

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

The City Council of the City of Dunn held a Regular Meeting on Tuesday, November 9, 2010, at 7:00 p.m. in the Dunn Municipal Building. Present was Mayor Oscar N. Harris, Mayor Pro Tem N. Carnell Robinson, Council Members Buddy Maness, Bryan Galbreath, Billy Tart, and Chuck Turnage. Also present was City Manager Ronnie Autry, Finance Director Mark Stephens, Public Works Director Billy Addison, Public Utilities Director Dean Gaster, Police Chief B.P. Jones, Planning & Marketing Director Steven Neuschafer, Chief Building Inspector Mike Blackmon, Recreation Director Perry Hudson, Librarian Mike Williams, City Engineer Ed Powell, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Brian Haney.

Absent: Council Member Joey Tart

INVOCATION

Mayor Harris 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 AND APPROVAL

Motion by Mayor Pro Tem Robinson and seconded by Council Member Maness to adopt the November 9, 2010 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- none

Agenda Items Removed:

- none

Motion unanimously approved.

PUBLIC COMMENT PERIOD

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

Hearing no comments, the public comment period was closed.

CONSENT ITEMS

Minutes – Council considered approval of minutes of the October 12, 2010 Council meeting.

Minutes – Council considered approval of minutes of the October 13, 2010 Special Call Council meeting.

Tax Releases/Refunds – Council considered approval of Tax Releases/Refunds #133 - #140. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

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 (R2010-21) is incorporated into these minutes as Attachment #1.*

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

ITEMS FOR DECISION

**Appeal Order of Building Inspector
100 W. Harnett Street**

This is a request from the property owner of 100 W. Harnett Street (General Utility Company), Mr. Johnson Tilghman of Tilghman & Company, to appeal the Building Inspector's order allowing 60 days to make the proper repairs to this cotton storage warehouse. Mr. Tilghman has filed an appeal to request a hearing before the City Council to request additional time to complete the repairs for this structure. The Council shall render a decision on this appeal within a reasonable time.

Mayor Harris asked for comments from Chief Inspector Blackmon. Mr. Blackmon stated that this structure is an old brick two-story cotton warehouse approximately 100 years old. Portions of the structure are deplorable. One end of the roof has collapsed and the concrete masonry has begun to crack on one end wall. The building has been condemned. The owners have already had the building inspected for asbestos and they have already secured a demolition permit for the portion of the building that is dangerous to the public. Statutorily, he has given them 60 days; however, the owners are going to request additional time to decide future plans for this structure. Mr. Blackmon stated that he would concur with any extension the owner would request. He added that he and Mr. Tilghman have discussed taking down the hazardous part of the building and securing the rest of the building until the owner finalizes future plans for the building.

Mr. Johnson Tilghman stated that this property is owned by General Utility, Inc. He is vice-president and he agrees with the building inspector, that something should be done with this building. This structure has thick concrete walls and thick heart pine beam supports. He has obtained a demolition permit from the City and has started the process for asbestos testing. He requested 120 days. He pointed out that the statute which gives 60 days is geared toward residential structures and not a structure of this magnitude. He is moving forward to take care of this situation. This building is probably one of the oldest structures in town but he feels that it also needs to come down. He would like to salvage some of the material in this building before tearing it down.

Council Member Galbreath asked Mr. Tilghman how soon he can secure the windows and doors of the building. Mr. Tilghman responded immediately.

Motion by Council Member Galbreath and seconded by Council Member Maness to grant approval to allow the property owner 120 days to make the proper repairs and to report back the progress being made to the building inspector within 30 days and again within 60 days. **Motion unanimously approved.**

**Authorization to Accept
21st Century PAL Grant and the
Location of the Proposed Greenhouse
Project for PAL**

This is a request for the Council to evaluate the 21st Century Pal Grant information that was deferred at the September 14, 2010 Council meeting and discussed at length at the October 13, 2010 Special Call Council meeting.

Mayor Harris asked for separate motions with regard to both of these issues.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Galbreath to accept the 21st Century PAL grant. Mayor Harris asked for any comments or questions.

Council Member Maness stated that he wanted to be clear about what happens when this grant expires and all the funding for this grant is gone. He added that it was his understanding that if additional monies are not available, that this program will expire and it will not be an expense to be continued by the City to continue the program.

Mayor Harris stated that if funds are available, it is the City's intent to continue the grant and they cannot bind future Councils to continue or discontinue this grant. At this point, the only thing the Council can do is accept or not accept the grant. In their motion, they cannot limit the Council that follows them to continue or not continue the grant.

Council Member Maness stated that the grant will expire at the end of four years and there is not a provision for renewal in their package. He added that his question is at the end of those four years, if there is no extension available, then he wants to make sure the taxpayers aren't expected to continue to fund this program.

Mayor Harris stated that they cannot address that issue because this Council may not be sitting at that point and time. The Councils' motion cannot bind their successor.

Mayor Pro Tem Robinson stated that the next Council can evaluate the grant based on performance.

Manager Autry stated that the information he has received from the funding source states that the City is not mandated to continue the grant once it expires.

Motion unanimously approved.

Location of Greenhouse

This is a request for the Council to determine a location for the proposed greenhouse project for PAL that was presented at the September 14, 2010 Council meeting and discussed again at the October 13, 2010 Special Call Council meeting.

Motion by Council Member Turnage and seconded by Council Member Galbreath to support this action contingent upon a citizens committee being appointed to develop a plan of action for the greenhouse project with initial members being Patrice Thompson, Peggy Jones, PAL representative Rodney Rowland, Council member as an ex-officio member, with the committee adding experts in agriculture, water requirements, electrical requirements, construction, marketing, financial aspect and sustainment requirements. This committee will present a briefing to the Council prior to the February, 2011 meeting in order to address and make a recommendation to the Council if the greenhouse project is sustainable and how. The Council, in February, will vote on whether the City should support the greenhouse project.

Mayor Harris entertained further discussion.

Mayor Pro Tem Robinson stated that the motion may be in order but it is redundant to have this Council go back and set up a committee that will in effect, be asked to review another standing committee, that committee being the advisory board at PAL, that has already agreed that this is a worthwhile project for that program. He added that he spoke with Mr. Donnie Olds, a member of the PAL Advisory board, who has 30 years experience in working in greenhouses and who is totally supportive of this project. The greenhouse does not require a foundation. He stated that at this point, the question of sustainability is not a valid question. They are offering the young people of this community, an opportunity to learn and serve. Once the greenhouse is established with plantings, then sustainability will be based on community support; the value is a learn and serve project. He pointed out that there is a greenhouse at every high school in this County and they sustain themselves through their sales. The Harnett County Board of Education sees this as a worthwhile activity for their students. When he passes the farmers market downtown, he'd like to see more of their population participate in that effort and this is one way to encourage kids.

Mayor Pro Tem Robinson stated that he would be opposed to the motion made and they run the risk of actually insulting the advisory members of PAL. He is in favor of approving the greenhouse project and objects to deferring this issue.

7:28 pm – Council Member Billy Tart left the meeting/excused.

Council Member Turnage stated that in light of this information, he will withdraw his motion. He was not aware that the PAL advisory committee was ready to take this on.

Council Member Galbreath stated that he is also in favor of the project.

Council Member Maness stated that Council Member Turnages' issue is what will happen when the ten-thousand dollars is gone. A greenhouse requires heat, water, and electricity. He asked where the funds will come from. He added that First Baptist Church has made it clear that they are just being used as the vehicle to help PAL receive a greenhouse and it is not their intent to have any financial support of this project other than the grant that is received. They are in the process of trying to develop the PAL area and he questioned

if the greenhouse project will be appropriate with the development concept. He is not against the project and perhaps it would be better to find another location for the greenhouse. There is an issue with supplying utilities, water, heat, gas, etc. These grants are great but when the money runs out, the sustainability and continuance has to come from somewhere and he is not ready to commit the City to have to do that.

Motion by Council Member Turnage and seconded by Council Member Galbreath to withdraw the previous motion.

Mayor Pro Tem Robinson reminded the Council that this is not a permanent structure because there is not a foundation. The greenhouse is secured in other ways and it is relatively simple to move it.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Galbreath to approve the greenhouse. **Motion unanimously approved.**

Motion by Council Member Galbreath and seconded by Council Member Turnage to approve budget amendment #3 for the 21st Century Grant. **Motion unanimously approved.** *A copy of budget amendment #3 is incorporated into these minutes as Attachment #2.*

Consideration of CSX Proposal to Close Pearsall Street at-grade Crossing

This is a request for the Council to consider the proposal by CSX and NCDOT Rail Division to close the Pearsall Street at-grade crossing.

Mr. Danny Gilbert, Rail Safety Consultant gave a proposal at the September 14, 2010 Council meeting with regard to closing the Pearsall Street at-grade crossing. At this time, CSX Transportation and NCDOT Rail Division are prepared to offer the City \$57,500 in exchange for closing this crossing.

The Council discussed this proposal at the October 13, 2010 Special Call meeting at which time a power-point presentation was presented as well as pictures of the current railroad closings in Dunn and the blighted condition of these closings.

Motion by Council Member Turnage and seconded by Mayor Pro Tem Robinson to not accept the request by CSX railroad to close the Pearsall Street at-grade crossing based upon the following:

1. Consensus of the Council not to close this crossing at the October 13, 2010 Special Call meeting after reviewing pictures of railroad crossings previously closed.
2. The Council determined the City must do their part in up-keep of these closed crossings
3. The impact of Emergency Management Service flow response time in emergency situations when using the Pearsall Street crossing. Dunn Emergency Management Services provided a letter to the City Manager opposing the closing of this crossing.
4. Impact of commercial activities that use and depend upon the Pearsall Street crossing for access to the downtown commercial district, Brass Lantern, Wardrobe Cleaners, Page Tire Service, Frito-Lay Warehouse and many others.
5. Impact to residents of Ward 5.

Motion unanimously approved.

For the record, Council Member Maness asked Manager Autry where the responsibility lies in maintaining the blighted closed crossings. Mr. Autry responded that CSX is responsible and they do apply weed killer; however, the City should take responsibility to continually maintain these crossings.

Council Member Turnage stated that when he worked in the Town of Benson, the town billed CSX for the upkeep of these blighted crossings.

Consideration of Resolution Adopting A Code of Ethics for the City Council and Mayor

The Council is being asked to adopt the proposed resolution adopting a Code of Ethics for the City Council and Mayor.

City Attorney Pope explained that Session Law 2009-403 enacted a new General Statute 160A-86 which requires all members of the local governing boards to adopt a resolution or policy containing a code of ethics before January, 2011. It also requires that each member receive two clock hours of ethics education in 2010 and then again within 12 months after each subsequent election.

Each member of the Council did attend a local class in April of 2010 and each received two clock hours of training as required.

Mayor Harris read the Resolution.

Motion by Council Member Maness and seconded by Council Member Turnage to approve the Resolution Adopting a Code of Ethics for the City Council and Mayor. **Motion unanimously approved.** *A copy of Resolution (R2010-22) adopting a Code of Ethics is incorporated into these minutes as Attachment #3.*

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 and Wilson Avenue from Cumberland Street to Edgerton Street from 5:00 pm – 7:00 pm on Thursday, December 2, 2010 to hold the annual Christmas Tree Lighting Ceremony.

Motion by Council Member Galbreath and seconded by Council Member Maness to approve the temporary street closing as requested for the annual Christmas Tree Lighting Ceremony. **Motion unanimously approved.**

ITEMS FOR DISCUSSION AND/OR DECISION

Financial Report

Finance Director Mark Stephens provided the following financial report for the period ending September 30, 2010:

- As of September 30, 2010, the City had \$2,168,324 in cash in the General Fund and \$2,392,255 in the Water-Sewer Fund. In September of 2009 the City had \$3,624,870 in the General Fund and \$1,890,623 in the Water and Sewer Fund. The decrease in the General Fund is due to the elimination of the 2% tax discount beginning with the FY 10-11 budget.
- Investment earnings are in the .35%-.20% range. This is within the budgeted range.
- Building permit fees were \$21,979 or 31.40% of budget. The City should be at 25.00% of budget.
- Water and sewer revenues were \$1,222,871 or 29.27% of budget. The City should be at 25% of budget.
- Fuel cost per gallon was \$2.21 in August. The City budgeted \$2.25 a gallon. Fuel prices are expected to increase further.
- Sales tax distribution was \$208,015 or 15.41% of budget. The City is \$17,010 below the budgeted amount. Same time period last year the City was \$23,500 below budget.
- Expenditures were 23.85% of budget in the General Fund and 22.86% of budget in the Water and Sewer fund. The benchmark for this period is 25.00% of budget.
- The City submitted the audit report to the Local Government Commission before the October 31st deadline and Phyllis Pearson of Petway, Mills & Pearson, PA will present the report at the December Council meeting.

ADMINISTRATIVE REPORTS

Motion by Mayor Pro Tem Robinson and seconded by Council Member Galbreath to approve the Administrative Reports including the Financial Report. **Motion unanimously approved.**

ANNOUNCEMENTS

The following announcements and/or comments were made.

Mayor Harris:

- City of Dunn offices will be closed on the following holidays: November 11th for Veterans Day and November 25th and 26th for Thanksgiving.
- Shrine Fall Ceremonial will be held in Dunn the weekend of November 19th and 20th. The Shriners Parade – Saturday, November 20th at 11:30 am in Downtown Dunn.
- Christmas Tree Lighting Ceremony – Thursday, December 2nd at 6:00 pm in Downtown Dunn.
- Dunn Christmas Parade – Saturday, December 4th at 3:00 pm in Downtown Dunn.
- The next regular City Council meeting is scheduled for Tuesday, December 14th at 7:00 pm.
- City of Dunn employees Christmas Luncheon will be held on Friday, December 10, 2010 in the Dunn Community Center.
- Cancer Centers of North Carolina will hold a dedication at 805C Tilghman Drive on Wednesday, November 17th from 10:30 am until 1:30 pm and encouraged the Council to attend the ribbon cutting at 11:00 am.
- Dunn Head Start Learning Center on Johnson Street will have open house on November 15th from 4:00 pm until 6:00 pm and encouraged the Council to attend.
- American Legion Post 59 and the General William C. Lee Memorial Commission sponsored a Veterans Day Commemoration on Sunday, November 7th at the General William C. Lee Museum. Lt. Col. (Ret) Charles Turnage was the Master of Ceremonies and Council Member Buddy Maness gave the Welcome. Guest speaker was CSM Bryant Lambert of the 82nd Airborne. Mr. Maness read a poem that he wrote, during the Veterans Day Ceremony and Mayor Harris asked Mr. Maness to read the poem again tonight.

Council Member Turnage:

- Veterans Day Ceremony in Lillington at Veterans Park on November 11th at 11:00 am.

Council Member Galbreath:

- Thanked Police Chief Jones for the support of the Police Explorer Program. He along with Council Member Maness and Turnage attended a ceremony last week at Triangle South which promoted several of the cadets in this program. He charged the City Manager to ensure funds to continue this program for the youth.
- He received a street light request for the E. Pope/E. Pearsall Street area and asked that the City Manager contact Progress Energy to investigate if lighting is needed in this area.
- He reported potholes at the corner of S. Clinton & E. Cumberland that need repair.

Council Member Maness:

- Take time to think about the things we are thankful for as we celebrate this Thanksgiving season.

Mayor Harris recognized students from Midway High School that were in attendance to earn credit for their civics class project. He asked each student to stand and state their name.

With no further business to discuss, a motion was made by Council Member Turnage and seconded by Council Member Maness to adjourn the meeting at 8:02 p.m. **Motion unanimously approved.**

Oscar N. Harris
Mayor

Attest:

Debra G. West
City Clerk

