

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, November 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, Jr., and Joey Tart. Also present was City Manager Ronnie Autry, City Planner Steven Neuschafer, Librarian Mike Williams, Police Chief B.P. Jones, Public Works Director Billy Addison, Public Utilities Director Dean Gaster, Fire Chief Austin Tew, City Engineer Ed Powell, 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 Joey Tart 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 November 1, 2007 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- none

Agenda Items Removed:

- none

PRESENTATION

**LUCKNOW GARDEN CLUB
LIBRARY LANDSCAPING PROJECT**

Mrs. Patsy Powell, representing The Lucknow Garden Club, gave a presentation regarding a landscaping project proposed for the Dunn Public Library.

On behalf of the members of the Lucknow Garden Club, Mrs. Powell stated they are proud to offer a beautification project at the Dunn Public Library. They plan to take the project in three (3) phases; the first will be to landscape the front of the library property at a cost of \$2,000 with volunteer hours to offer their services.

The Lucknow Club commended Mayor Snipes in making this project possible. She thanked the Mayor and Council for the progress they have made within the City.

Mayor Snipes recognized members of the Lucknow Garden Club in the audience.

PUBLIC COMMENT PERIOD

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

Hearing no comments, the public comment period was closed.

PUBLIC HEARINGS

**REZONING REQUEST – PZ 07-07
PIN #1516-38-7462.000
202 S. GENERAL LEE AVENUE**

The public has been notified that oral and written comments will be heard and received concerning the

request by Mr. and Mrs. William Langston (applicant) to rezone an existing parcel of land totaling 0.24± acres located at 202 S. General Lee Avenue.

This property is currently zoned R-10; Single Family Residential District and is requested to be rezoned to CO; Office and Institutional District.

The public hearing was duly advertised on October 9 and October 16, 2007.

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

Mr. William Langston, 202 S. General Lee Avenue, distributed material to the Council. Mr. Langston stated that his neighbor, Lib Justenson is the only adjoining neighbor within 100 feet of this property. He spoke with Ms. Juestensen and assured her that he and his wife have no plans to move from this residence. He has lived at this residence since 2001 and his wife has lived there since 1997. In referring to the distributed material, he noted that commercial property is currently located behind and beside his property.

Attorney Bo Jones, 1004 W. Pope Street, spoke on behalf of Mary Alice and Zip Reece as well as personally for himself. He asked the Council to reject the rezoning request by the Langstons. Once this zoning change is made, there is nothing that can stop future commercial development by a future owner of this property. Mr. Jones asked those in the audience that opposed this rezoning, to raise their hand. Many citizens in the audience raised their hand. He stated that this rezoning would be a step backwards if approved. He is against this kind of growth that will affect this residential neighborhood. If rezoned, this piece of property would be the only property that is not contiguous to Highway 421. If rezoned, it would have a tremendous affect on this neighborhood. He voiced his concern about the already dangerous intersection of N. General Lee and Divine Street and how this intersection would not be able to accommodate additional traffic created by rezoning this property commercial. The Planning Board heard many of the residents during their meeting and he would hope that the City Council would concur with the Planning Board in denying this rezoning request. He pointed out that Council Member Billy Tart owns commercial property which fronts Highway 421 and is contiguous to this property. He added that Mr. Tart should sustain from voting on this issue.

Mr. Rodney Warren, 709 W. Divine Street, distributed material to the Council. His residence is located on the corner of Divine and General Lee Ave., less than (100) yards from 202 S. General Lee Avenue. Many of his concerned neighbors present tonight, ask that the Council support and approve the unanimous recommendation of the Planning Board to deny this rezoning request. If the Planning Board's recommendation is overturned and this parcel is rezoned CO, he is concerned that the already busy General Lee and Divine Street will create more traffic, congestion and concerns for families in this neighborhood; many of which have small children such as himself. Attempting to enter onto General Lee Avenue is already difficult due to the narrow width of the street. From curb to curb, General Lee is only forty feet wide. The majority of streets departing from Highway 421 onto commercial areas are sixty feet wide. Other streets such as Divine, Pearsall and Pope in this residential area, are sixty feet wide from curb to curb. What is already a safety issue, will become a significant danger in the future putting the residents of this neighborhood at risk. In referring to the material he distributed, he noted that of the (32) parcels on Highway 421, (26) have a depth of no greater than 150'. Of the other (6) parcels with frontage on Highway 421 and a depth greater than 150', (3) are residential and (1) is a church. The other (2) parcels that have frontage on Highway 421 are zoned CO Commercial Office. These parcels consist of the Tattoo Parlor at 1105 W. Cumberland and the parcel owned by Council Member Billy Tart at 803 W. Cumberland. Both of these lots have depths greater than 150'. It appears that neither of these parcels is consistent with a depth of 150' from Highway 421. Neither of these parcels have frontage other than Highway 421. It appears that the original intent of the City was to create a parcel depth limit from Highway 421 of no more than 150'. The property at 202 S. General Lee Avenue has no frontage on Highway 421. The frontage of this property is only on S. General Lee Avenue and this location is a residential street. There is no precedence to rezone this interior lot to CO Commercial. If the Council will be consistent with the previous zonings, then the issue is clear cut. With frontage only on a residential street and no frontage on Highway 421 and with a depth of greater than 150', this Council should take the recommendation of the Planning Board to deny this request.

Attorney Jim Goodman, 408 S. Orange Avenue, stated that he is authorized to speak on behalf of several residents present tonight. Approximately (6) months ago, he and his neighbors came before the Planning Board to oppose the encroachment of commercial development from the Jernigan property between

Watauga and S. General Lee fronting Highway 421. That particular rezoning was denied. He and his neighbors are once again forced to attempt to defend the residential integrity of their neighborhood from encroachment development. He asked the Council to concur with the Planning Board's recommendation to deny this rezoning request. In referring back to the Jernigan rezoning that was denied, he stated that request involved 35' of frontage on Divine Street whereas this request involves 75' of frontage on S. General Lee Avenue and has no contiguous boundaries to Highway 421. The only ingress and egress would be S. General Lee Avenue. He cannot think of any other intersection more dangerous in Dunn than that of General Lee and Cumberland. There is no stop light at this location and the sight-distance is very limited. With the T-Mart and New Century Bank located at this particular intersection, there is already a plethora of traffic. To allow this property to be developed commercial would make a bad situation worse. He suggested that Council Member Billy Tart reclude himself from discussion and vote of this issue. Not all development is smart development.

Mr. William N. Creel, Jr., 905 W. Cumberland Street, stated that his property is within 250' of the rezoning request property. He has spoken to the Planning Board and Council numerous times to protect the integrity of this neighborhood. He is not against growth as long as it is proper and planned. He stressed that there is no need for this rezoning to happen. He stated that Council Member Billy Tart's property is contiguous to the subject property and he suggested that he reclude himself from the vote of this issue. There is enough property in Dunn to satisfy the need for commercial growth. He requested that the Council deny this rezoning request.

With no further comments, the public hearing was closed.

REZONING REQUEST – PZ 08-07
PIN #1517-32-1935.000, PIN #1517-32-1934.000, AND PIN #1517-33-2130.000
MAPLE AVENUE

This petition was withdrawn by the owner/applicant prior to the Planning Board meeting on October 16, 2007. No action was taken by the Planning Board.

Applicant/Owner - William Boyd Beasley request to rezone three parcels of land totaling 6.0± acres located along Maple Avenue.

Current zone: R-10; Single Family Residential District
Requested zone: RM; Multifamily Dwelling District.

The public hearing was duly advertised on October 9 and October 16, 2007.

Hearing no comments, motion by Council Member Godwin, seconded by Council Member Joey Tart to close public hearings and reconvene the regular council meeting at 7:35 p.m. **Motion unanimously approved.**

CONSENT ITEMS

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

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #138 - #142. *A copy of Tax Releases/Refunds is filed in the office of the Tax Collector.*

Budget Amendments-Council considered approval of Budget Amendments #6 - #8. *A copy of Budget Amendments #6 - #8 is incorporated into these minutes as Attachment #1.*

A motion was made by Council Member Joey Tart and seconded by Council Member Galbreath to approve all consent items. **Motion unanimously approved.**

ITEMS FOR DECISION

REZONING REQUEST PZ-07-07 PIN #1516-38-7462.000 202 S. GENERAL LEE AVENUE

A request was received from Mr. and Mrs. William Langston (applicant) to rezone a parcel located at 202 S. General Lee Avenue totaling 0.24± acres.

This property is currently zoned R-10; Single Family Dwelling District and is requested to be rezoned to CO; Office and Institutional District.

As of January 1, 2006, NCGS 160A-383 requires a written statement on all rezoning amendment decisions (adoption and rejections); requires that statement address plan consistency, reasonableness and public interests furthered.

The Planning Board met on October 16, 2007 and recommended **Denial** of this request.

Pursuant to Section 22-30 of the City of Dunn Zoning Ordinance, if 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) of all members of the City Council (5 members).

Planner Neuschafer presented a slide presentation of the property and statement of findings. This property is adjacent to an existing CO; Commercial Office and R-10 Residential District. In March, 2006, the adjacent Ciccone property was rezoned CO from R-10. There is no record of opposition in the minutes of the Planning Board or City Council meeting. In August, 2006, another adjacent parcel owned by Billy Tart, was rezoned CO by the Planning Board and City Council with no record of opposition. This amendment is warranted due to the changing conditions of the area. The amendment achieves the purpose and is consistent with the Land Use Plan. It has been noted many times, that this corridor is presumed to be commercial in the future according to the adopted Land Use Plan.

The Planning Board discussed the access and traffic for this parcel. As it stands alone, General Lee Avenue is only a 44' right-of-way which is a concern. He cannot speculate on whether this parcel is going to be involved in something else. As it stands as a request, it is now fronted on the side and back with CO zoning.

Council Member Godwin asked Mr. Neuschafer if he knew of any other CO parcels on this corridor deeper than 150' that do not front on Highway 421. Mr. Neuschafer responded no. There are very few mid-block lots. Most of them are the traditional 150' depth. The Tattoo Parlor is actually zoned C-3; Highway Commercial.

Mayor Pro Tem Olds asked Mr. Neuschafer if the Council took action to rezone this parcel, how long of a period does he foresee an impact upon the traffic in this neighborhood. Mr. Neuschafer responded that the subject property is approximately ¼ acre which is not a large parcel compared to others in the area. The requirement for parking and transition of a single-family home to commercial use would limit greatly the number of parking spaces that would be allowed on this lot. Parking requirements and other restrictions such as buffering would have to be met in order to transition to a CO use.

Mr. Olds asked Mr. Neuschafer if this particular property is rezoned, could it eventually be used as a parking lot in the event a future owner developed the adjoining parcels. Mr. Neuschafer responded any permitted use in the CO district would be allowed.

Council Member Godwin questioned Mr. Neuschafer about the traffic issue should this lot be combined with the Tart and Ciccone property. Mr. Neuschafer responded there is some idea of what could happen; however, before him is a map with a request for this single lot. If the lots were recombined, it would create opportunities for development.

Mr. Godwin pointed out that this lot by itself, would be difficult to put a commercial establishment on, given the City's parking and buffering requirements. This lot by itself has no commercial value unless it is recombined. He asked Mr. Neuschafer if he agreed. Mr. Neuschafer agreed that the lot in itself would not

generate a whole lot of traffic. Mr. Godwin mentioned all other uses allowed in a CO district and pointed out that this could create a significant difference if the surrounding lots were combined with this particular lot.

Council Member Maness asked Mr. Neuschafer how long he had been a Planner. He responded (9) years. Mr. Maness asked Mr. Neuschafer that as a professional Planner, what would be his thoughts about this issue. Mr. Neuschafer responded that the City Council has already rezoned (2) parcels to CO to the same depth that this parcel is. It makes common planning sense, that if you have already adopted a zoning amendment to go the same depth, and on the same corner, it is not against planning sense to finish off the same depth. He added that it is more difficult for the smaller property to exist against two sides of commercial zoning. Protections such as buffering were put into place for adjacent properties. When the prior (2) properties in this area were rezoned, there were no buffering screen requirements in place. Now that buffering is in place, it helps to transition the requirement. In the same area, there are other CO type institutions that are directly against residential property that take up large corner lots and they have put in screening and buffering.

In addressing Planner Neuschafer, Council Member Godwin stated that since they have established taking this lot by itself would be difficult to develop commercially because of the parking requirements and if you accept this, then what is the purpose of rezoning this parcel to CO other than a recombination? Mr. Neuschafer responded he could not rule this out. There are some offices that occupy structures this size such as a lawyer's office or similar scale.

Additional discussion was held about the subject property adjoining the other properties fronting Highway 421 (W. Cumberland Street) and the impact this rezoning would have on the neighborhood.

Mayor Pro Tem Olds stated that if this property was rezoned, it would connect all of the adjoining properties. It appears that all the adjoining properties extend the same distance as the subject property to Divine Street and the Council rezoned the adjoining parcels to CO.

Motion by Mayor Pro Tem Olds, seconded by Council Member Joey Tart to (approve) the request from Mr. and Mrs. William Langston (applicant) to rezone a parcel located at 202 S. General Lee Avenue from R-10; Single Family Dwelling District to CO; Office and Institutional District based upon the following justification:

- 1) CO uses are consistent with the 2030 Land Use Plan for this area.
- 2) The amendment is not inconsistent with the evolving land use pattern for this area. The surrounding land uses are office or residential in nature and this change will be acceptable since both office and residential uses are allowed in the CO District.
- 3) The permitted uses in the CO District are not considered detrimental to the neighborhood and would be a benefit to the entire community.

Council Member Billy Tart asked City Attorney Pope if there would be a conflict for him to vote on this issue. City Attorney Pope advised Council Member Billy Tart that if he does not have a direct legal or financial interest in this property, then he is not legally required to recuse himself. He is not required to recuse himself, unless he has some contractual arrangement with the property owner in question or other financial or direct interest in the property.

Mayor Snipes asked for further discussion

In addressing Mayor Pro Tem Olds, Council Member Godwin stated that the major difference with this lot is there is no frontage on Highway 421. This is an interior lot on General Lee Avenue and it does not face Highway 421 (Cumberland). He asked the Council to look at the justification for rezoning this property. He stated it is not in the public interest to rezone this property when there are so many residents present who are opposed to this request. This lot, by itself, would have a difficult time to stand alone to become a commercial tract. The only practical way it would develop commercially, is to combine with the adjoining property. If this is approved, it would set a bad precedence. What would stop the corner lot on Divine and General Lee from being rezoned? Had they approved the overlay district, this would have addressed the concerns of the residents of this area. The CO zoning uses need to be addressed. He encouraged the

Council to deny this request. He would like to see the Planning Board and City Council fix the CO zoning district.

Mayor Pro Tem Olds stated that his motion addresses the property and not individuals. Eventually Highway 421 (Cumberland Street) is going through a change whether they like it or not. This section of Cumberland is changing. All progress is not good progress, but it depends on which side of the street you are standing. He has seen changes in his neighborhood that he did not like, but this is progress.

Council Member Maness asked Mr. Neuschafer when the Planning Board would have the proposed uses for removal to the CO district. Mr. Neuschafer responded that the Planning Board has been working on reassigning uses to different districts for the past few months and he hopes to have a Public Hearing at the Planning Board meeting in the next two months.

Council Member Joey Tart suggested the Council table this issue until the Planning Board can create the districts.

Council Member Galbreath called for the previous question.

Mayor Snipes called for the vote on the table.

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart to table this issue.

Motion to table carried 4 – 2

Ayes: Billy Tart, Joey Tart, Godwin, Maness

Nay: Olds, Galbreath

Mayor Snipes called for a (5) minute recess

Mayor Snipes reconvened the meeting at 8:21 p.m.

**MINOR SUBDIVISION PLAT APPROVAL MS-01-07
WITH VARIANCE REQUEST – PIN #1516-07-7694.000
100 PECAN LANE**

A request was received from William and Patsy Powell (applicant) to approve a minor subdivision of an existing parcel totaling 6.0± acres. This parcel is located along a private lane known as Pecan Lane.

- The request would subdivide the lot into three two acre lots as represented in the attached documentation.
- The request would require a variance from the stipulation in the ordinance that each parcel front on a public road.

The Planning Board did vote unanimously to approve the final plat for the minor subdivision and at the same time acknowledged the granting of a variance for the approval stating that: the intent of the ordinance was not destroyed and the applicant met the other provisions of the ordinance.

Planner Neuschafer provided documentation explaining that it is true that there are plenty of existing parcels which do not abut a public road; however, this is not the predominant situation. Of the over five thousand parcels in our jurisdiction, there are maybe a few dozen parcels which do not abut a public road.

City Code, Section 20-9. Variances; states that if, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this chapter would cause an unnecessary hardship, the Planning Board may recommend and the City Council may authorize a variance, if such variance can be made without destroying the intent of this chapter. Any variance thus authorized is required to be entered in writing in the minutes of the Planning Board and of the City Council, and the reasoning on which the departure was justified set forth.

Council Member Godwin stated that he has a concern in granting a variance which basically is asking the Council to deviate from the subdivision regulations. If the Council approves this variance without due diligence, then it will open a floodgate from other developers. The Council needs justification should this variance be approved. He stated that he would have to vote against this issue if a vote was taken tonight. He would like to see this item of business tabled until January and direct the City Planner to bring back to

the Council the reasons why this subdivision does or does not meet the variance criteria so the Council may use that criteria to establish a precedence for future variances.

Council Member Galbreath stated that based upon his conversation with City Planner Neuschafer, he is in favor of tabling this issue as well, to allow Planner Neuschafer to bring back to the Council additional information.

Motion by Council Member Galbreath, seconded by Council Member Godwin to table this item of business. **Motion unanimously approved.**

WATER AND SEWER RATE ADJUSTMENT

City Engineer Ed Powell stated that the City of Dunn has submitted applications to the Clean Water Management Trust Fund (CWMTF) during the last three grant cycles for approximately (3) million dollars that would provide flow equalization at the Blackriver Wastewater Treatment Plant and would also include enhancement of the Eastside Pumping system that contributes over to the Blackriver Treatment Plant with the intent that it would remove the City of Dunn from the list of major overflow violators in the State with respect to infiltration/inflow of the wastewater system.

Mr. Powell stated that the City has received 50% of the grant monies they need to construct this facility. At the same time, the NC Rural Center has been funded at a level of (100) million dollars for water/sewer improvements over the next few years. There are three areas where these would be available in the form of grants to municipalities. One is for planning studies, another is for critical needs and the last one is for supplemental funding for projects which the City of Dunn will need. The City of Dunn is eligible for a supplemental grant up to (500) thousand dollars which the City is in the process of applying for. This supplemental grant will aid in funding this much needed project.

Mr. Powell stated that a couple of months ago, the Council passed a resolution assuring CWMTF that in order to secure a grant, the City would continue to adjust their water and sewer rates, which were adjusted in July, at a level they call a high-unit price project. This means that the water/sewer annual billing would equal 1 ½ percent of the average median income for the citizens of the City of Dunn. Census data is used to determine the median income. Mr. Powell explained that in July, the Council adopted rates that would allow the City to meet the high-unit cost level and assured the CWMTF that they would continue to meet this if the City received a grant offering.

Mr. Powell explained that just this week, the 2007 high-unit price was revealed and the numbers that were proposed in tonight's agenda package were .12 cents short of meeting the level for an average user. The average user in the City of Dunn is 4,400 gallons of water per month. These revised rates have been added to the agenda package. He asked that the Council adopt these rates to qualify the City to receive \$1,475,000.00 CWMTF grant.

The average user bill would be above \$42.22/mth. Mr. Powell gave comparison rates of the following towns:

Town of Falcon	\$45.13/mth
Town of Carthage	\$46.53/mth
Town of Broadway	\$75.08/mth
Town of Cary	\$106.77/mth
Town of Benson	\$37.70/mth

If approved, the proposed rate schedule would be effective January 1, 2008.

Mr. Powell reminded the Council that the City of Dunn is currently under a SOC (Special Order by Consent), so if they do not raise the rates to qualify for the grant, then the City will be required to borrow the entire (3) million dollars to complete this project.

Motion by Council Member Joey Tart, seconded by Mayor Pro Tem Olds to approve the proposed water/sewer rate adjustment effective January 1, 2008 in order for the City of Dunn to be eligible to accept the \$1,475,000.00 CWMTF Grant award. **Motion unanimously approved.** *A copy of the water/sewer rate schedule effective January 1, 2008 is incorporated into these minutes as Attachment #2.*

ACCEPTANCE OF CLEAN WATER MANAGEMENT TRUST FUND GRANT

Manager Autry explained that the City of Dunn has been awarded funding for wastewater lines and Wastewater Treatment Plant upgrades at a reduced amount of \$1,475,000 by the Clean Water Management Trust Fund (CWMTF) at its October 8, 2007 meeting.

A draft contract will be forwarded to the City of Dunn in the near future, at which time, the City will sign and return it to the CWMTF.

Motion by Council Member Maness, seconded by Mayor Pro Tem Olds to accept the CWMTF Grant in the amount of \$1,475,000 and authorize the appropriate City Official to execute contracts upon receipt. **Motion unanimously approved.**

Mr. Powell informed the Council that an application will be made for a supplemental grant through the Rural Center.

AUTHORIZATION FOR POLICE DEPARTMENT TO SUBMIT AND ACCEPT GOVERNOR'S CRIME COMMISSION GRANT 2008 CRIMINAL JUSTICE IMPROVEMENT COMMITTEE PRIORITIES

Lieutenant William Brady explained that the City of Dunn Police Department has an opportunity to apply to the Governor's Crime Commission's 2008 Criminal Justice Improvement Committee Priorities for equipment under Section (E) Innovative Criminal Justice Program Grants in the area of Technology.

The Dunn Police Department is requesting to apply for (10) new Ma-Com P7100 Portable Radios. Most of the existing portable radios are approximately 10 years old or older and are continuously having to be repaired at a cost of \$90.00 to \$150.00 each. (Parts for the older radios are harder to find)

These portable radios with tax, S&H & programming labor cost \$3,086.04 each, totaling \$30,860.40. The Governor's Crime Commission requires a 25% cash match commitment (\$7,715.10) from non-federal funds before the 2008 grant pre-application can be submitted. All pre-applications and signature pages must be submitted by January 31, 2008.

Motion by Council Member Galbreath, seconded by Council Member Maness to authorize the Police Department to submit and accept the Governor's Crime Commission's 2008 Criminal Justice Improvement Committee Priorities Grant in an amount of \$30,860.40 with a local match of \$7,715.10 to purchase (10) Ma-Com P7100 portable radios. **Motion unanimously approved.**

IMPLEMENTATION OF STAGE 3 MODERATE MANDATORY WATER CONSERVATION MEASURES

Manager Autry explained that during Governor Easley's October 22nd press release, he requested that all citizens cut water consumption by 50 percent. The North Carolina Drought Management Advisory Council has determined that the portion of Harnett County in which Dunn is located is currently suffering from exceptional drought conditions.

Manager Autry stated that between October 24 and October 27, 4.67" of rainfall occurred and as a result, the Drought Management Advisory Council has lowered Harnett County's drought status from D-4 (exceptional) to D-3 (extreme drought conditions). Present water conservation is to conserve for next spring/summer. With predictions of a dry winter, next spring and summer will bring more severe drought conditions.

Motion by Mayor Pro Tem Olds, seconded by Council Member Godwin to implement Stage 3 Moderate Mandatory Water Conservation Measures in the City of Dunn effective immediately. **Motion unanimously approved.** *A copy of Stage 3 Water Conservation Measures is incorporated into these minutes as Attachment #3.*

Mayor Snipes requested that The Daily Record publish Stage 3 along with Stage 1 and 2 conservation measures and that it be posted on the Government channel.

Council Member Maness asked that these conservation measures be posted on the City website.

DECLARATION TO ESTABLISH DOWNTOWN DEVELOPMENT COMMITTEE

This issue was tabled at the October 4, 2007 Council meeting.

Attorney Pope explained that he is proposing a resolution to create a not-for-profit downtown corporation to be known as the Downtown Dunn Development Corporation following a model similar to other communities that have used these types of organizations relative to their downtown revitalization and following on the special tax district implemented in the 2006-2007 budget. This proposed resolution will authorize the City Attorney to file articles of incorporation to establish the Downtown Dunn Development Corporation, a non-profit corporation. Within those article of incorporation, it would establish an initial board of directors of (11) voting members, and (5) non-voting ex-officio members which would include the Mayor or his appointee, provided that such an appointee is an elected official of the City or an employee of the City, the Chairman of the Dunn Area Chamber of Commerce Downtown Development Committee, the Executive Director of the Averasboro Township Tourism Development Authority, an appointee of the Downtown Organization of Revitalization, Inc. and the City Planner for the City of Dunn. The board would consist of a total of (16) members, (11) voting and (5) non-voting ex-officio.

Mayor Snipes stated that under Article 12, the (11) original voting members of this board are proposed to be:

William P. Elmore, Jr.
Frederick L. Williford
Robert E. Tart, Jr.
Gordon William Clapp
Kimberly Godwin Schmidlin
William Fred Myers
John Dalrymple Snipes
Charles Trent Carpenter
Joseph Monroe Giles, Jr.
Archie Weldon Wood, II
James Douglas West

Ten of these voting members have properties inside the district. Mr. Clapp would be the only one representing membership outside the district.

Attorney Pope stated that also included in Article 12 (d), is the requirement, that at all times the board of directors of the corporation shall consist of at least 75% of its members owning property located within the Downtown Dunn Municipal Tax Service District.

Motion by Council Member Godwin, seconded by Council Member Joey Tart to adopt the resolution creating Articles of Incorporation to establish the Downtown Dunn Development Corporation and amend the proposed Articles of Incorporation by adding Article 13 (6) Any other activity not inconsistent herewith. **Motion unanimously approved.** *A Copy of Resolution (R2007-20) creating the Articles of Incorporation to develop the Downtown Dunn Development Corporation is incorporated into these minutes as Attachment #4.*

Council Member Galbreath asked that consideration be given to diversify this board in future appointments with more minority representation.

ITEMS FOR DISCUSSION
AND/OR DECISION

FIRE DEPARTMENT NEEDS ASSESSMENT
REPORT – MR. SHERMAN PICKARD

During the Council meeting of September 6, 2007, the City Council approved a Memorandum of Agreement between the City of Dunn and the North Carolina League of Municipalities for a Fire Department Needs Assessment.

Mr. Sherman Pickard, consultant, presented to the Council, a summary of the findings of this assessment.

- Apparatus and Equipment – They must define if the equipment is adequate for Dunn – (Use of Apparatus) – The City has two first line pumping engines that respond to the district which means they respond out of the City. Outside aid is dispatched at the same time as Dunn. Erwin's response time is excellent because they are manned around the clock. At the present time, the Fire Department has requested to purchase an equipment service truck as a replacement for an undersized service unit which is mounted on a 1987 year model Ford chassis. This vehicle is too small for the purpose it is being used for. This is an equipment vehicle, not a pumping engine or a fire engine. It is an equipment vehicle that carries equipment. Both views that have been expressed is the need for a service truck and a third pumping engine. Both of these are valid views. Equipment vehicles are present in most all fire departments of any size.
- The City's (2) first line pumper/tankers respond throughout the Averagesboro Fire District. During the five year experience period (2002-2007) this occurred 185 times. This means there were 185 occasions when the only back-up fire apparatus available for emergency service in the City was the 31 year old MB Mack and the 24 year old Ford, both of which, by current design standards of fire apparatus, are under-powered for the 1,000 gallon water load carried. This concerned him.
- He suggested the City Council develop some type of guide for replacing fire apparatus. These capital expenditures require advance planning. If the equipment truck could be bought in this fiscal year, without delaying the purchase of a replacement unit for the 31 year old mack pumper/tanker, this would be his recommendation.
- He stated that if for any reason, the purchase of the equipment/service truck would result in a delay of the replacement of the 31 year old MD Mack apparatus, it is the opinion of this assessment, that as a measure of the quality of the City's fire protection, the need for this replacement is a higher level priority. The pumper/tanker is a firefighting vehicle.
- Values at Risk – The Averagesboro Fire District is served by the City of Dunn Fire Department. The 2006 assessed value (value at risk) in the district was \$356,125,039. By comparison, for the tax billing year of 2007-2008, the assessed value in the City is \$562,347,629. The value at risk in the district (in 2006) was 38.8% of the combined value in the city and the district. The current fire tax rate in the district is \$.04 per \$100 assessed value which, in 2006, generated \$143,506 or \$35,876.50 for each \$.01 of the levy.

- Alarm Activity – The department's alarm activity for the five year experience period (2002-2007) by type and location:

All Alarms

Total incidents	2,758
Incidents within the city	1,826
Percent within the city	.66
Incidents outside the city	932
Percent outside the city	.34

Structure Fires

Total incidents	177
Incidents within the city	115
Percent within the city	.65
Incidents outside the city	62
Percent outside the city	.35

- Of the 115 structure fires which occurred within the city, (94) or 82% occurred in the area of the city nearest the downtown fire station. (19) of the (23) member volunteer force live closer to the downtown station than to the Powell Avenue Station.

- Personnel Response – For the five year experience period, the average number of Dunn personnel responding to structure fires during the day (7 a.m. to 7 p.m.) was 12. The average response during the evening and night hours was also 12. When coupled with personnel responding with the Erwin Engine, the average response is 16. This response is indeed impressive when considering that 95 or 77% of the 124 incidents requiring the use of some type of extinguishing effort during the five year experience period were within the initial attack capability of (7) personnel (including two apparatus operators and an officer).
- Response Time - The average response time for the 115 structure fires which occurred within the city during the experience period was 7.24 minutes. Response time is measured from the time of dispatch to the arrival of the first fire apparatus on the scene. All personnel are dispatched by personal pagers.
- Do you move paid personnel from the Powell Avenue station to the downtown station, and convert Powell Avenue to a training station? There are two engine responses on all structural fires. During the weekday (8 a.m. – 6 p.m.), one engine responds from the Powell Avenue Station which is manned by on-duty personnel. This occurs 30% of the time. During the weekday (8 a.m. – 6 p.m.), the second engine responds from the downtown station which is manned entirely by volunteers. During the weekday (6 p.m. – 8 a.m.) and on weekends, both engines respond from the downtown station manned by volunteers. That represents 70% of the time. At this point and time, he is unable to conclude that a change in the current status of the Powell Avenue Station is warranted. He pointed out that there is a lot of commercial property located near the Powell Avenue Station.

Mayor Snipes pointed out that Mr. Pickard was the Fire Chief for the City of Raleigh many years and comes highly recommended through the League of Municipalities. Mayor Snipes thanked Mr. Pickard for expediting this report.

Mayor Snipes entertained questions for Mr. Pickard.

Council Member Galbreath asked Mr. Pickard what additional equipment can be found on a service truck.

Mr. Pickard responded that there is a long list of equipment located within the grading schedule that goes on a service truck. They carry all the extra breathing equipment, big tanks, and a generator with lighting system.

In referring to the request for a service truck by Dunn Personnel, Mr. Pickard stated their reasons for this request is to allow them to put a cascade (several large cylinders of breathing air) to carry on the unit to the scene of a fire. As firemen use up the tanks that are on their back, they can refill the tank on the scene, as opposed to having to go back to the fire station to refill them. This is a common use of a service truck.

Council Member Godwin asked Mr. Pickard if Dunn's insurance rating will be affected based on purchasing a new pumper versus a new service truck. Mr. Pickard responded that if the City purchases a new pumper, it will not affect the fire insurance classification because if Dunn is required to have (3) engines, which Dunn does, the 71 Model Mack is credited as an engine at the same level as a new one. There is no grading for age. He added that if Dunn purchases a service truck, it will not affect the fire classification since Dunn already possesses a ladder truck. Dunn was graded in 1993 and the ladder truck was in service at that time. Out of a possible 5 point grading level, Dunn received 3.93 points.

With reference to facilities, Mayor Snipes asked Mr. Pickard if the city is correct that at this time, given the nature of commercial properties at risk on the Westside of town, both Fire Stations should be maintained. Mr. Pickard responded yes. Mayor Snipes noted that improvements will need to be made at the Powell Avenue Station.

Council Member Godwin asked Mr. Pickard, that based on turn-out and response time, does he have an opinion about the need for additional full-time personnel. Mr. Pickard responded that based on the response records provided to him, he could not make that recommendation at this time. If they reach a

point where they do not have enough people to manage the fires, or if turn-out time is too great, then they will need to consider a remedy. He added that it is becoming more difficult to attract volunteers.

Mr. Pickard stated that as long as Dunn has a volunteer department, you cannot expect the same performance from a volunteer as paid personnel on duty.

Council Member Joey Tart asked Mr. Pickard for his comments about the fire tax rate. Mr. Pickard responded that his recommendation is to increase the Averbosboro fire tax from .04 to .06 based on adopting the Value at Risk Financing method. He feels this is a better way for the Fire Department to operate.

Mayor Snipes thanked Mr. Pickard.

Mayor Snipes stated that the City Manager and Fire Chief have discussed this report. There are still other factors to be considered that will affect any major decision made. He yielded to the Fire Chief's request to speak.

Chief Tew stated that during the budget retreat, the Fire Department provided a list of equipment needs to the City Council for the next 5 years with the exception of the ladder truck. During the retreat, the Fire Department requested to purchase a service truck during the FY07-08 budget, skip a year, followed by the purchase of an engine truck, skip a year, followed by the purchase of a ladder truck. The ladder truck has been in the shop since November, 2006 with the exception of (6) weeks. With the money spent last budget year and this budget year, he does not foresee replacing this truck in the next 5-10 years. It will basically be a totally refurbished truck when repairs are completed. The purchase of a service truck was presented in the current budget year. Those firefighters in the audience are a show of support for their original recommendation. He stated that presently at a large fire, two personnel are being taken out of service to supply air bottles. He stated that the Fire Department's recommendation is to purchase the service truck.

Chief Tew stated that his Deputy Chief has requested to make comments if agreeable with the Council. Mayor Snipes responded that Chief Tew was asked to speak on behalf of the Fire Department.

Mr. Autry thanked Mr. Pickard for the informative assessment. He stated that there is still an issue with regard to the purchase of a pumper/tanker or a service truck. The City is still in the running for a pumper/tanker grant; however, awarding of this grant is not known at this time. He is concerned about the expenditure of money; whether to purchase a pumper/tanker for the liability for the City of Dunn or the purchase of a service truck at a lesser cost. He spoke with an inspector with DOI today and discussed Dunn's fire rating. As stated before, Dunn has 3.93 of a possible 5 point rating. According to DOI, if Dunn had a new service truck, there is not a guarantee that Dunn will be given the complete 5 points. He recommended that the City Council accept the Fire Department Needs assessment, continue to wait for the pumper/tanker grant and delay action with reference to the service truck until the City is informed of grant rejection or acceptance.

Council Member Galbreath asked Mayor Snipes to allow the volunteer representative to address the Council. Mayor Snipes responded that the Fire Chief is the spokesman for the paid and volunteer department.

Council Member Godwin stated there is one department and the Fire Chief represents the whole department.

Mayor Snipes stated that they are trying to make something difficult that is so clearly evident. They run the risk of forfeiting the pumper/tanker grant should this council decide tonight to purchase one. They may need to wait 60-90 days dealing with a 25-year decision for the City. He stated they are behind the Fire Department and will give them their equipment. It will either be bought, financed or given in the form of a grant. This Council is trying to do the right thing long-term for this City.

Council Member Godwin explained that the Fire Department will receive (2) new fire trucks in the next year. He does not understand the lack of enthusiasm for a new pumper they may receive. They will receive both. It is just a question of which one they will receive first. His only question is how much longer to wait before buying a service truck or a tanker.

Additional discussion was held about the time frame before the City is notified of grant award. Grant awards are announced on Fridays'; however, Manager Autry stated that the City has been informed not to make contact with the grant award office.

Council Member Maness stated that if the City of Dunn had to choose between purchasing a pumper/tanker or a service truck, the consultant's recommendation is to purchase a pumper/tanker. If the City Council proceeded with purchasing a pumper/tanker they would risk losing a potential \$366,000 grant hanging in the balance. The most fiscally responsible thing to do for the taxpayers, is to wait until they hear about the pumper/tanker grant so they do not jeopardize losing a potential grant. The City needs both trucks and with a little patience, they may receive both trucks within the same budget year.

AWARD BID TO PURCHASE FIRE TRUCK

This issue was tabled at the October 4, 2007 Council meeting.

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to accept the City Manager's recommendation to accept the Fire Needs Assessment and delay any action pertaining to the Service Truck bids, until a response has been received concerning the Pumper/Tanker Grant. **Motion unanimously approved.**

CONSIDERATION TO ACCEPT DONATION OF PROPERTY CAROLINA DRIVE HANNA'S POND

City Planner Neuschafer stated that the family of Mr. O.W. Godwin, Jr. wish to donate to the City of Dunn, Hanna's Pond; a 40± acre tract of land located along Carolina Drive.

Mr. Neuschafer stated that if the Council is inclined to investigate this further, he has been in contact with several state and federal agencies to get input on the status of the pond and the implications of the City to possibly accept it for public recreational activities. There have been initial conversations with the NC Department of Environment & Natural Resources (DENR) with regard to the condition of the dam and spillway. The DENR is the permitting authority for the dam and they have an open repair permit which will need to be closed, meaning that there will need to be further repairs completed to the dam. Contact has been made with the Engineer of record for those repairs. He will continue to meet with these authorities so that the City can have a complete understanding of what expenses are needed to complete the work and continue routine maintenance.

Manager Autry asked the Council for authorization to allow the city staff to obtain all available information to bring back to the Council with a recommendation.

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath for the City Planner to provide the Council with a report of the findings (including comments from the core of engineers, Division of Water Quality, Dam Safety Permitting of the dam, records, information from the engineer of record for the dam with its current condition and possible permits issued with the Division of Water Quality) with regard to this possible land donation. **Motion unanimously approved.**

FUND APPROPRIATION TO ERECT PARKING LOT ON CITY OWNED PROPERTY – 223 E. BROAD STREET (PREVIOUSLY FISHERMAN'S PARADISE PROPERTY)

A proposed sketch to increase parking spaces from 44 to 79 was presented to the Council. This lot is located on the corner of Clinton and Broad.

Mayor Snipes informed the Council that the City will lose over 50 parking spaces next spring in the downtown area. If they expand the recently purchased parking lot along Edgerton combined with the corner lot at Clinton and Broad, they could pick up 44 of the 50 spaces lost. There have been discussions

about leasing some of the parking spaces closer to Broad Street to Downtown merchants or install parking meters for these spaces closest to Broad Street.

Manager Autry stated that if the City proceeds with this expansion, it could be provided simultaneously with the Machine and Welding parking lot on E. Edgerton Street. City forces would perform as much grading and excavating as possible with a contractor to provide paving.

Manager Autry stated that parking lot cost projection would be approximately \$44,500. Pocket Park Cost estimation is \$60,250 (includes green space).

Mr. Autry pointed out funding sources of \$30,000 provided by the ABC Board and \$15,000 from the Insurance and Bonds account (10-500-5400).

Motion by Council Member Godwin, seconded by Mayor Pro Tem Olds to approve funding for the parking lot contingent upon the ABC Board approving their allocation of \$30,000. **Motion unanimously approved.**

Council Member Maness suggested they pursue the option of space leasing or metered parking to offset some of the costs.

ADMINISTRATIVE REPORTS

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

EXECUTIVE REPORTS

With no further business to discuss, the meeting was adjourned at 10:15 p.m.

J. Dal Snipes
Mayor

Attest:

Debra G. West
City Clerk