

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

The City Council of the City of Dunn held a Regular Meeting on Tuesday, December 9, 2008, at 7:00 p.m. in the Dunn Municipal Building. Present was Mayor Oscar N. Harris, Mayor Pro Tem N. Carnell Robinson, Council Members Buddy Maness, Bryan Galbreath, Billy Tart, Chuck Turnage and Joey Tart. Also present was City Manager Ronnie Autry, Finance Director Mark Stephens, Public Works Director Billy Addison, Recreation Director Perry Hudson, Chief Building Inspector Mike Blackmon, Planning Director Steven Neuschafer, Librarian Mike Williams, Police Chief B.P. Jones, Police Captain Jimmy Pope, City Engineer Ed Powell, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Reece Murphy.

INVOCATION

Mayor Harris opened the meeting at 7:00 p.m. and asked Police Chaplain Reverend Dennis Manuel 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 Joey Tart to adopt the December 9, 2008 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- Authorization to Apply for Governor's Crime Commission Gang Grant 2009-2010

Agenda Items Removed:

- none

Motion unanimously approved.

PRESENTATIONS

RETIREMENT RESOLUTION

DONNIE TEW

Mayor Harris and Manager Autry presented Donnie Tew with a retirement resolution in recognition and appreciation of over 29 years of service to the City of Dunn Public Works Department. *A copy of Resolution (R2008-25) recognizing Donnie Tew is incorporated into these minutes as Attachment #1.*

DUNN MARKETING COMMITTEE

BRAD HEATH

William Elmore, representing the Dunn Area Chamber of Commerce, explained that this marketing presentation is for informational purposes only; however, they may ask the Council to partner with them in the future. He gave a brief summary of the development of this marketing committee to prepare for the impact of the pending Base Realignment and Closure (BRAC) at Fort Bragg.

Brad Heath, representative of the Dunn Marketing Committee, presented a power point presentation of the Dunn Area Marketing Plan to the Council. He explained that the SWOT Analysis was a survey distributed to the community for input. SWOT represents Strengths, Weaknesses, Opportunities and Threats. As a result of their SWOT survey, they found that area strengths were geographic location, weaknesses was the lack of recreation/shopping/dining, opportunities were more recreation/shopping/dining, and threats were competition from other communities.

He gave examples of marketing strategies to attract Dunn as well as objectives and goals to attract visitors, new residents and new businesses.

Recommendations are to hire an advertising firm to develop and brand a marketing campaign.

The marketing committee is asking the community for ideas, suggestions, and commitments.

PUBLIC COMMENT PERIOD

Mayor Harris opened the floor for a (30) minute public comment period. In addressing citizens that signed up to speak about the rental housing ordinance, he summarized that the public comment period is not for the purpose of discussing an item pending a public hearing. He further explained that when and if the rental housing ordinance is re-introduced for a public hearing, all citizens will have an opportunity to be heard.

Hearing no comments, the public comment period was closed at 7:28 p.m.

PUBLIC HEARINGS

**REZONING REQUEST PZ-10-08
PIN #1516-82-0808.000
817 STEWART STREET**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Nathan & Heather Reed (applicant) to rezone a parcel of land totaling 0.79± acres located at 817 Stewart Street.

This property is currently zoned RM; Multi-Family Dwelling District and is requested to be rezoned to C-3; Highway Commercial District.

The public hearing was duly advertised on November 18 and 25, 2008.

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

Attorney Billy R. Godwin, Jr., spoke on behalf of the applicants. He stated that this tract of property is located off Jackson Road near Cotton's Body Shop and Holloman Exterminators. C-3 zoning is contiguous to two sides of the property. This is a transitional neighborhood with its close proximity to I-95. This rezoning meets all criteria of the zoning ordinance and is consistent with the Land Use Plan. He asked that the Council concur with the favorable recommendation from the Planning Board to rezone this property.

Hearing no further comments, the public hearing was closed.

**STREET CLOSURE
1600TH BLOCK OF S. WILSON AVENUE FOR A DISTANCE
OF 401.85+/- FT. RUNNING NORTH/SOUTH
BETWEEN CSX RAILROAD AND US HWY 301 SOUTH**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request to permanently close the street in the 1600th block of S. Wilson Avenue for a distance of 401.85+/- ft. running north/south between CSX Railroad and US Hwy 301 South.

The public hearing was duly advertised on November 11, 18, 25, and December 2, 2008.

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

Hearing no comments, the public hearing was closed.

**PRELIMINARY ASSESSMENT ROLL
700TH BLOCK OF E. DIVINE STREET
CURB AND GUTTER PROJECT**

Mayor Harris stated that the public has been notified that the preliminary assessment roll for the street improvement project along the 700th Block of E. Divine Street has been prepared.

The "Notice of Preparation of Preliminary Assessment Roll and Public Hearing" was mailed to owners of all property subject to assessment on November 18, 2008.

The public hearing was duly advertised on November 20, 2008.

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

Hearing no comments, Mayor Harris closed public hearings at 7:35 p.m.

CONSENT ITEMS

Minutes-Council considered approval of minutes of the October 30, 2008 Special Call meeting.

Minutes - Council considered approval of minutes of the November 17, 2008 Council meeting.

Tax Releases/Refunds – Council considered approval of Tax Releases/Refunds #141 - #144. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

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

ITEMS FOR DECISION

REZONING REQUEST PZ-10-08 PIN #1516-82-0808.000 817 STEWART ST.

A request was received from Nathan and Heather Reed to rezone one parcel of land at 817 Stewart Street, totaling approximately 0.79± acres.

This property is currently zoned RM; Multi Family Dwelling District and is requested to be rezoned to C-3; Highway Commercial District.

As of January 1, 2006, NCGS 160A-383 requires 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 November 25, 2008 and recommended approval of this request.

Motion by Council Member Galbreath and seconded by Council Member Maness to approve the request from Nathan and Heather Reed to rezone one parcel of land (PIN #1516-82-0808.000) totaling 0.79± acres and located at 817 Stewart Street from RM; Multi Family Dwelling District to C-3; Highway Commercial District based on the following justification:

- 1) C-3 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 commercial or residential in nature and this change will be acceptable.
- 3) The permitted uses in the C-3 District are not considered detrimental to the neighborhood and would be a benefit to the entire community. Furthermore, the allowable uses of the C-3 District will be more compatible with the evolving land uses in the immediate area than those allowable uses in the current RM District.

Motion unanimously approved.

**CONSIDERATION OF RESOLUTION
AND ORDER TO PERMANENTLY
CLOSE THE STREET IN THE 1600TH BLOCK
OF S. WILSON AVENUE FOR A DISTANCE
OF 401.85+/- FT. RUNNING NORTH/SOUTH
BETWEEN CSX RAILROAD AND US HWY 301 SOUTH**

The Resolution of Intent to close this street was adopted by the City Council on October 14, 2008 and the public hearing was held tonight.

Motion by Council Member Billy Tart and seconded by Council Member Joey Tart to adopt the Resolution and Order to close the street in the 1600th block of S. Wilson Avenue for a distance of 401.85+/- ft. running north/south between CSX Railroad and US Hwy 301 South. **Motion unanimously approved.** *A copy of Resolution and Order (R2008-26) permanently closing the street in the 1600th block of S. Wilson Avenue for a distance of 401.85+/- ft. running north/south between CSX Railroad and US Hwy 301 South is incorporated into these minutes as Attachment #2.*

**CONSIDERATION TO ADOPT
CITY OF DUNN COMPREHENSIVE
PEDESTRIAN PLAN**

City Planner Neuschafer explained that this is the conclusion to the reimbursement grant which provided funds to develop a comprehensive pedestrian transportation plan. The steering committee members met several times, two open houses were held with public input sessions and surveys were distributed for the public to give input on this planning process.

This plan provides guidance for programs, policies, and projects which will engage our community for many years, as we continue to develop and grow.

Adoption of this plan endorses the plan's vision the City of Dunn will be a safe, easy, and attractive environment for all of its citizens and visitors to traverse on foot, an increasingly popular way of transportation that is created through many partnerships.

The plan has received approval by the Department of Transportation as presented. The Council heard the executive summary of this plan at a previous meeting. If approved, this plan will be a guide as they apply for future grant funding.

Motion by Council Member Turnage and seconded by Council Member Maness to adopt the City of Dunn Pedestrian Plan and incorporate it into the short and long term planning process for the City of Dunn. **Motion unanimously approved.** *A copy of the Comprehensive Pedestrian Plan is filed in the office of the City Planner.*

Council Member Maness expressed appreciation to everyone that served on the steering committee.

**CONSIDERATION OF RESOLUTION
CONFIRMING ASSESSMENT ROLL
AND LEVYING ASSESSMENTS
700TH BLOCK OF E. DIVINE STREET
CURB AND GUTTER PROJECT**

The City Council held a public hearing earlier tonight to hear objections from all persons interested regarding the Preliminary Assessment Roll for the 700th block of E. Divine Street curb and gutter 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 Council Member Galbreath and seconded by Council Member Turnage to adopt the Resolution Confirming Assessment Roll and Levying Assessments for the 700th block of E. Divine Street curb and gutter project. **Motion unanimously approved.** *A copy of Resolution (R2008-27) Confirming and*

Levying Assessments for the 700th block of E. Divine Street curb and gutter project is incorporated into these minutes as Attachment #3.

**CONSIDERATION OF RESOLUTION
ADOPTING THE 2009 REGULAR
MEETING SCHEDULE FOR THE
CITY OF DUNN CITY COUNCIL**

A resolution establishing the City Council meeting dates for 2009 was considered by the Council.

Motion by Council Member Billy Tart and seconded by Council Member Joey Tart to adopt a Resolution Establishing the 2009 Regular Meeting Schedule for the Dunn City Council with one amendment to change the meeting time for the January 13, 2008 meeting from 7:00 pm to 7:30 pm. **Motion unanimously approved.** *A copy of Resolution (R2008-28) Establishing the 2009 regular meeting schedule is incorporated into these minutes as Attachment #4.*

**AUTHORIZATION TO APPLY
FOR NCDOT SAFE ROUTES
TO SCHOOL GRANT**

City Planner Neuschaefer explained that this is a non-reimbursement grant (zero matching funds required) which provides funds to construct infrastructure facilities within two miles of a school to increase safety and accessibility. There is a second type which funds a non-infrastructure program for education projects. The Planning Department is requesting authorization to apply for these grant opportunities. Deadline for application is the end of January, 2009.

Motion by Council Member Joey Tart and seconded by Council Member Turnage to authorize the Planning Department to apply for the NCDOT SAFE ROUTES TO SCHOOL grants. **Motion unanimously approved.**

**RESOLUTION OF INTENT-ALLEY CLOSURE
BETWEEN N. ORANGE AVE. AND N. ELLIS AVE.
RUNNING FROM W. BARRINGTON ST. ON
THE NORTH TO W. GRANVILLE ST. ON THE SOUTH**

The City of Dunn received a petition dated November 10, 2008 from all adjoining property owners requesting the permanent closure of this alley; however, on behalf of the property owners, Attorney Billy R. Godwin, Jr. submitted a formal letter on December 4, 2008 requesting withdrawal of this petition.

With acknowledgement of the formal withdrawal request, no action was taken on this issue.

**AUTHORIZATION FOR POLICE DEPARTMENT
TO SUBMIT AND ACCEPT GOVERNOR'S CRIME
COMMISSION GRANT 2009 CRIMINAL JUSTICE
IMPROVEMENT COMMITTEE PRIORITIES**

Chief Jones explained that the Dunn Police Department is requesting to apply for (17) new Tasers and (14) Taser Duty Cartridges in an amount of \$14,997.02. The Governor's Crime Commission requires a 25% cash match commitment (\$3,749.26) from non-federal funds before the 2009 grant pre-application can be submitted. All pre-applications and signature pages must be submitted by January 31, 2009. Funding for this grant will be allocated in the 2009-2010 budget.

Motion by Council Member Galbreath and seconded by Council Member Maness to authorize approval for the Police Department to submit and accept the Governor's Crime Commission's 2009 Criminal Justice Improvement Committee Priorities Grant to purchase (17) Tasers and (14) Taser Duty Cartridges in an amount of \$14,997.02 with a local match of \$3,749.26. **Motion unanimously approved.**

**AUTHORIZATION TO APPLY FOR
GOVERNOR'S CRIME COMMISSION
GANG GRANT 2009-2010**

This is a request for a new Governor's Crime Commission Gang Grant for 2009-2010. The grant period is from July 1, 2009 until December 31, 2010. This grant will run parallel with the 2008-2009 grant and some of the grant will not pick up until after the expiration of the 2008-2009 grant. We will continue with the Local Agencies and Law Enforcement meeting monthly and the Offender Call-in's. This grant will focus more on the Prevention/Intervention process through the Dunn Police Athletic League. We are asking to add an Administrative Assistant to help keep up with the paperwork, organize activities and send out communications to everyone involved in all programs. We are also asking to add a Family Counselor to help with the entire family. We are also asking to help increase our Mass Communications Program, Cheerleading Program and Football Programs. The Football Program will partner with the local Dunn Parks and Recreation.

The City of Dunn Police Athletic/Activities League is asking for \$152,295 in grant revenues. The entire grant amount is \$203,060. The 25% match from the City of Dunn is \$50,765, ½ of the match may be in-kind which is \$25,382.50. That leaves the City having to match \$25,382.50 in cash.

Upon approval by City Council, the application will be submitted to the Governor's Crime Commission prior to December 31, 2008.

Chief Jones explained that this will be the third year gang grant for the City.

Motion by Council Member Galbreath and seconded by Council Member Turnage to authorize the Police Department to apply for a Governor's Crime Commission Gang Grant in an amount of \$203,060 with a 25% City match of \$50,765.00, ½ of the match may be in-kind (\$25,382.50), leaving the City with a cash match of \$25,382.50. **Motion unanimously approved.**

**ITEMS FOR DISCUSSION
AND/OR DECISION**

RENTAL HOUSING ORDINANCE

Mayor Harris explained that at the November Council meeting, the City Council asked City Attorney Pope to meet with Judge Wiley Bowen who is representing some of the landlords that own rental property in the City of Dunn to see if they could come to an agreement with revisions being asked for within the Rental Housing Code and bring back recommendations to the Council. They have met and Attorney Pope has provided a copy of their comments and resolutions to the Council; however, additional time is needed to evaluate the recommended changes. Mayor Harris asked that the Council consider deferring action until the Council Retreat.

Motion by Council Member Galbreath and seconded by Council Member Turnage to defer the Rental Housing Code until the Council Retreat tentatively scheduled for February, 2009.

Mayor Pro Tem Robinson stated that he will be forced to vote against this motion as the Council has reviewed this issue since the last Council retreat. This issue is of such a magnitude that it does not need to delay. He recommended the Council bring this issue back to the January meeting. He finds that the signal being sent by the Council about this ordinance distasteful.

Council Member Maness stated that he is not convinced that the Council could not reach a resolution or give direction to the City Attorney before the retreat date. He could give his reply/feed-back to the City Attorney in a couple of days and stated that they need to bring the issue back to the January meeting.

Council Member Turnage stated that the Council needs to talk collectively about this issue perhaps by way of a special call meeting. They need to look at the second and third order of effects of their decision.

Mayor Harris called for the vote:

Ayes
Galbreath
Joey Tart
Billy Tart
Mayor Harris

Nays
Robinson
Maness
Turnage

Motion carried 4-3 to defer the Rental Housing Code until the Council Retreat.

FINANCIAL REPORT

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

- The City Manager and Finance Director have asked department heads to reduce their current 2008-2009 budget by 3%.
- There may be an additional cut of 2% later in the year if revenues come in below expectations.
- The majority of these cuts will come in the form of reduced capital spending.
- We are focusing on expenditure reductions since we have little control over revenues.
- Fuel costs continue to decrease.
- We are analyzing sales tax numbers and over the next several months we will have a better idea of how the City is doing.
- As of October 31, 2008, 33.39% was spent in the General Fund and 27.37% in the Water/Sewer Fund. This takes into account one-time expenditures that are paid in one amount (ie, debt payments, property, liability and workers comp. premiums).

Mayor Harris announced that the Finance Director will be presenting a financial report to the Council each month to address any significant deviations in the budget and what plans will be implemented to control the budget to make sure there is not a deficit at June 30, 2009 especially with the economical down-turn and the three billion dollar deficit of North Carolina. There may be a significant impact to local municipalities.

ADMINISTRATIVE REPORTS

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

EXECUTIVE REPORTS

Council Member Joey Tart wished everyone a Merry Christmas.

Council Member Turnage invited everyone to attend the National Guard deployment ceremony at 2:00 p.m. on Saturday, December 13, 2008 at Cape Fear Christian Academy. He thanked Senior Center Directors Phyllis Taylor and Alice Cameron for the job they are doing.

Council Members Billy Tart and Buddy Maness wished everyone a Merry Christmas.

Mayor Pro Tem Robinson commended the Christmas parade committee for the outstanding job they did with the Christmas parade. He wished everyone a Merry Christmas. He mentioned a growing problem of homelessness in the community and evidenced within the school system. There is no plan for the homeless. He asked the Council to give this issue consideration and those in the faith based community to develop a plan to house the homeless during extreme conditions.

Council Member Galbreath asked Manager Autry and the Public Works Department to look at the possibility of additional street lighting in the area of E. Harnett Street from Holland Avenue to Clinton Avenue. He thanked the School Resource Officers for the work they are doing at Harnett Primary, Wayne Avenue and Dunn Middle Schools. He announced that on Saturday, January 17, 2009, the Harnett County Chapter NAACP will host the 11th annual Martin Luther King, Jr. Breakfast at the Dunn Community Building. He wished everyone a Merry Christmas and Happy New Year.

Manager Autry updated the Council and the citizens of Dunn on an issue that has been ongoing for a number of years with regard to viewing the Council Meetings on Charter Communications in the Lansdowne and Ponderosa Subdivisions. He has personally delivered the proper equipment to the Charter Communications Tower site and met with the technician who will install this equipment so that the Council meetings can air in the Lansdowne and Ponderosa areas. He explained that it's taken approximately 18 months to acquire information from Charter Communications in order to supply them with compatible equipment to air the City Council meetings.

Mayor Harris provided the following reports:

The ABC Audit Report is available for the Council to review.

Recruitment is on-going for census workers for the 2010 Census.

He encouraged the Council to attend the National Guard deployment ceremony mentioned earlier by Council Member Turnage.

He commended the Dunn Area Chamber of Commerce, Dunn Parade Chairman Abe Elmore, the parade committee, and city staff for their work in the success of the Christmas Parade.

With no further business to discuss, a motion was made by Council Member Turnage and seconded by Council Member Billy Tart to adjourn the meeting at 8:25 p.m. **Motion unanimously approved.**

Oscar N. Harris
Mayor

Attest:

Debra G. West
City Clerk