

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, February 1, 2007, at 7:00 p.m. in the Dunn Municipal Building. Present was Mayor J. Dal Snipes, Mayor Pro Tem Donnie Olds, Council Members Buddy Maness, Bryan Galbreath, Billy Tart, Billy Ray Godwin and Joey Tart. Also present was City Manager Ronnie Autry, Human Resource Officer Moses Gallion, Interim Public Works Director Billy Addison, City Planner Steven Neuschafer, Chief Building Inspector Mike Blackmon, Recreation Director Perry Hudson, Librarian Mike Williams, Fire Chief Austin Tew, Interim Police Chief B.P. Jones, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Steve Reed.

INVOCATION

Mayor Snipes opened the meeting at 7:00 p.m. and asked Council Member Galbreath to give the invocation. Afterwards the Pledge of Allegiance was repeated.

AGENDA ADJUSTMENT

Motion by Mayor Pro Tem Olds, seconded by Council Member Joey Tart to adopt the February 1, 2007 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- Resolution in Support of Campbell University and Norman Adrian Wiggins School of Law under “Items for Decision”
- Closed Session – Legal Matter to consult the City Attorney

Agenda Items Removed:

- none

PUBLIC COMMENT PERIOD

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

Hearing no comments, motion by Council Member Godwin, seconded by Council Member Joey Tart to close the Public Comment period. **Motion unanimously approved.**

Mayor Snipes closed the regular meeting and opened public hearings at 7:04 p.m.

PUBLIC HEARINGS

**PRELIMINARY ASSESSMENT ROLL
BRUCE DRIVE CURB AND GUTTER PROJECT**

The public has been notified that the preliminary assessment roll for the street improvement project along the east side of Bruce Drive running south from Erwin Road to the end of Bruce Drive and along the west side of Bruce Drive from Erwin Road south 566 feet has been prepared.

The “Notice of Preparation of Preliminary Assessment Roll and Public Hearing” were mailed to owners of all property subject to assessment on January 16, 2007.

The public hearing was duly advertised on January 18, 2007.

Mayor Snipes asked if there was anyone present to speak for or against the preliminary assessment roll.

Hearing no comments, public hearing was closed.

**ORDINANCE AMENDMENT OA-05-06
ADDING SECTION 22-204 AND 22-205
OVERLAY DISTRICT TO C-O OFFICE
AND INSTITUTIONAL DISTRICT**

This is a reconsideration of a request to create Section 22-204 and 22-205 under Division 10 in Chapter 22 of the City of Dunn Zoning Ordinance. These new sections will be an overlay district to the C-O; Office and Institutional District. This overlay will limit the list of permitted uses along the W. Cumberland Street corridor from the railroad tracks west to the intersection with Erwin Road.

The public hearing was duly advertised on January 18, 2007 and January 25, 2007.

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

Mr. Sherrill Goodman - 901 W. Divine St. – property adjacent to proposed overlay district. Three residential lots that were a part of this neighborhood were made commercial not long ago. As a premier neighborhood, this began to concern them. They do not want anything to affect the quality of life in this neighborhood. An overlay zone would provide a mechanism to protect the neighborhood. He asked that the overlay district be approved.

Michael Knott, owner of commercial property at Ellis and Cumberland (Med Fast Urgent Care) expressed concern with the future selling market of his property if an overlay district is approved. It would de-value the commercial aspect and the financial results of his property. He is a Physician's Assistant and his property has been zoned commercial for approximately fifteen to sixteen years. He understands the views of the residents, however this ordinance does not address what happens to his business should it burn down. He would be required to obtain special use permits. This ordinance does not address the aspect of being able to sell this property to another medical provider. He does not agree with the restrictions that this overlay district will impose upon his commercial business.

Mr. Bill Creel - 905 W. Cumberland St. spoke in favor of modifying the current proposed overlay district. When he first spoke to Planner Neuschafer with regards to the proposal that came before the Council a few months ago, he was told that surrounding property owners would be notified of the Planning Board meeting, however, he was never advised. He thought this overlay district would be from Orange to Watauga and not the entire area from Railroad to Erwin Road. He understands Mr. Knott's concern. In talking with folks from other surrounding towns, the City of Dunn's C-O district's permitted uses are too broad. The City Council should look at revising the entire C-O district. He did not oppose the original proposal by the Jernigan Brothers to use their commercial property for professional offices which is acceptable to the neighbors. This area was residential long before it became commercial. An overlay district would help to curtail extra traffic in this area. He asked that an amendment be sent back to the Planning Board to condense the overlay district from Orange to Watauga, not Railroad to Erwin Road. The Planning Board's last meeting was attended by only (4) of the (7) members. He would like to see the area condensed to include only the area from Orange Avenue to Watauga Avenue.

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

Hearing no comments, public hearing was closed.

**DEMOLITION OF HOUSE
610 N. MCKAY AVENUE**

The public has been notified that oral and written comments will be heard and received concerning the demolition of the dwelling owned by Flagstar Bank and located at 610 N. McKay Avenue.

The public hearing was duly advertised on January 19, 2007 and January 26, 2007.

Mayor Snipes asked if there was anyone present to speak for or against this demolition.

Hearing no comments, motion by Council Member Billy Tart, seconded by Mayor Pro Tem Olds to close public hearings and reconvene the regular council meeting at 7:20 p.m. **Motion unanimously approved.**

CONSENT ITEMS

Minutes-Council considered approval of minutes of the January 4, 2007 Council meeting.

Tax Liens Advertisement-Council considered approval for the Tax Collector to advertise tax liens on March 21, 2007 for outstanding 2006 taxes on real property.

Tax Liens Advertisement Costs-Council considered approval for the Tax Collector to increase advertising costs for tax liens from \$4.00 to \$5.00 per parcel for the 2006/2007 tax year.

Budget Amendments-Council considered approval of budget amendments #11 - #13. *A copy of Budget Amendments #11 - #13 is incorporated into these minutes as Attachment #1.*

Proclamation-Council considered approval of a Proclamation recognizing the month of February as Black History Month. Mayor Pro Tem Olds read the Proclamation. *A copy of Black History Month Proclamation (P2007-01) is incorporated into these minutes as Attachment #2.*

Planning Board Appointment-Council considered appointment of Blaine Everhart (303 W. Pearsall Street) to fill the unexpired term held by Bob Westmoreland and ending June 30, 2007.

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

ITEMS FOR DECISION

**ADOPT RESOLUTION CONFIRMING
ASSESSMENT ROLL AND LEVYING
ASSESSMENTS
BRUCE DRIVE CURB AND GUTTER PROJECT**

The City Council held a public hearing earlier tonight to hear objections from all persons interested regarding the Preliminary Assessment Roll for the Bruce Drive curb and gutter project. After the hearing, the governing body may make any proper corrections in the assessment roll, and shall then adopt a Resolution Confirming Assessment Roll and Levying Assessments.

7:29 p.m. - Motion by Council Member Joey Tart, seconded by Mayor Pro Tem Olds to adopt the Resolution Confirming Assessment Roll and Levying Assessments for the Bruce Drive curb and gutter project with an interest rate of 8%. **Motion unanimously approved.** *A copy of this Resolution (R2007-02) Confirming Assessment Roll and Levying Assessments for Bruce Drive project is incorporated into these minutes as Attachment #3.*

**ORDINANCE AMENDMENT OA-05-06
ADDING SECTION 22-204 and 22-205
OVERLAY DISTRICT TO C-O OFFICE
AND INSTITUTIONAL DISTRICT**

This request is to amend the CO; Office and Institutional District (Division 10 Section 22-204 and 205) by adding two sections of text which would restrict the number of permitted uses for the detailed portion of W. Cumberland St. (south side). The Planning Board has sent this item forward after holding their public hearing and tabling the item for further review on October 25, 2006.

The Planning Board met again on January 16, 2007 and brought the item off the table. After some discussion, the Board voted unanimously to recommend that this ordinance amendment not be approved.

Pursuant to City Code 22-30, when the recommendation of the Planning Board is to deny the proposed amendment, the amendment shall not become effective except by a favorable vote of three-fourths (3/4) (5 members) of the City Council. There should be a statement of how the proposed change does or does not uphold the findings in the adopted City of Dunn 2030 Land Use Plan.

Council Member Godwin stated that this ordinance amendment originated from May of 2006 after the Council rezoned two parcels of property on W. Cumberland Street. He is in favor of the overlay district; however, he is not in favor of the current proposal. The geographical area is too large. It is not always easy to balance residential and commercial interests. He suggested that rather than vote on the recommendation as presented, to send this back to the Planning Board to consider a geographically reduced overlay district. If they limit this district from Orange to Watauga, it would not cause any problems to existing commercial establishments but would also give some assurance of protection to the property owners in this area. He proposed that the Planning Board consider a smaller overlay district without the same negative impact on the existing commercial properties.

Motion by Council Member Godwin, seconded by Council Member Joey Tart to send OA-05-06 back to the Planning Board to reconsider reducing the boundaries of the overlay district from South Orange Avenue to South Watauga Avenue.

Council Member Billy Tart stated that there is not an existing overlay district in Dunn. The Highway 421 area is a commercial district. The C-O District is already a restricted use of the commercial district and he has a problem with restricting an existing restriction.

Mayor Pro Tem Olds, ex-officio member of the Planning Board, expressed concern that under the present zoning, there are seventeen (17) permitted uses in the C-O district. The overlay district would restrict this area to six (6) uses. Land owner usage would decrease from seventeen (17) uses to six (6) uses. He questioned if this would impose a hardship upon the landowners.

Council Member Maness expressed concern about creating a new overlay concept. The Planning Board has studied this issue carefully. He is not sure that using an overlay to accomplish an additional restriction is the correct way to go. As Mr. Creel stated earlier tonight, if it is the opinion of the public and the Planning Board that the current C-O should be revised, then that is the point to start at. He does not support instituting an overlay district.

Council Member Galbreath concurred with Mr. Godwin's suggestion to send this amendment back to the Planning Board. The citizens tonight have expressed concern about this issue; however, by sending it back to the Planning Board for review, he is not speaking to the fact of how he will vote on this issue.

Council Member Joey Tart suggested that surrounding property owners be advised of the proposed overlay district that the Planning Board will be considering should this motion be approved.

With no further discussion, Mayor Snipes called for the vote.

Ayes	Nays
Godwin	Billy Tart
Joey Tart	
Buddy	
Olds	
Galbreath	

Motion carried 5-1.

**ADOPT ORDINANCE TO DEMOLISH
HOUSE
610 N. MCKAY AVENUE**

Mayor Snipes entertained a motion to demolish this structure.

Motion by Mayor Pro Tem Olds, seconded by Council Member Maness to approve the ordinance directing the Building Inspector to remove or demolish the house at 610 N. McKay Avenue.

Mayor Snipes asked for further discussion.

Council Member Godwin asked if Flagstar Bank owned this property.

Building Inspector Blackmon stated that this property was foreclosed on owners, Jacob E. Evans, Sr. and Ann R. Evans. From there, the house went to EquiPlus Mortgage and then to Flagstar Bank. He has been in contact with individuals of Flagstar Bank and they are aware they own this house. Flagstar Bank did not respond to condemnation correspondence sent by the Inspections Department. The property was also posted with condemnation notices. The house is standing open to the public. The Police Department responded to a report that someone was stealing copper piping from under the house.

Motion unanimously approved. *A copy of this Ordinance (02007-02) Directing the Building Inspector to remove/demolish the dwelling located at 610 N. McKay Avenue is incorporated into these minutes as Attachment #4.*

ELECTION FILING FEES

Pursuant to N.C.G.S. 163-294.2 (e), the filing fees for municipal elections must be set by the governing body no later than the day before candidates are permitted to begin filing notices of candidacy. The Harnett County Board of Elections office has requested that the filing fees be submitted to them as soon as possible. The governing board shall have the authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought. This fee shall be paid to the board of elections at the time notice of candidacy is filed.

Our filing fees in 1999 and 2003 were \$27.00 for council members and \$42.00 for Mayor. The filing period begins July 6th at 12 noon and ends July 20th at noon. All candidates will file at the Board of Elections office in Lillington. Also City Elections will be held October 9th and run-offs on November 6th.

Motion by Council Member Galbreath, seconded by Mayor Pro Tem Olds to set the 2007 election filing fee at \$27.00 for council members and \$42.00 for Mayor.

Mayor Snipes asked for further discussion.

Council Member Maness suggested that the amounts be rounded to even numbers, \$30.00 for council members and \$45.00 for the Mayor, for simplicity purposes.

With no further comments, **motion unanimously approved.**

ACCEPTANCE OF POLICE ATHLETIC LEAGUE (PALYEP) GRANT

A Police Athletic League Youth Enrichment Program Grant (PALYEP) has been awarded to the Dunn Police Athletic League through the National Association of Police Athletic Leagues of Florida. The grant was awarded to allow P.A.L. to purchase athletic equipment to further enhance three existing programs. Dunn P.A.L. will work in partnership with local police departments in conjunction with the Governor's Crime Commission Gang Grant to better serve the area youth. Grant monies will also enhance PAL's current basketball program, track and field program and weight/fitness training programs. Dunn P.A.L. currently has over 350 youth on its roster, and has a continual need to enhance its programs.

The City of Dunn Police Athletic/Activities League has been awarded \$7,500 in grant revenues. The grant only requires a local in-kind match which Dunn P.A.L. has satisfied. The City is not required to match the grant with any cash.

Upon acceptance, this grant will become effective February 5, 2007, and will continue until December 31, 2007.

Motion by Council Member Galbreath, seconded by Council Member Billy Tart to authorize the Police Athletic League to accept the Police Athletic League Youth Enrichment Program Grant (PALYEP). **Motion unanimously approved.**

**RESOLUTION IN SUPPORT
OF CAMPBELL UNIVERSITY AND
NORMAN ADRIAN WIGGINS
SCHOOL OF LAW**

Mayor Snipes stated that this resolution supports keeping the Campbell School of Law in Harnett County, encouraging the Campbell Board of Trustees to resist efforts to relocate the Norman Adrian Wiggins School of Law to Raleigh, North Carolina or any location other than as an integral part of the main campus of Campbell University in Buies Creek, North Carolina.

Council Member Godwin, Campbell Law School Alumni Class of 1986, stated that Campbell has a great economic impact on Dunn and Harnett County. He read the proposed resolution prepared by City Attorney Tilghman Pope who is also a graduate of the Norman A. Wiggins School of Law.

Motion by Council Member Maness, seconded by Mayor Pro Tem Olds to adopt the Resolution in Support of Campbell University and Norman Wiggins School of Law. **Motion unanimously approved.** *A copy of this Resolution (R2007-03) in support of Campbell University and Norman Adrian Wiggins School of Law is incorporated into these minutes as Attachment #5*

ADMINISTRATIVE REPORTS

Motion by Council Member Galbreath, seconded by Council Member Joey Tart to approve the Administrative Reports. **Motion unanimously approved.**

EXECUTIVE REPORTS

Mayor Pro Tem Olds thanked the citizens for their support in the recent Martin Luther King Celebration in the City of Dunn and asked that the City continue to work under this year's theme "One America".

Council Member Galbreath recognized Mr. Walter Dafford who was recently honored by the Beauty of Dunn Masonic Lodge on January 19, 2007 for his service to that particular lodge as well as his service to this community, county and state.

Mr. Galbreath sent congratulations to Police Officers Angie Hinson and John Parker. Officer Hinson was recently promoted to Lieutenant and Officer Parker to Sergeant. He thanked Chief B.P. Jones for his guidance and leadership with the Police Department.

Mr. Galbreath thanked all organizations and individuals that commemorated the life and legacy of Dr. Martin Luther King during the recent King Holiday. Particularly, he thanked the Harnett County NAACP Youth Council, Harnett County MLK Committee and Harnett County NAACP.

Mr. Galbreath encouraged all minority business leaders, owners and managers to come out to a free luncheon sponsored by the Dunn Area Chamber of Commerce on Thursday, February 22, 2007 from 11:30 a.m. – 1:00 p.m. at Triangle South Enterprise Center Cafeteria located in the 600th block of S. Magnolia Avenue.

Mayor Snipes asked Recreation Director Perry Hudson to step forward to make a special announcement. Mr. Hudson announced that the City of Dunn in conjunction with the Dunn Area Booster Club has been selected to host the 2007 North Carolina Dixie Youth Majors Baseball Tournament to be held July 20th – 27th at Tart and Tyler Park. It will consist of sixteen (16) teams from across the state. The winner of the tournament will advance to the World Series. This will be an economic boom for the City of Dunn. They anticipate approximately 1,500 - 2,000 people to attend this event.

Mayor Snipes stated that it's quite an accomplishment to be chosen for this event. Council Member Maness stated that citizen Carolyn Brewington is already recruiting volunteers for this event.

Mr. Hudson encouraged anyone that would like to volunteer their time, to contact the Recreation office or visit the City of Dunn website.

Mayor Snipes announced the upcoming Budget Retreat to be held this weekend, February 3-4, 2007 at the Sheraton in New Bern.

Mayor Snipes gave a State of the City address for the year 2006. He gave an update of accomplishments during the last twelve months.

- Continued efforts in revising ordinances and codes-clearly defining growth
- Sent a message to developers that the City of Dunn is business friendly
- Adopted the official City of Dunn zoning map and adopted the revised Flood Damage Prevention Ordinance
- Continued growth of both residential and commercial properties – adopted final plats for East Pointe and Willow Run Subdivision
- Completion of Hampton Inn, Waffle House, several new medical offices on Tilghman Drive and Betsy Johnson Regional Hospital’s continued renovations, expansions at Machine and Welding and Gray Metal South
- Growth added to the tax base and provided new jobs for our citizens
- Downtown continues to grow with new businesses and expanded businesses (ex: Sonage Salon and Carolina Therapy)
- Major project for 2007 – \$1 million dollar expansion and renovation to Adams Graphics – business/private partnership that this council was involved to help bring about this transaction
- Established Downtown Municipal Tax District whereby property owners in this district pay an additional tax on themselves that stays in the district and is used for future enhancement in the district
- Vibrant downtowns are vital to the City
- City is sound and well reserved
- Progressive pursuit of grant money – six (6) new grants primarily in the Police Department to help fight crime and gang awareness and activities
- Began construction of Curb and Gutter Project on Bruce Drive
- Submitted a North Carolina Department of Transportation Rail Access Application to assist a new company to locate a manufacturing facility here
- In concert with Harnett County Economic Development, the City of Dunn took the lead in submitting an application for a Community Development Block Grant for the construction of a water tank at Edgerton Industrial Park for the expansion and growth of that park
- Awarded and began a major drainage improvement project on Highway 421
- Currently in the application process for \$3 million dollar Clean Water Management Trust Fund Grant to enable the City to correct our storm sewer overflows that continue to be a problem
- Sewer lateral camera purchased to assist the City in monitoring the infiltration problems
- Police Department upgraded their fleet and communication equipment
- Chief Jones has done an outstanding job in his last six (6) months in reorganizing the department and facilities
- Police Athletic League (PAL) organized and held a graffiti clean-up day and has also organized two community forums to discuss gang awareness
- City website has been updated – more user friendly
- Increased staff at the Dr. P.K. Vyas MD Recreation Center in order to remain open longer hours and also to make sure that this facility is maintained at the highest standards
- Will continue to meet and work with Fire Chief Tew and his department to listen to their needs
- The City including the downtown area has never been cleaner – positive comments heard by the citizens
- Library resources continue to grow – many programs available to all citizens
- Excellent leadership at City Hall with City Manager Ronnie Autry
- Reminded the public of all the resources and services available to the citizens of Dunn

Mayor Snipes thanked Manager Autry, his management team and the employees of the City of Dunn.

CLOSED SESSION

Motion by Council Member Godwin, seconded by Council Member Billy Tart to enter Closed Session pursuant to the North Carolina Open Meetings law to discuss a legal matter at 8:25 p.m. **Motion unanimously approved.**

Closed Session

Closed Session adjourned at 8:40 p.m.

Motion by Mayor Pro Tem Olds, seconded by Council Member Joey Tart to approve the minutes of the closed session as recorded by City Attorney Pope. **Motion unanimously approved.**

Action of Closed Session

Motion by Council Member Godwin, seconded by Council Member Joey Tart to repeal the Ordinance to Demolish the structure at 906 N. King Avenue. *A copy of Ordinance (02007-03) repealing the demolition of 906 N. King Ave. is incorporated into these minutes as attachment #6.*

With no further business to discuss, the meeting was adjourned at 8:45 p.m.

J. Dal Snipes
Mayor

Attest:

Debra G. West
City Clerk