

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, March 6, 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 Bryan Galbreath, Billy Tart, and Joey Tart. Also present was City Manager Ronnie Autry, Public Utilities Director Dean Gaster, City Planner Steven Neuschafer, Fire Chief Austin Tew, Police Chief B.P. Jones, Police Captain Jimmy Pope, Recreation Director Perry Hudson, City Engineer Ed Powell, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Steve Reed.

Absent/excused were Council Members Maness and Turnage.

**INVOCATION**

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

**AGENDA ADJUSTMENT**

Motion by Mayor Pro Tem Robinson, seconded by Council Member Joey Tart to adopt the March 6, 2008 meeting agenda with changes, if any, as listed below.

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

- Set Date for a Special Call Meeting – Public Hearing for Fire Dept./Rescue Merger
- Reschedule April 3, 2008 Regular Council Meeting date to April 10, 2008 at 5:00 p.m.

*Agenda Items Removed:*

- none

**Motion unanimously approved.**

**RETIREMENT PLAQUE PRESENTATION**  
**JOSEPH DONALD BEASLEY**

Mayor Harris presented Joseph Donald Beasley with a retirement plaque in recognition and appreciation of his 15 years of service as a Water Treatment Plant Operator for the Public Works Department.

**PUBLIC COMMENT PERIOD**

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

Mr. Carey Barfield, 600 S. Layton Avenue, Dunn, NC – He stated that eight to nine years ago, W. Bay Street was paved along the side of his residence after the sewer line was replaced. At that time, he observed that the water lines were rusty and he inquired if they would also be replaced. He was advised that this was a sewer project and the water lines would not be replaced. Within one week of installing the sewer lines and repaving this portion of Bay Street, a major water leak occurred in the 300 block of W. Bay Street. This caused uneven pavement along this area. At the intersection of Bay and King where the lines were tied in, the road is bumpy and uneven. Approximately a year ago, sewer lines were replaced on McKay Avenue and again, he asked if the water lines would be replaced and he was told that it was a sewer project. South McKay Avenue from the intersection of Bay to Barrington is also very uneven. He added that sometime in the future, he knows that the lines in Broad Street will be replaced. He asked the Council to consider replacing some of the water lines that are as old or older than some of the existing sewer lines.

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

*Excused Absences*

Mayor Harris read a message from Council Member Maness explaining his unexpected absence at tonight's meeting and Mayor Harris explained that Council Member Turnage was attending the Institute of Government School for Newly Elected Officials.

He requested that these absences be excused. Council consensus was to excuse the absence of Council Members Maness and Turnage.

Mayor Harris opened public hearings at 7:09 p.m.

**PUBLIC HEARINGS**

**REZONING REQUEST – PZ 01-08  
PIN #1507-90-0370.000  
DUNN-ERWIN ROAD  
AT TILGHMAN DRIVE**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Jean Wellons (applicant) to rezone a portion of the current parcel of land totaling 13.49± acres located along Dunn-Erwin Road at the Tilghman Drive intersection.

This property is currently zoned R-10; Single Family Residential District and is requested to be rezoned to CO; Office and Institutional District.

The public hearing was duly advertised on February 12 and February 19, 2008.

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

Attorney Dwight Snow, representing petitioner Jean Wellons and the estate of Calvin G. Wellons, spoke in favor of the rezoning petition. He summarized points of the petition:

- 13.49± acre tract which is a portion of a larger tract that Calvin G. Wellons bought several years ago. Mr. Wellons developed the bulk of this tract into the Briarcliff Subdivision. At the time of his death, nineteen acres was left.
- Mrs. Jean Wellons and the family decided that the best use for the remainder of this property was to rezone it from R-10 (residential) to CO (Office and Institutional).
- Mrs. Jean Wellons resides in Morehead City and she has appointed Mr. Bobby Wellons to answer any questions by the Council.
- The Planning Board voted unanimously to recommend approval of this rezoning request to the City Council.
- This property is located at the T-intersection of Dunn Erwin Road and Tilghman Drive.
- There is a natural progression of development from Betsy Johnson Regional Hospital to this intersection.
- The rezoning is reasonable based on the surrounding conditions. The majority of the surrounding tracts are zoned CO.
- Plans are to develop offices which will increase the tax base and provide economic activity.
- This plan would be consistent with the City of Dunn 2030 land use plan.
- All requirements mandated by the ordinance have been met with this rezoning.

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

Hearing none, the public hearing was closed.

**REZONING REQUEST – PZ 02-08  
PIN #1506-99-8884.000  
DUNN-ERWIN ROAD  
EAST OF TILGHMAN DRIVE**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Gordon Townsend, Jr. (applicant) to rezone a parcel of land totaling 6.73± acres located along Dunn-Erwin Road east of the Tilghman Drive intersection.

This property is currently zoned R-10; Single Family Residential District and is requested to be rezoned to CO; Office and Institutional District.

The public hearing was duly advertised on February 12 and February 19, 2008.

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

Hearing no comments, Mayor Harris closed public hearings and reconvened the regular agenda at 7:16 p.m.

### **CONSENT ITEMS**

Minutes-Council considered approval of minutes of the February 2-3, 2008 Budget Retreat/Planning Session.

Minutes-Council considered approval of minutes of the February 7, 2008 Council meeting

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #157 - #161. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

Resolution-Council considered approval of a Resolution Authorizing Mayor Oscar N. Harris, Manager Ronald D. Autry and City Accountant Debbie T. Williams to execute evidence of debt, checks, drafts, and wire transfers for the City of Dunn. *A copy of Authorizing Bank Resolution (R2008-01) is incorporated into these minutes as Attachment #1.*

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

### **ITEMS FOR DECISION**

#### **REZONING REQUEST PZ 01-08**

**PIN #1507-90-0370.000**

**DUNN-ERWIN ROAD**

**AT TILGHMAN DRIVE**

A request was received from Jean Wellons (applicant) to rezone a portion of the current parcel of land totaling 13.49± acres and located along Dunn-Erwin Road at the Tilghman Drive intersection.

This property is currently zoned R-10; Single Family Residential District and is requested to be rezoned to CO; Office and Institutional 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 February 19, 2008 and recommended approval of this request.

Motion by Mayor Pro Tem Robinson, seconded by Council Member Billy Tart to approve the request from Jean Wellons to rezone a portion of the current parcel of land (PIN #1507-90-0370.000) totaling 13.49± acres and located along Dunn-Erwin Rd. at the Tilghman Drive intersection from R-10; Single Family Residential District to CO; Office and Institutional District based on the following justification:

- 1) C-0 uses are consistent with the 2030 Land Use Plan for this area.
- 2) The amendment is not inconsistent with the surrounding land uses which are both (historically mixed commercial and residential) in this area. Moreover the evolving pattern of office uses in this area warrant this change.
- 3) The permitted uses in the CO District are not considered detrimental to the area and would be a benefit to the entire community.

Mayor Harris entertained further questions.

Council Member Joey Tart asked Planner Neuschafer what are the buffer requirements between the CO and R-10 district. He responded twenty feet.

**Motion unanimously approved.**

**REZONING REQUEST PZ 02-08  
PIN #1506-99-8884.000  
DUNN-ERWIN ROAD  
EAST OF TILGHMAN DRIVE**

A request was received from Gordon Townsend, Jr. (applicant) to rezone a parcel of land totaling 6.73± acres and located along Dunn-Erwin Road east of the Tilghman Drive intersection.

This property is currently zoned R-10; Single Family Residential District and is requested to be rezoned to CO; Office and Institutional 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 February 19, 2008 and recommended approval of this request.

Motion by Council Member Joey Tart, seconded by Mayor Pro Tem Robinson to approve the request from Gordon Townsend, Jr. to rezone a parcel of land (PIN #1506-99-8884.000) totaling 6.73± acres and located along Dunn-Erwin Rd. east of the Tilghman Drive intersection from R-10; Single Family Residential District to CO; Office and Institutional District based on the following justification:

- 1) C-O uses are consistent with the 2030 Land Use Plan for this area.
- 2) The amendment is not inconsistent with the surrounding land uses which are both (historically mixed commercial and residential) in this area. Moreover the evolving pattern of office uses in this area warrant this change.
- 3) The permitted uses in the CO District are not considered detrimental to the area and would be a benefit to the entire community.

**Motion unanimously approved.**

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

A motion was made at the February 7, 2008 City Council meeting to table this item of business until the March 6, 2008 meeting.

Motion by Council Member Joey Tart and seconded by Mayor Pro Tem Robinson to take this item of business off the table. **Motion unanimously approved.**

This is a request 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 Joey Tart, seconded by Council Member Billy Tart to deny the application for Conditional Use Permit CU-01-08 based upon the following findings of fact:

- 1) It is not desirable for the community.
- 2) There will be negative impact to the adjacent neighborhood
- 3) The location of this request is an established residential area along an average minor street; the issuance of this permit will not be appropriate with the anticipated growth pattern of future residential development identified in the land use plan.

**Motion unanimously approved.**

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

A motion was made at the February 7, 2008 City Council meeting to table this item of business until the March 6, 2008 meeting.

Motion by Council Member Joey Tart and seconded by Mayor Pro Tem Robinson to take this item of business off the table. **Motion unanimously approved.**

This is a request 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 Bryan Galbreath, seconded by Mayor Pro Tem Robinson to deny the application for Conditional Use Permit CU-02-08 based upon the following findings of fact:

- 1) It is not desirable for the community.
- 2) There will be negative impact to the adjacent neighborhood
- 3) The location of this request is an established residential area along an average minor street; the issuance of this permit will not be appropriate with the anticipated growth pattern of future residential development identified in the land use plan.

**Motion unanimously approved.**

**TEMPORARY BLOCKING OF  
STREET – THE ELEVENTH HOUR  
MINISTRIES – E. BAY STREET FROM  
S. WASHINGTON AVE. TO S. ELM AVE.**

A request was received from The Eleventh Hour Ministries requesting East Bay Street from S. Washington Avenue to S. Elm Avenue be closed from 2:00 p.m. – 6:00 p.m. on Saturday, April 26, 2008 to hold a church event.

Motion by Council Member Billy Tart, seconded by Council Member Joey Tart to approve the temporary blocking of E. Bay Street from S. Washington Avenue to S. Elm Avenue to allow for the Eleventh Hour Ministries to hold a church event on Saturday, April 26, 2008 from 2:00 p.m. – 6:00 p.m. **Motion unanimously approved.**

**TEMPORARY BLOCKING  
OF STREETS – BOOGIE DOWN  
ON BROAD STREET CONCERT  
SERIES**

A request has been received from the Event Planning Committee of the Dunn Area Chamber of Commerce requesting the closing of E. Broad Street by 2:00 p.m. from Wilson Avenue to the alley. At 5:00 p.m., they are requesting to have Wilson Avenue closed from Broad St. to Edgerton St. on the following dates for the event, Boogie Down on Broad Street Concert Series in Downtown Dunn:

- Thursday, April 10, 2008
- Thursday, May 8, 2008
- Thursday, September 11, 2008
- Thursday, October 9, 2008

Motion by Mayor Pro Tem Robinson, seconded by Council Member Galbreath to approve the temporary blocking of streets as requested by the Dunn Area Chamber of Commerce to hold the Boogie Down on Broad Street Concert Series in Downtown Dunn. **Motion unanimously approved.**

**AWARD BID FOR PURCHASE  
OF TRACK EXCAVATOR**

The following bids were received and opened on Wednesday, February 27, 2008 for the purchase of a track excavator for the Public Works Department:

<u>Submitted</u>	<u>Model</u>	<u>Bid Amount</u>
ASC Construction Equip. 3561 Jones Sausage Rd. Garner, NC 27529	Volvo EC140CLC	\$96,740.00
Interstate Equip. Co. 7979 W. Chapel Hill Rd. Cary, NC 27513-4166	JCB JS-130	\$98,005.32
Linder Industrial Machinery Co. 6515 Chapel Hill Rd. Raleigh, NC 27607	Komatsu PC138USLC-8	\$100,600.00
Interstate Equip. Co. 7979 W. Chapel Hill Rd. Cary, NC 27513-4166	JCB JS145	\$102,372.30
Gregory Poole 5633 US Hwy 301 S Hope Mills, NC 28348	Caterpillar 312DL	\$119,998.00

Manager Autry asked the Council to table this item of business until the Special Call Meeting on March 13, 2008. This will allow additional time to further review these bids.

Motion by Council Member Billy Tart, seconded by Council Member Galbreath to table this issue until the March 13, 2008 Special Call Meeting. **Motion unanimously approved.**

**SET DATE FOR A SPECIAL  
CALL MEETING – PUBLIC  
HEARING FOR FIRE DEPARTMENT/  
RESCUE MERGER**

Motion by Council Member Galbreath, seconded by Mayor Pro Tem Robinson to set a Special Call Meeting of the City Council for March 13, 2008 at 7:00 p.m. for the purpose of conducting a public hearing with regard to the Fire Department/Rescue merger. **Motion unanimously approved.**

**RESCHEDULE APRIL 3, 2008  
REGULAR COUNCIL MEETING  
DATE TO APRIL 10, 2008 AT 5:00 P.M.**

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart to reschedule the April 3, 2008 regular Council meeting date to April 10, 2008 at 5:00 p.m. **Motion unanimously approved.**

**ADMINISTRATIVE REPORTS**

No Action taken.

**EXECUTIVE REPORTS**

No reports from the City Attorney or City Manager.

Council Member Galbreath reminded everyone of the PAL fund raiser on June 2, 2008. Tickets are currently available. The prize will be a pig-pickin for 50 people or \$200. On behalf of the Dunn Senior Center, he stated that they are in need of volunteers to deliver Meals on Wheels. Please contact the Dunn Senior Center if you are willing to help.

Mayor Harris announced the City Council's upcoming meeting schedule and informational meeting by NCDOT:

- Thursday, March 13, 2008 at 7:00 p.m. – Special Call Meeting to conduct a public hearing for the Fire Dept./Rescue merger.
- Wednesday, March 19, 2008 from 5 – 7 p.m. – NCDOT Informational Meeting for the NC 55 realignment at US 421.
- Thursday, April 10, 2008 at 5:00 p.m. – Rescheduled April regular Council meeting.
- May 1- 16, 2008 – Tentative budget work sessions will be held for FY 08-09 – dates and times to be determined.

With no further business to discuss, a motion was made by Mayor Pro Tem Robinson and seconded by Council Member Billy Tart to adjourn the meeting at 7:40 p.m.

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Oscar N. Harris  
Mayor

Attest:

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Debra G. West  
City Clerk