

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, May 1, 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, Chuck Turnage and Joey Tart. Also present was City Manager Ronnie Autry, Public Utilities Director Dean Gaster, City Planner Steven Neuschafer, Librarian Mike Williams, Police Chief B.P. Jones, Police Captain Jimmy Pope, City Engineer Ed Powell, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Reece Murphy.

Council Member Billy Tart was absent, excused.

INVOCATION

Mayor Harris opened the meeting at 7:00 p.m. and asked Rev. Dennis Manuel, Police Chaplain, to give the invocation. Afterwards the Pledge of Allegiance was repeated.

AGENDA ADJUSTMENT

Motion by Council Member Joey Tart, seconded by Mayor Pro Tem Robinson to adopt the May 1, 2008 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- Closed Session added pursuant to General Statutes 143.138.11 for the possible sale of real property owned by the City of Dunn and to consult with the City Attorney on a legal matter.

Agenda Items Removed:

- none

Motion unanimously approved.

PRESENTATIONS

**DUNN AREA CHAMBER OF COMMERCE
BEAUTIFICATION AND IMAGE COMMITTEE**

Edith Elmore, Chairman of the Dunn Area Chamber of Commerce Beautification and Image Committee, gave a presentation with regard to a Citywide Clean Up Day they have scheduled for Saturday, May 31, 2008 and asked for the support of the City. They requested the assistance of city volunteers, church groups, civic groups, and neighborhoods in promoting this effort. They also requested that the City proclaim May 31, 2008 as Dunn Community Clean Up Day.

Mayor Harris thanked this committee for all their hard work and he recognized Chamber of Commerce President, Barry Kelly, in the audience.

**A proclamation designating May 31, 2008 as Dunn Community Clean Up Day was adopted by the Council under the Consent Agenda.*

**POLICE DEPARTMENT
SGT. DAVID REGISTER
SGT. REGINA AUTRY**

Mayor Harris read a letter of commendation received from the Harnett County District Attorney's Office recognizing the dedication of Sgt. David Register and Sgt. Regina Autry during a recent trial case. He asked that both officers stand to be recognized. They received applause from the audience. Mayor Harris thanked both officers for the job they do and the representation they make for the City.

PUBLIC COMMENT PERIOD

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

Millicent Massey, 510 Townsend Street, Dunn, NC – She is executive director of The Working Group. They are planning a Community event at C.B. Codrington Park on May 31, 2008. She asked for time at the Park to “take back the park”. New equipment was placed in the park in January and by February, it was damaged. This will be a community educational day to let the community know that the park is for the children to play as well as being used to walk the track. She stated that parks are not for drugs or other illegal activities. Music and food will be offered, issues of the community will be addressed, and hiv/aids testing will be given. Area pastors are invited to this event.

Jerry Hartman, 3418 Highway 301 North, Dunn, NC – He is owner of H & H Products. He appreciates being a part of the Dunn community. He asked that the City of Dunn support his efforts to pursue a building re-use and restoration grant application. He is asking the City of Dunn to submit the grant application to the State. Some of this documentation has been provided to the Council by Manager Autry. He stated that at this point, this is an application with three documents that the City Council would need to keep it on the time frame that he personally desires. He described the three documents as listed:

- The Mayor would need to sign an application to the State
- letter of intent saying that the City would pursue this grant on his behalf, and administrate the grant in which case he would provide for every \$10,000, a job to the community over the next two years.
- Authorization resolution stating that the City would contribute 3% (\$6,000) toward this grant of which the City would be reimbursed by him. There would be no cost to the City. The administration cost of \$5,000 is built into the plan and will be reimbursed back to the City if the City administered the grant. Also consultant, Mr. Skip Green, would administer the grant for the \$5,000 fee.

Mr. Hartman stated that ultimately, the cost to the City of Dunn would be nothing. A building that has been vacant for (14) years would be rebuilt and he would put twice the money that is being asked for, back into the building.

Mr. Billy Barfield, Guy Avenue, Dunn, NC – Announced that one-stop voting will end on Saturday at 1:00 p.m. He stated that a great part of this town will not get this announcement on the City’s government channel because they do not have access to Time Warner Cable. Sometime ago, he contacted Charter Communication about getting access to the government channel and they agreed to do it. They told him that it was possible to get the City of Dunn to help them obtain a grant to provide live coverage for the Council. He gave the figures to Manager Autry. Mr. Barfield stated that he contacted Charter, and they informed him that it would have to come through the City of Dunn to get this done. Citizens of Landsdown, Glover Estates and Ponderosa are not getting the government channel or any of the announcements. He is also concerned about the street lights not burning in the City of Dunn. He reported approximately 1,000 lights to Progress Energy and he talked to Manager Autry about this problem. Mr. Autry was suppose to have a street light survey completed. Mr. Barfield stated that it would be very easy for the Police Department to write down the pole numbers when they are out patrolling and report the lights that are not working. On one night, there were approximately seventeen lights on Highway 421 from Wal-Mart to Clinton Avenue that were not burning. The City is paying for these lights and he would like to see them working.

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

Mayor Harris opened public hearings at 7:22 p.m.

PUBLIC HEARINGS

**REZONING REQUEST – PZ-05-08
PIN #1506-78-5911.000
WEST OF THE AVERASBORO ROAD
AND SUSAN TART ROAD INTERSECTION**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Allen D. Westbrook (applicant) to rezone a portion of the current parcel of land. The portion, totaling 1.28± acres, is located west of the Averagesboro Road and Susan Tart Road intersection.

This property is currently zoned I-10; Restricted Industrial District and is requested to be rezoned to R-10; Single Family Dwelling District.

The public hearing was duly advertised on April 8, 2008 and April 15, 2008.

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

Hearing none, the public hearing was closed.

CONDITIONAL USE PERMIT CU-03-08
PIN #1516-67-1086.000
121 S. RAILROAD AVENUE

Mayor Harris stated that a request was received from Christina Aguero to operate a social club and bar at 121 S. Railroad Avenue.

This property is currently zoned C-1; Central Commercial District and a Conditional Use hearing is required in the Zoning Ordinance, for this type of use.

The 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 April 8, 2008 and April 15, 2008.

City Attorney Pope introduced CU 03-08, a request by Christina Aguero for a Conditional Use Permit to allow for the operation of a social club and bar at the location known as 121 S. Railroad Avenue owned by James and Doris Suggs. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards. All persons who wish to testify in this case, please approach the podium to be sworn or give your affirmation.

Swearing-In:

City Attorney Pope administered oaths to:

City Planner Steven Neuschafer

Willie Suggs

Reba Ray

Alex Surrano

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. If you want the Council to see written evidence, such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her 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 your testimony, please clearly identify yourself for the record, by stating your name, address and whether you are here to speak for or against the conditional use permit.

City Attorney Pope opened the hearing on Case #CU 03-08 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 #15 in the City Council packet which includes the Planning Department staff report, conditional use application, warranty deed, maps, report of square footage and assembly occupancy prepared by the City Building Inspector and notification to

adjacent property owners be entered as evidence. *(A copy of these documents entered as evidence for Case #CU 03-08 Conditional Use Permit is incorporated into these minutes as Attachment #1)*

Mr. Neuschafer stated that this is a request for a social club and bar. It is in the downtown business district and this type of use is listed in the conditional uses. The Planning board heard comments from the public and recommended unanimously to deny this request.

Mayor Pro Tem Robinson asked Mr. Neuschafer how many bars/social clubs are located in the downtown area at this time. Mr. Neuschafer responded there are three in the downtown area that have been pre-existing, specifically The Lighthouse, one on Fayetteville Avenue and one in the 500 or 600th block of Broad Street that is permitted with a privilege license. Mr. Robinson asked if there are any businesses in the downtown district that serve beer. Mr. Neuschafer responded he couldn't tell him but there are probably some, adding that the availability of beer/wine is regulated by the ABC Commission and not the City of Dunn.

Council Member Turnage asked Mr. Neuschafer, what the fire code capacity is for this facility. Mr. Neuschafer responded that based on the numbers used and included in the Council packets, there were several options/calculations that were used based on the gross square footage by the City Building Inspector. Mr. Neuschafer stated that he can only quote the numbers given to him. For the 4,199 square feet subtracting 25% for restrooms, pool tables, bar area, etc., the net square footage would be 3149.25. Using that net square footage in the building code, there are several different options as to how the net square footage is used. Using a standing room, the net square footage would allow for 449.89 people. With tables and chairs, it would be 209.95 people, which is 15 square foot per person.

Before City Attorney Pope asked for testimony from the applicant and/or proponents, he asked if any member of the Council wished to receive testimony from either the Fire Chief or Building Inspector in regard to Council Member Turnage last question or for any other matter, as they will have to receive information at this time rather than ask questions when deciding upon this matter.

Council Member Galbreath stated that he would like to ask the Building Inspector why his analysis states there is a serious concern about the available parking in the area when Ms. Aguero identified her hours of operation as Friday and Saturday from 8:00 p.m. until 1:00 or 2:00 a.m. Mr. Galbreath stated that he understood the concern on Railroad Avenue but there is other parking in the downtown area. Planner Neuschafer stated that analysis was generated by himself. There is a possibility of six parking spaces on the property from the alley. Beyond that, to accommodate the 209 possible vehicles, plus staff, that prompts a concern with parking. If the establishment is rated for 200 occupants, parking would expand out to approximately two blocks. This would spread parking out a long distance.

At the end of the City Planner's testimony, Attorney Pope asked if there were any other questions of the City Planner.

No comments were received.

Attorney Pope asked for testimony from the Applicant/Proponents

Mr. Willie Suggs, 713 W. Morris Circle, Dunn, NC – Stated that his mother and father own this building. Ms. Aguero has operated a bar before. Zoning is a very important part to every community of the United States. He quoted US Supreme Court Justice Thurgood Marshall in a 1974 case – “May indeed be the most essential function performed by local governments, for it is one of the primary means by which we protect and that sometimes difficult to determine the concept of a quality of life”. He stated that this is how important the ordinances are for people who own property and people who want to better themselves in the United States. It deals with housing as well as commercial and ways that a person can make money and support their families.

Mr. Suggs asked that the 1974 City of Dunn Ordinance be entered into evidence. The 1974 Code allowed taverns in the C-1 Central Commercial District. He added that a new code, which was adopted in 2005 and introduced by Mr. Neuschafer, changed taverns to clubs and sport bars, etc.

Mr. Suggs stated that section 22-145 Off Street Parking states that no off-street parking spaces shall be required in the C-1 Commercial District except in the cases of new construction and yet in Ms. Aguero's

site plan, she makes available six parking spaces, going beyond her requirement by the City Code, to make parking available.

Mr. Suggs stated that if the Planning Board denies a petition, the Council has several means to over-ride the Planning Board's decision, such as the three-fourths vote.

He added that if the surrounding property owners are against this request, then they can submit a signed petition against this permit.

Mr. Suggs stated that Ms. Aguero has done everything asked of her. He requested that her site plan be entered into evidence. He asked that the Council give Ms. Aguero the same consideration given other businesses in the C-1 Downtown District.

Attorney Pope stated that if Mr. Suggs wanted to enter items into evidence, then he needs to present it.

Mr. Suggs entered into evidence the following documentation:

- Dunn City Code Section 22-145 Off-street parking
- The 1974 City of Dunn Code 22-451 thru 22-460 item (5) C-1 Commercial District which lists (a.) Taverns, (b) ABC stores, (c) Public utility storage, (d) Private clubs; meeting halls, (e) Service stations and (f) Child care/day care facility.
- Site Plan for subject property that indicates the parking
- List of other establishments serving alcohol in the downtown district.

Attorney Pope asked Mr. Suggs to leave his documents for evidence.

(A copy of these documents entered by Mr. Willie Suggs as evidence for Case #CU 03-08 Conditional Use Permit is incorporated into these minutes as Attachment #2)

Mayor Pro Tem Robinson asked Attorney Pope if he would read the list of other establishments serving alcohol in the downtown district. Mr. Pope responded that he would read the list with the caveat that it is a list being provided and there is no verification as to the substance and truthfulness of what is contained in the document. Attorney Pope stated that received into evidence is a document entitled "justification statement already approved because of already approved businesses"

#1 Gary's Sports Bar – Fayetteville Ave.

#2 Lighthouse Bar – Fayetteville Ave.

#3 Main Street Deli – Broad St.

#4 Dunn Shrine Club – Clinton Ave.

#5 Pots and Patches – Broad St. (wine sales)

#6 My Paris Apartment - Wilson Ave. (wine sales)

"we just want the same consideration"

Attorney Pope asked the Council if they had any questions of Mr. Suggs. None were asked.

Attorney Pope asked if there were any other persons sworn to provide testimony tonight that would like to ask questions of Mr. Suggs. None were heard.

Attorney Pope asked if there were other persons who have been sworn to speak and provide testimony, that wish to provide testimony on behalf of the applicant or as a proponent of the requested conditional use permit.

Testimony from Proponents

Ms. Reba Ray, 149 Ivan Road, Godwin, NC 28344 – She lives in Sampson County but Dunn is her hometown. She has known Mrs. Christina Aguero and her husband, Pete for approximately 11 1/2 years. Ms. Aguero told her that she was more than a friend, but part of the family. She needs family and God has given her this family. She stated that as far as she knows, they are good hard-working people. They help people and are honest. They believe in law and order and would see that everybody was protected. Ms. Ray stated that she did not drink but she does like to dance and it does cause you to lose weight. When she was dancing, she lost weight. She hasn't danced in a long time. She has been in five car wrecks and has had six falls so she is blessed to be alive. She was in a fourth car wreck when she bought her mobile home and has since had another car wreck. That is the reason she is living in Sampson County. She is 74 years old and she has lived in Dunn longer than anywhere else.

City Attorney Pope asked if the Council or any other persons sworn to give testimony tonight, had any questions for Ms. Ray. No questions were received.

Attorney Pope asked if there were any other persons that have been sworn, that would like to speak on behalf of the applicant or as a proponent of the requested conditional use permit.

Alex Surrano, Highway 55 East, Erwin, NC – Out of all these places, he does not see anything for the Spanish people. He is a concerned dad. He does like to dance and play pool and sometimes enjoy a beer. In the Spanish community, he does not see any places. They are one of the hardest working people right now and a lot of them are coming in right now and they will not have anywhere to sit and enjoy a talk or a conversation. He wishes this request would be approved.

Attorney Pope asked if there were any questions from the Council for this gentleman or questions from anyone sworn to provide testimony. None were received.

*Testimony from Opponents
No one spoke in opposition of the request.*

Attorney Pope entertained further questions from the City Council members for the applicant, proponents or opponents. Once the public hearing is closed, the only questions posed to the applicant, proponents or opponents shall be for clarification. No new evidence can be introduced after closing the public hearing. 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 the applicant to place conditions or limitations on the use of the land, you must ask the applicant if she will voluntarily place these conditions on the use of this property.

Mayor Pro Tem Robinson asked Mr. Neuschafer if there is a church located in this block. Mr. Neuschafer responded that he believes there was a gentleman at the Planning Board that stated there was a church in that same proximity, but he does not know this for a fact.

Council Member Turnage asked Mr. Neuschafer if parking was the most negative factor associated with the Planning Board's recommendation to deny the permit. Mr. Neuschafer responded that was one factor; however, the Planning Board was also concerned about the desirability to the public and community and welfare. Mr. Turnage asked what detriment would it have had. Mr. Neuschafer responded, that based on the comments received by the Planning Board, by several opponents speaking against the request, it created the basis for denying the request. The Planning Board's three main concerns were about the health, morals and welfare of the surrounding area.

Attorney Pope asked if there were any further questions for the planner or other sworn persons.

Council Member Turnage stated that there has been a bar on Railroad Street in years past.

Mayor Pro Tem Robinson asked Mr. Neuschafer if there was any Hispanic representation on the Planning Board. He responded no.

Council Member Galbreath asked for the number of exits and entrances included as part of the layout of the proposed project. Mr. Willie Suggs responded there is an entrance at the front door on Railroad Street, a back door that comes out in the culvert alley, and there is a back door in the jettted T-shape middle section of the building. There are three doors to get in and out. The front door will be used for patrons to enter the building and the back doors are for emergency and fire exits.

Mayor Pro Tem Robinson asked Mr. Suggs what was the last business located in this building. He responded a consignment store that had household goods.

Attorney Pope asked the Council if they had any conditions they would like for the applicant to consider in the event this Conditional Use Permit is granted.

Council Member Galbreath asked that the applicant consider accepting as a condition to the granting of the conditional use permit, that any signage for the business be in both Spanish and English and state the translation.

City Attorney Pope administered the oath to applicant, Ms. Christina Aguero. Attorney Pope asked Ms. Aguero if she would accept the condition to provide both Spanish and English with translation on any signage. She agreed to the condition.

With no further testimony, a motion was made by Council Member Turnage and seconded by Council Member Galbreath to close the public hearing at 8:11 p.m.

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

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received with respect to any matter covered by the preliminary assessment resolution adopted by the Dunn City Council on the 10th day of April, 2008, for the proposed street improvement project in the 700th block of E. Divine Street.

The Certificate showing that preliminary resolutions were mailed to owners of all property subject to assessment is also attached.

The public hearing was duly advertised on April 17, 2008.

Mayor Harris asked if there was anyone present to speak about the preliminary assessment resolution.

John Archie, 709 E. Divine Street, spoke in favor of the curb and gutter project. This will increase property values and control flooding in this area.

Walter Massey, 700 E. Divine Street, spoke in favor of the project to enhance the property values. His property is presently curbed and guttered and he does not believe his property should be re-assessed.

Hearing no further comments, Mayor Harris closed public hearings and reconvened the regular agenda at 8:15 p.m.

CONSENT ITEMS

Minutes-Council considered approval of minutes of the April 10, 2008 Council meeting.

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #174. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

Proclamation-Council considered approval of a Proclamation designating May 1, 2008 as a National Day of Prayer. Mayor Pro Tem Robinson read the Proclamation. *A copy of Proclamation (P2008-06) National Day of Prayer is incorporated into these minutes as Attachment #3.*

Proclamation-Council considered approval of a Proclamation designating May 1, 2008 as Leaders of Tomorrow Day in the City of Dunn. Mayor Harris read the Proclamation. *A copy of Proclamation (P2008-07) Leaders of Tomorrow Day is incorporated into these minutes as Attachment #4.*

Proclamation-Council considered approval of a Proclamation designating May 31, 2008 as Dunn Community Clean Up Day in the City of Dunn. Council Member Maness read the Proclamation. *A copy of Proclamation (P2008-08) Dunn Community Clean Up Day is incorporated into these minutes as Attachment #5.*

DOT Mowing Agreement-Council considered approval of the 2008 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 #6.*

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

ITEMS FOR DECISION

**REZONING REQUEST PZ 05-08
PIN #1506-78-5911.000
WEST OF THE AVERASBORO ROAD AND
SUSAN TART ROAD INTERSECTION**

Mayor Harris stated that a request was received from Allen D. Westbrook (applicant) to rezone a portion of the current parcel of land. The portion, totaling 1.28± acres, is located west of the Averagesboro Road and Susan Tart Road intersection.

This property is currently zoned I-10; Restricted Industrial District and is requested to be rezoned to R-10; Single Family Dwelling 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 April 15, 2008 and unanimously recommended approval of this request.

Motion by Council Member Turnage, seconded by Council Member Maness to approve the request from Allen D. Westbrook to rezone a portion of the current parcel of land (PIN #1506-78-5911.000) totaling 1.28± acres and located west of the Averagesboro Rd. and Susan Tart Rd. intersection from I-10; Restricted Industrial District to R-10; Single Family Dwelling District based on the following justification:

- 1) R-10 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 primarily residential in this area. Moreover, the removal of such Industrial permitted uses in this area will protect the existing residences in this area from possible negative impacts.
- 3) The permitted uses in the R-10 District are not considered detrimental to the area and would be a benefit to this neighborhood.

Motion unanimously approved.

**CONDITIONAL USE PERMIT CU-03-08
PIN #1516-67-1086.000
121 S. RAILROAD AVENUE**

Mayor Harris stated that a request was received from Christina Aguero to operate a social club and bar at 121 S. Railroad Avenue.

This property is currently zoned C-1; Central Commercial District and a Conditional Use hearing is required in the Zoning Ordinance, for this type of use.

The Planning Board met on April 15, 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 unanimously **not to approve** this request.

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

Motion by Mayor Pro Tem Robinson, seconded by Council Member Maness to deny CU-03-08 based on the following findings of fact:

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 (5)i, The Conditional Use is listed in the ordinance.*
2. The requested use is not desirable for the community.
3. The requested use will impair the integrity or character of the surrounding or adjoining districts, and will be detrimental to the health, morals and welfare.
4. The location of this request is an established downtown business area along an average minor one-way street; the issuance of this permit will not be appropriate with the anticipated growth pattern of future commercial development identified in the Land Use Plan.
5. All facilities are available at this location which has been in place for many years, however the issue of parking for the number of possible people on site will impact other businesses in a negative manner.

Mayor Pro Tem Robinson stated that his main objection is the fact that it is located near a church.

Council Member Galbreath encouraged Ms. Aguero to find another location and bring this request back to the Council. He is not completely opposed to it but he is opposed to the location.

Council Member Turnage asked if there is in fact a church located beside this proposed site. Council Member Maness responded that during the Planning Board meeting, Mr. Roger May stated that he presently rents the building directly beside this location to a church.

Motion unanimously approved to deny CU-03-08.

**CONSIDERATION OF RESOLUTION
DIRECTING THAT THE 700TH BLOCK
OF E. DIVINE STREET CURB & GUTTER
PROJECT BE UNDERTAKEN**

Once the public hearing has been held to address any matters contained in the Preliminary Assessment Resolution, the governing body adopts an assessment resolution directing that the project be undertaken. This resolution describes the project in general terms together with a general description of the boundaries of the area benefited, percentage of the cost to be specially assessed and the terms of payment.

Motion by Council Member Galbreath, seconded by Mayor Pro Tem Robinson to adopt the Resolution Directing that the 700th block of E. Divine Street Curb & Gutter Project be Undertaken.

Mayor Harris entertained further comments.

Council Member Maness asked for clarification from City Manager Autry with regard to the concern voiced by Mr. Walter Massey about being a part of the assessment. Mr. Autry responded that if curb and gutter is already in place, then Mr. Massey will not be assessed for realignment or replacement of the curb and gutter. Mr. Massey will not be a part of the assessment.

Questions were raised about any other properties in this block that already have curb and gutter. Mr. Walter Massey stepped forward and stated that there is another property owned by Mr. Bradshaw, that also has curb and gutter.

Council Member Galbreath asked that consideration be given to resurface this street once curb and gutter is installed. Mr. Autry responded that the grading of the curb and gutter dictates if the road has to be cut down and resurfaced. He added that normally they do not replace an overlay completely because of the expense.

Council Member Galbreath asked for a potential start date for this project. Mr. Autry responded it would be contracted to a company in 30-45 days.

Motion unanimously approved. *A copy of Resolution (R2008-06) Directing that the Curb & Gutter Project be Undertaken is incorporated into these minutes as Attachment #7.*

**TEMPORARY BLOCKING OF STREET
NORTH CLINTON AVENUE BAPTIST
CHURCH
E. CARR STREET FROM N. CLINTON
AVE. TO N. WILSON AVE.**

A request was received from North Clinton Avenue Baptist Church to close E. Carr Street from N. Clinton Avenue to N. Wilson Avenue on Saturday, June 7, 2008 at 10:00 a.m. until Sunday, June 8, 2008 at 5:00 p.m. to hold a 50th Anniversary Celebration.

Motion by Mayor Pro Tem Robinson, seconded by Council Member Joey Tart to approve the temporary blocking of E. Carr Street from N. Clinton Ave. to N. Wilson Ave. to allow for a 50th Anniversary Celebration at North Clinton Avenue Baptist Church as requested. **Motion unanimously approved.**

**RE-ADOPTION OF RESOLUTION REQUESTING
EXPANSION OF AVERASBORO FIRE
DISTRICT TO INCLUDE MUNICIPAL LIMITS
OF THE CITY OF DUNN**

A resolution requesting expansion of Averasboro Fire District to include the Municipal Limits of the City of Dunn was adopted at the April 10, 2008 Council meeting; however, upon review by the Harnett County Staff Attorney, it was discovered that the Averasboro Fire District was a Chapter 153 district instead of a Chapter 69 district.

City Attorney stated that the Council received a copy outside their agenda packet with a minor change from Averasboro Rural Fire District to Averasboro Fire District, taking out the word Rural.

Motion by Council Member Maness, seconded by Council Member Turnage to re-adopt the Resolution requesting expansion of Averasboro Fire District to include Municipal Limits of the City of Dunn. **Motion unanimously approved.** *A copy of the Resolution (R2008-07) re-adopting the expansion of the Averasboro Fire District to include Municipal Limits of the City of Dunn is incorporated into these minutes as Attachment #8.*

Mayor Harris stated that the Harnett County Board of Commissioners will hold a public hearing on this matter on May 19, 2008 at 7:00 p.m.

**ITEMS FOR DISCUSSION
AND/OR DECISION**

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

At the April Council meeting, the Council discussed a tentative budget work session meeting date of May 13, 2008.

As a reminder, the courtroom is not available on the following dates:

Wednesday, May 7
Thursday, May 15
Tuesday, May 20
Wednesday, May 21
Thursday, May 29

Motion by Council Member Maness, seconded by Mayor Pro Tem Robinson to set a Special Call Meeting/Budget Work Session date for May 13, 2008 at 8:30 a.m. **Motion unanimously approved.**

CONSIDERATION TO CHANGE THE REGULAR MONTHLY CITY COUNCIL MEETING FROM THE FIRST THURSDAY TO THE SECOND TUESDAY OF EACH MONTH

Mayor Harris stated that this is a request he brought to the City Council. He and Council Member Turnage are both active members of the American Legion, which meets on the first Thursday. Mayor Harris asked for Council consideration to change the meeting date.

Council Member Joey Tart stated that he does not have a conflict with this new meeting date beginning in the month of July. He currently serves on a board and will not be relieved of those duties until July.

The Council discussed that the change in meeting date would be effective with the July 8, 2008 Council meeting.

Motion by Council Member Joey Tart, seconded by Council Member Turnage to move the regularly scheduled monthly Council meeting from the first Thursday to the second Tuesday at 7:00 p.m. beginning in July and to amend the Council Meeting schedule at the June Council Meeting to reflect the new meeting date schedule. **Motion unanimously approved.**

ADMINISTRATIVE REPORTS

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

CLOSED SESSION

8:51 p.m. Motion by Council Member Joey Tart, seconded by Council Member Turnage to enter into closed session pursuant to General Statutes 143.318.11 to discuss the possible sale of real property owned by the City of Dunn and to consult with the City Attorney on a legal matter. **Motion unanimously approved.**

Closed Session ended at 9:22 p.m. and Council returned to open session.

Motion by Council Member Maness, seconded by Council Member Turnage to approve the minutes of the Closed Session as recorded by City Attorney Pope. **Motion unanimously approved.**

Additional Agenda Adjustment

Mayor Harris entertained a motion by Council Member Galbreath, and seconded by Council Member Joey Tart to add to the agenda:

Proclamation - National Nurses Week

Motion unanimously approved.

Motion by Mayor Pro Tem Robinson, seconded by Council Member Turnage to approve the Proclamation designating May 6-12, 2008 as National Nurses Week. **Motion unanimously approved.**

A copy of Proclamation (P2008-09) National Nurses Week is incorporated into these minutes as Attachment #9.

EXECUTIVE REPORTS

Mayor Pro Tem Robinson asked that they offer support to the youth for job opportunities.

Council Member Galbreath thanked everyone for their support of the recent PAL Fair. He added that there will be a vacancy on the ABC Board in June. He encouraged citizens to apply for this upcoming vacancy as ABC Board Chairman Shannon Brown's term will end. He asked that advertisement be made for the advisory board positions as they become vacant.

With reference to the Mayor's Prayer Breakfast and Shadow Program, Council Member Joey Tart stated that today was a great day for the City of Dunn.

Council Member Turnage stated that he was a shadow student in the 70's. He thought today was a good day with the Prayer Breakfast and Shadow Program. He asked that the Council address the top six topics at the retreat during their upcoming budget work sessions.

City Manager Autry announced Town Hall Day June 4, 2008. Information has been sent out and he asked for Council's response.

Mayor Harris stated that it has been a wonderful week with former President Bill Clinton's visit to the City of Dunn and the Mayor's Prayer Breakfast.

With no further business to discuss, a motion was made by Council Member Turnage and seconded by Council Member Galbreath to adjourn the meeting at 9:31 p.m. **Motion unanimously approved.**

Oscar N. Harris
Mayor

Attest:

Debra G. West
City Clerk