

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, April 5, 2007, at 7:00 p.m. in the Dunn Municipal Building. Present was Mayor J. Dal Snipes, Mayor Pro Tem Donnie Olds, Council Members Buddy Maness, Bryan Galbreath, Billy Tart, Billy Ray Godwin, Jr. and Joey Tart. Also present was City Manager Ronnie Autry, Human Resource Officer Moses Gallion, Interim Public Works Director Billy Addison, City Planner Steven Neuschafer, Fire Chief Austin Tew, Interim Police Chief B.P. Jones, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Shelia Ogletree.

INVOCATION

Mayor Snipes 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 Billy Tart seconded by Mayor Pro Tem Olds to adopt the April 5, 2007 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- Resolution Authorizing the Transfer of Maintenance Responsibility of White Line Road and A Newly Constructed Connector between White Line Road and US 421 From NCDOT to the City of Dunn under “Items for Decision”
- Closed Session

Agenda Items Removed:

- none

PRESENTATION

Presentation was made after public hearings to allow time for all parties to be present.

PUBLIC COMMENT PERIOD

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

Dana Cochran – 503 W. Pope Street – Spoke on behalf of the Dunn Area Chamber of Commerce Beautification & Image Committee and distributed flyers announcing the Dunn Community Spring Clean-up Day on Saturday, June 2nd beginning at 8:30 a.m. She asked for volunteers and for the Council to organize clean-up efforts in their specific areas.

Mrs. Cochran announced and asked for participation in the “Boogie Down on Broad Street” concert on Thursday, April 12th from 5:30 – 9:00 p.m.

Mayor Snipes expressed appreciation to this committee for their hard work in the recent erection of the City of Dunn Welcome Sign.

Billy Barfield – 1304 Guy Avenue – Spoke in opposition of the Council appointing a downtown steering committee with representatives that reside outside the downtown taxing district which was recently discussed during the budget retreat in February. This steering committee, which will appoint members to the downtown development council, should only be comprised of representatives from within the downtown taxing district. He also expressed a safety concern with the sidewalks and streets in downtown Dunn.

With no further comments, Public Comment period was closed.

PUBLIC HEARINGS

**ORDINANCE AMENDMENT 0A-01-07
CHAPTER 8 – ARTICLE II
FIRE PREVENTION CODE**

The public has been notified that oral and written comments will be heard and received concerning the request by the City of Dunn Fire Department to repeal Section 8-33 (Modification), amend Section 8-36 (Appeals) and add new Section 8-38 (Citations) to Chapter 8, Article II, Fire Prevention Code.

The public hearing was duly advertised on March 22, 2007 and March 29, 2007.

Mayor Snipes asked if there was anyone present to speak for or against this ordinance amendment.

Hearing no comments, public hearing was closed.

**CONDITIONAL USE PERMIT CU 01-07
511 SPRING BRANCH ROAD
PIN #1516-72-9015.000**

A request was received from Tony Curtis Smith to allow a Tavern business at 511 Spring Branch Road.

This property is currently zoned C-3; Highway Business 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 March 13 and March 27, 2007.

City Attorney Pope introduced CU 01-07, a request by Tony Curtis Smith for a Conditional Use Permit to allow a Tavern business at 511 Spring Branch Road. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards.

Swearing-In:

City Attorney Pope administered oaths to:

City Planner Steven Neuschafer

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.

City Attorney Pope opened the hearing on Case #CU 01-07 Conditional Use Permit Application and asked for testimony from City Planning Director Steven Neuschafer.

Testimony from the Planner

Planner Neuschafer asked that the documents contained behind tab #14 in the City Council packet which includes the Planning Department staff report, conditional use application, warranty deed, maps, and notification to adjacent property owners, and excerpts of zoning ordinance Section 22 Division 8; C-3 Highway Commercial District and Article IX, Conditional Uses be entered as evidence. This property was used as retail and as a guest center in the past. The size of the property is .44 acres. Due to the size of the existing structure, the parking requirements would be approximately (1) per 100 gross square feet for restaurant use and (1) per 300 gross square feet for assembly use. The surrounding properties are also zoned C-3; Highway Business. The Planning Board recommended the Council deny the proposal based on

evidence they received during their meeting. This evidence states that the direct impact to the adjacent businesses and inadequate parking on the site are detrimental impacts upon the local youth, churches, and residences in the area and due to the fact that the requested use and anticipated occupancy ratings would not be adequately served by the current (17) parking spaces on site since the building is approximately 4,000 square feet in size. *(A copy of these documents entered as evidence for Case #CU 01-07 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.

No comments were received.

Testimony from the Applicant/Proponents

No comments were received on behalf of the applicant or other proponents.

Testimony from Opponents

No one spoke in opposition of the request.

Attorney Pope entertained questions from the City Council members.

With no questions, motion was made by Council Member Joey Tart and seconded by Council Member Maness to close the public hearing at 7:15 p.m.

PRESENTATION

PROCLAMATION PRESENTATION REGINA AUTRY AND SCOTT EPPERSON

Mayor Snipes and Council Member Galbreath, liaison to the Police Department, presented Dunn Police Department detectives Regina Autry and Scott Epperson with a proclamation recognizing their heroic actions on February 22, 2007. *A copy of Proclamation (P2007-06) recognizing detectives Regina Autry and Scott Epperson is incorporated into these minutes as Attachment #2.*

CONSENT ITEMS

Minutes-Council considered approval of minutes of the March 1, 2007 Council meeting.

Minutes-Council considered approval of minutes of the March 15, 2007 Special Call meeting.

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #196 - #219. *A copy of Tax Releases/Refunds are filed in the office of the Tax Collector.*

DOT Mowing Agreement-Council considered approval of the 2007 mowing agreement between the NC Department of Transportation (DOT) and the City of Dunn for mowing state right-of-ways within the City Limits. *A copy of this DOT mowing agreement is incorporated into these minutes as Attachment #3.*

Destruction of Records (Finance-Police-Administration-Governing Body-Planning-Human Resources-Building Inspections Departments)-Council considered approval of destruction of records that have exceeded the required retention time pursuant to the Municipal Disposition Schedule. *A list of those records that have exceeded the required retention schedule and approved for destruction is incorporated into these minutes as Attachment #4.*

Proclamation-Council considered approval of a proclamation designating April 29 through May 5, 2007 as Municipal Clerks Week. Mayor Snipes read the Proclamation and recognized City Clerk Debra G. West. *A copy of Proclamation (P2007-07) Municipal Clerks Week is incorporated into these minutes as Attachment #5.*

Proclamation-Council considered approval of a proclamation designating April 15 through April 21, 2007 as National Library Week. Council Member Maness read the Proclamation. Mayor Snipes recognized City Librarian Mike Williams and his staff. *A copy of Proclamation (P2007-08) National Library Week is incorporated into these minutes as Attachment #6.*

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

ITEMS FOR DECISION

AUDIT REPORT FY 2005-2006

Phyllis Pearson of Petway, Mills & Pearson, PA gave a summary of the FY 2005-2006 audit for the City of Dunn

Financial statements were fairly stated and in conformity with generally accepted accounting principles. No adjustments were made to the financial statements. No significant matters were found in the body of the audit report and they did not issue a management letter.

Ms. Pearson commended the City for maintaining records that were verifiable and complete.

Financial Highlights:

- The assets of the City of Dunn exceeded its liabilities at the close of the fiscal year by \$21,603,990.
- The government's total net assets increased by \$621,388, primarily due to increases in the water/sewer activities net assets.
- As of the close of the current fiscal year, the City of Dunn's governmental funds reported combined ending fund balances of \$3,541,912 a decrease of \$211,763 in comparison with the prior year. Approximately 56.06 percent of this total amount, or \$1,985,720, is available for spending at the government's discretion.
- At the end of the current fiscal year, unreserved fund balance for the General Fund was \$1,985,720, or 23.47 percent of total general fund expenditures for the fiscal year.
- The City of Dunn's total debt decreased by \$633,511 (8.89%) during the current fiscal year.
- The City of Dunn currently has a BBB+ bond rating with Standard and Poors, and a rating of A3 with Moody's Investment Service.

Ms. Pearson made the council aware that requirements for internal controls will take effect for the 2007-2008 audit and suggested that the City strengthen internal controls.

She commended the City in their audit.

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to accept the audit report as presented. **Motion unanimously approved.**

ORDINANCE AMENDMENT OA-01-07

CHAPTER 8 – ARTICLE II FIRE PREVENTION CODE

This is a proposed ordinance amendment to the City of Dunn Code of Ordinances to repeal Section 8-33 (Modification), amend Section 8-36 (Appeals) and to add new Section 8-38 (Citations) to Chapter 8, Article II, Fire Prevention Code.

Attorney Pope stated that the primary reason for this change is to bring the code current. As an example, he explained that the general statutes allow civil penalties to be imposed when a facility exceeds occupancy ratings. As the current code is written, it does not contain a civil penalty for such occurrences; however, the current law will allow it.

Attorney Pope explained that this ordinance amendment will give the Fire Department an enforcement mechanism to impose civil penalties in the event certain violations are found.

Motion by Council Member Godwin, seconded by Council Member Billy Tart to approve ordinance amendment OA-01-07. **Motion unanimously approved.** *A copy of Ordinance (02007-04) is incorporated into these minutes as Attachment #7.*

**CONDITIONAL USE PERMIT CU 01-07
511 SPRING BRANCH ROAD
PIN #1516-72-9015.000**

A request was received from Tony Curtis Smith to allow a Tavern business at 511 Spring Branch Road.

This property is currently zoned C-3 Highway Business District and a Conditional Use hearing is required in the Zoning Ordinance, for this type of use.

Mayor Snipes 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 Maness to deny CUP #01-07 based on the following findings of fact. **Motion unanimously approved.**

1. The use requested is listed among the conditional uses in the district for which the application is made. *Per the zoning ordinance Article IX Division 1 (7) a, The Conditional Use is listed in the ordinance.*
2. The requested use is essential or desirable to the public convenience or welfare. *It is not desirable for the community based on the negative comments expressed and as there have not been similar businesses in this area in the past.*
3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. *There will be direct impact to the adjacent businesses due to the lack of parking on the site and there are detrimental impacts upon the local youth, churches and residences in the area.*
4. The requested use will be in conformity with the land development plan. *The location of this request is an established commercial area along a major thoroughfare although the issuance of this permit will not be appropriate with the anticipated growth pattern of future residential development identified in the Land Use Plan.*
5. Adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided. *All facilities are available as this structure has been in place for many years, however the requested use and the anticipated occupancy rating would not be adequately served by the 17+/- parking spaces on the site, thus impacting the surrounding properties.*

**BOARD APPOINTMENTS-BETSY JOHNSON
REGIONAL HOSPITAL (BJRH) AUTHORITY
(MAYORAL APPOINTMENT)**

Mayor Snipes made the following re-appointments to the BJRH Authority with terms beginning April 1, 2007 and expiring March 31, 2010 or until such time that the new Harnett Health System, Inc. Board assumes governing authority:

Mr. Ray A. Weeks
Mr. T.C. Godwin, Jr.

**BOARD APPOINTMENT-BETSY JOHNSON
REGIONAL HOSPITAL (BJRH) BOARD OF TRUSTEES
(COUNCIL APPOINTMENT)**

Motion was made by Council Member Joey Tart and seconded by Mayor Pro Tem Olds to reappoint Dr. David J. Allison, MD to the BJRH Board of Trustees with a term beginning April 1, 2007 and expiring March 31, 2010 or until such time that the new Harnett Health System, Inc. Board assumes governing authority. **Motion unanimously approved.**

**ASSESSMENT RELEASE NO. 02
TWO TILL LLC**

Assessment Release No. 2 for the City of Dunn to reimburse Two Till LLC costs incurred to complete the Food Lion entrance to this property (East Pointe Shopping Center) during the U.S. 421 widening project.

Motion by Mayor Pro Tem Olds, seconded by Council Member Billy Tart to approve Assessment Release No. 2 for Two Till LLC in the amount of \$25,000 from the total assessment of \$49,754.86 for Parcel #58334.

Council Member Godwin stated he is not in favor of this reimbursement based on the amount of public taxpayer's subsidizes used for this project.

Ayes	Nays
Olds	Godwin
Billy Tart	Galbreath
Joey Tart	Maness
Mayor Snipes	

Motion carried 4-3. *A copy of Assessment Release No. 02 is incorporated into these minutes as Attachment #8.*

**AUTHORIZATION TO INSTALL ADDITIONAL STOP SIGNS
GROVE PARK AND BRIARCLIFF SUBDIVISIONS**

Manager Autry explained that due to an increase in traffic flow and safety concerns, citizens are requesting that the City install additional stop signs in the Grove Park and Briarcliff Subdivisions.

Proposed locations for stop sign installation are as follows:

Grove Park Subdivision

- Intersection of Saturn Street and Venus Drive
- Intersection of Saturn Street and Mars Drive
- Intersection of Saturn Street and Jupiter Drive

Briarcliff Subdivision

- Intersection of Thorndale Drive and Coleridge Drive

Motion by Council Member Galbreath, seconded by Mayor Pro Tem Olds to authorize installation of stop signs at the specified locations in Grove Park and Briarcliff Subdivisions.

Additional discussion was held about the justification for installing signs in the Briarcliff Subdivision. In particular, Thorndale and Coleridge are dead-end streets. There are no plans for extension of these streets. Council Member Joey Tart suggested tabling or removing the Briarcliff Subdivision sign request.

Amendment to the motion by Council Member Joey Tart, seconded by Council Member Billy Godwin to authorize installation of stop signs in the Grove Park Subdivision and deny the recommendation to install signs as specified for Briarcliff Subdivision. **Motion unanimously approved.**

Amended motion unanimously approved.

**ADOPTION OF RESOLUTION
TRANSFERRING MAINTENANCE
OF WHITE LINE ROAD AND A NEWLY
CONSTRUCTED CONNECTOR BETWEEN
WHITE LINE ROAD AND US 421 FROM
NCDOT TO THE CITY OF DUNN**

In a resolution adopted by the Dunn City Council on August 4, 2005, maintenance of White Line Road/Radio Station Road (SR 1814) was transferred from the City of Dunn to the NC Department of Transportation (DOT) in order that White Line Road be aligned during the I-95 relocation project.

The construction phase is now complete. This resolution authorizes the transfer of White Line Road as well as a newly constructed 434' three-lane connector between White Line Road and U.S. 421 back to the City of Dunn maintenance.

Motion by Council Member Godwin, seconded by Council Member Billy Tart to adopt the Resolution Authorizing the Transfer of Maintenance Responsibility of White Line Road and the newly constructed 434' three-lane connector to the City of Dunn. **Motion unanimously approved.** *A copy of Resolution (R2007-07) transferring maintenance of White Line Road and the three-lane connector to the City of Dunn is incorporated into these minutes as Attachment #9.*

**ITEMS FOR DISCUSSION
AND/OR DECISION**

SUMMER HOURS

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

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath 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.**

The public will be notified via water bills, government channel and the city website.

**SET DATE FOR SPECIAL
CALL MEETING/BUDGET
WORK SESSION**

Motion by Council Member Maness, seconded by Council Member Godwin to set a Special Call Meeting/Budget Work Session for May 15th at 8:30 a.m. in the Council Chambers.

ADMINISTRATIVE REPORTS

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to approve the Administrative Reports. **Motion unanimously approved.**

EXECUTIVE REPORTS

Mayor Snipes was wished a happy birthday by the Council.

Council Member Godwin expressed concern about the traffic pattern on US 421, specifically with vehicles required to make a right turn out of Cracker Barrel or Wendy's and then making a u-turn around the median to travel back into town. This creates a dangerous situation and he asked that the Manager make contact with the Department of Transportation about this issue.

Council Member Billy Tart and Buddy Maness wished everyone a wonderful Easter.

Mayor Pro Tem Olds announced that the Police Athletic League is in the process of planning an appreciation banquet for the athletes and parents involved in the Pal program on May 18th. Ads will be sold and all proceeds will be used to help fund PAL activities.

Council Member Galbreath commented about trash and debris left by the street when a tenant is evicted from a rental unit. He has received numerous calls concerning this issue in his district. The City is working to amend the city ordinance as it relates to enforcement of this issue.

Manager Autry reminded everyone of the Mayor's Prayer Breakfast on May 3rd as well as the Leaders of Tomorrow Program.

Mayor Snipes reminded the council of Town Hall Day on May 9th and a presentation by Dr. James Johnson of the Institute of Government on May 14th entitled "Leading and Managing in Turbulent Times" that will be held at the Harnett County Governmental Complex Commons Area.

CLOSED SESSION

Motion by Council Member Godwin, seconded by Council Member Joey Tart to enter Closed Session pursuant to the North Carolina Open Meetings law to consult the City Attorney on a legal matter and to discuss a personnel matter at 8:12 p.m. **Motion unanimously approved.**

Closed Session

Closed Session adjourned at 9:20 p.m.

Motion by Council Member Godwin, seconded by Council Member Billy Tart to approve the minutes of the closed session as recorded by City Attorney Pope. **Motion unanimously approved.**

With no further business to discuss, the meeting was adjourned at 9:25 p.m.

J. Dal Snipes
Mayor

Attest:

Debra G. West
City Clerk