath and seconded by Council Member Turnage to approve OA-09-09. **Motion unanimously approved.** *A copy of Ordinance (02010-01) is incorporated into these minutes as Attachment #4.*

**Consideration to Adopt Resolution
Approving the City of Dunn
Water Shortage Response Plan**

Public Utilities Director Gaster explained that adoption of this resolution is the first step for the City to be considered compliant with the requirements of NCGS 143-355(1). He stated that the City of Dunn's current Water Conservation Policy that was adopted on June 12, 2003 does not meet the current requirements.

Mr. Gaster summarized the proposed plan and the levels of response and the triggers that activate the various stages of conservation.

The City of Dunn was required to submit a Water Shortage Response Plan (WSRP) that meets the minimum requirements established in North Carolina General Statute 143-355.2(a) and 15A NCAC 02E. 0607. The WSRP was developed utilizing the existing City of Dunn Water Conservation Policy and the review criteria for the required WSRP. The updated plan was submitted to the NCDENR Division of Water Resources (DWR) in early 2009 by City employees. The WSRP was reviewed by DWR and meets minimum requirements. The WSRP cannot be considered compliant with the requirements of NCGS 143-355(1) until an adopted resolution is received by DWR.

Motion by Council Member Billy Tart and seconded by Council Member Maness to adopt the resolution for the City of Dunn Water Shortage Response Plan for compliance with NCGS 143-355(1) which will replace the existing City of Dunn Water Conservation Policy adopted June 12, 2003. **Motion**

unanimously approved. *A copy of Resolution (R2010-02) Approving the City of Dunn Water Shortage Response Plan is incorporated into these minutes as Attachment #5.*

Industrial Water Rate Structure

Manager Autry stated that this will establish an industrial water rate structure for high volume water users that manufacture a product. The gallons used above 500,000 gallons per month would be at a rate of \$1.76 per 1,000 gallons in City and \$3.52 per 1,000 gallons outside City.

During discussions to establish a new water rate structure based on guidelines established by the State of North Carolina for fiscal year 2009-2010, the industrial rate was inadvertently overlooked.

This industrial rate structure will be retroactive to July 1, 2009.

Motion by Council Member Joey Tart and seconded by Council Member Turnage to adopt the water rate structure including the Industrial Water Rate retroactive to July 1, 2009. **Motion unanimously approved.** *A copy of the water rate structure is incorporated into these minutes as Attachment #6.*

Communication Tower Agreement with Time Warner Cable

Manager Autry explained that this agreement will allow the antenna for the City of Dunn's communication network to be installed on the newly erected Time Warner tower at 2001 Erwin Road in Dunn, NC. He added that a portion of the fee will be paid by Harnett County and once those terms are established, he will bring back to the Council, an agreement between the County and the City. The term of the agreement between the City of Dunn and Time Warner Cable shall be for five (5) years commencing on November 1, 2009 and terminating on October 31, 2014. The City of Dunn shall have the option to extend the term of this agreement for four (4) additional consecutive five (5) year periods.

Motion by Council Member Maness and seconded by Council Member Billy Tart to authorize the City Manager to enter into an agreement between Time Warner Cable and the City of Dunn for the City of Dunn to attach certain of its facilities and apparatus on Time Warner's tower located at 2001 Erwin Road. **Motion unanimously approved.** *A copy of the agreement between Time Warner Cable and the City of Dunn is incorporated into these minutes as Attachment #7.*

Consideration to Accept Donation of Real Property – Ponderosa Subdivision PIN #1517-86-1639.000 – PARCEL #0215179019

Mayor Harris yielded to Council Member Maness who explained that he and the City Manager have discussed the issue of the City accepting this lot for some time. The advantage to the citizens of this neighborhood, is the responsibility being given to the City to maintain this lot with the potential of creating green space in the future.

The family of the late Mr. Calvin G. Wellons wishes to donate to the City of Dunn, a lot located within the Ponderosa Subdivision designated as the old well site and located at the corner of Byron Street and Evergreen Lane.

This lot has been vacant for many years since the removal of the old elevated water tank that served the Ponderosa Subdivision and would be a nice green space in the community.

Motion by Council Member Maness and seconded by Council Member Galbreath to accept the proposed gift of real property located in the Ponderosa Subdivision from C.G.W., Inc. formerly known as Calvin G. Wellons, Inc. **Motion unanimously approved.**

**Set Budget Retreat Date
FY 10-11**

The Budget Retreat for Fiscal Year 2010-2011 will be held on Friday, February 5, 2010 in the Lynch Auditorium of the Lundy-Fetterman School of Business on the campus of Campbell University in Buies Creek, NC. This Budget Retreat will prioritize goals of the City and how to accomplish them for FY 10-11.

Motion by Council Member Turnage and seconded by Council Member Galbreath to set the Budget Retreat date as February 5, 2010 to convene at 8:30 a.m. until at the location stated above. **Motion unanimously approved.**

**ITEMS FOR DISCUSSION
AND/OR DECISION**

Implementation of Curbside Recycling

Manager Autry stated that since the implementation of the plastic ban by the State in late 2009, the City of Dunn has offered a drop-off site for plastic, glass, aluminum, cardboard and newspaper at its recycling center located on N. General Lee Avenue at the old Civic Center site; however, with the absence of a manned site, excess materials are being dumped on the ground around the site, resulting in overflowing bins, illegal trash, and unsightly appearance.

Mr. Autry added that the current solid waste hauler, Republic Waste Services provided the following quote for curbside recycling:

- \$3.25 per household per month
- Twice a month pick-up
- 65 gallon roll-out cart provided by Republic Waste (can be in place in 60 days or less)
- 3 year contract

This service is presently costing the City of Dunn \$1500.00 per month to continue the drop-off site.

Discussion was held about the advantage of implementing curbside recycling to coincide with the solid waste contract to avoid having two different contracts with two different expiration dates.

Consensus of the Council for the Manager to bring back concrete information to the Council Retreat for discussion and a proposed contract brought back to the regular February Council meeting for consideration.

Financial Report

Finance Director Mark Stephens provided the following financial update to the Council:

- The City as of November 30, 2009 had \$2.7M cash in the General Fund and \$1.9M cash in the Water/Sewer Fund. Increase of \$600,000 compared to November, 2008.
- Investment earnings are in the .35% - 0.20% range.
- Building Permit Fees were \$28,638 or 44.06% of budget. The City should be at 41.66% of budget.
- The Sales Tax Revenue for November was \$318,912 or 22.46% of budget. The City should be at 25.00% of budget.
- Water and sewer revenues were \$1.7M or 43.38% of budget. The City should be at 41.66% of budget.
- Fuel cost per gallon was \$1.99 in November.
- Property taxes collected as of November 30, 2009 were 55.85% of budget. Same period last year, the City had collected 53.26% of budget.
- Expenditures were 40.69% of budget in the general fund and 36.20% in water/sewer fund. The benchmark for this period is 41.66%.
- 89.23% tax collections as of January 5, 2010.

ADMINISTRATIVE REPORTS

Motion by Council Member Galbreath and seconded by Council Member Maness to accept the Administrative Reports. **Motion unanimously approved.**

ANNOUNCEMENTS

Mayor Harris made the following announcements:

- City of Dunn offices will be closed Monday, January 18, 2010 for Martin Luther King, Jr. Day
- Annual Martin Luther King, Jr. Parade will be held on Monday, January 18th – Downtown Dunn
- DACC Annual Banquet – Thursday, January 21, 2010 – 6:00 pm – Dunn Shrine Center
- City Council will meet in regular session - Tuesday, February 9, 2010 - 7:00 pm.

Mayor Pro Tem Robinson made the following announcement:

- Harnett County Branch NAACP will hold the 12th Annual Dr. Martin Luther King, Jr. Breakfast on Monday, January 18th – 8:00 a.m. - Dunn Community Building – 205 Jackson Road

Council Member Turnage made the following announcement:

- Mid-Carolina Council of Government meeting – Thursday, January 28, 2010 – Triangle South

Council Member Galbreath made the following announcements:

- Martin Luther King, Jr. Parade line-up at 10:00 am in front of BB & T Bank on Broad Street – Parade begins at 11:00 a.m. on Monday, January 18th.
- Community Blood Drive at Wal Mart – Friday, January 29, 2010 from 1:30 pm – 6:30 pm.

With no further business to discuss, a motion was made by Council Member Maness and seconded by Council Member Turnage to adjourn the meeting at 8:34 p.m. **Motion unanimously approved.**

Oscar N. Harris
Mayor

Attest:

Debra G. West
City Clerk