

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, January 4, 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 Engineer Ed Powell, City Attorney P. Tilghman Pope, City Clerk Debra West, Fayetteville Observer Reporter Sarah Reid, and Daily Record Reporter Steve Reed.

INVOCATION

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

AGENDA ADJUSTMENT

Motion by Council Member Galbreath, seconded by Council Member Joey Tart to adopt the January 4, 2007 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- none

Agenda Items Removed:

- Item #11 under "Items for Decision" – Police Department Authorization to apply for youth services officer at PAL (*removed at request of Police Department*)

PRESENTATION

**CIVIC CENTER COMMITTEE
PRESENTATION REPORT-BRAD HEATH**

Mr. Brad Heath, Chairman of the Civic Center Committee, gave an executive summary report presentation outlining the recommendation and research findings for the possible uses of the Civic Center Property, as set out in the Resolution Creating this Committee on December 1, 2005. Recommendation of the Civic Center Committee is to demolish this building. *A copy of this Executive Summary Report and Recommendation for Civic Center Property is incorporated into these minutes as Attachment #1.*

The City Council expressed appreciation to the Civic Center Committee for their extensive work and dedication.

Mayor Pro Tem Olds asked Mr. Heath that in the event the City would decide to sell this property, what would be its worth. Mr. Heath responded that with the geographical location of this structure and its close proximity to the park and school system, the committee determined that it would not be in the best interest of the City to sell this property. If someone bought this property, they could not guarantee the long range use of this property; therefore, the safety of the children in close proximity was worth more than anyone could pay for this property.

Mayor Snipes stated that the City Council will discuss this property during the Budget Retreat in February and a decision will be made soon.

PUBLIC COMMENT PERIOD

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

Hearing no comment, public comment period was closed.

Mayor Snipes closed the regular meeting and opened public hearings at 7:15 p.m.

PUBLIC HEARINGS

DEMOLITION OF HOUSE 906 N. KING AVENUE

The public has been notified that oral and written comments will be heard and received concerning the demolition of the dwelling owned by Lloyd E. Herring and located at 906 N. King Avenue.

The public hearing was duly advertised on December 19, 2006 and December 26, 2006.

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

Hearing no comments, motion by Mayor Pro Tem Olds, seconded by Council Member Billy Tart to close public hearings and reconvene the regular council meeting at 7:16 p.m. **Motion unanimously approved.**

CONSENT ITEMS

Minutes-Council considered approval of minutes of the December 7, 2006 Council meeting.

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #167 - #175.
Tax Releases/Refunds for filed in the office of the Tax Collector.

Permit to Continue Business under Original License at New Location-Council considered approval of a Privilege License Permit to continue a business (Orion Technologies-Adolfo Dela Cuesta) from 409 W. Broad Street, Suite 103 to 600 S. Magnolia Avenue, Suite 211 based upon approval of the new location by the Fire, Building Inspections, and Zoning Departments. *Privilege License Permits to continue business under original license at a new location are filed in the office of the Tax Collector.*

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

ITEMS FOR DECISION

ADOPT ORDINANCE TO DEMOLISH HOUSE 906 N. KING AVENUE

Mayor Snipes asked Inspector Blackmon for comments.

Mr. Blackmon stated that his office received a complaint from the tenant, Ms. Evans, on March 20, 2006 concerning the living conditions of this dwelling. Code Enforcement Officer Steven King conducted an inspection on April 10, 2006. A letter was sent certified and first class to the owner, Mr. Herring on April 27, 2006. The owner was notified of a hearing on May 10, 2006; however, Mr. Herring did not respond. On May 24, 2006 another letter was sent certified and first class to Mr. Herring with the findings of facts and ordering the house to be repaired or demolished within 90 days. No appeal was received from Mr. Herring. The 90 day period expired on August 24, 2006. On August 30, 2006 Mr. Herring was sent a courtesy letter asking permission for the City to do a follow-up inspection to find out if the items written on the worksheet had been corrected. The City received no reply from Mr. Herring. On November 2, 2006, the same letter was sent again to Mr. Herring asking that the City be allowed to do a follow-up inspection of this dwelling. The City received no reply.

Mayor Pro Tem Olds stated that the owner has had more than enough time to repair this structure.

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to approve the ordinance directing the Building Inspector to remove or demolish the house at 906 N. King Avenue. **Motion unanimously approved.** *A copy of this Ordinance (02007-01) Directing the Building Inspector to remove/demolish the dwelling located at 906 N. King Avenue is incorporated into these minutes as Attachment #2.*

**APPEAL ORDER OF BUILDING INSPECTOR
307 E. HARNETT STREET**

This is a request from the property owner of 307 E. Harnett Street, Arthur P. Rawlings to appeal the Building Inspector's order allowing 60 days to make the proper repairs to this structure. Mr. Rawlings has filed an appeal to request a hearing before the City Council asking for more time to complete the repairs for this structure. The Council shall render a decision on this appeal within a reasonable time.

Building Inspector Mike Blackmon stepped forward and gave a brief history about 307 E. Harnett Street. During the past few years, there have been several small fires at this house. Then the house was standing open. People had access to the house and the yard was full of trash. The property owner, Mr. Rawlings, who lives in Virginia, was notified of a hearing concerning this property. He was prompt in responding to the City's concern and attended the hearing. He is the administrator of this estate which belonged to his late mother. Mr. Rawlings cleaned the property immediately and removed items from the house. Mr. Rawlings would like to proceed with receiving pricing to weigh his options in repairing or demolishing the property.

Mr. Blackmon has given Mr. Rawlings a 60 day extension, which will expire January 15, 2007. Mr. Blackmon explained that he is only authorized to give a (60) day extension statutorily.

Council Member Galbreath asked how much time did Mr. Rawlings need to complete improvements to this property.

Mr. Rawlings stepped forward and stated that he would request a 45-60 day extension past the January 15th deadline to bring this property either into compliance or to demolish it depending upon the cost. Mr. Rawlings explained that there are three (3) individuals involved in this estate.

Motion by Council Member Galbreath, seconded by Mayor Pro Tem Olds to grant an extension of 60 days from the date of the Building Inspector's compliance order dated January 15, 2007 which would be March 16, 2007 to make the necessary repairs to this structure. **Motion unanimously approved.**

**ADOPT RESOLUTION DECLARING COST
AND SETTING TIME FOR PUBLIC HEARING
ON PRELIMINARY ASSESSMENT ROLL FOR
BRUCE DRIVE CURB AND GUTTER PROJECT**

Upon completion of the Bruce Drive curb and gutter project, the Council ascertains the total cost, exclusive of the costs incurred at street intersections and adopts a resolution ordering preparation of the Preliminary Assessment Roll and setting the time and place for the Public Hearing on the Preliminary Assessment Roll.

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart to adopt the Resolution Declaring Cost for the Bruce Drive Curb and Gutter Project, Exclusive of Costs Incurred at Street Intersections, and order preparation of the Preliminary Assessment Roll, and setting a public hearing for February 1, 2007 at 7:00 p.m. in the Dunn Municipal Building for the purpose of hearing all interested persons who appear with regard to the preliminary assessment roll. **Motion unanimously approved.** *A copy of Resolution (R2007-01) Declaring Cost and Setting Time for Public Hearing on Preliminary Assessment Roll for Bruce Drive Curb and Gutter Project is incorporated into these minutes as attachment #3.*

**POLICE DEPARTMENT
AUTHORIZATION TO
ACCEPT GRANT TO
PREVENT GANG VIOLENCE**

Manager Autry explained that the Governor's Crime Commission (GCC) has been allocated \$1,500,000 dollars to be disseminated to selected counties in North Carolina who have been targeted for having gang activity.

Due to a study and information provided to the GCC from different organizations, our area (Harnett County) has been selected to apply for a two year grant in the amount of \$100,000.

The Governor's Crime Commission shall allocate the funds using a competitive grant process that includes a matching requirement of 25% one-half of which may be in-kind contributions and the presentation of a written plan for the services to be provided by the funds. No individual grant awarded under this section may exceed \$100,000.

The Dunn Police Department has partnered with other law enforcement agencies in the county to share resources in this grant to benefit not only Dunn, but other areas in the county.

The Dunn Police Athletic/Activities League is our source for the grant and a collaborative effort is made with all law enforcement agencies, church organizations, schools and other various state and county agencies.

This is an innovative competitive grant process that requires partnerships with other organizations.

1. We have been awarded the Grant in the amount of \$49,996.50 as of December 14, 2006. We have a Memorandum of Understanding signed by Four (4) Police Organizations to include Dunn Police Department. The Cash Match is \$8,332.75 each year for two years. Each agency has agreed to attempt to secure funds for their quarter of the match of \$2,083.19 which Dunn Police Department is included.
2. We are attempting to secure the entire match money amount from a different funding source other than local municipalities. Manager Autry stated that Betsy Johnson Regional Hospital has agreed to the match money.

We are requesting that the City of Dunn accept the grant as stated in #1 above. With the funding source in #2 above, all municipalities will not be required to submit a cash match.

Motion by Council Member Galbreath, seconded by Mayor Pro Tem Olds to authorize the Police Department to accept the Governor's Crime Commission 2006 Grant to Prevent Gang Violence. **Motion unanimously approved.**

**BUDGET RETREAT
FY 2007-2008**

The Budget Retreat for Fiscal Year 2007-08 is scheduled for Saturday, February 3, 2007 and Sunday, February 4, 2007 at the Sheraton Grand in New Bern, NC.

This Budget Retreat will prioritize goals of the City and how to accomplish them for FY 2007-08.

Motion by Mayor Pro Tem Olds, seconded by Council Member Joey Tart to approve the budget retreat date for February 3-4, 2007 at the Sheraton Grand in New Bern, NC. **Motion unanimously approved.**

ITEMS FOR DISCUSSION
AND/OR DECISION

SPECIAL ORDER OF CONSENT (SOC)
UPDATE-WASTEWATER TREATMENT
PLANT

City Engineer Ed Powell gave a brief summary of this issue.

For the past few years, the City of Dunn has been pursuing grant funds that would upgrade the facilities at the Black River Wastewater Treatment Plant, as well as the Eastside Wastewater Pumping Station and Forcemain system in order to avoid overflows which continue to occur within the sanitary sewer system.

The City of Dunn has received notice that once again, they are not considered eligible for the Clean Water Management Trust Fund (CWMTF) Grant. After the last rejection, there has been a tremendous amount of press about this issue.

The State of North Carolina, through the Division of Environmental Management, has indicated that the City of Dunn must enter into a Special Order of Consent (SOC) with the State of North Carolina confirming that the City will undertake the construction of the Black River Wastewater Flow Equalization Facilities as well as the Eastside Wastewater Pumping Station and Forcemain upgrades.

The Division of Environmental Management is directing the City to apply to their division for a low interest loan through the Construction Grants and Loans Section in the event that the City is unsuccessful in reapplying for a CWMTF grant. This would allow the City to proceed with the construction of these much needed facilities, would eliminate the overflows which we are now experiencing, and would provide low interest loans at less than 2.5% interest.

If the City fails to enter into this SOC, they will be subject to the normal penalty and fine system associated with sewer system overflows. As a part of this SOC, the City will be allowed to continue to extend sewer service in the new growth areas of the Town, within reason. Also as a part of this SOC, the City will be directed to provide a settlement payment to the Division of Environmental Management in the amount of \$5,000 for all past overflows, which is very reasonable since the City has had many overflows which could be fined at an extremely high level.

Recommendation is to proceed with the SOC, to reapply and to support the reapplication for Clean Water Management Trust Fund grant funding for this project.

The SOC should be signed in February. A letter has been submitted to the Fayetteville office (DENR) advising them that the Council has been presented with this information and action will be taken at the planning retreat.

Mr. Powell stated that this issue will be discussed in depth during the February planning retreat and a decision will also need to be made during the retreat.

WITHDRAWAL OF VOLUNTARY
ANNEXATION PETITION – ROBERT P.
AND SU LOU O. WELLONS – 17.18 ACRE TRACT –
RECOMBINATION OF PARCEL #02-1507-0054,
02-1507-0054-01, AND 02-1507-0054-02

During the December 7, 2006 Council meeting, a Resolution directing the Clerk to investigate the sufficiency of a voluntary annexation petition submitted by Robert P. and wife, Su Lou O. Wellons was adopted by the City Council.

Documentation was received on December 29, 2006 from Attorney Dwight Snow, on behalf of the petitioners, requesting withdrawal of the petition to the City of Dunn for voluntary annexation of the 17.18 acre tract along Powell Avenue from Friendly Road to Ashe Avenue. This letter stated that Mr. and Mrs. Wellons will resubmit a new voluntary annexation petition in the near future under a different real property

corporate ownership name. This change in ownership name will facilitate their financing plans for the development of the Cottage at Gleneagles Subdivision.

Motion by Council Member Joey Tart, seconded by Council Member Maness to accept the voluntary annexation withdrawal from petitioners Robert P. and wife, Su Lou O. Wellons. **Motion unanimously approved.**

ADMINISTRATIVE REPORTS

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

EXECUTIVE REPORTS

Council Member Maness, Mayor Pro Tem Olds, and Council Member Godwin wished all the citizens a Happy New Year.

Council Member Galbreath reminded the public of the activities planned in observance of Martin Luther King beginning on January 13th. The Harnett County NAACP Youth Council will be hosting a banquet in honor of the King Holiday on Saturday, January 13th at 7:00 p.m. at the Dunn Community Building. Tickets are \$12.00. He encouraged the Mayor and Council to attend this function. He announced that on behalf on the Martin Luther King Observance Committee, a parade will be held on Monday, January 15th beginning at 10:00 a.m. He encouraged everyone to come out and support this event as well.

Mayor Snipes announced that he along with City Planner Neuschafer and Manager Autry will attend the 2007 Main Street Conference in Morganton, NC on January 24-26, 2007.

Mayor Snipes thanked Fire Chief Tew for the calendars and pens left at the Council's desk.

With no further business to discuss, the meeting was adjourned at 7:45 p.m.

J. Dal Snipes
Mayor

Attest:

Debra G. West
City Clerk