

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, July 5, 2007, at 7:00 p.m. in the Dunn Municipal Building. Present was 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, City Planner Steven Neuschafer, Code Enforcement Officer Steven King, Police Chief B.P. Jones, Fire Chief Austin Tew, City Clerk Debra West, and Daily Record Reporter Steve Reed.

Mayor J. Dal Snipes and City Attorney P. Tilghman Pope were absent, out of town.

**INVOCATION**

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

**AGENDA ADJUSTMENT**

No action taken

*Items Added to the Agenda:*

- none

*Agenda Items Removed:*

- none

**PRESENTATION**

Police Chief B.P. Jones presented School Resource Officer Byron Tyndall with the Criminal Justice Education and Training Standards Commission Advanced Law Enforcement Certificate.

**PUBLIC COMMENT PERIOD**

Mayor Pro Tem Olds opened the floor for a (30) minute public comment period.

Hearing no comments, the public comment period was closed.

**PUBLIC HEARINGS**

**REZONING REQUEST PZ-03-07**

**PIN #1516-45-7711.000**

**PIN #1516-45-6664.000**

**PIN #1517-45-7572.000**

**700<sup>th</sup> BLOCK OF S. FAYETTEVILLE AVENUE**

The public has been notified that oral and written comments will be heard and received concerning the request by Christopher West (applicant) to rezone an existing block including three parcels of land totaling 2± acres located at the 700<sup>th</sup> block of S. Fayetteville Avenue

This property is currently zoned I-10; Restricted Industrial District and is requested to be rezoned to CO; Office and Institutional District.

The public hearing was duly advertised on June 12, 2007 and June 26, 2007.

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

Applicant, Christopher West stated he would like to rezone this property for the purpose of developing a gymnastics gym. This would benefit the community by offering something for the children in this area as well as family involvement.

Hearing no further comments, the public hearing was closed.

**REZONING REQUEST PZ-04-07  
PIN #1507-91-3435.000  
1601 W. CUMBERLAND STREET**

The public has been notified that oral and written comments will be heard and received concerning the request by Wayne T. Barbour (applicant) to rezone an existing parcel of land totaling 0.51± acres located at 1601 W. Cumberland Street.

This property is currently zoned C-2; Shopping Center District and is requested to be rezoned to C-3; Highway Commercial District.

The public hearing was duly advertised on June 12, 2007 and June 26, 2007.

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

Hearing no comments, the public hearing was closed.

**ALLEY CLOSURE  
500<sup>TH</sup> BLOCK OF E. POPE STREET AND E. BAY STREET  
RUNNING NORTH-SOUTH  
BETWEEN S. ELM AVENUE AND S. WASHINGTON AVENUE**

The public has been notified that oral and written comments will be heard and received concerning the request to permanently close the alley in the 500<sup>th</sup> block of E. Pope Street and E. Bay Street running north-south between S. Elm Avenue and S. Washington Avenue.

The public hearing was duly advertised on June 12, 19, 26, and July 3, 2007.

Mayor Pro Tem Olds asked if there was anyone present to speak for or against this alley closure.

Hearing no comments, the public hearing was closed.

**VOLUNTARY ANNEXATION PETITION ANX-01-07  
WELLONS REALTY, INC.  
PARCEL #02-1507-0054 AND #02-1507-0054-03  
N. POWELL AVENUE FROM FRIENDLY RD. TO ASHE AVE.**

The public has been notified that oral and written comments will be heard and received concerning the question of voluntary contiguous annexation of 8.97 and 4.13 acres of property owned by Wellons Realty, Inc. This property is located along Powell Avenue from Friendly Road to Ashe Avenue and is identified by the Harnett County Tax Department as Parcel #02-1507-0054 and #02-1507-0054-03.

The public hearing was duly advertised on June 19, 2007.

Mayor Pro Tem Olds asked if there was anyone present to speak for or against this annexation.

Hearing no comments, the public hearing was closed.

**DEMOLITION OF HOUSE  
601 E. BROAD STREET**

The public has been notified that oral and written comments will be heard and received concerning the demolition of the dwelling owned by TLMG, LLC and located at 601 E. Broad Street.

The public hearing was duly advertised on June 19, 2007 and June 26, 2007.

Mayor Pro Tem Olds asked if there was anyone present to speak for or against this demolition.

Hearing no comments, the public hearing was closed.

**DEMOLITION OF HOUSE  
605 E. BROAD STREET**

The public has been notified that oral and written comments will be heard and received concerning the demolition of the dwelling owned by TLMG, LLC and located at 605 E. Broad Street.

The public hearing was duly advertised on June 19, 2007 and June 26, 2007.

Mayor Pro Tem Olds asked if there was anyone present to speak for or against this demolition.

Hearing no comments, the public hearing was closed.

**DEMOLITION OF HOUSE  
607 N. KING AVENUE**

The public has been notified that oral and written comments will be heard and received concerning the demolition of the dwelling owned by Pauline Williams and located at 607 N. King Avenue.

The public hearing was duly advertised on June 19, 2007 and June 26, 2007.

Mayor Pro Tem Olds asked if there was anyone present to speak for or against this demolition.

Hearing no comments, Mayor Pro Tem Olds closed public hearings and reconvened the regular council meeting at 7:10 p.m.

**CONSENT ITEMS**

Minutes-Council considered approval of minutes of the June 7, 2007 Council meeting.

Averasboro Fire District Contract-Council considered approval of the Averasboro Fire District Contract for Fiscal Year 2007-08. *A copy of the Averasboro Fire District Contract is incorporated into these minutes as Attachment #1.*

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

**ITEMS FOR DECISION**

**REZONING REQUEST PZ-03-07  
PIN #1516-45-7711.000  
PIN #1516-45-6664.000  
PIN #1516-45-7572.000  
700<sup>th</sup> BLOCK OF S. FAYETTEVILLE AVENUE**

A request was received from Christopher West (applicant) to rezone three parcels of property making up the 700<sup>th</sup> block of S. Fayetteville Avenue totaling approximately two acres.

This property is currently zoned I-10; Restricted Industrial District and is requested to be rezoned to CO; Office and Institutional District.

The Planning Board met on June 19, 2007 and **recommended approval** of this request.

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart to approve the request received from Christopher West (applicant) to rezone three parcels of property making up the 700<sup>th</sup> block of S. Fayetteville Avenue (PIN #1516-45-7711.000, PIN #1516-45-6664.000, PIN #1516-45-7572.000)

from I-10; Restricted Industrial District to CO; Office and Institutional District based on the following justification:

1. The request to change the zoning from I-10 to CO is consistent with the 2030 Land Use Plan
2. The request is not inconsistent with the evolving land use pattern for this area. The surrounding land uses are Industrial 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. Furthermore, the allowable uses of the CO District will be more compatible with the surrounding area than those allowable uses in the current I-10 District.

**Motion unanimously approved.**

**REZONING REQUEST PZ-04-07  
PIN #1507-91-3435.000  
1601 W. CUMBERLAND STREET**

A request was received from Wayne T. Barbour (applicant) to rezone a parcel located at 1601 W. Cumberland Street. This parcel is approximately one-half of an acre.

This property is currently zoned C-2; Shopping Center District and is requested to be rezoned to C-3; Highway Commercial District.

The Planning Board met on June 19, 2007 and **recommended approval** of this request.

Motion by Council Member Godwin, seconded by Council Member Maness to approve the request received from Wayne T. Barbour (applicant) to rezone 1601 W. Cumberland Street (PIN #1507-91-3435.000) from C-2; Shopping Center District to C-3; Highway Commercial District based on the following justification:

1. The request to change the zoning from C-2 to C-3 is consistent with the 2030 Land Use Plan for this area.
2. The request is not inconsistent with the existing and evolving land use pattern for this area. The surrounding land uses are C-3 or Civic/Religious in nature and this change would be acceptable.
3. The permitted uses in the C-3 District are not considered detrimental to the neighborhood and would be a benefit to the entire community.

**Motion unanimously approved.**

**CONSIDERATION OF RESOLUTION AND ORDER  
TO PERMANENTLY CLOSE ALLEY IN THE 500<sup>TH</sup>  
BLOCK OF E. POPE ST. AND E. BAY ST. RUNNING  
NORTH-SOUTH BETWEEN S. ELM AVE. AND S.  
WASHINGTON AVE.**

The Resolution of Intent to close the above referenced alley was adopted by the City Council on June 7, 2007 and the public hearing was held tonight.

Should Council wish to proceed with the closing of this alley, a Resolution and Order is attached for consideration.

Motion by Council Member Galbreath, seconded by Council Member Joey Tart to adopt the Resolution and Order to close the alley in the 500<sup>th</sup> block of E. Pope Street and E. Bay Street running north-south between S. Elm Avenue and S. Washington Avenue. **Motion unanimously approved.** *A copy of Resolution and Order (R2007-13) permanently closing the alley in the 500<sup>th</sup> block of E. Pope St. and E. Bay St. running north-south between S. Elm Ave. and S. Washington Ave. is incorporated into these minutes as Attachment #2.*

**CONSIDERATION OF ANNEXATION ORDINANCE  
WELLONS REALTY, INC.  
PARCEL #02-1507-0054 AND #02-1507-0054-03  
N. POWELL AVE. FROM FRIENDLY RD. TO ASHE AVE.**

At the June Council meeting, the City Council approved a Resolution Fixing Date of Public Hearing on question of voluntary contiguous annexation of the following property owned by Wellons Realty, Inc. and located along N. Powell Avenue from Friendly Road to Ashe Avenue.

*Tract I* – Parcel #02-1507-0054 northeastern portion of this parcel containing 8.97 acres

*Tract II* – Parcel #02-1507-0054-03 together with the right of way of N. Powell Avenue containing 4.13 acres

Motion by Council Member Maness, seconded by Council Member Billy Tart to adopt an ordinance to extend the corporate limits of the City of Dunn by the annexation of 8.97 and 4.13 acres of property identified by Harnett County as Parcel #02-1507-0054 and #02-1507-0054-03 located along N. Powell Avenue from Friendly Road to Ashe Avenue and owned by Wellons Realty, Inc. **Motion unanimously approved.** *A copy of this Ordinance (02007-08) extending the corporate limits of the City of Dunn by annexation of 8.97 acres of PARCEL #02-1507-0054 and 4.13 acres of PARCEL #02-1507-0054-03 is incorporated into these minutes as Attachment #3.*

**CONSIDERATION OF ORDINANCE  
TO DEMOLISH HOUSE  
601 E. BROAD STREET**

Motion by Council Member Galbreath, seconded by Council Member Godwin to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 601 E. Broad Street. **Motion unanimously approved.** *A copy of this Ordinance (02007-09) Directing the Building Inspector to remove/demolish the dwelling located at 601 E. Broad Street is incorporated into these minutes as Attachment #4.*

**CONSIDERATION OF ORDINANCE  
TO DEMOLISH HOUSE  
605 E. BROAD STREET**

Motion by Council Member Billy Tart, seconded by Council Member Godwin to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 605 E. Broad Street. **Motion unanimously approved.** *A copy of this Ordinance (02007-10) Directing the Building Inspector to remove/demolish the dwelling located at 605 E. Broad Street is incorporated into these minutes as Attachment #5.*

**CONSIDERATION OF ORDINANCE  
TO DEMOLISH HOUSE  
607 N. KING AVENUE**

Motion by Council Member Maness, seconded by Council Member Billy Tart to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 607 N. King Avenue. **Motion unanimously approved.** *A copy of this Ordinance (02007-11) Directing the Building Inspector to remove/demolish the dwelling located at 607 N. King Avenue is incorporated into these minutes as Attachment #6.*

**CONSIDERATION OF RESOLUTION  
AUTHORIZING DISPOSITION OF  
SURPLUS PROPERTY**

Manager Autry asked that the Council adopt a resolution authorizing disposition of surplus property. The City auction is normally held in town with limited bidders. Mr. Autry stated he was contacted by Aycocq Auction Company of Kenly advising they were holding the Johnston County auction on July 28, 2007 and asked that the City of Dunn join with Johnston County in this auction. Aycocq Auction will also advertise

the auction. Mr. Autry explained that the City of Dunn will “piggyback” off of the County of Johnston bid proposal received from Aycock Auction. He stated that the City of Dunn should see a higher sales price by marketing to a wider potential base of buyers.

Motion by Council Member Joey Tart, seconded by Council Member Godwin to adopt the resolution authorizing the disposition of surplus property and authorize the services of Aycock Auction Company of Kenly, NC to sell surplus equipment on Saturday, July 28, 2007 at 10:00 a.m. at the Johnston County Livestock Arena located off Highway 210 in Smithfield. **Motion unanimously approved.** *A copy of Resolution (R2007-14) authorizing the disposition of surplus property is incorporated into these minutes as Attachment #7.*

It was suggested that a list of the surplus property be posted on the government channel in addition to the advertisement in The Daily Record.

#### **CONSIDERATION OF INSURANCE RESOLUTION FOR WORKERS' COMPENSATION**

Mayor Pro-Tem Olds stated that attached is an updated resolution which will replace a resolution adopted by the City Council on July 6, 2006 as it relates to approving the renewal of the workers' compensation insurance through Snipes Insurance Services, Inc.

Mr. Olds stated that pursuant to N.C.G.S. 14-234, if the City is going to do business with an elected official, it must do so in an open meeting by specific resolution. The City is proposing to renew the workers' compensation coverage through Snipes Insurance and the City Council must therefore pass a specific resolution authorizing such action. The renewal is effective for FY 2007-2008.

Motion by Council Member Billy Tart, seconded by Council Member Joey Tart to adopt the resolution authorizing the City of Dunn to renew the workers' compensation coverage through Snipes Insurance. **Motion unanimously approved.** *A copy of the Resolution (R2007-15) authorizing the City of Dunn to renew workers' compensation through Snipes Insurance is incorporated into these minutes as Attachment #8.*

#### **ADMINISTRATIVE REPORTS**

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

#### **EXECUTIVE REPORTS**

Council Member Godwin congratulated School Resource Officer (SRO) Byron Tyndall and commended him in receiving the advanced law enforcement certificate as well as the great job he does as SRO. He also recognized Police Chief Jones for the reflection that this type of certificate has on his department.

Council Member Galbreath thanked the Police Department, county and state emergency responders, and citizens that played a part in finding missing person J.W. Malloy.

Mayor Pro Tem Olds read a letter from the Malloy family thanking everyone for finding their loved one.

Mayor Pro Tem Olds announced that Mayor Snipes is on a much needed vacation and City Attorney Pope had prior plans.

Mayor Pro Tem Olds wished Council Member Godwin's mother well as she underwent surgery today.

#### **CLOSED SESSION**

Motion by Council Member Godwin, seconded by Council Member Maness to enter Closed Session pursuant to the North Carolina Open Meetings law to discuss a matter relating to personnel at 7:28 p.m. **Motion unanimously approved.**

Closed Session

Closed Session adjourned at 7:50 p.m.

Motion by Council Member Maness, seconded by Council Member Godwin to approve the minutes of the closed session as recorded by City Clerk Debra G. West. **Motion unanimously approved.**

With no further business to discuss, the meeting was adjourned at 7:47 p.m.

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Donnie Olds  
Mayor Pro Tem

Attest:

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Debra G. West  
City Clerk