

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, April 10, 2008, at 5:00 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 Utilities Director Dean Gaster, City Planner Steven Neuschafer, Librarian Mike Williams, Fire Chief Austin Tew, Police Chief B.P. Jones, Police Captain Jimmy Pope, Recreation Director Perry Hudson, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Reece Murphy.

INVOCATION

Mayor Harris opened the meeting at 5:02 p.m. and asked Council Member Joey Tart to give the invocation. Afterwards the Pledge of Allegiance was repeated.

AGENDA ADJUSTMENT

Motion by Mayor Pro Tem Robinson, seconded by Council Member Turnage to adopt the April 10, 2008 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda: Under "Items for Decision"

- Participation in the FY 2008 Scattered Site Housing Program in conjunction with Harnett County

Motion was amended by Council Member Joey Tart and seconded by Mayor Pro Tem Robinson to remove rezoning request for 202 S. General Lee Avenue from the table.

Agenda Items Removed:

- Removed from the table – Rezoning request PZ-07-07 – PIN #1516-38-7462.000 - 202 S. General Lee Avenue – Bonita and Eddie Langston (applicants)

Motion unanimously approved.

PRESENTATIONS

RETIREMENT RESOLUTION

BENJAMIN M. "MORRY" DENNING

Mayor Harris and Police Chief Jones presented Benjamin M. "Morry" Denning with a retirement resolution in recognition and appreciation of his 27 years of service to the City of Dunn Police Department. *A copy of Resolution (R2008-02) recognizing Benjamin M. "Morry" Denning is incorporated into these minutes as Attachment #1.*

PRESENTATION – POLICE DEPARTMENT

SGT. ROBERT BROOME

Police Chief Jones and Mayor Harris presented the Criminal Justice Training and Education Standards Commission Advanced Law Enforcement Certificate to Sgt. Robert Broome.

PUBLIC COMMENT PERIOD

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

Hearing no comments, the Public Comment period was closed.

Mayor Harris opened public hearings at 5:12 p.m.

PUBLIC HEARINGS

**REZONING REQUEST – PZ 03-08
PIN #1527-71-2446.000
SADLER ROAD**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Sadler Brothers (applicant) to rezone a parcel of land totaling 3.4± acres located along Sadler Road (SR 1830) adjacent to the truck stop property.

This property is currently zoned I-100; Industrial District and is requested to be rezoned to C-3; Highway Commercial District.

The public hearing was duly advertised on March 11, March 25 and April 1, 2008.

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

Mr. Keith Whitley, Interstate Sign Company, 2700 Hiking Trail, Raleigh, NC spoke on behalf of the petitioners to ask that this rezoning request be approved.

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 04-08
PIN #1506-85-8513.000
SUSAN TART ROAD**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Dorothy Warren (applicant) to rezone a parcel of land totaling 30.47± acres located along Susan Tart Road (SR 1844) west of the National Guard Armory.

This property is currently zoned R-20; Single Family Residential District and is requested to be rezoned to CO; Office and Institutional District.

The public hearing was duly advertised on March 11, March 25 and April 1, 2008.

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

Mr. Richard Herring, Herring and Associates, spoke on behalf of the applicant, Dorothy Tart Warren and stated he was present to answer any questions about this rezoning.

Ms. Vickie Wilson, spoke in opposition of this rezoning request. Her family resides on JW Edwards Lane which adjoins the property requested to be rezoned to C0. They live in a rural area with only four houses and open fields and her family would like for this property to remain rural.

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

Hearing no further comments, Mayor Harris closed public hearings and reconvened the regular agenda at 5:17 p.m.

CONSENT ITEMS

Minutes-Council considered approval of minutes of the February 28, 2008 Special Call meeting.

Minutes-Council considered approval of minutes of the March 6, 2008 Council meeting.

Minutes-Council considered approval of minutes of the March 13, 2008 Special Call meeting.

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #162 - #173. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

Proclamation-Council considered approval of a Proclamation designating April 19 through May 3, 2008 as Spring Litter Sweep 2008. *A copy of Proclamation (P2008-03) Spring Litter Sweep is incorporated into these minutes as Attachment #2.*

Proclamation-Council considered approval of a Proclamation designating May 4 through May 10, 2008 as Municipal Clerks Week. Mayor Harris read the Proclamation and recognized City Clerk Debra G. West. *A copy of Proclamation (P2008-04) Municipal Clerks Week is incorporated into these minutes as Attachment #3.*

Proclamation-Council considered approval of a Proclamation designating April 13 through April 19, 2008 as National Library Week. Council Member Joey Tart read the Proclamation and recognized Librarian Mike Williams. *A copy of Proclamation (P2008-05) National Library Week is incorporated into these minutes as Attachment #4.*

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

ITEMS FOR DECISION

REZONING REQUEST PZ 03-08 PIN #1527-71-2446.000 SADLER ROAD

A request was received from Sadler Brothers (applicant) to rezone a parcel of land, totaling 3.4± acres and located along Sadler Road (SR 1830) adjacent to the truck stop property.

This property is currently zoned I-100; Industrial 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 March 18, 2008 and recommended approval of this request.

Motion by Council Member Galbreath, seconded by Council Member Maness to approve the request from Sadler Brothers to rezone a parcel of land (PIN #1527-71-2446.000) totaling 3.4± acres and located along Sadler Road (SR 1830) adjacent to the truck stop property from I-100; Industrial 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 surrounding land uses which are both (historically mixed commercial and industrial) in this area. Moreover the evolving pattern of Highway Business uses in this area warrant this change.
- 3) The permitted uses in the C-3 District are not considered detrimental to the area and would be a benefit to the entire community.

Motion unanimously approved.

REZONING REQUEST PZ 04-08
PIN #1506-85-8513.000
SUSAN TART ROAD

A request was received from Dorothy Warren (applicant) to rezone a parcel of land totaling 30.47± acres and located along Susan Tart Road (SR 1844) west of the National Guard Armory.

This property is currently zoned R-20; 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 March 18, 2008 and recommended approval of this request.

Council Member Turnage asked Planner Neuschafer what happens to the access road that leads into the property to the Waste Treatment Plant. Planner Neuschafer responded that this is a request to rezone the property and there would not be any changes for this specific request. Mr. Neuschafer explained that there was another action requested at the Planning Board meeting for a subdivision which was tabled by the Planning Board and if that request had been approved, there may be some possible changes; however, for this particular request, it will change the permitted use of the property.

Mayor Harris yielded to City Attorney Pope for his opinion about the impact that this rezoning request would have on JW Edwards Lane. Attorney Pope explained that before the Council, is a request to rezone the permitted uses of the property. At a future time, assuming the property owner wishes to develop the property, they would have to come back before the Council with a development plan including subdivision maps, what infrastructure improvements are contemplated, and things of that nature. In the event the Council would approve the rezoning as recommended by the Planning Board, it would have no immediate effect on that road.

Motion by Mayor Pro Tem Robinson, seconded by Council Member Billy Tart to approve the request from Dorothy Warren to rezone a parcel of land (PIN #1506-85-8513.000) totaling 30.47± acres and located along Susan Tart Road (SR 1844) west of the National Guard Armory from R-20; 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.

MAYORAL BOARD APPOINTMENTS
TO BETSY JOHNSON HOSPITAL AUTHORITY
(MAYORAL APPOINTMENT)

Mayor Harris explained that Betsy Johnson Regional Hospital has petitioned the City with a request with reference to the board appointments. Mayor Harris yielded to City Attorney Pope to address this issue. Attorney Pope stated that enclosed in the agenda books, is a letter from Betsy Johnson Regional Hospital CEO Kenneth Bryan with the nominees that have been submitted to both Council and the Mayor for their consideration under the terms of various agreements between the hospital and the City. Included with that request, is the bylaws of the hospital prohibit serving more than two (2) consecutive terms; however, they contemplate that the Harnett Health System Board of Directors will be constituted sometime later this year and rather than appoint a new person that will take approximately six (6) months to get trained and acclimated with the business of the hospital, they are requesting the Council to agree to a waiver of those bylaws for two (2) of the proposed appointees, Heather Williams and Dr. Brent Ellmers who have already

served two (2) consecutive terms as they anticipate their terms will be cut short later this year once the Harnett Health System Board is constituted. In the event that the Council is agreeable to this waiver, he suggested they pass a motion to agree to waive the bylaw restrictions as it relates to those two (2) appointees and then if the Mayor concurs with the nominees submitted to him, he may make his two (2) appointments and then the next item on the agenda are City Council appointments.

Motion by Council Member Turnage, seconded by Council Member Joey Tart to waive the Betsy Johnson Regional Hospital bylaw restrictions for consecutive terms as it relates to Heather Williams and Dr. Brent Ellmers for one additional term. **Motion unanimously approved.**

Mayor Harris made the following re-appointments to the BJRH Authority with terms beginning April 1, 2008 and expiring March 31, 2011 or until such time that the new Harnett Health System, Inc. Board assumes governing authority:

Mr. Ernest J. Alphin
Ms. Heather H. Williams

**BOARD APPOINTMENTS
TO BETSY JOHNSON HOSPITAL
BOARD OF TRUSTEES
(COUNCIL APPOINTMENT)**

A motion was made by Council Member Turnage and seconded by Council Member Joey Tart to reappoint Dr. Brent Ellmers and Mr. Ted C. Fitzgerald to the BJRH Board of Trustees with a term beginning April 1, 2008 and expiring March 31, 2011 or until such time that the new Harnett Health System, Inc. Board assumes governing authority. **Motion unanimously approved.**

**CERTIFICATE OF SUFFICIENCY
700TH BLOCK OF E. DIVINE STREET
CURB & GUTTER PETITION**

The City of Dunn has received a petition from a majority of the property owners in the 700th block of E. Divine Street, requesting the installation of curb and gutter along this street. The signed petition also represents a majority in number of lineal feet of frontage abutting upon the 700th block of E. Divine Street.

Once a petition is received and examined to determine that it is represented by a majority of the property owners, then the City Clerk submits the petition to the governing body, accompanied by a "Certificate as to Sufficiency of Petition for Improvement".

Once the City Council approves the Certificate of Sufficiency, then a Preliminary Assessment Resolution will be presented to the Council.

Motion by Council Member Joey Tart, seconded by Council Member Maness to approve the Certificate of Sufficiency for the 700th block of E. Divine Street Curb and Gutter petition. **Motion unanimously approved.** *A copy of the Certificate of Sufficiency of Petition for the 700th block of E. Divine Street Curb and Gutter is incorporated into these minutes as Attachment #5.*

**PRELIMINARY ASSESSMENT RESOLUTION
700TH BLOCK OF E. DIVINE STREET
CURB & GUTTER**

To proceed with this project, the governing body shall adopt a Preliminary Assessment Resolution and set a date for a public hearing to hear all matters covered by this resolution. A copy of the resolution shall be mailed to all owners of property subject to the assessment.

Motion by Council Member Galbreath, seconded by Council Member Joey Tart to adopt the Preliminary Assessment Resolution for the 700th block of E. Divine Street Curb & Gutter and set a public hearing date for May 1, 2008 at 7:00 p.m. in the City of Dunn Municipal Building to hear all matters covered by this resolution. **Motion unanimously approved.** *A copy of Preliminary Assessment Resolution (R2008-03) for*

the installation of curb and gutter in the 700th block of E. Divine Street is incorporated into these minutes as Attachment #6.

**CONSIDERATION OF DEMOLITION/RENOVATION
OF THE CIVIC CENTER PROPERTY (OLD ARMORY)**

The City Council held a Special Call meeting on February 28, 2008 for the purpose of conducting a public hearing concerning the demolition/renovation of the Civic Center Property (Old Armory) owned by the City of Dunn and located at 200 N. General Lee Avenue.

A petition was made available for distribution to those persons desiring to petition the City Council to call for a referendum to borrow monies for renovation of the Civic Center property, together with a corresponding tax increase to pay for said renovations. At least twenty (20%) of the registered voters of the City of Dunn, North Carolina, as certified by the Harnett County Board of Elections, must execute the petition in order for the City Council of the City of Dunn to hold a public referendum.

On March 31, 2008, the City Clerk received a petition containing nineteen (19) signatures and is enclosed for review.

Mayor Harris yielded to Council Member Turnage. Mr. Turnage stated that before the Council considers voting on the Civic Center/Armory issue, he would like for them to consider two thoughts. The individuals that spoke during the public hearing were unanimous for moth-balling the Civic Center/Armory. No one spoke at the public hearing for tearing down the structure. This Council knew there would not be enough signatures to take this issue to a vote during these economic hard times. No one wants another tax. First, there is no current plan for our City to use the property if the 28,000 square foot building is torn down. After discussions with Manager Autry and Recreation Director Hudson this past week, they told him of initial work that has been done in securing a parks and recreation grant for the Tyler Park complex. He proposes to see what develops from this effort before they demolish this structurally sound building and see if the design would include using the building, parts thereof or would fund the demolition. Secondly, he stated that we are in a significant part of the BRAC All-American corridor; second only to Fayetteville in its impact. We have a great task force working to help Dunn share in the residential and commercial growth that BRAC will bring. If we vote to demolish the Civic Center/Armory immediately and a developer is considering a renovation instead of a new construction, we would forfeit that opportunity to expand our tax base; therefore, he proposed that both of these courses of actions to mothball the building and wait until the completed parks and recreation grant is briefed to the Council or a developer or a local group comes forward with a proposed use of the Civic Center/Armory building, whichever comes first before we vote. Regardless of what we decide tonight, he recommended the City Manager have the Civic Center/Armory secured from further weather, bird damage or vandalism.

Mayor Pro Tem Robinson stated that regretfully but without reservations, he offered a motion to accept the recommendation from the study committee to demolish this center and to authorize the City Manager to move expeditiously to seek bids for demolition of this site. Motion was seconded by Council Member Galbreath.

Mayor Harris asked for further comments.

Mayor Pro Tem Robinson stated that he offered this motion regretfully but based on a years study and based on the enthusiasm this community has shown about trying to put together some method of saving this facility, it seems to him, that the prudent thing would be to move forward with this project. At the same time, some consideration should be given to commemorating the memory of those people who were either inducted into service or were a part of the National Guard and stationed through that Armory. He suggested they consider saving some of the original brick for construction of some type monument and even following the example that they used at Dunn High School in allowing citizens who have a special attachment to that facility, either to reserve a brick at no cost or some minimal cost so that they can preserve memories in their personal collection.

Council Member Joey Tart stated that Mr. Turnage brought up a point about a grant and if there is any new information about a grant, he would like to hear it, other than that, he is in agreement with the motion that has been made.

Council Member Turnage stated that he talked with each one of the Civic Center committee members. In the guidelines of the Civic Center Committee, their primary purpose was not to find a use for this building but to find if the building was structurally sound. Obviously, they did not find any uses but that was not their primary purpose. If they delay this, they may find a use as was discussed at the public hearing. That use may come in a year or two years. This grant is in its infancy and he does not know the timeline. If they do not have a plan for the property that this building is on, he sees no reason to destroy it and spend over \$100,000 to tear the building down.

Mayor Pro Tem Robinson called for the question.

Motion carried 5-1 to demolish the Civic Center/Armory with Council Member Turnage casting the dissenting vote.

Mayor Harris stated that this has been a tough issue for this Council and it was something that was dropped in the laps of this Council. He added that this Council has acted on this issue as open as they could. It is the recommendation of the Civic Center Committee they accepted. They tried to find alternatives by offering a public hearing for the public, which was not required. This Council went over and beyond their duties and due diligence that is required of them as trustees of City property. The Council has spoken.

Council Member Maness stated five (5) years ago, the Council inherited this decision. A year ago, at a retreat by the previous Council, he was very excited when an alternative proposal was submitted by the City Planner and he was an advocate of that proposal. That is the only reason a decision was not made a year ago. He is in favor of some sort of monument to commemorate the memory of veterans of past and present conflicts to the emergency first responders, to all those that protect the freedoms that we cherish.

CONSIDERATION OF CONTRACT AND AGREEMENT FOR THE CREATION OF DUNN EMERGENCY SERVICES, INC.

City Attorney Pope explained that this is a proposed contract and agreement between the City of Dunn and Dunn Rescue Squad, Inc. which would result in the formation of Dunn Emergency Services, Inc. He gave the following highlights of the agreement:

- This agreement is contingent upon an expansion of the Averagesboro Rural Fire District to incorporate the Municipal Limits of the City of Dunn.
- A resolution is attached for consideration in the event that this contract is adopted to request the Harnett County Commissioners to incorporate the Municipal Limits into the Averagesboro Rural Fire District.
- Dunn Rescue Squad, Inc. will reorganize itself into a new name of Dunn Emergency Services, Inc. in the event this is implemented and it will have a new board of directors with two members being appointed by the City Council, two appointed by the current board of directors of the Dunn Rescue Squad, two being appointed by the Averagesboro Fire District Board of Advisors and one being elected from among the volunteers of the new combined entity being the firemen, rescue and EMS.
- The City will transfer all full-time employees of the Dunn Fire Department to the new non-profit entity, Dunn Emergency Services, Inc.
- Dunn Emergency Services, Inc. will have an EMS, Fire and Rescue Division in the event this consolidation takes place which will be effective July 1, 2008.
- The City of Dunn will transfer to the non-profit organization, various items of personal property that are used in conjunction with the Fire Department which are listed and attached to the agreement; fire trucks, hoses, turn-out gear and things of that nature.
- No real estate is being transferred. Both fire stations will remain assets and property of the City of Dunn.
- In the event that Dunn Emergency Services, Inc. should ever cease operations as a non-profit corporation or should dissolve or cease operations for any reason, then all assets transferred by the City would revert back to the City of Dunn and once again become the property of the City.
- The City would transfer two pending grants that have been awarded to the City to purchase a new fire truck pumper/tanker and also for the hiring of two additional full-time firefighters. Those grants have been awarded to the City and are transferable to a qualified non-profit such as Dunn Emergency Services, Inc.

- The Fire Station on Wilson and Harnett will be leased to Dunn Emergency Services, Inc. for a term of 20 years for \$1.00 per year with Dunn Emergency Services being responsible for all maintenance, upkeep, repairs, insurance and taxes.
- Dunn Emergency Services, Inc. will not have any need or use for the Powell Avenue Fire Station Facility, which will also be retained by the City of Dunn.
- Funding for Dunn Emergency Services, Inc. will be strictly with a contract with the County as it relates to EMS and Rescue services and the fire services will be funded by tax collection from the Averasboro Rural Fire District, which if approved by Harnett County pursuant to the Council's request, will incorporate the municipal limits of the City of Dunn.

Attorney Pope explained that these are the core terms as discussed at the Special Call Council Meeting and Public Hearing. The attachments to the contract are the resolution requesting the expansion of the Averasboro Rural Fire District to include the Municipal Limits of the City of Dunn, the second being a list of the assets of the Dunn Fire Department that are proposed to be transferred to Dunn Emergency Services, Inc. and the third being a lease agreement relevant to the Wilson Avenue Fire Station.

Attorney Pope stated that in the event the Council approves this agreement, the next item on the agenda is a Resolution to the Harnett County Board of Commissioners requesting an expansion of the Averasboro Rural Fire District and the third item is a Resolution approving a negotiated private sale of City property and lease of real property which are the assets that would be transferred from the Fire Department to Dunn Emergency Services, Inc. as well as a lease in excess of ten years.

Mayor Harris stated that Rescue Squad, Inc. Chief Gary Whitman is present in the audience as well as Pat Godwin, Chairman of Dunn Rescue Squad, Inc. Board. He read a resolution authorizing the consolidation from the Averasboro Fire District Board from their meeting held on April 8, 2008. A motion was made by Doug Lee and seconded by Ricky Miller that the Board of Directors of the Averasboro Fire District endorse a proposed consolidation of the Dunn Fire Department, Averasboro Fire District and Dunn Rescue Squad and the motion was approved.

Mayor Harris stated that this consolidation is with the intent to provide 24/7 service to the citizens and to improve services. The Averasboro Fire District currently has a tax rate of .04 cent. The City of Dunn currently has a tax rate of .04 cent that would be released. At the same time, the Averasboro Fire District would release their .04 cent. The Rescue Squad is making a recommendation to the Harnett County Board of Commissioners to set the fire rate at .07 cents, which would be an overall increase of .03 cents. The City of Dunn is not placing this responsibility on the County Commissioners because they want to but because it is outside the City jurisdiction and authority once the Council votes to merge the Dunn Fire Department to become a part of the Averasboro Fire District. If the City had to increase the rate, they would because they think the services are that essential. He encouraged everyone to attend the public hearing before the Harnett County Commissioners to ask them to approve the consolidation, to provide the services in the manner by which the City is requesting and the City would support them in increasing the rate by .03 cents. By combining the services, the fire rating will decrease over time, creating lower insurance rates.

Mayor Pro Tem Robinson stated that he would encourage the Harnett County Commissioners to see this as the City Council. Even if the rates change, it is an investment in public safety and something that they should continue to do for the citizens who live in the area and within the County. He will talk to his County Commissioner and encourage them to support this Council as they attempt to improve service to the citizens.

Mayor Harris stated that if the City of Dunn wanted to offer this same service, the tax rate would be much higher than .07 cents. By consolidating and pooling all the resources together, they can limit it to .07 cents.

**Clerks Note: Action on this agenda topic was taken after adopting the Resolution Requesting Expansion of the Averasboro Rural Fire District to Include the Municipal Limits of the City of Dunn.*

**CONSIDERATION OF RESOLUTION
REQUESTING EXPANSION OF
AVERASBORO RURAL FIRE DISTRICT
TO INCLUDE MUNICIPAL LIMITS OF
THE CITY OF DUNN**

Motion by Council Member Galbreath, seconded by Council Member Joey Tart to approve the resolution requesting expansion of the Averasboro Rural Fire District to include the Municipal Limits of the City of Dunn. **Motion unanimously approved.** *A copy of Resolution (R2008-04) requesting expansion of the Averasboro Rural Fire District to include the Municipal Limits of the City of Dunn is incorporated into these minutes as Attachment #7.*

**CONSIDERATION OF CONTRACT AND
AGREEMENT FOR THE CREATION OF
DUNN EMERGENCY SERVICES, INC**

Motion by Council Member Turnage, seconded by Council Member Billy Tart to approve the contract and agreement for the Creation of Dunn Emergency Services, Inc. **Motion unanimously approved.** *A copy of the contract and agreement creating Dunn Emergency Services, Inc. is incorporated into these minutes as Attachment #8.*

**RESOLUTION AUTHORIZING
SALE OF CITY PROPERTY BY
PRIVATE SALE AND LEASE OF
REAL PROPERTY OWNED BY
CITY FOR A TERM GREATER
THAN TEN (10) YEARS**

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart to approve the resolution authorizing sale of City property by private sale and lease of real property owned by City for a term greater than ten (10) years. **Motion unanimously approved.** *A copy of Resolution (R2008-05) authorizing sale of City property and lease of real property is incorporated into these minutes as Attachment #9.*

**IMPLEMENTATION OF
MODIFIED STAGE 2 VOLUNTARY
WATER CONSERVATION**

On November 1, 2007, the City Council implemented Stage 3 Moderate Mandatory Water Conservation Measures in the City of Dunn.

Manager Autry explained that the City is asking to implement Modified Stage 2 Voluntary Water Conservation Measures effective immediately. This will allow sprinkler systems to water on Tuesday, Thursday and Saturday.

Motion by Council Member Billy Tart, seconded by Council Member Maness to implement Modified Stage 2 Voluntary Water Conservation Measures. **Motion unanimously approved.** *A copy of Modified Stage 2 Voluntary Water Conservation Measures is incorporated into these minutes as Attachment #10.*

Mayor Harris read the Stage 2 Voluntary Water Conservation Measures.

**PARTICIPATION IN THE FY 2008
SCATTERED SITE HOUSING PROGRAM**

Planner Neuschafer explained that the Scattered Site Housing Program will be applied for by the County as it has been in the past and they are requesting that each municipality decide if they want to participate or not. He recommends participation. The program is for the rehab of single family dwelling units throughout the County. Each application will be reviewed and scored and those most deserving within the County and each municipality participating will be eligible to receive grant monies. This application was applied for by the County and the City of Dunn has an opportunity to participate with the County. He explained

that with a total grant amount of \$400,000, the maximum for each house would be approximately \$40,000, resulting in the rehab of eight to ten houses through-out the entire County.

Motion by Council Member Turnage, seconded by Council Member Maness to approve the authorization to participate in the CDBG program request with Harnett County and appoint Mayor Pro Tem Robinson or his designee to represent the City on this committee. **Motion unanimously approved.**

REZONING REQUEST PZ -07-07
PIN #1516-38-7462.000
202 S. GENERAL LEE AVENUE

Council Member Joey Tart explained that he made a motion in November, 2007 to table this item because of some allowances in the CO Permitted Uses. The Planning Board and City Council have since made changes to the permitted uses in the CO District. Previously the CO District allowed for drug stores and this use has since been removed from the CO District. It is now appropriate to move ahead to rezone this property. This property, approximately one-fourth acre, is located beside and behind CO properties.

Mayor Harris asked that action on this matter be deferred until the May City Council meeting to give himself and those Council members that were not on the board in November, time to review this issue. It may not be the right thing to bring it from the table and vote on it tonight since this issue has been tabled for a length of time, without making the public aware of this situation.

Mayor Pro Tem Robinson stated that he has no reservation about voting on this issue.

Council Member Turnage stated that he concurred with the Mayor's recommendation, especially since this issue is coming off the table and the public would not be allowed to speak about this matter even though a public hearing was held on this issue.

Mayor Harris asked Council Member Joey Tart to state his motion.

Motion by Council Member Joey Tart, seconded by Council Member Maness to approve the rezoning request for 202 S. General Lee Avenue from R-10; Single Family Residential District to CO; Office and Institutional District with the following justification:

- 1) CO 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 office or residential in nature and this change will be acceptable since both office and residential uses are allowed in the CO District.
- 3) The permitted uses in the CO District are not considered detrimental to the neighborhood and would be a benefit to the entire community.

Mayor Pro Tem Robinson asked Planner Neuschafer if there is any information contrary to the justification given to rezone this property.

Planner Neuschafer stated there is probably enough information to use these justifications, but it is the decision of the Council to decide if these justifications are accurate in a motion to approve the rezoning. The property directly adjacent has been rezoned to the CO District in the past and it is certainly in the realm to understand that the justification is possible.

Mayor Harris stated that he would yield to the wishes of the Council, but this item was tabled in November, 2007. This item of business was not on the agenda and was added by amendment without the public knowing that the Council would vote on this particular issue and the public not having the opportunity to represent themselves; this is not the right thing to do.

Council Member Turnage agreed with Mayor Harris. The encroachment of any commercial development on a side street, being S. General Lee Avenue, is not palatable to one of the oldest neighborhoods in Dunn. West Cumberland and South General Lee are one of the most dangerous intersections. He suggested they wait on further comments from the public or vote against the rezoning.

Council Member Billy Tart suggested sending this issue back to the Planning Board.

Mayor Harris stated that he would yield to the wishes of the Council. His concern is not based on the merits of the request or the motion itself, but the procedure by which they are processing this request. The Council needs to defer action, if agreeable with Council Member Joey Tart.

Council Member Joey Tart pointed out that the Mayor and Council Member Turnage mentioned it is not right for the Council to vote without a public comment period; however, a public hearing has already been held for this issue. He asked for the City Attorney's opinion.

City Attorney Pope agreed with Council Member Joey Tart that the public hearing has been held. Unless the Council allowed an additional public hearing, there is no additional public hearing required at either the Council or Planning Board; however, the Planning Board rejected the request for the rezoning. When they did so, they did it based on a CO zoning district that has now changed. If the Council sent this issue back to the Planning Board, their recommendation may be different since the CO district has changed.

City Attorney Pope explained that the Council is free to move forward or they could send it back to the Planning Board for further discussion. There will be no further public hearing and under the rules of the Public Comment Period, they will not be allowed to speak during the Public Comment Period since a public hearing has already been held. The only further opportunity for the public to be heard would be in the event that the Council would voluntarily decide that it wishes to have further public comment.

Mayor Harris stated that he is not saying they need additional further public comments, but he is saying that the Council should place it on the agenda for their next meeting and then take action.

Council Member Maness asked City Attorney Pope is it inappropriate to request to take a tabled item from the table at any time. Attorney Pope responded generally speaking, yes. Council Member Maness asked Attorney Pope if the Council is doing anything procedurally inappropriate at this point. Attorney Pope responded no.

Council Member Maness called for the question.

Motion to approve the rezoning carried 5-1 with Council Member Turnage casting the dissenting vote.

**ITEMS FOR DISCUSSION
AND/OR DECISION**

**INTERLOCAL AGREEMENT
FOR BUILDING INSPECTION
SERVICES
TOWN OF ANGIER**

Manager Autry explained that this is an Interlocal Agreement for Building Inspection Services between the City of Dunn and the Town of Angier to enable the City of Dunn to continue to provide building inspection services to the Town of Angier.

This issue was discussed during the budget/planning session.

The City of Dunn has performed inspection services for the Town of Angier since July 1, 2005. The renewed agreement reflects an increase from \$33,000 to \$36,000 per year. The duration of the contract is three years, but upon 90 days written notice of either party, the contract may be rescinded without cause.

Motion by Council Member Joey Tart, seconded by Council Member Turnage to approval the Interlocal Agreement for Building Inspection Services between the City of Dunn and the Town of Angier to enable the City of Dunn to continue to provide Building Inspection Services to the Town of Angier. **Motion unanimously approved.** *A copy of this Interlocal Agreement between the City of Dunn and the Town of Angier is incorporated into these minutes as Attachment #11.*

SUMMER HOURS

Manager Autry explained that for the past four years, the City Council has approved summer operating hours for City offices. The summer hours of 7:30 a.m. – 4:00 p.m. will begin June 1st and end August 31st.

The transition to summer hours has worked very well during the last four years. To allow adequate time to notify our citizens, the City Council is being asked to adopt these hours effective June 1st.

Motion by Council Member Billy Tart, seconded by Council Member Maness to adopt the summer operating hours of 7:30 a.m. – 4:00 p.m. beginning June 1st and ending August 31st for the City of Dunn employees. **Motion unanimously approved.**

SET DATE FOR SPECIAL CALL MEETING/BUDGET WORK SESSION

Discussion was held about a suggested date for a Special Call meeting/Budget Work Session. The date of May 13, 2008 was discussed. Council consensus was to check their calendars and consider this date at the May Council meeting.

ADMINISTRATIVE REPORTS

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

In response to concerns with racial profiling, Council Member Galbreath asked Police Chief Jones to provide racial break-downs in future traffic reports.

EXECUTIVE REPORTS

Council Member Joey Tart stated that this Council has made some difficult decisions tonight and although he knows they haven't satisfied everyone, this Council has fulfilled their judiciary responsibility to the citizens of Dunn. This Council has done a good job working through these difficult issues.

Council Member Turnage announced the Pedestrian Planning Committee that he serves on, will have their first open house on April 29, 2008 from 6:30 – 8:30 p.m. at the Dunn Community building located on Jackson Road at Tart Park. He encouraged the public to come out for this open house and learn more about the Pedestrian Plan. Planner Neuschafer heads this Committee.

Council Member Billy Tart stated that he has received several comments on the noise ordinance. He would hope to discuss this issue during the budget workshops or at some point with the Police Department.

Mayor Harris commented on litter in the City and asked that this issue be addressed during the budget workshops.

Council Member Maness thanked all the local area businesses and individuals that are sponsoring the City's recreation teams. The sponsors make it much better for our youth and he thanked them for their assistance with the recreation programs.

Mayor Pro Tem Robinsons encouraged the Council to consider the fact that one of the main problems faced by youth in this City is summer employment. As they approach the budget session, he asked that they consider investing in the young people in this community to create some summer employment and that employment not be limited to Public Works. He encouraged corporate citizens to consider increasing employment opportunities for children in the Dunn area.

Mayor Pro Tem Robinson encouraged everyone to vote. Tomorrow is the final day for paper registration form. He gave the dates of elections and one-stop voting sites.

Council Member Galbreath reported to the citizens of Dunn and Ward 3, that the Mayor, Mayor Pro Tem and City Attorney have looked at the houses one block from City Hall on E. Broad Street. They are very

close to bringing to the table, ways to address the clean-up of E. Broad Street. This is a major entrance-way to the City and has been in disarray for some time. He concurred with Council Member Billy Tart as it related to the noise ordinance. The Council hopes to pass a noise ordinance as it relates to the loud music that contains profane language and music blasted all hours of the night.

Council Member Galbreath announced that the Police Athletic League (PAL) will sponsor a carnival at the old Wal Mart parking lot from April 24, 2008 through April 27, 2008. He encouraged the public to participate. PAL is continuing their fund raising efforts as it relates to a pig-pickin for 50 people or a \$200 prize. The pig-pickin will be sponsored by former Council Member Donnie Olds and the drawing for this event will be June 2, 2008 at the PAL Center.

Council Member Galbreath commended Triton High School ROTC instructor, Major Steve Jones, in his powerful speech at a recent event held for the youth.

Manager Autry announced and invited everyone to the Boogie Down on Broad Street event being held in Downtown Dunn tonight.

Mayor Harris thanked the Council for the attention they gave to this historic agenda tonight. He will add to future agendas, committee reports from the various committees that each Council Member is assigned to give a short report from the various functions and any items to bring to the Council's attention. He announced that May 1, 2008 will be the National Day of Prayer. The Mayor's Prayer Breakfast will be held at the Gospel Tabernacle Life Center beginning at 7:30 a.m. on May 1, 2008 with Rev. Dr. Charles Kelly speaking. On this same day, the Leaders of Tomorrow Shadow Program will be held.

With no further business to discuss, a motion was made by Council Member Joey Tart and seconded by Council Member Maness to adjourn the meeting at 6:50 p.m. **Motion unanimously approved.**

Oscar N. Harris
Mayor

Attest:

Debra G. West
City Clerk