

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

**The City Council of the City of Dunn held a Regular Meeting on Thursday, February 7, 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, Public Works Director Billy Addison, Public Utilities Director Dean Gaster, City Planner Steven Neuschafer, Fire Chief Austin Tew, Police Chief B.P. Jones, Recreation Director Perry Hudson, Librarian Mike Williams, City Engineer Ed Powell, City Clerk Debra West, and Daily Record Reporter Steve Reed.**

**Attorney Wiley Pope was present in the absence of City Attorney P. Tilghman Pope.**

**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**

Motion by Council Member Galbreath, seconded by Council Member Turnage to adopt the February 7, 2008 meeting agenda with changes, if any, as listed below.

*Items Added to the Agenda: under "Items for Decision"*

- Request Bids for Purchase of Track Excavator
- Water Improvement Projects
- Authorization for Fire Department to Accept the Homeland Security – Assistance to Firefighters Grant
- Set Date for a Special Call Meeting – Armory/Civic Center Property

*Agenda Items Removed:*

- none

**Motion unanimously approved.**

**PUBLIC COMMENT PERIOD**

After reading the Public Comment Policy, Mayor Harris opened the floor for a (30) minute public comment period.

Mr. Robert Jordan, 1101 W. Cole Street, Dunn, NC spoke about the fire/rescue merger issue. He commended the Council in their research and the decisions that they are in the process of making with regard to the merger of the Dunn Fire Department and Dunn Rescue Squad. For a long time, he has felt that this is something that needed to be accomplished. It appears that things are being thought thru and everyone is looking at this possible merger with an open mind. Again, he commended the Council and spoke about the Council's accomplishments during their recent Planning/Budget Retreat.

With no further comments, the Public Comment period was closed.

Mayor Harris opened public hearings at 7:10 p.m.

**PUBLIC HEARINGS**

**CONDITIONAL USE PERMIT CU 01-08  
PIN #1516-36-1697.000  
600 BLOCK OF S. ORANGE AVENUE  
MILTON ENTERPRISES, INC.**

**CONDITIONAL USE PERMIT CU 02-08  
PIN #1516-36-2721.000  
600 BLOCK OF S. ORANGE AVENUE  
MILTON ENTERPRISES, INC.**

A request was received from Milton Enterprises to allow the construction of a duplex on each identified parcel of property located in the 600 Block of S. Orange Avenue.

This property is currently zoned R-7; Single Family Dwelling District and a Conditional Use hearing is required in the Zoning Ordinance, for this type of use.

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 January 8, 22 and 29, 2008.

Attorney Wiley Pope introduced CU 01-08 and CU 02-08, a request by Milton Enterprises Inc. for a Conditional Use Permit to allow for the construction of a duplex on each identified parcel of property in the 600 block of S. Orange Avenue. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards.

***Swearing-In:***

*Attorney Wiley Pope administered oaths to:*

*City Planner Steven Neuschafer*

*Applicant Steven Milton*

*Mr. Earl Schafer*

*Ms. Thelma Ray (arrived during the public hearing proceeding and was sworn-in before giving her testimony)*

***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. Written evidence, such as reports, maps, or exhibits, may be introduced during or at the end of each witness's 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 testimony, please clearly identify yourself for the record.

Attorney Wiley Pope opened the hearing on Case #CU 01-08 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 #12 and #13 in the City Council packet which includes the Planning Department staff reports, conditional use applications, warranty deeds, maps, and notification to adjacent property owners, and excerpts of zoning ordinance Section 22 Division 4; R-7 Single Family Dwelling District and Article IX, Conditional Uses be entered as evidence.

Mr. Neuschafer presented a map of the location. CU-01-08 is the southern parcel of the two parcels that are in question tonight. It is located on the 600<sup>th</sup> block of S. Orange Avenue between W. Godwin Street and W. Bay Street. The lot in question is 50' wide which meets the zoning ordinance. Vacant land is to the

west, single family dwelling to the south, single family dwellings to the north and east. The surrounding lands are zoned R-7 just as the current parcel.

*(A copy of these documents entered as evidence for Case #CU 01-08 and #CU-02-08 Conditional Use Permit is incorporated into these minutes as Attachment #1)*

*At the end of the City Planner's testimony, Attorney Pope asked if there were any questions of the City Planner, from either the proponents, opponents or other interested citizens who had been sworn to testify or by the City Council.*

*Applicant Stephen Milton of Milton Enterprises, Inc.*

*Testimony from the Applicant*

Applicant Stephen Milton of Milton Enterprises, Inc. stated that he is trying to obtain conditional use permits for lots 5 and 6. The property is currently zoned R-7 which allows for a single family dwelling. He is requesting to building a two-unit duplex on each of these lots. He was not aware of any other concerns that Mr. Schafer had as well as any other neighbors until the Planning Board meeting last month. At that meeting, Mr. Schafer stated that if these duplexes were constructed on these properties, it would do two (2) things: increase the amount of traffic which would pose a safety concern to the neighborhood and it would also create a transient population if it was rented out.

To address Mr. Shafer's concern about the increase of traffic, Mr. Milton stated that if both of these permits are approved, it is possible that an additional 4 to 6 cars would use S. Orange Avenue on a daily basis. He added that while Orange Avenue is not a main thoroughfare, he feels that it is more than adequate to handle an additional 4 to 5 cars daily. The additional 4 to 5 cars does not create a safety concern that would be sufficient enough to cause an alarm or limit the growth of the City.

Mr. Milton stated that Mr. Schafer provided a petition stating his concerns with some of the surrounding homeowners to the east. Of all the names on the petition that Mr. Schafer provided, he is the only one that would be directly affected by the increase in traffic as his property is the only one accessed by Orange Avenue. The other properties are accessed by Ellis Avenue.

In referring to Mr. Schafer's statement that a transient population could be a detriment to the neighborhood, Mr. Milton stated he agreed that this could be a potential problem, however, he failed to make it clear at the Planning Board meeting that it is in his best interest as well as the neighborhood's and the City's if he sells these properties to potential home buyers. The reason he wants to build a duplex instead of a single family dwelling, is because it will greatly decrease the construction costs.

Mr. Milton stated with the current condition of the housing market with regard to new construction, he feels that if he builds duplexes, it will hedge some of the risks inherent in building spec houses. By making it more affordable per square foot, it will provide an opportunity for more people to own a home instead of renting. He added that with the decrease in construction costs, if the property does not sell within a year, he will hopefully have his cost down to allow him the option to rent the property to cover his month to month costs.

Mr. Milton stated that as proof that he would rather sell than rent, he has spent a considerable amount of time and money to make changes to the blueprints of this dwelling. The structure was originally a (2) bedroom, (2) bath layout. Based on preliminary changes made to the design, it is now a (3) bedroom, (2 1/2) bath structure. He made these changes because it is easier to sell a (3) bedroom structure than a (2) bedroom structure. He pointed out that if his main objective was to keep it as a rental, he would not have spent the extra money for the blueprints nor would he have increased the construction costs by adding the third bedroom or 1/2 bath.

Mr. Milton stated that there was concern about removing the existing magnolia trees. During the Planning Board meeting, he stated that should he have to remove any of the trees, he will replace trees in their stead with another planting that is pleasing to the neighborhood and the City.

To recap Mr. Schafer's concerns, Mr. Milton stated that he does not think there will be a significant increase in traffic to cause a safety concern and these duplexes will not create a transient population because they will be an affordable product that will lead to the increase of home ownership in Dunn.

Mr. Milton stated that growth is imperative for a City to prosper and sometimes change can be a direct result of that growth. He asked that the Council not limit the prosperity of Dunn based on resistance to change.

Attorney Pope asked if the Council had any questions for the applicant.

Council Member Billy Tart asked Mr. Milton if he planned to build both duplexes at the same time or does he plan to build only one duplex before building the other. Mr. Milton responded he plans to build both at the same time from a builder's point of view because these lots are fairly small; only 50' wide. It will be easier during the construction process, to build both duplexes at the same time since the lots are small and would make for a tight squeeze trying to maneuver construction on one lot at a time.

*Attorney Pope asked if there were any other members of the public that would like to speak in favor of the conditional use permit. None were heard.*

#### *Testimony from Opponents*

Mr. Earl Schafer of 609 N. Orange Avenue stated that he has lived there for twenty-one (21) years. South Orange Avenue is a direct route into Greenwood Cemetery for funeral processions. Many times this creates a lot of traffic on this street. He noted an issue with magnolia trees and their proximity to the property lines of CU-01-08 (22' from left property line) and CU-02-08 (27' from property line). With these measurements, it puts both of these trees near the center of the CU-02-08 lot. To pour a concrete parking apron, both trees would have to be removed.

Mr. Schafer stated that Mr. Milton owns two (2) additional lots on the other side of the existing house he owns and if these permits are granted, Mr. Milton will apply for additional duplexes. This will create additional automobiles and traffic.

Mr. Schafer stated that South Orange Avenue is only 20' wide along W. Godwin Street. On W. Godwin Street and S. Ellis Avenue, there are twenty-eight (28) more apartments, with McKay Community apartments. Pedestrians use S. Orange Avenue on a daily basis.

Mr. Schafer mentioned that Mr. Milton applied for a permit to build apartments in this same vicinity five (5) years ago and it was denied. At that time, Mr. Schafer stated there were approximately eighty (80) automobiles per day going up and down S. Orange Avenue. If two (2) duplexes are built, it will yield four (4) units, therefore creating eight (8) automobiles. If two (2) additional duplexes are applied for in the future, it will yield eight (8) additional automobiles. Where will they park? The parking apron is only about 25' from the edge of the pavement to the door of the duplexes. With reference to parking, the magnolia trees' root base is 5' to the edge of the pavement so there will not be any parking on the east or west side of the units. There will not be ample parking spaces for extended family members or friends who may visit.

Mr. Schafer stated that the magnolia trees were planted many years ago. You cannot plant a tree in the middle of a concrete apron nor can you replace 30' beautiful magnolia trees. The trees were planted to make a nice entrance into Greenwood Cemetery.

Mr. Schafer stated that more traffic will be generated by the construction of these duplexes. At the existing rate, the units could increase from 80-90 to 130-150 per day depending on relatives and visitors going to these units regardless if the duplexes are owned or rented. Take into consideration, that a (20) foot wide street is not very wide, and could only accommodate (2) cars passing without off-street parking.

Mr. Schafer stated that at one time, it was mentioned that a six foot fence might be constructed to separate the other homeowners. All of the homeowners' signatures on his petition, have property that joins Mr. Milton's property. All petitioners own their homes. A six foot high fence would separate these duplexes; however, it would not be attractive. With the potential increase of traffic on this narrow street, the possibility of a fender-bender is great.

*Attorney Pope asked if there were questions for Mr. Schafer.*

Council Member Turnage asked if there is a requirement to have a six foot fence. In response to this question, Mr. Schafer stated that at one time, Mr. Milton had offered to put up a six foot high fence. It is

not in the planning, but if one was put up to separate the properties, it would certainly destroy the appearance of an individual neighborhood.

In referring to a petition, Council Member Maness asked Mr. Schafer if he is referring to the one that was submitted during the Planning Board meeting. Mr. Schafer responded yes.

*Attorney Pope stated that since both Conditional Use Permits are identical, they will apply the public hearing CU-01-08 to CU-02-08 and ask Planner Neuschafer to address any questions from the Council.*

Mayor Harris asked Attorney Pope if the petition with signatures has been made a part of the record. Mr. Pope responded it has not.

*Testimony from Opponents*

*Ms. Thelma Ray was sworn-in at this point*

Ms. Thelma Ray of 704 S. Ellis Avenue stated that the neighborhood is quiet. There are a lot of walkers, children on bikes and elderly. A traffic increase would not be safe for this area. She does not want her home value to depreciate as a result of duplexes. She does not want this neighborhood to change now or in the future.

Attorney Pope asked Mr. Schafer if he would like to make his petition a part of the record. Mr. Schafer responded yes. *(A copy of this petition entered as evidence for Case #CU 01-08 and CU-02-08 Conditional Use Permit is incorporated into these minutes as Attachment #2)*

Attorney Pope entertained any further questions for Planner Neuschafer.

Council Member Joey Tart asked Mr. Neuschafer if Mr. Milton has the authority to cut down the magnolia trees since he owns the property. Mr. Neuschafer responded that the trees are located in the City's public right-of-way and they could not be cut down without approval of the City Manager. Mr. Tart asked if this conditional use is approved, would they also be approving the removal of the trees? Mr. Neuschafer responded that the locations of the driveways are a concern with their proximity to the magnolia trees but he cannot testify factual that the trees would need to be removed. If the conditional use is approved, then measurements would have to be taken to determine if the trees would have to be removed. If the trees were removed, the City Ordinance would rule as far as planting replacements.

Council Member Turnage asked Mr. Neuschafer if the six foot high fence is a requirement. Mr. Neuschafer responded no. Any residential lot is allowed to put up a six foot fence in the rear yard and up to the front set-back of the home and they are allowed to put up a four foot fence in the front yard upon receiving a permit to erect a fence with approval.

Council Member Joey Tart asked Mr. Neuschafer if he finds a duplex on S. Orange Avenue inconsistent with this particular piece of property. Mr. Neuschafer responded from a factual standpoint, as in the staff report, it would meet all the set-backs and legal requirements of the zoning ordinance according to the plan that was submitted.

*Attorney Pope made note that once the public hearing is closed, the only questions posed to the applicant, proponents or opponents shall be for clarification purposes. No new evidence can be introduced after the public hearing is closed. Any conditions the Council would like to place upon the use of the land by the applicant must be agreed by the applicant. Should any Council member ask that the applicant place conditions or limitations on the use of the land, they must ask the applicant if he or she will voluntarily place these conditions on the use of the property and this should take place during the public hearing.*

Council Member Maness asked Mr. Neuschafer what the Planning Board's recommendation was. Mr. Neuschafer responded the Planning Board's recommendation was to deny the request with a 3-3 vote. Mr. Maness asked if the Planning Board had specific information they concluded for a negative recommendation. Mr. Neuschafer responded they felt the increase in density and the issues with the traffic sited by the opponent warranted denial of the request.

Council Member Billy Tart asked Mr. Neuschafer if parking will be allowed on the streets. Mr. Neuschafer responded that the plot plan submitted by the applicant shows the driveways and the two (2) required parking spaces per unit. This is a total of four (4) parking spaces per parcel.

Council Member Maness asked Mr. Neuschafer if there would be any additional parking for anyone other than the occupants of the duplex. Mr. Neuschafer responded that the zoning ordinance only requires two (2) off-street parking spaces for each dwelling unit whether it is a single family dwelling unit or attached in these instances.

Council Member Maness asked Mr. Neuschafer that in the event, there were visitors, where would they park? Mr. Neuschafer responded cars can park along the public street unless its marked for "No Parking" which this street is not.

Council Member Maness asked Mr. Neuschafer if he is of the opinion that there is adequate room to park on the sides. Mr. Neuschafer responded that under testimony, it meets the zoning requirements of two (2) off-street parking spaces.

Council Member Maness responded that was not his question. He again asked Mr. Neuschafer if he is of the opinion that there is adequate parking on the side of the road to accommodate any guests or visitors to these duplexes. Mr. Neuschafer responded that the street in their information shows a 50' right-of-way. Traveling lanes of 10' to 11' each way which is the 20' that was spoken about earlier, would leave some right-of-way available for parking in the grass.

Mayor Pro Tem Robinson asked Mr. Neuschafer are there any specific requirements in terms of finding criteria for either approving or disapproving a request such as this when it comes before the Planning Board or is it purely arbitrary based on information presented at that time. Is there a standard procedure for approving it or disapproving it? Mr. Neuschafer responded there is a standard procedure for the City Council to approve it or disapprove it. The Planning Board is a reviewing body especially when it is a quasi-judicial hearing. They cannot perform their own hearing and swear-in witnesses. They take it on good faith in hearing evidence and comments from the public. There are no evidentiary findings; that is made only at the Council meeting. The five (5) questions required by the City ordinance are enclosed in the Council's information. Also in the applicant's application, they will find his answer to those five (5) questions.

*Attorney Pope entertained further questions regarding CU-01-08 and CU-02-08.*

Council Member Joey Tart asked the applicant, Mr. Milton, if he had thought about consolidating the parcels to build one duplex based on the opposition from the residents or is it not economical to do this. Mr. Milton responded that he has not thought about it. The parcels have been treated as two (2) individual lots. If the City feels that is appropriate, then it is something that can be discussed and looked into further. He has not thought about combining these lots since they each do meet the zoning requirements.

With regard to the parking spaces, Mr. Schafer stated that on the west side of S. Orange Avenue, there is a four (4) foot deep drainage ditch. There is no way to pull an automobile completely off S. Orange Avenue on the west side because of this ditch. The root base of the trees is five (5) feet to the edge of the pavement. This leaves no parking on the west side. This also applies to the east side. You cannot pour concrete at the root base of a tree without killing it. With a 50' lot, and a tree that is 27' in the middle of it, where will you pour the concrete?

Attorney Pope asked for any other witnesses that would like to testify. Hearing none, the public hearing for CU-01-08 and CU-02-08 closed at 7:49 p.m.

**CONDITIONAL USE PERMIT CU 02-08**  
**PIN #1516-36-2721.000**  
**600 BLOCK OF S. ORANGE AVENUE**  
**MILTON ENTERPRISES, INC.**

*(CU-02-08 was heard with CU-01-08).*

**ORDINANCE AMENDMENT 0A-01-08**  
**ARTICLE II**  
**SECTION 22-26, 27, 28, 30 AND 31**  
**CHAPTER 22**

Mayor Harris 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 Planning Department to amend Section 22 updating the amendment process to match existing general statutes and current procedures for clarification of the zoning amendment process.

The public hearing was duly advertised on January 8, 22 and 29, 2008.

Mayor Harris asked if there was anyone present to speak for or against this Ordinance Amendment.

Mr. William Creel, Jr., 905 W. Cumberland Street stated that he had questions regarding some of the proposed changes. His question is based on section 22-26 and 22-28 with regard to posting notices and filing a protest petition. He wanted clarification about the process to challenge an issue.

Mayor Harris asked Planner Neuschafer to address these concerns.

Mr. Neuschafer stated that with reference to Section 22-26, the strike-through read “the posted notice shall indicate the proposed change, date of hearing, procedures of filing a protest and effect of filing a valid protest”. Presently, the notice signs don’t allow to have this much information on them. The property would continue to be posted with the signs that have been used by the Planning Department for the last couple of years which contain information that a public hearing will be held along with the phone number of the Planning Department on them. It would be very difficult to put the rest of this information on this posted sign, so this amendment would allow the present method, which is working fine, to continue to be used. This amendment involves posting the property.

Mr. Neuschafer stated that with reference to Section 22-28, this amendment will follow the guidelines set out in NC General Statute 160A-384 with regard to posting notices.

Mr. Creel stated that he is concerned about the ability to file a protest petition. Mr. Neuschafer responded this amendment will not have any effect on filing a protest petition.

Mr. Creel stated that his neighborhood has had a lot of activity in his area facing Cumberland Street and S. General Lee Avenue. Mr. Creel commended the Planning Board for their work in revising the uses in the commercial districts.

Hearing no further comments, the public hearing was closed.

**ORDINANCE AMENDMENT 0A-02-08**  
**ARTICLE I (DEFINITIONS SECTION 22-1)**  
**CHAPTER 22**

Mayor Harris 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 Planning Department to amend Section 22-1 adding new definitions and references for word use clarification for the zoning ordinance.

The public hearing was duly advertised on January 8, 22, and 29, 2008.

Mayor Harris asked if there was anyone present to speak for or against this Ordinance Amendment.

Hearing no comments, the public hearing was closed.

**ORDINANCE AMENDMENT 0A-03-08  
ARTICLE III (DISTRICT CHANGES IN THE PERMITTED USES  
FOR DIVISIONS 6, 7, 8, 9 AND 10)  
CHAPTER 22**

**ARTICLE IX (CONDITIONAL USES DIVISION 1 OF CHAPTER 22)**

Mayor Harris 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 Planning Department to amend the lists of permitted uses to each of the business zoning districts and move some uses to the conditional use category.

The public hearing was duly advertised on January 8, 22, and 29, 2008.

Mayor Harris asked if there was anyone present to speak for or against this Ordinance Amendment.

Hearing no comments, Mayor Harris closed public hearings and reconvened the regular agenda at 7:58 p.m.

**CONSENT ITEMS**

Minutes-Council considered approval of minutes of the January 3, 2008 Council meeting.

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #152 - #156. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

Tax Liens Advertisement-Council considered approval for the Tax Collector to advertise tax liens on March 18, 2008 for outstanding 2007 taxes on real property and advertising fees remain at \$5.00 per parcel.

Proclamation-Council considered approval of a Proclamation recognizing the month of February as Black History Month. Mayor Pro Tem Robinson read the Proclamation. *A copy of Black History Month Proclamation (P2008-01) is incorporated into these minutes as Attachment #3.*

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

**ITEMS FOR DECISION**

**CONDITIONAL USE PERMIT CU 01-08  
PIN #1516-36-1697.000  
600 BLOCK OF S. ORANGE AVENUE  
MILTON ENTERPRISES, INC.**

Mayor Harris stated that a request was received from Milton Enterprises, Inc. to allow the construction of a duplex on a parcel of property located in the 600 Block of S. Orange Avenue.

This property is currently zoned R-7; Single-Family Dwelling District and a Conditional Use hearing is required in the Zoning Ordinance, for this type of use.

The Planning Board met on January 15<sup>th</sup> 2008 reviewed the request and asked for comments from the public. After hearing the comments from the public and the request from the applicant, the Planning Board recommended **not to approve** this request. The vote was 3-3 with a motion being made to not recommend approval.

Mayor Harris entertained discussion and/or motion on conditions, if any, to impose on this Conditional Use Permit.



Motion by Council Member Turnage, seconded by Council Member Galbreath to table CU-01-08 based upon the proposal that Mr. Schafer mentioned about the requirement to remove the trees and the potential of Mr. Milton to combine the two lots and bring this item back to the March Council Meeting.

Ayes	Nays
Turnage	Maness
Galbreath	Robinson
Billy Tart	
Joey Tart	

**Motion carried 4-2 to table.**

**CONDITIONAL USE PERMIT CU 02-08  
PIN #1516-36-2721.000  
600 BLOCK OF S. ORANGE AVENUE  
MILTON ENTERPRISES, INC.**

A request was received from Milton Enterprises, Inc. to allow the construction of a duplex on a parcel of property located in the 600 Block of S. Orange Avenue.

This property is currently zoned R-7; Single-Family Dwelling District and a Conditional Use hearing is required in the Zoning Ordinance, for this type of use.

The Planning Board met on January 15<sup>th</sup> 2008 reviewed the request and asked for comments from the public. After hearing the comments from the public and the request from the applicant, the Planning Board recommended **not to approve** this request. The vote was 3-3 with a motion being made to not recommend approval.

Mayor Harris entertained discussion and/or motion on conditions, if any, to impose on this Conditional Use Permit.

Motion by Council Member Galbreath, seconded by Council Member Turnage to table CU 02-08 based upon the proposal that Mr. Schafer mentioned about the requirement to remove the trees and the potential of Mr. Milton to combine the two lots and bring this item back to the March Council Meeting.

Ayes	Nays
Galbreath	Maness
Turnage	Robinson
Billy Tart	
Joey Tart	

**Motion carried 4-2 to table.**

**ORDINANCE AMENDMENT 0A-01-08  
ARTICLE II. AMENDMENTS SEC. 22-26, 27, 28, 30 AND 31 OF  
THE ZONING ORDINANCE CHAPTER 22 IN THE CITY OF DUNN  
CODE OF ORDINANCES**

This is an amendment of this section updating the amendment process to match existing general statutes and current procedures for clarification of the zoning amendment process.

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart to approve 0A-01-08.  
**Motion unanimously approved.** *A copy of Ordinance (02008-03) is incorporated into these minutes as Attachment #4.*

**ORDINANCE AMENDMENT 0A-02-08  
ARTICLE I. DEFINITIONS SEC 22-1 OF THE ZONING  
ORDINANCE CHAPTER 22 IN THE CITY OF DUNN  
CODE OF ORDINANCES**

This is an amendment of this section adding new definitions and references for word use clarification for the zoning ordinance.

Motion by Council Member Galbreath, seconded by Council Member Turnage to approve 0A-02-08. **Motion unanimously approved.** *A copy of Ordinance (02008-04) is incorporated into these minutes as Attachment #5.*

**ORDINANCE AMENDMENT 0A-03-08  
ARTICLE III. DISTRICT CHANGES IN THE  
PERMITTED USES FOR DIVISIONS 6, 7, 8, 9 AND 10  
AND AMENDING ARTICLE IX CONDITIONAL USES  
DIVISION 1, OF THE ZONING ORDINANCE  
CHAPTER 22 IN THE CITY OF DUNN  
CODE OF ORDINANCES**

These changes to the permitted uses will amend the lists of permitted uses in each of the business zoning districts and move some uses to the conditional use category located in Article IX.

Motion by Council Member Turnage, seconded by Council Member Joey Tart to approve 0A-03-08 with amendment to move (5) C-1 Central Commercial District (k) Upper floor residential dwelling unit (mixed use) from a conditional use to a permitted use in the C-1 Central Commercial District. **Motion unanimously approved.** *A copy of Ordinance (02008-05) is incorporated into these minutes as Attachment #6.*

**REQUEST BIDS FOR  
PURCHASE OF TRACK  
EXCAVATOR**

Manager Autry explained that this subject was discussed at length during the recent budget retreat.

The Council is being asked to give authorization to the City Manager to proceed with the advertisement requesting bids for the purchase of a Track Excavator.

Funds are available in the existing budget and a budget amendment is attached.

Motion by Council Member Maness, seconded by Council Member Joey Tart to authorize the City Manager to proceed with advertising for bids for the purchase of a Track Excavator and approval of budget amendment for same. **Motion unanimously approved.** *A copy of Budget Amendment #14 appropriating \$120,000 in the Powell Bill Capital Outlay Fund 10-572-7400 and deducting \$86,700 from 10-572-8000, \$20,882.34 from 10-343-0000 and \$12,417.66 from 10-343-0100 is incorporated into these minutes as Attachment #7.*

**WATER IMPROVEMENT  
PROJECTS**

Manager Autry explained that this project was discussed during the recent budget retreat.

The Council is being asked to give the City Manager authorization to proceed with the construction of the De-Chlorination Project and the Mary Stewart Tank Piping Project.

Funds are available in the existing budget and a budget amendment is attached.

Motion by Council Member Joey Tart, seconded by Council Member Turnage to authorize the City Manager to proceed with the construction of the De-Chlorination Project and the Mary Stewart Tank Piping Project and approval of budget amendment for same. **Motion unanimously approved.** *A copy of Budget Amendment #15 increasing appropriation in the Capital Outlay Equipment Replacement 30-811-7400 from \$180,000 to \$190,000 and appropriating \$115,000 in the Capital Outlay Mary Stewart Tank Piping 30-810-7403 and deducting \$125,000 from Contingency C/O 30-720-7501 is incorporated into the minutes as Attachment #8.*

**AUTHORIZATION FOR FIRE DEPARTMENT  
TO ACCEPT THE HOMELAND SECURITY  
ASSISTANCE TO FIREFIGHTERS GRANT (AFG)**

Manager Autry explained that the Dunn Fire Department has the opportunity to accept an award in the amount of \$275,000.00 through the U.S. Department of Homeland Security. The Federal share will be \$261,250.00 and the City's share will be \$13,750.00. This is a matching grant of 95%-5%. The Assistance to Firefighters Grant (AFG) must be completed by 01-25-09.

The City of Dunn Fire Department proposes to purchase a Pumper/Tanker Fire Truck. This vehicle will replace our current 1976 Mack Fire Truck, which at the completion of this process must be removed from our list of fire suppression vehicles.

Motion by Council Member Billy Tart, seconded by Council Member Maness to authorize the Fire Department to accept the Assistance to Firefighters Grant (AFG) in the amount of \$261,250.00 and fund the City's match of \$13,750.00. **Motion unanimously approved.**

Manager Autry stated that with this approval, he will direct the Fire Chief to proceed with forming a committee to begin the process of writing specifications for this truck.

**SET DATE FOR A SPECIAL  
CALL MEETING – ARMORY/  
CIVIC CENTER PROPERTY**

Manager Autry explained that the Council is being asked to set a Special Call Meeting for Thursday, February 28, 2008 at 7:00 p.m. for the purpose of conducting a Public Hearing with regard to the Civic Center Property.

After the public hearing, a petition will be prepared and made available for anyone to take to the people to sign asking for a public vote on a bond referendum to pay for renovations to the building with a corresponding tax increase to pay for the bond. The interested parties would have 30 days from the date of the public hearing to turn in the petition to city hall. If 20% of the registered voters signed the petition, then there would be a vote for a bond referendum and corresponding tax increase. If not, at the April regular City Council meeting, the Council would vote on the Civic Center Committee's recommendation that the building should be demolished.

Mayor Harris reminded everyone that this is the consensus which the Council reached during their recent retreat.

Motion by Council Member Turnage, seconded by Council Member Joey Tart to set a Special Call Meeting of the City Council for February 28, 2008 at 7:00 p.m. for the purpose of conducting a public hearing with regard to the Civic Center Property. **Motion unanimously approved.**

**ADMINISTRATIVE REPORTS**

Motion by Mayor Pro Tem Robinson, seconded by Council Member Turnage to accept the Administrative Reports. **Motion unanimously approved.**

**EXECUTIVE REPORTS**

No reports were given by the City Manager or City Attorney.

Council Member Galbreath thanked the Harnett County NAACP and MLK Committee for their commemoration ceremonies in honor of Dr. Martin Luther King, Jr. He also thanked Mayor Harris, Mayor Pro Tem Robinson and Council Member Turnage for attending these events.

Mr. Galbreath announced that the Police Athletic League will soon begin selling tickets for a fundraiser, for a raffle that will take place in June. It will be a backyard barbecue prepared by former Council Member Donnie Olds. Tickets will sell for \$1.00. Mr. Galbreath asked for public participation in supporting the PAL program.

Council Member Joey Tart, Chuck Turnage and Mayor Harris thanked the City Manager, City Clerk Debbie West and the Department heads for all their hard work in making the retreat so productive. Mayor Pro Tem Robinson thanked the Daily Record for their coverage of the retreat and allowing the citizens to know how productive the retreat was.

Mayor Harris stated that it was his pleasure to participate in the recent Martin Luther King, Jr. activities including the breakfast, program and parade. He thanked the staff and council for their dialog, participation and commitment during the recent retreat.

With no further business to discuss, motion by Council Member Turnage, seconded by Council Member Joey Tart to adjourn the meeting at 8:25 p.m.

---

Oscar N. Harris  
Mayor

Attest:

---

Debra G. West  
City Clerk