

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, June 1, 2006, 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 R. Godwin, Jr. and Joey Tart. Also present was Interim City Manager Ronnie Autry, Human Resources Officer Moses Gallion, City Planner Steven Neuschafer, Fire Chief Austin Tew, Recreation Director Perry Hudson, Librarian Mike Williams, Police Chief Tim Benware, City Attorney P. Tilghman Pope, City Engineer Ed Powell, City Clerk Debra West, and Daily Record Reporter Steve Reed.

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 Godwin, seconded by Council Member Joey Tart to adopt the June 1, 2006 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- Closed Session to discuss personnel (City Manager vacancy)
- Set Date for Special Call Meeting/Budget Work Session (placed under "Items for Decision")

Agenda Items Removed:

- none

Other Changes:

- Removed Ordinance Amendment OA-01-06 Off-Site Advertising Signs Billboards from the table and placed under "Items for Decision"

PUBLIC COMMENT PERIOD

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

Mr. William "Billy" Barfield of 1304 Guy Avenue stepped forward to state that when the City Council held a budget retreat on February 22, 2006 in Wallace, NC, he attended this meeting at his own expense as an interested citizen. On May 23, 2006, the Council held a budget workshop at 4:00 p.m. in the Municipal Building. He stated that this time is early for a working man to attend. When he arrived late, the front doors were locked. This upset him because during this meeting, an individual had an emergency and could not leave because the doors were locked. He stated that this is a violation of the public meetings law.

Mayor Snipes asked Mr. Barfield what time did he arrive. Mr. Barfield responded 5:15 p.m. Interim City Manager Autry stated that after the meeting, Mr. Barfield called to advise the City Clerk of this situation. Mr. Autry added that the folks attending the meeting were not aware that the doors were locked. Some of the staff members that left at 5:00 p.m. on the day of the meeting inadvertently locked the doors when they left the building. Mr. Autry apologized for this situation.

Mayor Snipes stated that the meeting was open and attended. Also minutes of this meeting are available. He also apologized to Mr. Barfield for this oversight.

PUBLIC HEARINGS

REZONING REQUEST

PZ 04-06

PIN #1516-75-3827 AND 1516-75-2881

206 AND 210 SOUTH WASHINGTON AVENUE

The public has been notified that oral and written comments will be heard and received concerning the request by Mr. & Mrs. Rothal Pike to rezone two parcels of property located at 206 and 210 South Washington Avenue (corner of Divine and Washington).

This property is currently zoned R-7 Single Family Dwelling District and is requested to be rezoned to C-3 Highway Commercial District.

The public hearing was duly advertised on May 9, 2006 and May 23, 2006.

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

Mr. Rothal Pike, applicant and owner of this property stepped forward to speak in favor of this rezoning request. This property is currently used as Pike's Laundromat and Auto Sales. He plans to utilize the property at 210 S. Washington Avenue to construct an office to expand the car sales business. The house at 206 S. Washington Avenue will be converted into office space in the future.

Mayor Snipes asked if there was anyone else present to speak for or against this rezoning request. Hearing none, the public hearing was closed.

ORDINANCE AMENDMENT REQUEST

**OA-02-06 – CHAPTER 22-ARTICLE III DISTRICTS-
SECTION 22-59**

(STANDARDS FOR BUFFERING PROPERTIES)

The public has been notified that oral and written comments will be heard and received concerning the request by the Planning Department to amend the City of Dunn Code of Ordinances by adding a new Section 22-59 Buffers.

The public hearing was duly advertised on May 9, 2006 and May 23, 2006.

Mayor Snipes asked if there was anyone present to speak for or against this ordinance amendment. Hearing none, the public hearing was closed.

FISCAL YEAR

2006-2007 BUDGET

The public has been notified that the City Council of the City of Dunn will hold a public hearing for the purpose of receiving public comment concerning approval of the Fiscal Year 2006-2007 budget.

The public hearing was duly advertised on May 18, 2006.

Mayor Snipes asked if there was anyone present to speak for or against the proposed FY 06-07 budget. Hearing none, motion by Mayor Pro Tem Olds, seconded by Council Member Billy Tart to close the public hearings and reconvene the regular Council meeting at 7:10 p.m. **Motion unanimously approved.**

CONSENT ITEMS

The following items were considered by Council:

Minutes-Council considered approval of minutes of the April 27, 2006 Special Call/Budget Work Session.

Minutes-Council considered approval of minutes of the May 4, 2006 Council meeting.

Minutes-Council considered approval of minutes of the May 11, 2006 Special Call meeting.

Resolution-Council considered approval of the 2006 Clean Water Bond Resolution urging the North Carolina General Assembly to enact a \$1 billion bond bill in the 2006 session to fund construction and repair of urgently needed water, sewer and stormwater facilities. *A copy of Resolution (R2006-11) 2006 Clean Water Bond Resolution is incorporated into these minutes as Attachment #1.*

Firemen's Local Relief Fund Board of Trustees Appointments-Council considered approval to reappoint Mr. Ricky Hedgepeth and Mr. Boyd Barefoot to the Firemen's Local Relief Fund Board of Trustees for the FY 2006-2007 budget year.

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

ITEMS FOR DECISION

REZONING REQUEST

PZ 04-06

PIN #1516-75-3827 AND 1516-75-2881

206 AND 210 SOUTH WASHINGTON AVENUE

A request was received from Mr. & Mrs. Rothal Pike (Owners) to rezone two parcels of property located at 206 and 210 South Washington Avenue (corner of Divine and Washington).

This property is currently zoned R-7 Single Family Dwelling District and is requested to be rezoned to C-3 Highway Commercial District.

The Planning Board met on May 16, 2006 and recommended approval of this request.

Council Member Galbreath stated that since none of the surrounding property owners attended the Planning Board meeting or the Council meeting tonight to express a concern with the rezoning of this property, he was prepared to offer a motion to approve this rezoning request.

Motion by Council Member Galbreath, seconded by Mayor Pro Tem Olds to approve the request by Mr. and Mrs. Rothal Pike to rezone 206 and 210 South Washington Avenue from R-7 Single Family Dwelling District to C-3 Highway Commercial District based on the following justification:

- C-3 is consistent with the 2030 Land Use Plan.
- The amendment is not inconsistent with the evolving land use pattern for the Cumberland Street corridor.
- The permitted uses in the C-3 District are not considered detrimental to the neighborhood and would be a benefit to the entire community.

Mayor Snipes asked if there was further discussion.

Council Member Godwin asked City Planner Neuschafer if this property is considered a part of the Cumberland Street corridor. Mr. Neuschafer responded as it relates to the 2030 Land Use Plan, the first block off of Cumberland would be considered part of the corridor. Council Member Godwin asked if this was true for all aspects of Cumberland and all aspects of Divine (east and west). Mr. Neuschafer responded yes. You typically take the first block that faces the major thoroughfare and include it in the corridor. Council Member Godwin asked if Divine Street, regardless of east or west, is part of the Cumberland Street corridor. Mr. Neuschafer responded yes.

Council Member Godwin stated that he is concerned about rezoning any property on Divine Street as commercial. He is concerned that if they rezone this property, they may be setting a dangerous precedence for future zoning on Divine Street. Divine Street is typically a residential area. He also pointed out that this part of Divine is in a transition and as Mr. Galbreath stated, none of the surrounding property owners came to the meeting to oppose the rezoning.

Mayor Pro Tem Olds stated that on several occasions, he has been through this area and in his viewing of the neighborhood, this rezoning request is consistent with the Land Use Plan. Mr. Pike's proposal will not

be detrimental to the community. This area of Divine is unique in that this residential property which Mr. Pike would like to convert to offices is located behind current commercial property owned by Mr. Pike. There is also a vacant lot beside this property which abuts Divine Street. It meets the criteria of the 2030 Land Use Plan.

Council Member Godwin asked Mr. Neuschafer if West Divine Street is considered for future commercial development based upon the Land Use Plan or is it limited to East Divine Street. Mr. Neuschafer responded that this area is considered a part of the corridor. Whether the character of the neighborhood would warrant this transition is based upon the Council's decision to rezone these properties.

Mr. Pike explained that the new proposed offices would face Washington Avenue. He stated that his purpose for buying this house was to convert it to offices. They need this space for their vehicles. He does not feel that this will hinder the neighborhood, but rather it will help the neighborhood.

Mayor Snipes pointed out that the improvements already made by Mr. Pike have enhanced the area.

Motion carried 5-1 with Council Member Godwin opposing.

**ORDINANCE AMENDMENT REQUEST
OA-02-06
CHAPTER 22-ARTICLE III DISTRICTS
SECTION 22-59
STANDARDS FOR BUFFERING PROPERTIES**

City Planner Neuschafer stated that the Planning Board has been working on this amendment for a number of months. He explained that this is a new section developed to set standards for buffering properties of conflicting land uses and densities. These standards will create requirements for a planted or structural barrier between specified uses.

The Planning Board met on May 16, 2006 and unanimously voted to recommend this amendment with the following change noted:

- Under Section 22-59.7 Type C – request that buffering against a right-of-way increase from five (5) feet to six (6) feet.

Council Member Godwin stated that he is generally in favor of this amendment; however, he had questions about some of the language in the ordinance. He pointed out the following areas that he had a concern with the language:

Section 22-59.1 Development exempt from Approval – (define what is meant by development)

Section 22-59.2 Developing Land Use – (need to define)

Section 22-59.3 paragraph (a) “Standards for Trees and Shrubs”

Section 22.59.5 plantings in good condition (what is meant by good condition?)

Council Member Godwin suggested that some of the language be defined in this ordinance before it is adopted.

Mayor Pro Tem Olds stated that this subject was discussed during the Planning Board meeting and their conclusion was to use common sense in interpreting the language of the ordinance.

Council Member Godwin pointed out further language that he felt needed to be defined more clearly. The language needs to be strengthened.

Mayor Pro Tem Olds stated that the Planning Board did not have a problem understanding the way this ordinance is written. He suggested that Council Member Godwin meet with the Planning Director if he felt the ordinance needed more clarity.

Motion by Council Member Godwin, seconded by Council Member Billy Tart to table OA-02-06 Chapter 22-Article III Districts Section 22-59 Standards for Buffering Properties. **Motion unanimously approved.**

**ADOPTION OF
FY 2006-2007 BUDGET**

Motion by Mayor Pro Tem Olds, seconded by Council Member Godwin to table the adoption of the FY 2006-2007 Budget until the Special Call Council Meeting on June 26, 2006.

Interim City Manager Autry explained that the proposed Downtown Municipal Service Tax District must be set before adopting the FY 06-07 Budget. The Downtown Municipal Service District tax rate must be included in the Budget Ordinance.

**TEMPORARY STREET CLOSING
SOUTH LITTLE AVENUE**

St. John Missionary Baptist Church has submitted a letter requesting that South Little Avenue be closed from 1:00 p.m. – 5:00 p.m. on Saturday, June 17, 2006 to hold an “Out of School Block Party” for all school aged children in the area.

Motion by Council Member Galbreath, seconded by Council Member Billy Tart to approve the temporary street closing on South Little Avenue to allow for St. John Missionary Baptist Church to hold an “Out of School Block Party” on June 17, 2006 from 1:00 p.m. until 5:00 p.m. and direct the Public Works Department to provide barricades for this event. **Motion unanimously approved.**

**ACCEPTANCE OF OFFER
TO PURCHASE PROPERTY**

During the City Council meeting of May 11, 2006, a Resolution declaring certain property surplus to the needs of the City and authorizing the City to receive and negotiate an offer to purchase the property was adopted.

This property is located across from the Daily Record and is more particularly described as a strip of land, 65 x 300 feet in size running parallel with the railroad tracks, being bounded on the northeast by Edgerton Street and on the southwest by Broad Street; containing 0.45 of an acre, more or less and identified by the Harnett County Tax Department as PIN #1516-67-2557.

The Public Notice was published on May 16th stating that an offer of \$92,000 was received. Upset bids must be submitted within 10 days after the date of publication and must raise the bid which is being considered by at least 10% of the first thousand dollars and 5% of the remainder.

The ten (10) day upset bid period ended on May 26, 2006. No other bids were received for this property.

The Council is being asked to formally accept the bid of \$92,000 submitted by Adams Graphics, Inc., 99 W. Broad Street, Dunn, NC

Motion by Mayor Pro Tem Olds, seconded by Council Member Maness to formally accept the bid of \$92,000 submitted by Adams Graphics for the purchase of property identified by Harnett County Tax Department as PIN #1516-67-2557 – a strip of land, 65 x 300 feet running parallel with the railroad tracks, being bounded on the northeast by Edgerton Street and on the southwest by Broad Street; containing 0.45 of an acre, more or less. **Motion unanimously approved.**

**PURCHASE OF NEW
911 TELEPHONE SYSTEM**

Telecommunications Supervisor Charlie Callahan stepped forward to make the following request.

The Police Department is requesting to replace its existing 911 Positron Telephone system. The current system is 13 years old, requires constant maintenance, and loses data which results in inefficiencies.

Mr. Callahan described the equipment that will meet the needs of the communications department. The estimated cost of replacing this equipment is \$143,054.06. Funds are available in the 911 Telephone System Fund (these funds are restricted for 911 purposes only) for the purchase of this equipment.

The Police Department is seeking approval to utilize G.S. 143-129(g), Waiver of Bidding for Previously Bid Contracts, to obtain this equipment. G.S. 143-129(g), referred to as “piggybacking”, allows cities, counties, or other subdivisions of the State, to forego the formal bidding process when another city, county, etc., has completed a formal bid process within the past 12 months, and the successful bidder is willing to furnish the items/equipment at the same or more favorable prices. The Police Department wishes to “piggyback” the contract between Granville County and Wireless Communications, entered into on March 20, 2006.

The waiver of competitive bidding public notice was duly advertised on May 22, 2006.

Motion by Council Member Joey Tart, seconded by Council Member Maness to authorize the Police Department to purchase a new 911 Telephone System from Wireless Communications and to utilize the G.S. 143-129 (g) waiver of bidding process. **Motion unanimously approved.**

**AWARD BID
SEWER LATERAL CAMERA**

Price quotes were received for the purchase of a sewer lateral camera for the Public Works Department. The quotes are as follows:

Adams Equipment Co. \$9,800.00
PO Box 1854
Lexington, SC 29071

Jet-Vac Sewer Equipment Co. \$9,151.12
PO Box 6680
5746 Broad St. Ext.
Sumter, SC 29154

Rodders and Jets Supply Co. \$8,900.00
PO Box 2577
811 E. Liberty St.
Sumter, SC 29151

All cameras met the general specifications. The companies demonstrated their cameras for the sewer maintenance crew. The Cues camera bid by Adams Equipment Company was the preferred unit due to the clarity of the monitor and camera, the durability of the unit and the components were more an integral part of the unit versus each component being just an add-on piece. The price of the unit is the highest of the three, but Mr. Autry explained that this is the best unit and would serve the City of Dunn for many years. Also Adams Equipment Company has a service department that would be able to work on the camera.

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to award bid to Adams Equipment Company in the amount of \$9,800.00 to purchase a sewer lateral camera and approve budget amendment #94. **Motion unanimously approved.** *A copy of budget amendment #94 is incorporated into these minutes as Attachment #2.*

BOARD APPOINTMENTS

Planning Board (3 year term)

Motion by Council Member Godwin, seconded by Council Member Billy Tart to appoint Patrick Marshall and Renee Ellmers to fill the expired terms of Ralph Ramos and Ted Fitzgerald to the Planning Board with terms ending June 30, 2009. **Motion unanimously approved.**

Dunn Housing Authority (5 year term)

Motion by Council Member Galbreath, seconded by Council Member Maness to re-appoint Lester Lee and Nathaniel Tucker, Jr. to the Dunn Housing Authority with terms ending June 30, 2011. **Motion unanimously approved.**

Dunn Housing Authority- Mayoral Appointment (1 year term)

Mayor Snipes re-appointed Charles McNeill as tenant representative with a term ending June 30, 2007.

Library Board (3 year term)

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart to appoint Kathy Clark and Phil Parker to fill the expired terms of Grace Watts and Martha Goff to the Dunn Library Board of Trustees with terms ending June 30, 2009. **Motion unanimously approved.**

Mayor Snipes expressed appreciation to all the volunteers that give of their time to serve on these advisory boards.

CIVIC CENTER COMMITTEE APPOINTMENT

Mr. Michael Bethea, Civic Center Committee representative for District 3, tendered his resignation effective April 20, 2006 due to professional obligations which will take him out of town.

At the December, 2005 Council Meeting, each Council Member nominated a citizen from their respective district to serve on this committee. Mr. Bethea was nominated by Council Member Galbreath.

With Mr. Bethea’s resignation, Council Member Galbreath nominated John Archie, Jr. of 709 E. Divine Street as an appointee to serve the remaining term of Mr. Bethea. The members of this committee are as follows:

At-large Member	Keith Finch	400 S. Orange Avenue
District 1	Buddy Creed	202 Eldridge Drive
District 2	Hoover Adams	1403 Lakeshore Drive
District 3		
District 4	Brad Heath	107 Winterlochen Drive
District 5	Walt Smith	611 W. Pearsall Street
District 6	Joe Miriello	103 Shelly Drive

Motion by Mayor Pro Tem Olds, seconded by Council Member Godwin to appoint John Archie, Jr. to the Civic Center Committee. **Motion unanimously approved.**

EXTENSION OF CIVIC CENTER COMMITTEE

During the Council Meeting of May 23, 2006 a report was presented to the City Council giving an update of the Civic Center Committee Findings. At the meeting, the Council discussed extending the Civic Center Committee beyond the initial six (6) month period established by resolution in December, 2005.

Mayor Snipes stated that the Committee would like to continue their work focusing on grant funding.

Mayor Snipes entertained a motion to extend this committee.

Motion by Council Member Maness, seconded by Council Member Joey Tart to extend the Civic Center Committee for an additional (6) month period.

Mayor Snipes asked if there was further discussion.

Council Member Joey Tart expressed concern that the Council has not given enough direction to this Committee with regard to their purpose from this point forward.

Mayor Snipes stated that there is not a clear consensus from the Council or Committee in deciding the fate of the building; whether it has new life in some other capacity, or if it should be demolished or maybe a possible ball field at Tyler Park. The Committee would like additional time to explore all options.

Further discussion was held about the property.

Mayor Snipes asked that the Interim Manager make the Council aware of the next Civic Center Committee meeting. Some Council Members may want to attend this meeting.

Council Member Maness brought attention to Item 4 in the Resolution Creating this Committee. The directive is specific in asking the Committee for a report submitted to the City Council containing the recommendation of the Committee as to which use will best benefit the City of Dunn and the citizens of Dunn, taking into consideration the costs and funding sources available to implement the proposed use.

Motion unanimously approved.

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

Motion by Council Member Galbreath, seconded by Council Member Joey Tart to set a Special Call Meeting/Budget Work Session for Thursday, June 15, 2006 at 9:00 a.m.

**ORDINANCE AMENDMENT
REQUEST – OA-01-06
DIVISION 4 – SECTION 311
OFF-SITE ADVERTISING SIGNS
(BILLBOARDS)**

Motion by Mayor Pro Tem Olds, seconded by Council Member Billy Tart to take this item of business off the table. **Motion unanimously approved.**

City Planner Neuschafer stated that this is a request from applicants Roy S. Tart and Ricky D. Tart to amend the maximum size of off-site advertising signs (billboards).

The current maximum square footage is 400 square feet and the request is to allow up to 1200 square feet, which is the maximum size allowed by the state.

The Planning Board met on April 18, 2006 and unanimously recommended to deny this request.

Council Member Godwin asked that the Council send this back to the Planning Board to ask them to reconsider a size other than 1200 square feet. He asked that the Planning Board reconsider a size in the neighborhood of 600 square feet and to consider whether or not these types of signs should be put on a steel monopole.

The Council discussed that presently billboards on the I-95 corridor range in size from 380 square feet up to an excess of 600 square feet. The monopole system is more attractive than light poles holding up the structures. The Planner was asked to explain why a sign 800-900 square feet is not desirable.

Planner Neuschafer stated that in unregulated areas, the State allows up to 1200 square feet. Most areas that have zoning regulate the size of these signs. Most jurisdictions abutting Dunn do not allow over 700 square feet. The City's current standard is 400 square feet and they feel this size is justifiable for our area. He noted that the City of Dunn permits them as a use by right in certain zoning districts and do not require a conditional use permit. Other jurisdictions require a quasi-judicial hearing conditional use permit for each sign. He read the allowable sizes permitted in the following surrounding areas:

Sampson County	300 sq. ft. double faced sign
Harnett County	500 sq. ft.
Johnston County	500 sq. ft. on a pole and 300 sq. ft. if not supported by poles
Cumberland County	500 sq. ft.

	700 sq. ft. (heavy Industrial District)
City of Smithfield	600 sq. ft.
Town of Benson	600 sq. ft.

There are existing signs along the Interstate larger than 400 square feet which were in place prior to the City limiting the size to 400 square feet.

The Council discussed their reasoning in setting limits on the billboards. 1200 square feet is too large, yet 400 square feet may be too small.

Motion by Council Member Godwin, seconded by Council Member Billy Tart to send OA-01-06 back to the Planning Board with directive that they consider a revision of the ordinance to allow signage less than 1200 square feet in size and consider a requirement that such sign be set on a steel monopole along the Interstate 95 corridor. **Motion unanimously approved.**

ADMINISTRATIVE REPORTS

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

EXECUTIVE REPORTS

Mayor Pro Tem Olds recognized members of the Fire Department in the audience and asked that they step forward for recognition and applause.

Council Member Galbreath stated that he has been contacted by his constituents with concerns regarding house furniture placed on porches. He asked that the Interim Manager and City Planner bring back information concerning an ordinance to address this situation. He mentioned that the Town of Wilson has such an ordinance in place.

Interim Manager Autry reminded the Council of Town Hall Day on June 7th. He also reminded the Council of their Special Call Meeting on June 26th. Items of business for this meeting include a public hearing for the Municipal Service Districts, awarding the bid for the Highway 421 and Broad Street drainage project and adoption of the FY 06-07 budget.

Mayor Snipes thanked the volunteers of the Fire Department, Rescue Squad and County forces in coordinating the response to the recent accident on Interstate-95 involving two charter buses carrying seniors from University High School in New Jersey. He thanked Recreation Director Perry Hudson, his staff and other City employees that assisted in helping these students during this accident.

8:30 p.m. Motion by Council Member Godwin, seconded by Mayor Pro Tem Olds to enter closed session to discuss a personnel matter. **Motion unanimously approved.**

Closed Session

Motion by Council Member Godwin, seconded by Council Member Maness, 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 9:00 p.m.

J. Dal Snipes
Mayor

Attest:

Debra G. West
City Clerk

