

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

The City Council of the City of Dunn held a Regular Meeting on Tuesday, October 13, 2009, 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, 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, Police Chief B.P. Jones, City Engineer Ed Powell, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Reece Murphy.

INVOCATION

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

AGENDA ADJUSTMENT AND APPROVAL

Motion by Mayor Pro Tem Robinson and seconded by Council Member Turnage to adopt the October 13, 2009 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- none

Agenda Items Removed:

- none

Motion unanimously approved.

PRESENTATIONS

**Presentation of Advanced Certification
Master Patrol Officer Ricky Jackson**

Mayor Harris and Police Chief Jones presented the Criminal Justice Education and Training Standards Commission Advanced Law Enforcement Certificate to Master Patrol Officer Ricky Jackson.

**Dunn Housing Authority Update
Executive Director Darlene Maynard**

Executive Director Darlene Maynard presented a summary of the progress and services provided by the Dunn Housing Authority (DHA):

- Total of 143 families assisted
- Four (4) public housing sites - 28 units at Powell Village , 28 units at McKay Court, 37 units at Washington Heights, and 50 units at Harnett Terrace
- Maintain 98% occupancy rate
- Minimum waiting list of 18
- Individuals that have criminal records are denied occupancy
- Rental income for 2008 was \$308,580.00
- HUD subsidy income for 2008 was \$364,053.00
- Average monthly rent collection is \$26,000.00
- Currently they have two (2) open capital fund HUD grants- each one exceeding \$200,000. - Both grants have been obligated for bathroom renovations
- Received another capital fund grant in excess of \$250,000.00 that has not been obligated at this time
- Received stimulus grant funds in excess of \$300,000 which has been obligated to bathroom renovations
- Five (5) year annual plan has been submitted to HUD for approval

- Stimulus funding required an addendum to their procurement policy and was recently approved by the DHA Board
- Since 1993, they have been approved for capital funding each year, increasing their funds by an annual average of \$250,000.00 – with these funds, they have accomplished such projects as roofing, cabinets, electrical fixtures, heating and air systems, vinyl siding, doors, shutters, new bathroom floors, fencing, etc.
- For the last 15 years, their Audit Report has been positive with no findings or recommendations
- Category of tenants occupying DHA units - 70% working families, 20% elderly and remaining 10% do not fall under either category
- DHA is currently a member of the Eastern Carolina Association of Housing Officials, Carolinas Council Housing and Code Officials, Southeastern Regional Council, North Carolina Housing Authorities Association and the Public Housing Authority Directors Association
- Director Maynard serves on the majority of the above listed boards

Mayor Harris recognized the DHA board members in attendance and ex-officio member Mayor Pro Tem Carnell Robinson and thanked them for the great job they all do in providing safe, decent, affordable housing for the citizens.

PUBLIC COMMENT PERIOD

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

Hearing no comments, the public comment period was closed.

Mayor Harris opened public hearings at 7:20 p.m.

PUBLIC HEARINGS

**Demolition of House
401 W. Barrington Street**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the demolition of the dwelling owned by Clander W. Williams c/o Ricky Williams and located at 401 W. Barrington Street.

The public hearing was duly advertised on September 29, 2009 and October 6, 2009.

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

Mr. Ricky Williams, 30 Edenbrook Dr., Hampton Va. – He petitioned the Council for an extension of time given by the Building Inspector for the demolition of this dwelling. His mother, Clander Williams passed in December, 2008 and the house caught on fire in January, 2009. He met with Building Inspector Blackmon, contractors and his siblings at the dwelling in January to discuss the necessary repairs. Some of the work has been completed and at that time he thought he had the consensus of his siblings; however, some of them were not in agreement with what was being done and the work stopped. He and his siblings met again in September, 2009 to discuss the matter and since that time, one of his siblings passed and another had health issues.

When he received notice from the City that this property was going to be demolished, he met again with his siblings and it was decided to deed the house to him. Since then he has obtained six of the eight signatures required with commitment from the other two. Attorney Dwight Snow is representing him and has the deeds for the other heirs to the property. He spoke with the contractor and electrician today and they will be ready to start work in two weeks with a projected completion time of three months. He has the funds to complete the work and once he obtains the other two signatures, then he will give the contractor permission to begin work. He asked the Council for an extension of four months.

Mayor Pro Tem Robinson asked Mr. Williams about his military rank. He responded that he is a retired Lieutenant Colonel currently working for the Department of Defense.

Mr. Williams explained that this is a brick frame house with approximately \$15,000 in smoke damage, mostly in the roof.

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

**Demolition of House
202 S. Sampson Avenue**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the demolition of the dwelling owned by Alice Brewington and located at 202 S. Sampson Avenue.

The public hearing was duly advertised on September 29, 2009 and October 6, 2009.

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

Ms. Barbara Harrington (daughter of Ms. Brewington) of 202 S. Sampson Ave. stated that she has no other place to live. She is currently unemployed and there is no water in the house at this time. She asked for more time so that she can find another affordable place to live. She is currently on a waiting list for public housing but her name is at the bottom of the list.

Council Member Galbreath asked Ms. Harrington how much time will she need to vacate the home. She responded that is hard to answer because she is currently unemployed and this would be dependent upon her finding employment. She asked that her time be extended until the first of November. She cannot afford to make repairs to the house. She is working to move her things out.

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

**Demolition of House
507 S. Magnolia Avenue**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the demolition of the dwelling owned by Theodore L. Williams and located at 507 S. Magnolia Avenue.

The public hearing was duly advertised on September 29, 2009 and October 6, 2009.

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

Hearing no comments, Mayor Harris closed the public hearings at 7:31 pm.

CONSENT ITEMS

Minutes - Council considered approval of minutes of the September 8, 2009 Council meeting.

Tax Releases/Refunds – Council considered approval of Tax Releases/Refunds #112. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

Budget Amendments – Council considered approval of Budget Amendments #3, 4 & 5. *A copy of Budget Amendments #3, 4 & 5 is incorporated into these minutes as Attachment #1.*

Surplus Resolution – Council considered approval of a Resolution Authorizing the Disposition of Personal Property by electronic means through www.GovDeals.com. *A copy of Surplus Resolution (R2009-27) is incorporated into these minutes as Attachment #2.*

Surplus Resolution – Council considered approval of a Resolution Authorizing the Disposition of Certain Personal Property by private sale at a negotiated price. *A copy of Surplus Resolution (R2009-28) is incorporated into these minutes as Attachment #3.*

Proclamation - Council considered approval of a proclamation designating October 18-24, 2009 as National Friends of Libraries Week. Council Member Joey Tart read the proclamation. *A copy of Proclamation (P2009-20) designating National Friends of Libraries Week is incorporated into these minutes as Attachment #4.*

DOT Municipal Agreement – Council considered approval of a DOT Municipal Agreement allowing the Department of Transportation to perform bridge inspections in the City of Dunn. *A copy of the Municipal Agreement allowing DOT to perform bridge inspections in the City of Dunn is incorporated into these minutes as Attachment #5.*

Motion by Mayor Pro Tem Robinson and seconded by Council Member Galbreath to approve all consent items. **Motion unanimously approved.**

ITEMS FOR DECISION

**Consideration of Ordinance
to Demolish House
401 W. Barrington Street**

Motion by Mayor Pro Tem Robinson and seconded by Council Member Joey Tart to delay action on this demolition until March 1, 2010 which will allow for the 4 month extension requested by Lt. Colonel Ricky Williams to make all the necessary repairs. **Motion unanimously approved.**

**Consideration of Ordinance
to Demolish House
202 S. Sampson Avenue**

Council Member Galbreath stated that he met with Ms. Brewington and Ms. Harrington and he personally visited this dwelling and feels it is unsafe to dwell in. There is currently no running water in this dwelling and according to Ms. Harrington, there are busted pipes underneath the dwelling; therefore, the water cannot be turned on. He suggested allowing Ms. Harrington until November 1st to gather her belongings from the home with the condition that she not reside in the home effective immediately.

Motion by Council Member Galbreath and seconded by Council Member Turnage to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 202 S. Sampson Avenue after November 1, 2009 in order to allow Ms. Harrington an opportunity to remove her personal belongings from the structure and with the condition that Ms. Harrington not reside in this dwelling effective immediately. **Motion unanimously approved.** *A copy of Ordinance (O2009-13) to demolish 202 S. Sampson Avenue is incorporated into these minutes as Attachment #6.*

**Consideration of Ordinance
to Demolish House
507 S. Magnolia Avenue**

Motion by Council Member Maness and seconded by Council Member Billy Tart to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 507 S. Magnolia Avenue. **Motion unanimously approved.** *A copy of Ordinance (O2009-14) to demolish 507 S. Magnolia Avenue is incorporated into these minutes as Attachment #7.*

**Consideration to Extend
Payment of Registration/Permit Fee
For Rental Housing Code**

Manager Autry explained that the City has received a number of complaints from landlords who are confused about the initial timetable to register their rental properties without a penalty being assessed. To address their confusion, he is recommending that the City work with the landlords by extending the initial registration period until 4:30 pm on Friday, October 30, 2009 at a cost of \$20.00 per unit. After the stated date, the fee will be twice the initial fee and all conditions of the code will be enforced.

He added that at the present time, the City has collected \$26,040.00 in total rental fees including \$1920.00 in penalties. If this extension for payment is approved, then \$1920.00 will be refunded. To date, approximately 30% of the landlords have not paid the registration/permit fee.

Council Member Maness asked if payment must be in hand by 4:30 pm. on October 30th or postmarked by that date. Mr. Autry responded it must be in-hand by this time and date.

Motion by Council Member Joey Tart and seconded by Council Member Galbreath to approve extending the \$20.00 per unit initial registration/permit fee of rental properties which fall under the Rental Housing Code until 4:30 pm on Friday, October 30, 2009. **Motion unanimously approved.**

**Consideration of Resolution
Accepting the North Carolina
League of Municipalities
Green Challenge**

Planning Director Steven Neuschafer explained that this resolution fulfills one of the requirements required to be eligible for recognition as a “Green City” under the NC League of Municipalities Green Challenge.

He added that the NCLM has launched a Green Challenge to aid cities and towns in their efforts to save energy, natural resources and money for their citizens and community. This resolution along with the other two “green” items on this agenda will enroll the City in the challenge, at the Level One category.

The following two agenda items (U.S. Mayors Climate Protection Agreement and Water Conservation Education Program) are part of the point system to qualify for Level One category.

Council Member Maness pointed out that the federal or state government has not adopted the Kyoto Protocol under the climate protection agreement and he is not comfortable in supporting it at this time. He added that when this was originally brought up, there were a lot of issues that had a negative impact on the U.S. by the adoption of this protocol.

Mayor Harris suggested adopting this resolution and possibly defer action on the U.S. Mayors Climate Protection Agreement.

Manager Autry stated that if the Council does not adopt this agenda item and the following two agenda items, then it will exclude the City from recognition as a “Green City”.

Mr. Neuschafer pointed out that the City of Dunn already participates in many of the items listed in the U.S. Mayors Climate Protection Agreement. He explained that there are grant opportunities for cities that participate in green initiatives.

Motion by Council Member Galbreath and seconded by Council Member Turnage to adopt the Resolution Accepting the NCLM Green Challenge. **Motion unanimously approved.** *A copy of Green Challenge Resolution (R2009-29) is incorporated into these minutes as Attachment #8.*

**Consideration of Resolution
Supporting the U.S. Mayors
Climate Protection Agreement**

This is another level of the Green Challenge which requires more active programs and activities in order that a city be awarded further certificates in the intermediate and advanced levels.

Mayor Pro Tem Robinson stated that he would offer a motion to approve this agreement based on the fact that it is simply an indication of the Citys’ intent to support these kind of activities.

Council Member Maness pointed out that there are specific things that they are committing the City to do as spelled out in the information provided to them in this agreement.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Turnage to adopt the Resolution Supporting the U.S. Mayors Climate Protection Agreement. **Motion carried 5-1 with Council Member**

Maness voting against. *A copy of Resolution (R2009-30) Supporting the U.S. Mayors Climate Protection Agreement is incorporated into these minutes as Attachment #9.*

**Consideration of Water
Conservation Education Program**

Mayor Harris stated that this program promotes continuous water conservation and provides educational tools to the citizens of Dunn to help protect and preserve natural resources and insure the reliability of our water supply.

This conservation education program fulfills one of the requirements required to be eligible for recognition as a “Green City” under the NC League of Municipalities Green Challenge.

Motion by Council Member Joey Tart and seconded by Council Member Billy Tart to approve the Conservation Education Program for implementation. **Motion unanimously approved.** *A copy of Water Conservation Education Program is incorporated into these minutes as Attachment #10.*

**Consideration of Resolution
Adopting a Capital Project Ordinance
For Gravity Sewer Rehabilitation**

City Engineer Ed Powell explained that between the years 2002 and 2004, the City of Dunn was classified as one of the top ten violators in the state with regard to sanitary sewer overflows. The City was fined severely and through the process, the City entered into a Special Order of Consent (SOC) with the Division of Environmental Management which led to the development of a program in conjunction with the Division of Environmental Management whereby the City would do two major programs of sewer system rehabilitation with the help of Rural Center Grant funding. During this time, the City put up nearly a million dollars to rehab the sewer system. The City also agreed with the State that in order to avoid sewer system overflows, they would construct a flow equalization facility at the Black Water Wastewater Treatment Plant.

He added that Davis-Martin-Powell developed a preliminary engineering report for the flow equalization project and submitted it to the Clean Water Management Trust Fund (CWMTF) and in August, 2008, the City received a grant offer from them in the amount of \$2.95 million to construct the flow equalization facilities. The City proceeded with the preliminary engineering report and application to Construction Grants and Loans for additional funding to help with this project and finally received approval of the preliminary engineering report in April, 2009. Shortly thereafter, stimulus funding was offered so the City spent the next six months chasing stimulus funding which would allow the City to accomplish the entire project needed. It was anticipated that \$2.95 million would be provided by CWMTF and the rest from stimulus funding. In July, 2009, the City received notification that it would not be receiving any stimulus funding. The City reapplied to Environmental Management for a construction grant loan to supplement what the City had previously received from CWMTF. A summary of the project components is as follows:

\$2.95 Million CWMTF project includes the following wastewater treatment plant improvements schedule:

1. WWTP influent pumping renovations including the installation of variable speed suction lift pumps located inside a new building, with significant influent structure renovations.
2. New WWTP preliminary treatment structure including screening, grit removal, and flow measuring facilities.
3. WWTP flow equalization facilities including the installation of variable speed suction lift transfer pumps located inside a new building.
4. WWTP sludge handling renovations to replace the existing DAF with a drum thickener and replace the digester blowers, upgrade the digester aeration piping and add a decanter to remove digester supernatant.

\$500,000.00 Rural Center Supplemental Grant includes the following Eastside and Machine Welding Pumping System Improvements Schedule:

5. Eastside pumping system renovations including replacing the existing 6” pumps with 8” pumps (and expand the pump station building), and upgrade approximately 7,550 LF of 14” FM with 20” FM.

6. Machine Welding pumping system renovation includes replacement of approximately 5,350 LF of 4" force main with a 6" force main. This project also includes replacing the existing package duplex 3" pump station with a package duplex 4" pump station and relocating the package duplex 3" pump station to the Grove Park pump station. Standby power generators are also included for both pump stations.

\$500,000.00 Rural Center Supplemental Grant includes the following Gravity Sewer Rehabilitation Schedule:

7. Gravity Sewer rehabilitations and replacements for the Northern Outfall, Morris Circle, Guy Avenue, Spring Branch Road, and Downtown sewer areas.

The combined total for the above project including technical service, administrative cost, contingencies, etc. is \$10,572,000. The City has received \$2.95 million CWMTF grant, and two (2) Rural Center Supplemental grants in the amount of \$500,000.00 each. This leaves \$6.4 million unfunded and this is the application amount which has been submitted to the Construction Grant & Loan Section of the Division of Environmental Management for a long term low-interest loan.

Mr. Powell anticipates being able to advertise this project in November, 2009; receive bids in December, 2009 and start construction by February, 2010.

Mr. Powell explained that the project ordinance before the Council tonight involves the Gravity Sewer Rehabilitation project.

This supplemental grant will help pay for the gravity sewer portion of the 2009 Wastewater System Improvements project. The City intends to apply for \$6.5 million dollars or less under the State Revolving Loan Program at an interest rate not to exceed 4%.

Motion by Council Member Joey Tart and seconded by Council Member Maness to adopt the Resolution Adopting a Capital Project Ordinance for Gravity Sewer Rehabilitation. **Motion unanimously approved.** *A copy of Resolution (R2009-31) Adopting a Capital Project Ordinance for the second Rural Center Supplemental Grant is incorporated into these minutes as Attachment #11.*

Consideration of Resolution Affirming Water & Sewer Rates for Rural Center Supplemental Grant

The adoption of this resolution is contingent upon the City receiving the second Rural Center Supplemental Grant award of \$500,000.00. It affirms that water and sewer customers in the City of Dunn that use 5000 gallons per month pay an annual cost that exceeds 1.5% of the median household income (MHI) for the City.

Mr. Powell explained that the average monthly water bill within the city limits for 5,000 gallons is \$23.25 and sewer is \$23.00, making the total monthly average bill \$46.25. This slightly exceeds 1.5% of the MHI. The City must meet this requirement to qualify for grant funding and loans.

This second Rural Center Grant will help pay for the gravity sewer portion of the 2009 Wastewater System Improvements project. The City intends to apply for \$6.5 million dollars or less under the State Revolving Loan Program at an interest rate not to exceed 4%.

Motion by Council Member Joey Tart and seconded by Council Member Galbreath to adopt the Resolution Affirming that Water and Sewer Rates exceed 1.5% of the MHI for the City. **Motion unanimously approved.** *A copy of Resolution (R2009-32) Affirming that Water and Sewer Rates exceed 1.5% of the MHI in the City is incorporated into these minutes as Attachment #12.*

Project Updates
Wastewater System Improvements &
2009 Street Resurfacing

City Engineer Ed Powell updated the Council on the status of ongoing projects to include wastewater system improvements and 2009 street resurfacing.

Wastewater System Improvements

*See information under agenda item "Consideration of Resolution Adopting a Capital Project Ordinance for Gravity Sewer Rehabilitation" for wastewater system improvements update.

2009 Street Resurfacing

Mr. Powell stated that last year, the City undertook a City-wide resurfacing project and the City committed one-million dollars for this resurfacing project. Streets were identified and based upon pricing at that time, a one-million dollar project was developed. The project was bid and awarded for \$599,000 because asphalt and construction work is lower than ever with the current economy. The bid was awarded to Johnson Brothers Utility and Paving. Since the City had committed a million dollar project, a change order of \$248,000 was approved. To date, 52% of the project is complete and 63% of the monies have been spent. They anticipate that all resurfacing will be complete within three (3) weeks, depending upon the weather. Mr. Powell pointed out that they anticipate saving some tonnage on the resurfacing and feel they will be in a position to add Cole Street and Watauga Avenue as well as the Police Athletic League parking lot to the resurfacing project.

Consideration of Agreement
Between the City of Dunn and
The Rural Center Building
Restoration and Reuse Grant
for H & H Products

Manager Autry stated that the Council is being asked to authorize the Mayor to sign this agreement with the Rural Center for the \$100,000.00 Building Restoration and Reuse grant for H & H Products.

City Attorney Pope stated that approximately one year ago, the Council was asked to approve this grant. He explained that during the October 14, 2008 Council meeting, the Council requested that H & H Products post a performance bond as a condition for the approval and acceptance of this grant. In September, 2009, the Rural Center issued a letter stating that the City would not be required to repay the \$100,000.00 grant funds in the event of default by H & H Products; but that the City will use every means necessary to recapture the funds from the participating business including litigation, if necessary.

Mr. Pope stated that Mr. Hartman has requested that the City waive the requirement of a performance bond. He pointed out that the Loan Performance Agreement is between H & H Products and the City of Dunn as it relates to the receipt of the \$100,000. H & H must expend their own monies before expending the \$100,000 grant monies. He pointed out that the agreement states "that upon default, the governmental unit may employ an attorney to enforce their rights and remedies including collection of reasonable attorney's fees not to exceed 15% of the outstanding balance and other reasonable expenses incurred". Attached to that, is a promissory note, which H & H Products would be required to sign and which the City Council could require personal guarantees by Mr. Hartman and his spouse in addition to a corporate maker of the note, therefore, that would put the City in a position to recover costs associated by litigation and would be recoverable from H & H Products and from Mr. Hartman and his spouse.

This structure is the former NC Department of Corrections Meat Processing Plant built in 1979, is 15,240 sq. ft. and situated on 6.44 acres. The building has been vacant for 12 years and has been stripped of valuable pipe and other materials by vandals. H & H Products will re-use the facility to expand its line of chemical cleaning products and services. The company will expand and create 10 new jobs. The total project cost is \$320,000.00.

Motion by Council Member Turnage and seconded by Mayor Pro Tem Robinson to authorize the Mayor to execute the documents between the Rural Economic Development Center, Inc. and H & H Products for acceptance of the \$100,000.00 Building Restoration and Reuse Grant to include the Loan Performance Agreement, promissory note and personal guarantees from Mr. Hartman and to waive the performance

bond requirement. **Motion unanimously approved.** *A copy of the Agreement between the City of Dunn and the Rural Economic Development Center is incorporated into these minutes as Attachment #13.*

**Ratify Findings of Previous
Rezoning Request PZ-03-09
Midtown Properties, LLC
PIN #1516-39-0878.000
107 N. Watauga Avenue**

City Attorney Pope explained that at the September Council meeting, a motion to approve this rezoning was made by Council Member Galbreath and seconded by Council Member Joey Tart based on the following justification:

- 1) Office and Institutional uses are not consistent with the 2030 Land Use Plan for this area.
- 2) The amendment is not inconsistent with the surrounding land uses which are both (historically mixed residential, retail, commercial and office space) in this area.
- 3) The permitted uses in the CO District are not considered detrimental to the area and would be beneficial to the entire community.

After discussion, the motion to approve this rezoning failed 2-4. State statutes now require in a rezoning decision a finding by the Council that the rezoning (if approved or denied) is or is not consistent with the Land Use Plan. Because the defeating of a motion to approve does not include a finding that the rezoning is inconsistent with the Land Use Plan, the matter is being placed on the agenda for further action to make such finding or as otherwise acted upon by the City Council.

To affirm denial of this rezoning, then a motion should be made to deny based on findings as determined by the Council.

As a point of background information, this request was to rezone a parcel of land totaling .60± acres, located at 107 N. Watauga Avenue. This property is currently zoned R-10; Single Family Dwelling District and is requested to be rezoned to CO; Office & Institutional District.

The Planning Board met on August 25, 2009, reviewed the request and asked for comments from the public. After hearing comments from the public and the request from the applicant, the Planning Board recommended to approve this request. The vote was carried with a vote of 6-1 to approve.

Motion by Council Member Turnage and seconded by Council Member Maness to affirm the denial of rezoning request PZ-03-09 based on the following justification:

- 1) Office and Institutional uses are not consistent with the 2030 Land Use Plan.
- 2) Ample Commercial property is available through-out other CO districts in town.
- 3) Storm drainage will be a problem when additional parking is established.
- 4) It will create additional traffic in an already stressed area.
- 5) There is no guarantee in the CO District, that this will be a 9 am – 5 pm business.

Motion defeated 2-4.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Joey Tart to reconsider the prior motion to approve rezoning request PZ-03-09.

Ayes	Nays
Joey Tart	Turnage
Billy Tart	Maness
Robinson	
Galbreath	

Motion carried 4-2 to reconsider the prior motion made during the September Council meeting.

City Attorney Pope explained that the motion on the table is the motion to approve the rezoning request as made at the September Council Meeting (original motion was made by Council Member Galbreath and seconded by Council Member Joey Tart).

Ayes	Nays
Joey Tart	Turnage
Billy Tart	Maness
Robinson	
Galbreath	

Motion carried 4-2 to approve PZ-03-09.

ITEM FOR DISCUSSION
AND/OR DECISION

Financial Report

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

- The City as of August 31, 2009 had \$2,917,614 in cash in the General Fund and \$1,829,155 in the Water/Sewer Fund.
- Investment earnings are in the 1.00% - 0.20% range.
- Building Permit Fees were \$11,093 or 17.07% of budget. The City should be at 16.67% of budget.
- Water and sewer revenues were \$748,892 or 17.48% of budget. The City should be at 16.67% of revenue.
- Fuel cost per gallon was \$1.99 in August.
- Property taxes collected as of August 31, 2009 were 42.48% of budget. Same period last year, the City had collected 43.77% of budget.
- Expenditures were 14.05% of budget in the general fund and 14.67% in water/sewer fund. The benchmark for this period is 16.67%.
- Powell Bill allocation was \$12,000 over budgeted.
- Received \$21,000 premium adjustment on FY 08-09 workers compensation.
- There are currently nine (9) on-going grants; some require additional reporting because they were obtained through stimulus funds.
- A draft of the FY 08-09 audit report has been received with no findings. Monies will be put back in the fund balance. The final report will be sent to the Local Government Commission next week and should be ready to present to the Council at the November meeting.

Project Updates
Wastewater System Improvements &
2009 Street Resurfacing

*Note: Mr. Powell gave this update earlier in the meeting.

Recycling Update

Manager Autry updated the Council and citizens of Dunn about the efforts being taken by the City to address the recent legislative ban of plastic containers in local landfill sites.

Mr. Autry stated that he had recent discussions with Harnett County and the City's local solid waste provider, Republic Waste about this ban and he requested that Republic replace the current two (8) yard co-mingled receptacles with a larger 24' co-mingled receptacle at the City's drop-off site on N. General Lee Avenue.

Mr. Autry stressed to the public not to deposit plastic bags in the co-mingled container. Plastic bags will contaminate the load when it is taken to Raleigh and dropped at the recycling center.

He stated that discussions have been held with the local Woman's Club who would like to beautify the recycling site with fencing and plantings.

The City of Dunn does not have curbside recycling. This is an issue that the Council may wish to consider during the FY 2010-2011 budget work sessions.

Discussion was held about the possibility of asking Harnett County for an adjustment of the tonnage charged to the City of Dunn once the City has an accurate record of the volume of recyclable material taken to the drop-off centers since this waste will not be taken to the Harnett County Landfill. Discussion was also held about any potential monies received by the waste hauler when they transport recyclable material to the drop-off center and if these received monies could off-set what the waste hauler is charging the City of Dunn to transport the recyclable material to Raleigh.

Mr. Autry explained that the larger recycling receptacle that has been placed at the drop-off site will be independent from other containers and the volume will be independent; therefore, the City will be in a position to record the exact volume of recyclable material that is being taken to the Raleigh recycling center.

ADMINISTRATIVE REPORTS

Motion by Council Member Joey Tart and seconded by Council Member Billy Tart to accept the Administrative Reports. **Motion unanimously approved.**

ANNOUNCEMENTS

Mayor Harris made the following announcements:

- A list of recent enacted legislative action has been forwarded to the City Council
- A copy of the ABC Board audit is available for review in the City Manager's Office
- Harnett County Annual Industrial Appreciation Day – Thursday, October 22, 2009 – Chicora Country Club – applications are available to play golf
- The City of Dunn has received notification from the State of NC Department of Cultural Resources Office of Archives and History that the Downtown Dunn Commercial Historic District has been entered in the National Register of Historic Places effective September 9, 2009. He thanked City Planner Neuschafer for his contribution in receiving this nomination.
- Dinner and graduation ceremony for Leadership Harnett 2009 will be held October 26th – He congratulated Public Works Director Billy Addison in this achievement.
- N.C. State Fair – Raleigh, NC – October 15th – 25th
- Mid-Carolina Council of Governments quarterly meeting – Thursday, October 22, 2009 at 6:00 pm – Main Street Grill – 7219 Main Street – Wade, NC
- 2009 NCLM Annual Conference – Greenville, NC – October 25-27, 2009
- “Trick or Treat” time in the City of Dunn – Saturday, October 31st – 6 to 8 pm
- Daylight Savings Time Ends – Turn clock back one hour on October 31st
- Harnett Regional Agricultural Fair – November 3-7, 2009 – Lillington, NC
- DACC Fall Clean Up – Meeting at Sherry's Bakery at 3:00 pm - Thursday, November 5th
- 11th Annual Touchstone Energy NC Cotton Festival – Downtown Dunn – November 7, 2009 – 10 am until 4 pm
- The City of Dunn received a Safe Routes to School grant award in an amount of approximately \$37,000.00

Mayor Pro Tem Robinson met with the DACC Education Committee and they are accepting applications for their mentoring program. This program is an effort to catch younger children that may be at risk of school failure or dropping out; a preventive program.

Council Member Turnage announced that the PAL Golf tournament scheduled for October 14th has been postponed until October 29, 2009 beginning at 11:00 am at the Chicora Country Club.

Mr. Turnage announced that the vote on the quarter cent county sales tax will be held November 3rd; however one-stop voting begins October 15th and ends October 31st.

Council Member Galbreath stated that the citizens need to be aware that the City has a noise ordinance. The City is having severe problems with amplified music through-out the City, especially in east Dunn. He asked that the Police Chief enforce this ordinance to the maximum.

CLOSED SESSION

9:12 p.m. - Motion by Mayor Pro Tem Robinson and seconded by Council Member Turnage to enter closed session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the City Attorney about pending litigation. **Motion unanimously approved.**

Closed Session adjourned at 9:30 p.m. and Council reconvened the regular meeting at 9:32 p.m.

Motion by Council Member Joey Tart and seconded by Council Member Maness to approve the minutes of the closed session as recorded by City Attorney Pope. **Motion unanimously approved.**

With no further business to discuss, the meeting was adjourned at 9:35 p.m.

Oscar N. Harris
Mayor

Attest:

Debra G. West
City Clerk