

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

The City Council of the City of Dunn held a Regular Meeting on Tuesday, November 10, 2009, at 7:00 p.m. in the Dunn Municipal Building. Present was Mayor Pro Tem N. Carnell Robinson, Council Members Buddy Maness, Billy Tart, Chuck Turnage and Joey Tart. Also present was City Manager Ronnie Autry, 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, Administrative Assistant Melissa Dudley, and Daily Record Reporter Reece Murphy.

Absent: Mayor Oscar N. Harris, City Council Member Bryan Galbreath, City Clerk Debra West and Finance Director Mark Stephens.

INVOCATION

Mayor Pro Tem Robinson opened the meeting at 7:00 p.m. and asked Police Chaplain Reverend Roy Johnson to give the invocation. Afterwards, the Pledge of Allegiance was repeated.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Maness and seconded by Council Member Turnage to adopt the November 10, 2009 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- Consideration to pledge \$250.00 to the David M. Lawrence Distinguished Professorship (Institute of Government)

Agenda Items Removed:

- none

Motion unanimously approved.

Mayor Pro Tem Robinson explained the absence of Mayor Harris and Council Member Galbreath.

PRESENTATIONS

**Police Athletic League (PAL) Update
Director Lt. Rodney Rowland**

Police Athletic League (PAL) Director Lieutenant Rodney Rowland presented a summary and update of the programs, activities and services provided by the PAL program:

- Dunn PAL is an after-school program under the Dunn Police Department designed to establish mutual trust between law enforcement, citizens and the youth.
- PAL engages youth ages 6 through 18 in positive programs in hopes they will become productive citizens in the community.
- PAL provides a safe haven center and alternative means to enjoy activities other than hanging out on the streets, becoming involved in gangs, drugs or alcohol and dropping out of school.
- PAL promotes clean fun, teamwork, responsibility, self-respect and problem solving.
- PAL offers athletic educational and non-athletic activities for boys and girls and is not limited to race, sex or ethnic background.
- Any youth in Harnett County can participate.
- PAL is dedicated to instilling in youth a value system that recognizes the need to respect and protect human rights, to uphold and obey the laws.
- PAL has implemented several programs and has partnered with several organizations to accomplish their goals. Recently formed a partnership with the Harnett County Schools and Star Academy whereby certain identified students will attend a class during school hours at PAL each week. The objective is to increase opportunities for students who have experienced

multiple suspensions from school and have been assigned to Star Academy for the first time and to also provide additional support to those students who are two or more grade levels behind their peers or experiencing difficulty meeting specified local requirements of 28 credits for graduation. Students must show progress. The resources that Harnett County schools provide will also be available to PAL staff and youth. This program is set to start January 25, 2010. If successful, this partnership will open Dunn PAL to further grants in the Department of Education and elsewhere.

- Another partnership offered by PAL is the 11th Judicial drug re-entry and the Healthy choices program.
- PAL business partnership with the Dunn Area Chamber of Commerce has implemented the Reach One Mentoring Program.
- PAL partnership out-of-state is Boys Town in Nebraska – Developed in 2004 - \$32,000/year is normal rate – minimal cost if PAL student accepted (grades 9-12)
- Photography and Modeling program
- Music and Vocal Production Studio
- Video Mass Communication Program
- PAL Prep – College Prep classes offered each week
- Comprehensive Youth and Family Counseling Program
- Parent Support Program
- After school tutoring and homework assistance
- Reading Class program to improve reading skills
- Athletic activities currently offered include martial arts, flag football, boxing, wrestling, weight-lifting, basketball for all ages, track and field, and summer basketball.
- PAL conducts training in Wayne Avenue and Dunn Middle Schools utilizing the School Resource Officers teaching GREAT (Gang Resistance Education and Training).
- 363 youth currently enrolled in PAL
- Youth are involved in over seven (7) athletic and educational programs – open 5-6 days per week.
- Expressed need for volunteers to drive vans to transport youth from school to PAL and to home. Also in need of mentors for the mentoring program and other volunteers for various other programs.
- PAL may be contacted through their website at www.dunnpal.org
- PAL formed a partnership with onemillionsafe.org. as well as a kid-friendly internet web browser for ages 4-12.

Mayor Pro Tem Robinson asked Harnett County Assistant Superintendent of Schools Patricia Hobbs if she had any comments about the partnership. Ms. Hobbs responded they are very excited about their partnership with PAL. This is a pilot program and these students will be pulled from the alternative school. Three years ago, the student drop-out number started at 372. In 2007-2008 the drop-out number was reduced down to 296 and continues to decline. She spoke of other programs that Harnett County is offering to address the drop-out rate. The partnership with PAL will begin next semester as a pilot program and these students will be part of a pilot 21 credit program. She distributed placemats.

Mayor Pro Tem Robinson commended and thanked Lieutenant Rowland for the work he is doing with the PAL Program. The Towns of Benson, Lillington and Clayton are considering a PAL program.

PUBLIC COMMENT PERIOD

Mayor Pro Tem Robinson opened the floor for a (30) minute public comment period.

Hearing no comments, the public comment period was closed.

Mayor Pro Tem Robinson opened public hearings at 7:27 p.m.

PUBLIC HEARINGS

Ordinance Amendment OA-04-09

Chapter 4

Section 4-31. Minimum Housing Code

Section 4-39. Rental Housing Code

Mayor Pro Tem Robinson stated that the public has been notified that oral and written comments will be heard and received concerning the request by the City of Dunn to amend Chapter 4 – Section 4-31. Minimum Housing Code (MHC) and Section 4-39. Rental Housing Code (RHC).

The public hearing was duly advertised on October 29, 2009 and November 5, 2009.

Mayor Pro Tem Robinson yielded to City Attorney Pope who explained that there were substantive changes to the MHC and RHC and then read each proposed change.

Mr. Pope stated that the amendments to the MHC were suggested primarily to make them consistent with the RHC and consistent with the proposed amendments to the RHC.

Attorney Pope explained that these proposed amendments have been suggested to the Council by the attorneys that the City has hired in connection with the pending lawsuit based upon these attorneys review of the ordinance and review of some of the claims made by the plaintiffs in that lawsuit, in order to address those claims and to make some clarifications as contained in the ordinance and consistency with the MHC.

Mr. Pope explained that this public hearing will relate solely to the proposed amendments; speaking for or against the amendments as are presented.

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

Mr. Doug Godwin, 725 Westbrook Avenue, Dunn, NC – He stated that for over a year, the landlords and tenants have not waived their opposition to the RHC. Tenants are no different than homeowners. The RHC violates the United States Constitution and the NC Constitution on illegal search and due process. They resent the fact that the RHC can prosecute their children, parents, spouses and grandchildren and tenants. The fines are excessive, heavy handed, and prevent their ability to protest an ordinance that they believe is unjust, unfair and not needed. For over a year, this City Council has not waived on substandard housing even though they have re-written the RHC four (4) times. The Council stated from the very beginning that the MHC did not work and that is why the Council said they needed a RHC. He made reference to a Daily Record article that stated 84 houses had been demolished in the City of Dunn since 2004 under the MHC. This equates to 1.6 houses each month; MHC success and economic disaster for our City. He stated that when the MHC first started in the 1970's, the City began to look pretty good; for the most part, houses that were demolished were abandoned. Next, you began to see empty lots and now there are whole city blocks that only have two or three houses on the whole block. Economic engines and the tax base are being demolished. He stated that every time a house is lost in this City, the Council has failed by not finding alternative solutions and the investors and citizens have failed by not finding ways to save as many houses as possible. Tonight the Council has a chance to find a solution by rescinding the RHC which will take care of the federal lawsuit. He suggested they set up a substandard housing committee consisting of the City Council, two investors, two former Council members and the City Planner. When the Building Inspector starts working on a substandard house, allow the committee to search for solutions to save the house or building and if none can be found, then you have exhausted every possibility and at that point, no one can complain. He pointed out that the General William C. Lee House would have been demolished under the Rental and Minimum Housing Codes. There's not a lot to brag about in Dunn right now; "we've lost a lot of industry and jobs, hours have been cut for many people and the last thing the Council needs to do is turn off the investors who are investing in our City". There needs to be a spirit of cooperation, not confrontation. Mr. Godwin stated "shame on us if we do not solve this problem tonight but mostly shame on you because you're the ones with the power to stop this confrontation tonight" – please vote to rescind this RHC and set up a substandard housing committee.

Mr. Lee James Best, Jr., 506 W. Cumberland Street, Dunn, NC – He showed a copy of the pending lawsuit against the City of Dunn resulting from the RHC. The RHC has been revised over and over again. The

City Council should feel inclined to apologize to the taxpayers of Dunn for advocating such bad legislation. It is a waste of taxpayers money for the City Council to hire expensive lawyers to fight a lawsuit about this matter when what has been in place for years has worked or should be made to work. He stated they do not need a new RHC. This whole situation has continued for weeks and it has been an administrative nightmare and the time has come to get rid of the mistake that has been made. If Dunn has an inadequate housing problem and needs money to fix it, the entire population of Dunn should be taxed and not just the rental housing property owners. The new RHC should be rejected. What service will he receive from the \$20.00 registration fee that he paid to the City of Dunn to rent a one bedroom apartment when he pays the real estate taxes on it every year. There is no need to register private property for rent since the City already has all the access they may need for information pertaining to who owns real estate; it's on the county records. You can also find out who is living there without having to register.

Ms. Elizabeth Crudup, 400 S. Magnolia Avenue, Dunn, NC – She stated that the Council has heard a lot from the landlords. She is a tenant of a rental house in Dunn and she comes to the Council with a statement from Bennie Rountree, NC State President of Southern Christian Leadership Conference, which is an organization started by the late Dr. Martin Luther King in the early 60's. She read the letter which made reference that the constitution of the United States of America gave each of her citizens inherent and inalienable rights that must be adhered to. When a City Council gathers together to refuse a portion of the citizens full rights under the law a cry must go out and remind the offenders that tyranny is unacceptable in the United States of America. If this ordinance is only amended and not repealed in its entirety it will continue to postpone the rights of the citizens of Dunn. She provided a copy of the letter that she read for the record.

Ms. Crudup stated that these amendments violate the federal and state constitution protection against unreasonable searches. It is an invalid exercise of police power and the state's law; to threaten someone with warrants and penalties just because they said no to someone coming into their dwelling. These are their homes. If you don't want her in your house, then all you have to tell her is no and if she does not want you in her house, all she has to tell you is no. The MHC and NC General Statutes have worked. These amendments attempt to finagle around the General Statutes. This is a lawyer's game; they do not care; they will take your money. Dunn will pay and pay and pay; the taxpayers will lose. All she is saying is to respect her yes and to respect her no. If the Council feels that they are lord over her life and walk into her home anytime they feel like it and threaten her with jail if she says no, then exercise that same law into their home. Repeal this unjust law and stop the madness.

Mr. Billy Barfield, 1304 Guy Avenue, Dunn, NC – He stated that we have a MHC in Dunn; it's our law that we made and it should work. Having a RHC doesn't make a lot of sense. What's the difference in an owner-occupied house and a rented occupied house; both should satisfy the MHC. Everyone should be treated the same. He made reference to a house in Dunn that the City of Dunn owned for a number of years that was substandard and was allowed to remain and not be torn down. The roof leaked in this house, the windows were worn out, the front porch was rotten and the porch columns were falling down. The house was in such bad shape, that it was donated to the City of Dunn and the City finally sold it for a very small amount of money and it still has not been repaired. Fair is fair; do not make a distinction in what he owns, what the Council members own and what the City owns. The people do not want this ordinance and the Council should listen to the people as many said they would do when they ran for office.

Mr. Frank McLean, 607 E. Vance Street, Dunn, NC – He expressed that it is totally not feasibly to register a property when you are already paying City and County taxes. The Council is not being productive and he is sure the landlords contribute to the tax base for Dunn. No one forces anyone to live anywhere they do not want to live. If the MHC has worked, certainly it will continue to work if applied. The citizens are being forced to pay for lawyers to represent the City and the tax money could be better used for the City of Dunn if the Council will reconsider. He asked the Council to look at the situation for what it is and not for what they want it to be.

Hearing no further comments, Mayor Pro Tem Robinson closed the public hearing.

Rezoning Request PZ-04-09
Grand Land Company II
PIN #1516-05-7781.000
707 Susan Tart Road

Mayor Pro Tem Robinson stated that the public has been notified that oral and written comments will be heard and received concerning the request by Grand Land Company II to rezone a parcel of land, totaling 7.92 acres +/-, located at 707 Susan Tart Road.

This property is currently zoned I-100; Industrial District and is requested to be rezoned to CO; Office and Institutional District.

The public hearing was duly advertised on October 20, 2009 and October 27, 2009.

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

Mr. Willie Snead, representing the property of 707 Susan Tart Road, stated that the Planning Board unanimously recommended approval for this rezoning request and he asked that the Council concur with the Planning Board's recommendation. A church has occupied this building for many years and now they would like to add a daycare. He pointed out that there is an existing daycare located across the street from this site and it has done very well over the years.

Hearing no further comments, Mayor Pro Tem Robinson closed the public hearing.

Conditional Use Permit CU-02-09
Grand Land Company II
PIN #1516-05-7781.000
707 Susan Tart Road

A request was received from Grand Land Company II (owner & applicant) for the issuance of a conditional use permit to allow for the operation of a child care center at 707 Susan Tart Road.

This request is for the purpose of operating a child care center. According to the applicant, the church will still be operating on its regular hours. There are mostly office and medical facilities around this property; including a child care center across the street from the location under consideration.

This Public Hearing is an opportunity for the Council to hear sworn testimony and receive specific evidence from the public to include any party for or against the request.

The public hearing was duly advertised on October 20, 2009 and October 27, 2009.

Mayor Pro Tem Robinson yielded to City Attorney Pope.

City Attorney Pope introduced CU 02-09 a request by Grand Land Company II for the issuance of a conditional use permit to allow for the operation of a child care center at 707 Susan Tart Road. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards. Attorney Pope asked that all persons who wish to testify in this case, approach the podium to be sworn or give their affirmation.

Swearing-In:

City Attorney Pope administered oaths to:

City Planner Steven Neuschafer

Mr. Willie Snead

Explanation of Proceeding

Attorney Pope explained that testimony will first be given by City Planner Steven Neuschafer, then from the applicant and their witnesses, and then from opponents to the request. Parties may cross-examine witnesses after the witness testifies when questions are called for. If you want the Council to see written evidence, such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. Reports from persons who are not present to

testify will not be accepted. Attorneys who speak should not give factual testimony but may summarize their client's case. Before beginning your testimony, please clearly identify yourself for the record.

City Attorney Pope opened the hearing on Case #CU 02-09 Conditional Use Permit Application and asked for testimony from Planning Director Steven Neuschafer.

Testimony from the Planner

Planner Neuschafer asked that the documents contained behind tab #15 in the City Council packet which includes the conditional use application, Planning Department staff report, statement of justification from the applicant and a map of the property be entered as evidence. *(A copy of these documents entered as evidence for Case #CU 02-09 Conditional Use Permit is incorporated into these minutes as Attachment #1)*

Mr. Neuschafer explained that the Planning Board met October 27, 2009 and recommended unanimously to approve this conditional use permit.

At the end of the City Planner's testimony, Attorney Pope asked if there were any questions of the City Planner.

Attorney Pope asked if there were questions of the City Planner from any opponent/proponent. None were heard

Attorney Pope asked for testimony from the Applicant/Proponents

Mr. Willie Snead (applicant), requested that the Council grant permission for a conditional use permit.

Attorney Pope asked the Council if they had any questions of the applicant/proponents.

City Attorney Pope entertained questions from other parties for the applicant/proponents. None were heard.

Testimony from Opponents

No one spoke in opposition of the request.

Attorney Pope entertained further questions from the City Council members for the applicant, proponents, opponents, or for the planner or other sworn persons. He explained that once the public hearing is closed, the only questions that the Council may pose to the applicant, proponents or opponents shall be for clarification. No new evidence can be introduced after closing the public hearing. Any additional conditions that the Council wishes to consider to place upon the use of the land by the applicant, must ask the applicant if he/she will voluntarily place the condition upon his/her property at this time.

With no further testimony, a motion was made by Council Member Maness and seconded by Council Member Joey Tart to close the public hearing for CU-02-09 at 8:10 p.m. **Motion unanimously approved.**

**Demolition of House
509 E. Broad Street**

Mayor Pro Tem Robinson 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 TLMG, LLC and located at 509 E. Broad Street.

The public hearing was duly advertised on October 27, 2009 and November 3, 2009.

Mayor Pro Tem Robinson asked if there was anyone present to speak for or against this demolition.

Hearing no comments, Mayor Pro Tem Robinson closed the public hearing.

**Demolition of House
511 E. Broad Street**

Mayor Pro Tem Robinson 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 TLMG, LLC and located at 511 E. Broad Street.

The public hearing was duly advertised on October 27, 2009 and November 3, 2009.

Mayor Pro Tem Robinson asked if there was anyone present to speak for or against this demolition.

Hearing no comments, Mayor Pro Tem Robinson closed the public hearings at 8:11 pm.

CONSENT ITEMS

Minutes - Council considered approval of minutes of the October 13, 2009 Council meeting.

Tax Releases/Refunds – Council considered approval of Tax Releases/Refunds #113 - #124. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

Budget Amendments – Council considered approval of Budget Amendments #6 - #7. *A copy of Budget Amendments #6 - #7 is incorporated into these minutes as Attachment #2.*

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 (R2009-33) is incorporated into these minutes as Attachment #3.*

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

ITEMS FOR DECISION

**Ordinance Amendment OA-04-09
Chapter 4
Section 4-31. Minimum Housing Code
Section 4-39. Rental Housing Code**

Motion by Council Member Joey Tart and seconded by Council Member Billy Tart to approve the proposed amendment to Chapter 4 – Section 4-31. Minimum Housing Code and Section 4-39. Rental Housing Code. **Motion unanimously approved.** *A copy of MHC and RHC Ordinance (02009-15) is incorporated into these minutes as Attachment #4.*

**Rezoning Request PZ-04-09
Grand Land Company II
PIN #1516-05-7781.000
707 Susan Tart Road**

This is a request to rezone a parcel of land totaling 7.92± acres, located at 707 Susan Tart Road. This property is currently zoned I-100; Industrial District and is requested to be rezoned to CO; Office & Institutional District.

The Planning Board met on October 27, 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 unanimously to approve this request.

Motion by Council Member Joey Tart and seconded by Council Member Maness to approve the request from Grand Land Company II to rezone a parcel of land (PIN #1516-05-7781.000) totaling 7.92± acres and located at 707 Susan Tart Road from I-100; Industrial District to CO; Office & Institutional District based on the following justification:

- 1) The City of Dunn Land Use Plan identifies this area as governmental and institutional on the future land use map. This property is located in area four of the Land Use Plan within the medical node.
- 2) The amendment is not inconsistent with the surrounding land uses which are both (historically mixed residential 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.

Motion unanimously approved.

**Conditional Use Permit CU-02-09
Grand Land Company II
PIN #1516-05-7781.000
707 Susan Tart Road**

This request is for the operation of a child care center at 707 Susan Tart Road.

The City Council approved the rezoning of this property tonight from I-100; Industrial District to CO; Office & Institutional District.

The Planning Board met on October 27, 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 unanimously **to approve** this request.

Motion by Council Member Maness and seconded by Council Member Joey Tart to approve CU-02-09 based on the following findings of fact:

1. The use requested is listed among the conditional uses in the district for which the application is made. *Per the zoning ordinance Article IX Division 1 Section 22-461 (9) d, the Conditional Use is listed in the ordinance.*
2. The requested use is essential or desirable to the public convenience or welfare. *There has been no opposition received regarding this request; therefore, with the absence of concerns to the contrary, the requested use is considered desirable to the surrounding community.*
3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. *There will not be direct impact to the adjacent area due to the fact that there are similar type businesses surrounding this property; therefore, the operation of a child care center would not be detrimental to the area.*
4. The requested use will be in conformity with the land development plan. *The location of this request is surrounded by residential and office & institutional districts along an average minor thoroughfare; the issuance of this permit will be appropriate with the anticipated growth pattern of future governmental and institutional identified in area one of the 2030 Land Use Plan.*
5. Adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided. *All facilities are available at this location which has been in place before, serving the existing church.*

Motion unanimously approved.

**Consideration of Ordinance
to Demolish House
509 E. Broad Street**

Motion by Council Member Turnage 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 509 E. Broad Street. **Motion unanimously approved.** *A copy of Ordinance (O2009-16) to demolish 509 E. Broad Street is incorporated into these minutes as Attachment #5.*

**Consideration of Ordinance
to Demolish House
511 E. Broad Street**

Motion by Council Member Turnage 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 511 E. Broad Street. **Motion unanimously approved.** *A copy of Ordinance (O2009-17) to demolish 511 E. Broad Street is incorporated into these minutes as Attachment #6.*

**Award Bid
Roof Replacement for
Municipal Building and
Public Library Building**

City Engineer, Ed Powell explained that Bids were received and opened on Friday, October 23, 2009 for replacement and repair of the roofing membrane on the Municipal Building and Public Library Building. Mr. Powell explained that the services of architect Martin Senell were sought to inspect the roofs and prepare bid documents and plans for replacement of the roof. It was determined that the best method would be to install a single-ply membrane roof. Approximately twelve bids were received. The original low bidder was Guaranteed Systems, Inc. at a total price of \$112,500.00.

After evaluating the three (3) lowest bidders (Divine Construction Co., Inc., Guaranteed Systems, Inc. and Triangle Roofing Services, Inc.), they were asked to provide additional information by Monday, November 2, 2009 in order that City Engineer Ed Powell along with architect, Martin Senell, could evaluate the bids further and provide a recommendation. It was determined to put a black EPDM membrane roof ballasted and not attached to the insulation that goes across the concrete roof structure of the building. Mr. Senell and Mr. Powell are recommending that Guaranteed Systems, Inc. be awarded the bid at a revised price of \$109,000.00.

This issue was discussed at length during the FY 09-10 budget work sessions.

Council Member Turnage asked Mr. Powell what type of warranty will be given. Mr. Powell responded a two year guarantee on materials from the installing contractor and a twenty year warranty from the provider of the membrane system. The installing contractor is a certified installer for the particular roof, which is a GenFlex ballasted EPDM membrane.

Council Member Joey Tart inquired about protection from water damage at the library. Mr. Powell stated that there will be a pre-construction conference with the roofing contractor; restoration work will be done by a local contractor which will be an additional minimal cost for repair.

Motion by Council Member Joey Tart and seconded by Council Member Turnage to award the bid to Guaranteed Systems, Inc. of Stoneville, NC for roof replacement/repair on the Municipal Building and Public Library Building at the low bid price of \$109,000.00. **Motion unanimously approved.** *A copy of the bid tabulation sheets and correspondence is incorporated into these minutes as Attachment #7.*

**Resolution Authorizing
The Filing of an Application
For Approval of a Financing
Agreement Authorized by
NC General Statute 160A-20**

City Manager Autry explained that the Council is being asked to adopt the attached Resolution to authorize the Finance Director to file an application with the Local Government Commission (LGC) to finance the cost of roof replacement for the Municipal Building and Public Library with the potential to also upgrade the lighting fixtures in the Municipal Building.

This resolution is part of the approval process required by the LGC to finance projects.

The first annual debt payment will be in fiscal year 10-11 and will be reflected in the General Fund operating budget.

Motion by Council Member Billy Tart and seconded by Council Member Turnage to adopt the Resolution Authorizing the Finance Director to File an Application with the LGC for approval of a Financing Agreement Authorized by NC General Statute 160A-20. **Motion unanimously approved.** *A copy of Resolution (R2009-34) Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by NC General Statute 160A-20 is incorporated into these minutes as Attachment #8.*

**Consideration of Resolution
Accepting the State Revolving Fund
Loan Officer and Approval
Of the Offer and Acceptance
Documents –
2009 Wastewater System Improvements**

City Engineer Ed Powell explained that the Council is being asked to adopt the attached Resolution accepting the SRF loan offer of \$6,492,000.00 for the project described as 2009 Wastewater System Improvements.

This offer is made subject to the assurances and conditions set forth in the Offer and Acceptance Document, which the Council is being asked to adopt.

The Council adopted a resolution on March 10, 2009 authorizing the City to apply for this funding under the State Revolving Loan Program.

Mr. Powell stated that he projects to begin advertising for this project in November; and to accept bids in January. This completes the funding for the \$10.572 million project which includes the wastewater treatment plant expansion and upgrade, flow equalization, eastside pumping system improvements, Machine Welding and Food Lion system improvements, completion of replacement of sewer in the northern outfall, Morris Circle and Guy Avenue area, some improvement of sewer in the Spring Branch and Godwin Street rehabilitation area and the downtown project on Broad Street.

Mr. Powell explained that due to the economy, most bids are coming in below estimates.

Motion by Council Member Maness and seconded by Council Member Joey Tart to adopt the Resolution Accepting the State Revolving Loan Offer of \$6,492,000.00 and approval of the Offer and Acceptance Documents for the project described as 2009 Wastewater System Improvements. **Motion unanimously approved.** *A copy of Resolution (R2009-35) Accepting the SRF Loan Offer is incorporated into these minutes as Attachment #9.*

**Temporary Blocking of Street
Annual Downtown Christmas
Tree Lighting Ceremony**

Manager Autry stated that a request has been received from the Downtown Dunn Development Corporation, DACC and Dunn Tourism Authority to close E. Broad Street from Clinton Avenue to Wilson Avenue from 5:00 pm – 7:00 pm on Thursday, December 3, 2009 to hold the annual Christmas Tree Lighting Ceremony.

Motion by Council Member Turnage and seconded by Council Member Joey Tart to approve the temporary street closing as requested by the Downtown Dunn Development Corporation, DACC and Dunn Tourism Authority for the annual Christmas Tree Lighting Ceremony. **Motion unanimously approved.**

**Temporary Blocking of Street -
Dunn Emergency Services
Live Fire Training Exercise –
607 Jackson Road**

Manager Autry stated that a request has been received from Fire Chief Austin Tew of Dunn Emergency Services, to close Jackson Road from Sampson Avenue to Stewart Street on Saturday, November 14, 2009 from 7:00 am until 3:00 pm for the purpose of doing a Live Fire Training exercise at 607 Jackson Road.

Motion by Council Member Maness and seconded by Council Member Turnage to approve the temporary street closing as requested by Dunn Emergency Services for the purpose of doing a Live Fire Training exercise at 607 Jackson Road. **Motion unanimously approved.**

**Consideration to Pledge \$250.00
to the David M. Lawrence Distinguished
Professorship (Institute of Government)**

City Attorney Tilghman Pope explained that Mr. David Lawrence will retire in December from the faculty of the School of Government and to mark this occasion, an effort is underway to fund a new David M. Lawrence Distinguished Professorship.

Mr. Pope stated that if the School of Government is able to raise their campaign goal of \$333,000.00, they will be eligible to obtain a state match of \$167,000.00 which will make it a permanent endowed professorship. Mr. Pope spoke of the invaluable resource David Lawrence has been to the City of Dunn. The University of North Carolina School of Government is asking local municipalities to pledge a monetary gift for this endowment and to honor Mr. Lawrence for his forty years of service to local governments.

The Council is being asked to pledge a total gift of \$250.00 toward this fund.

Motion by Council Member Turnage and seconded by Council Member Billy Tart to pledge a total gift of \$250.00 toward the David M. Lawrence Distinguished Professorship. **Motion unanimously approved.**

**ITEM FOR DISCUSSION
AND/OR DECISION**

Financial Report

Finance Director Mark Stephens, who was not present, provided the following financial update to the Council:

- The City as of September 30, 2009 had \$3,264,870 in cash in the General Fund and \$1,890,623 in the Water/Sewer Fund.
- Investment earnings are in the 1.00% - 0.20% range.
- Building Permit Fees were \$22,197 or 34.15% of budget. The City should be at 25.00% of budget.
- The Sales Tax Revenue for September was \$114,051.
- Water and sewer revenues were \$1,097,312 or 26.65% of budget. The City should be at 25.00% of revenue.
- Fuel cost per gallon was \$1.83 in September.
- Property taxes collected as of September 30, 2009 were 48.00% of budget. Same period last year, the City had collected 47.00% of budget.
- Expenditures were 23.44% of budget in the general fund and 21.64% in water/sewer fund. The benchmark for this period is 25.00%.

ADMINISTRATIVE REPORTS

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

ANNOUNCEMENTS

Mayor Pro Tem Robinson asked Council Member Joey Tart to make the following announcements:

- Christmas Tree Lighting – Thursday, December 3rd at 6:00 pm – Downtown Dunn
- Dunn Christmas Parade – Saturday, December 5th at 3:00 pm – Downtown Dunn
- City of Dunn Offices will be closed on Wednesday, November 11th for Veterans Day and Thursday & Friday, November 26th and 27th for Thanksgiving
- The Dunn Public Library will soon have a teen section thanks to grants received recently from South River Electric Membership Corporation's Operation Roundup and from Harnett County Community Foundation. Funding from the Foundation of \$500.00 will purchase shelves and \$2,785.00 from Operation Roundup will be used for teen materials.

Council Member Turnage expressed the need to expand the capacity of the dumpsters at the recycling center because they have been over-filled every time he has been there. City Manager Autry explained that this is a situation that he is working on and that it will be an additional \$6,000 to the budget to increase the pick-up schedule to once a week. Mr. Autry stated they will need to discuss this matter at the retreat.

Mayor Pro Tem Robinson commended Harnett Primary School and Principal Henley in their attempt to find housing for a homeless family.

Council Member Turnage recognized Veterans and the veteran services which will be offered around the area tomorrow.

With no further business to discuss, a motion was made by Council Member Billy Tart and seconded by Council Member Turnage to adjourn the meeting at 8:45 p.m. **Motion unanimously approved.**

**Minutes typed by City Clerk Debra G. West*

N. Carnell Robinson
Mayor Pro Tem

Attest:

Debra G. West
City Clerk