

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, November 2, 2006, 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, and Joey Tart. Also present was City Manager Ronnie Autry, Human Resource Officer Moses Gallion, City Planner Steven Neuschafer, Librarian Mike Williams, Recreation Director Perry Hudson, Interim Police Chief B.P. Jones, Fire Chief Austin Tew, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Jason Beck.

Council Member Godwin was absent.

**INVOCATION**

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

**AGENDA ADJUSTMENT**

Motion by Council Member Joey Tart, seconded by Council Member Maness to adopt the November 2, 2006 meeting agenda with changes, if any, as listed below.

*Items Added to the Agenda:*

- Closed Session - Personnel matter

*Agenda Items Removed:*

- none

**PRESENTATION**

Mayor Snipes presented David L. Godwin of 7901 Meadowbrook Road, Benson, NC and Marie Cunningham of 96 Dragstrip Road, Benson, NC with a proclamation recognizing their heroic actions during a fiery car crash on October 17, 2006 in the City of Dunn. *A copy of Proclamation (P2006-13) recognizing David L. Godwin and Marie Cunningham is incorporated into these minutes as Attachment #1.*

**PUBLIC COMMENT PERIOD**

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

Mr. Jason Beck of 607 W. Broad Street, spoke about the noise created by the City's contractor, Republic Waste, emptying commercial dumpsters at 5:00 a.m. beside his apartment complex each week.

Mayor Snipes asked that Manager Autry investigate this concern.

Motion by Council Member Billy Tart, seconded by Mayor Pro Tem Olds to close public comment period.  
**Motion unanimously approved.**

Mayor Snipes closed the regular meeting and opened public hearings at 7:10 p.m.

**PUBLIC HEARINGS**

**PRELIMINARY ASSESSMENT  
ROLL-HIGHWAY 421  
WIDENING PROJECT**

The public has been notified that the preliminary assessment roll for the street improvement project on that section of NC Highway 421 east of its intersection with NC Highway 55 extending eastwardly approximately 2800 feet has been prepared.

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

The Resolution Confirming the Assessment Roll will be considered later in the meeting; therefore any changes to the assessment roll will need to be made prior to adoption of this resolution.

The public hearing was duly advertised on October 17, 2006.

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

Johnson Tilghman-384 Tilghman Rd.-Coats, NC – spoke about the assessment amount imposed upon Two Til, LLC, owner of the Food Lion Shopping Center located on Highway 421 east of Dunn. Two Til, LLC is owned by his brother Granville Tilghman, sister Mary Pope and himself. He has issues with the amount of the assessment and the manner of how it was derived. He gave an overview of how the property owners asked for and agreed to be assessed if the improvements were made. In the year 2003, property owners were approached by the previous City Manager Uskiewicz and Assistant City Manager/Public Works Director Ronnie Autry about the intended improvements on Highway 421 which would not only benefit the adjoining property owners, but facilitate traffic on a main artery through Dunn. He was given a timetable as to when the improvements would be completed. The time table was very critical in making assurances to perspective contractors, Food Lion and other tenants occupying the premises. He had numerous meetings with Manager Uskiewicz, Mr. Autry and his engineer Joe Godwin, advising the City that as a developer, he was uneasy giving this responsibility to the City. He advised them that he had definite timelines when these improvements had to be made, or it would create serious financial consequences to Two Til, LLC. He was given repeated assurances that this work would be complete by August or early September, 2004 which is when the major tenant Food Lion was opening for business. He stated that he repeatedly came back to the previous City Manager Uskiewicz advising him of his uneasiness with putting this responsibility in the government. He was given repeated assurances that the work would be completed in time. Two Til, LLC spent over \$61,000 completing work that the City of Dunn should have completed in a timely manner. He distributed an estimate given to him by his general contractor Ashland Construction Company for expenditures incurred by Two Til, LLC. He stated that when he agreed to be assessed, the City of Dunn estimated the cost slightly over \$500,000 for the entire project. When the work was finally completed, the price of the road improvement almost doubled. When the City of Dunn did not do what they were suppose to, he was given verbal assurance by Mr. Uskiewicz that Two Til, LLC would be given a credit for the money they had to spend that the City should have spent improving the road. During the course of the work, potential tenants asked him how much the assessment would be. He was assured by Mr. Uskiewicz that the assessment would not exceed \$48 per linear foot. Assessments were billed at \$97.96. He feels that he has been wronged by the City.

Mr. Bob Bleecker – Bleecker Chevrolet – stated that the assessment is different than he was given. He appreciates the great job that was done and the benefits received.

Ms. Melrose Thornton-representing Jessie Casper LLC – She agreed with Mr. Tilghman. The Cracker Barrel area has blossomed. She was not given notification that she could recoup part of this assessment. Cracker Barrel was not offered the opportunity to pay this assessment. She has no way to re-negotiate with Cracker Barrel and asked that the assessment be recalculated.

Mr. Michael Wood – 1206 E. Cumberland Street – He was not aware of the assessment until he received a letter in the mail. He did not live at this residence during the initial assessment period. He would like a better understanding of the assessment as it relates to residential properties.

Mr. Billy Tart – owner of property subject to assessment on Highway 421. He agrees with Mr. Tilghman. The cost initially given to the property owners by previous Manager Uskiewicz was much lower than the final cost.

Hearing no further comments, the public hearing was closed.

**REZONING REQUEST - PZ 07-06**  
**PIN #1517-14-0968**  
**PIN #1517-14-2809**  
**1913 AND 1917 FRIENDLY ROAD**

The public has been notified that oral and written comments will be heard and received concerning the request by Robert P. and Su Lou O. Wellons (Owners) to rezone two vacant parcels of property totaling 0.89 acres of land located at 1913 and 1917 Friendly Road.

The property is currently zoned R-20 Single Family Dwelling District and is requested to be rezoned to R-10 Single Family Dwelling District.

The public hearing was duly advertised on October 10, 17, 2006.

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

Attorney Dwight Snow, representative for Mr. and Mrs. Wellons, stated that the owners are requesting to rezone two separate tracts. Tract "A" consisting of .47 acre and "B" consisting of .42 acre tract. These lots are on the northern side of a 16.2 acre tract located across the street from the Gleneagles community. Mr. and Mrs. Wellons own the 16.2 acre tract and these lots were recently purchased to recombine them with the 16.2 acre tract for future development purposes. These two tracts are zoned R-20 and the existing 16.2 acre tract is zoned R-10. The surrounding Westfield Subdivision is zoned R-10. The only contiguous tract which has a different zoning category is located on the north side. It is a vacant tract owned by the Reverend Tripp trust property and is zoned R-20.

He presented the statements of justification in support that all criteria are met in rezoning this property. The majority of surrounding properties are already zoned R-10. Plans are to combine these two tracts with the 16.2 acre tract and then subdivide it into free-standing lots, which would be an extension of the existing Gleneagles project. The plan coincides with the 2030 Land Use Plan.

Hearing no further comments, the public hearing was closed.

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

The Planning Board met on October 17, 2006 and voted unanimously to recommend tabling this ordinance amendment.

The public hearing was duly advertised on October 10, 17, 2006.

Attorney Pope stated that the public hearing will be re-advertised at such time the Planning Board sends a recommendation to the City Council.

Motion by Mayor Pro Tem Olds, seconded by Council Member Joey Tart to close public hearings and reconvene the regular council meeting at 7:35p.m. **Motion unanimously approved.**

**CONSENT ITEMS**

Minutes-Council considered approval of minutes of the October 5, 2006 Council meeting.

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #157 - #166. *A copy of Tax Releases/Refunds are filed in the office of the Tax Collector.*

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

**ITEMS FOR DECISION**

**ADOPT RESOLUTION  
CONFIRMING ASSESSMENT  
ROLL AND LEVYING ASSESSMENTS  
HIGHWAY 421 WIDENING PROJECT**

Due to a conflict of interest, Council Member Billy Tart and adjoining property owner subject to the Highway 421 assessment asked the Council to excuse him from any discussion and vote of this issue. Council consensus was to excuse Council Member Billy Tart.

The City Council held a public hearing earlier tonight to hear objections from all persons interested regarding the Preliminary Assessment Roll for the Highway 421 widening project. After the hearing, the governing body may make any proper corrections in the assessment roll and shall then adopt a "Resolution Confirming Assessment Roll and Levying Assessments".

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to table this item of business until the December 7, 2006 Council meeting.

Ayes	Nays
Olds	Maness
Galbreath	Joey Tart
Mayor Snipes	

**Motion to table carried 3-2 with Council Member Billy Tart abstaining due to a conflict of interest.**

**REZONING REQUEST PZ 07-06  
PIN #1517-14-0968  
PIN #1517-14-2809  
1913 AND 1917 FRIENDLY ROAD**

A request was received from Robert P. and Su Lou O. Wellons (Owners) to rezone two vacant parcels of property totaling .89 acres of land located at 1913 and 1917 Friendly Road.

This property is currently zoned R-20 Single Family Dwelling District and is requested to be rezoned to R-10 Single Family Dwelling District.

The Planning Board met on October 17, 2006 and recommended approval of this request.

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart to approve the request by Robert P. and Su Lou O. Wellons to rezone two vacant parcels of property totaling .89 acres of land located at 1913 and 1917 Friendly Road (PIN #1517-14-0968 and #1517-14-2809) from R-20 Single Family Dwelling District to R-10 Single Family Dwelling District based on the following justification:

The request to change the zoning from R-20 to R-10 is consistent with the 2030 Land Use Plan. The request is appropriate so that new development will match the existing land use pattern of the neighboring Westfield Estate Subdivision developments which are R-10.

**Motion unanimously approved.**

**ADOPT A RESOLUTION AUTHORIZING  
SUBMITTAL OF A RURAL CENTER GRANT  
APPLICATION FOR EDGERTON INDUSTRIAL  
PARK WATER, SEWER, AND RAIL IMPROVEMENTS**

This resolution authorizes the Mayor to execute and file an application on behalf of the City of Dunn with the NCREDC (Rural Center) for a grant to assist in the construction or rehabilitation of a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply

and distribution systems, project described as Edgerton Industrial Park Water, Sewer and Rail Improvements.

As part of the Community Development Block Grant Economic Development application, Manager Autry explained that this resolution was left out by Harnett County consultant/grant writer, Skip Green, during last month's Council meeting.

Motion by Mayor Pro Tem Olds, seconded by Council Member Billy Tart to adopt the Resolution Authorizing Submittal of a Rural Center Grant Application for Edgerton Industrial Park Water, Sewer and Rail Improvements. **Motion unanimously approved.**

*A copy of Resolution (R2006-19) Authorizing Submittal of a Rural Center Grant Application is incorporated into these minutes as Attachment #2.*

#### **ADOPT RESOLUTION ESTABLISHING MINORITY PARTICIPATION PROGRAM**

The City of Dunn is applying for grant funds, namely Edgerton Industrial Park Water, Sewer and Rail Improvements, whose funding requires that the applicant provide a certificate stating that an appropriate verifiable percentage goal for participation by minority business has been adopted in accordance with G.S. 143-128-c (as amended).

Motion by Council Member Maness, seconded by Council Member Joey Tart to adopt the Resolution Establishing Minority Participation Program. **Motion unanimously approved.** *A copy of Resolution (R2006-20) Establishing Minority Participation Program is incorporated into these minutes as Attachment #3.*

#### **FIRST CITIZENS BANK PARKING LOT LEASE RENEWAL**

First Citizens Bank & Trust Co. proposes to renew the lease for the parking lot located at 200 E. Broad Street to the City of Dunn. This lot provides public parking for the downtown area.

The term of the lease will begin November 15, 2006 and continue until November 15, 2007 and shall automatically renew for an additional year. The sum of the lease shall be \$1.00 per year.

Motion by Council Member Galbreath, seconded by Mayor Pro Tem Olds to approve the parking lot lease renewal between First Citizens Bank and the City of Dunn. **Motion unanimously approved.** *A copy of this parking lot lease is incorporated into these minutes as Attachment #4.*

#### **SUPPLEMENTAL AGREEMENT TO MUNICIPAL AGREEMENT AND RESOLUTION BETWEEN DOT AND THE CITY OF DUNN TO CONSTRUCT A BOX CULVERT ON W. CUMBERLAND STREET 0.3 MILES WEST OF MCKAY AVENUE**

The North Carolina Department of Transportation (DOT) and the City of Dunn entered into an agreement on October 21, 2004 for replacement of the existing culverts with a box culvert 0.3 miles west of McKay Avenue on US 421. DOT's participation in this project was an amount not to exceed \$135,000.

DOT wishes to amend this agreement to reflect an increase in the Department's participation of the project from \$135,000 to \$365,000.

Manager Autry explained that this cost difference is a result of the enlarged box culvert required by DOT. DOT will pay for the difference in this cost.

Motion by Council Member Galbreath, seconded by Council Member Maness to approve the Supplemental Agreement and adopt the Resolution between the DOT and the City of Dunn for DOT to participate in the actual cost of the project to replace existing culverts with a box culvert located 0.3 miles west of McKay Avenue on US 421 in an amended amount not to exceed \$365,000. **Motion unanimously approved.** *A copy of the DOT Municipal Agreement and Resolution (R2006-21) for DOT to participate in the project*

costs to replace the existing culverts on W. Cumberland Street (US 421) 0.3 miles west of McKay Avenue is incorporated into these minutes as Attachment #5.

**ADOPT RESOLUTION ENDORSING  
THE APPLICATION FOR PEDESTRIAN  
PLANNING GRANT FUNDS BY THE  
CITY OF DUNN**

City Planner Neuschafer explained that this is a planning grant from the Department of Transportation which will allow the City to hire a consultant who will, in partner with the City and focus group, find and record the pedestrian assets that this community already enjoys and will recommend ways to increase the use and increase the size and scope of the City's pedestrian facilities. In the future, this will enable the City to apply for additional Transportation Improvement Program (TIP) monies.

He asked for the City Council's endorsement and support of this application.

The Bicycle and Pedestrian Planning Grant Initiative is a matching grant program that encourages municipalities to develop comprehensive bicycle plans and pedestrian plans. The Division of Bicycle and Pedestrian Transportation (DPBT) and the Transportation Planning Branch (TPB) sponsor this grant. The maximum grant award from the state is \$20,000 which would require a local match of \$5,000 for a total project of \$25,000.

Manager Autry explained that the \$5,000 local match would be allocated from the FY 07-08 budget. Municipalities will be notified in June, 2007 of their award.

<b>Application submission deadline - 5:00 p.m.</b>	<b>December 1, 2006</b>
Awards Committee makes recommendations to NCDOT	March 2007
Board of Transportation gives approval	May 2007
Municipalities notified of award	June 2007

Motion by Council Member Joey Tart, seconded by Mayor Pro Tem Olds to adopt the Resolution Endorsing the application for the Pedestrian Planning Grant Funds by the City of Dunn. **Motion unanimously approved.** A copy of Resolution (R2006-22) Endorsing the application for Pedestrian Planning Grant Funds is incorporated into these minutes as Attachment #6.

**ADMINISTRATIVE REPORTS**

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to approve the Administrative Reports. **Motion unanimously approved.**

**EXECUTIVE REPORTS**

Council Member Billy Tart invited everyone to participate in the Annual Cotton Festival November 3-4, 2006.

Council Member Maness thanked everyone that participated in the Clean-up day on October 21, 2006. He encouraged everyone to exercise their right to vote on November 7<sup>th</sup>. He wished everyone a Happy Thanksgiving and reminded everyone to remember those that are away from their families this Thanksgiving protecting the rights and freedom of our country.

Mayor Pro Tem Olds thanked the citizens of Dunn for their support in the recent PAL barbecue pork shoulder fund raiser. The organization sold more than one-hundred pork shoulders.

Mayor Snipes encouraged everyone to attend the upcoming Cotton Festival beginning November 3<sup>rd</sup>. He reminded everyone that the Dunn website [www.dunn-nc.org](http://www.dunn-nc.org) has been enhanced. Mayor Snipes reported that Finance Director Renee' Daughtry is recovering from surgery from a severe leg break and also asked everyone to remember Council Member Godwin's family.

**CLOSED SESSION**

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to enter closed session pursuant to N.C.G.S. 143.318.11 to discuss personnel matters at 7:55 p.m. **Motion unanimously approved.**

Closed Session

Closed Session adjourned at 9:20 p.m.

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart, 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 9:24 p.m.

---

J. Dal Snipes  
Mayor

Attest:

---

Debra G. West  
City Clerk