

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

**The City Council of the City of Dunn held a Regular Meeting on Thursday, July 8, 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, Billy Tart, Chuck Turnage and Joey Tart. Also present was City Manager Ronnie Autry, Public Works Director Billy Addison, Public Utilities Director Dean Gaster, City Planner Steven Neuschafer, Chief Building Inspector Mike Blackmon, Librarian Mike Williams, Police Chief B.P. Jones, City Engineer Ed Powell, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Reece Murphy.**

**INVOCATION**

Mayor Harris opened the meeting at 7:00 p.m. and asked Police Chaplain Reverend Roy Johnson to give the invocation. Afterwards, a moment of silence was observed in memory of the late Senator Jesse Helms. The Pledge of Allegiance was then repeated.

**AGENDA ADJUSTMENT**

Motion by Mayor Pro Tem Robinson and seconded by Council Member Turnage to adopt the July 8, 2008 meeting agenda with changes, if any, as listed below.

*Items Added to the Agenda as "Items for Decision":*

- Consideration of an Authorizing Resolution for a Rural Center Planning Grant – Eastside Sewer System Evaluation Study

*Agenda Items Removed:*

- none

**Motion unanimously approved.**

**PRESENTATIONS**

**GARY BAREFOOT & DARRYL GLOVER**

Daniel Wilson, North Carolina Rural Water Association (NCRWA) Executive Director, presented awards received by Wastewater Treatment Facility Senior Operator Gary Barefoot (Al Deratt Award for Region 2) and by Water Treatment Facility Superintendent Darryl Glover (J.A. Younts Award for Region 2) during the NCRWA Annual Conference.

NCRWA Region 2 consists of 19 counties. Mayor Harris and Manager Autry recognized and thanked both Mr. Barefoot and Mr. Glover for a job well done.

**LINDA HAYES**

**GOVERNOR'S CRIME COMMISSION**

Mayor Harris recognized chairperson of the Governor's Crime Commission, Linda Hayes in the audience. He explained that the local grant, Harnett Area Community Action, is made up of five local police departments and Betsy Johnson Hospital. The local police departments are Dunn, Erwin, Coats, Lillington and Benson. Harnett Community Action was first formed in 2007 just prior to receiving the first grant from the Governor's Crime Commission.

The Grant in 2007 main focus initially was suppression and collaboration with other agencies in the area to share information on gangs and identify those person(s) in gangs and affiliated with gangs. That grant was a success bringing in all area law enforcement in three counties meeting monthly and sharing information in multiple ways never used in the past.

This new grant will focus on prevention, intervention as well as suppression. This grant will use the existing Dunn Police Athletic/Activities League and its wide range of existing partnerships to get youth

involved in anti-gang activities both athletic and educational as well as focus on working with those youth and families in getting out of gangs and becoming productive citizens in the community.

Partners in this program consist of Betsy Johnson Regional Hospital, Harnett County Sheriff's Department, Cumberland County Sheriff's Department, Fayetteville Police Department, Sampson County Sheriff's Department, Harnett County District Attorney's Office, Harnett County Juvenile Services, NC Probation and Parole and various community resources within Harnett and Johnston Counties.

Mayor Harris recognized Town of Erwin Honorable Mayor Patsy Carson in the audience as well as representation from the various police departments. Mayor Harris yielded to Linda Hayes.

Mrs. Linda Hayes of the NC Governor's Crime Commission, stated that the Governor's Crime Commission received over 875 grant requests this year. Federal dollars that fund projects of this type, were cut from 8.2 million to 2.7 million dollars. She commended the Dunn Police Department and the collaborative effort between the towns.

Mrs. Hayes stated that when she previously came before the Dunn City Council to present an award on the first two years of this grant, she stated during that meeting, that it is unfortunate that we have a gang problem and it is unfortunate for the State of NC. It is fortunate for us, that our law enforcement, our towns and our counties, have the foresight to address this problem before it becomes a major problem. She encouraged all citizens to call upon their law enforcement if they witness any gang activity.

Mrs. Hayes applauded the law enforcement agencies, Mayor Harris and the City Council, for having the depth to say that they are going to face this problem, they are going to do something about it and they are going to provide matching monies for this. She stated that as a citizen of this area, she is very appreciative of these efforts.

Mrs. Hayes presented a Gang Violence Prevention Grant award of \$192,282.54 to Dunn, Erwin, Coats, Lillington and Benson Police Departments. Dunn Police Chief Jones introduced the following representatives of each department present in the audience:  
City of Dunn – Police Chief B.P. Jones and head of the program, Lt. Rodney Rowland  
Town of Erwin – Police Chief Preston Howell and Sgt. Jerry Royal  
Town of Lillington – Lt. Steve Freeman represented Police Chief Frank Powers  
Town of Coats – Corporal Johnathan Hall  
Town of Benson – Lt. Greg Percy represented Police Chief Kenneth Edwards

**POLICE DEPARTMENT**  
**LAW ENFORCEMENT EXPLORER SCOUTS**  
**AND POLICE OFFICERS**

Police Chief Jones introduced Law Enforcement Explorer Scouts Joey Bryd, Aaron Wilkins, Aaron Chavis, Chris Warren, Brittany Wynn (absent), Tony Ray (absent) and Explorer leaders; Officers Dallas Autry and Kevin Barbour.

Police Chief Jones introduced recently hired Police Officers Autry, Johnson, Brannon, and Kozik.

**PUBLIC COMMENT PERIOD**

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

Lea Anna Godwin, Triton High School student and representative of the China Delegation that traveled to the Hunan Province in May, stated that Triton was one of the few schools fortunate to travel to China. They experienced a great cultural exchange and great exposure to the community in representing not only Dunn, but the county, state and nation. Eighteen teenagers went to China; they learned a lot and brought back all of their experiences to share with the community. They would like to broaden the community's view of the world. To continue fostering the goodwill of the students of this community with those of China, they have invited the students from China to visit in the fall. She stated that she hoped the City of Dunn would be supportive of this program.

Mayor Harris invited this delegation group back to the August Council Meeting to give a clear presentation and understanding of their accomplishments by their visit to China and the upcoming China delegation visit to us. He recognized teachers Toni McKay and Fonnies Wullenwaber in the audience. Mayor Harris thanked them for the work they are doing for the children.

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

*Mayor Harris requested that the council deviate from the printed agenda by asking that the audit report be presented before the public hearings.*

## **ITEM FOR DECISION**

### **AUDIT REPORT FY 2006-2007**

Mayor Harris stated that Cherry Bekaert & Holland accounting firm has been working to prepare the City for the audit.

Auditor Phyllis Pearson of Petway, Mills & Pearson, PA gave a summary of the FY 2006-2007 audit for the City of Dunn:

- Financial statements were fairly stated and in conformity with generally accepted accounting principles.

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

Financial Highlights:

- General Fund had 4.9 million dollars in assets as of June 30, 2007 compared to 3.8 million as of June 30, 2006, noting an increase of \$800,000 in assets.
- Liabilities in the General Fund were 1.8 million as of June 30, 2007 compared to 295,000 as of June 30, 2006, noting that the main reason for the increase was additional accounts payable that were not paid as they had been in prior year end.
- General Fund balance was 3.1 million as of June 30, 2007 compared to 3.5 million as of June 30, 2006, noting the decline of approximately \$400,000. 8% of general fund expenditures should be maintained for fund balance. General fund balance has declined for the last three years. She suggested they develop additional revenue streams, increase fees and control expenditures.
- General Fund balance decrease is attributed to planned capital improvements and capital projects. She stated that they should look at bonds, grants, or debt to raise funds for the General Fund balance.
- Water fund had 2.4 million in assets as of June 30, 2007 compared to 2.2 million as of June 30, 2006, noting that this growth is in cash and investments within the water fund.
- Water fund balance was 15.3 million as of June 30, 2007 compared to 15 million as of June 30, 2006.
- Expenditures for all General Fund activities was 9.3 million as of June 30, 2007. She attributed some of this cost to the McKay Avenue project.
- Operating revenue in the water fund was 4 million.

Ms. Pearson stated that the City is in a good position. With planning for future growth and emergencies and building additional reserves, the City should continue a good financial trend.

She stated that there was one finding as a result of the audit. She believes that due to the absence of a Finance Director, there was a loss in financial capacity by hiring an outside accounting firm. Since the City has hired a Finance Director, they find that the finding is resolved.

Mayor Harris stated that they need to be aware that this is a June 30, 2007 audit delivery which was due October 31, 2007. Because of the difficulties, the loss of the Finance Director, and hiring an independent CPA firm, extra work was done to prepare for the audit. This report has already been presented to the Local Government Commission and the City has received response that the City is in good shape.

Mayor Harris explained that the City has just ended their June 30, 2008 fiscal year and have already entered into an engagement letter with Cherry Bekaert & Holland Accounting firm to help the City subsidize the help they will need to prepare the records for Petway, Mills & Pearson so that the audit report for FY 07-08 will be filed on time. The City will apply for the excellence in reporting in this coming year. They want to maintain their good bond rating. With financing efforts coming up, the City needs to be prepared for borrowing. Every entity will ask for an audit report.

Mayor Harris thanked Ms. Pearson and Cherry Bekaert & Holland.

Mayor Harris stated that Ms. Pearson pointed out that for the past three consecutive years, there has been a fund balance deficit. He added there may be a small deficit for FY 07-08. He cautioned that they need to build back the fund balance to meet all of the requirements set out by the Local Government Commission.

Ms. Pearson pointed out that if the City continues applying for grants, they will find that audit findings of any nature has a negative impact on grant approval. She added that it is crucial that they resolve the one finding, resolve it in the future and that it not be an issue again.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Joey Tart to accept the audit report as presented. **Motion unanimously approved.**

Mayor Harris opened public hearings at 7:45 p.m.

### **PUBLIC HEARINGS**

#### **ORDINANCE AMENDMENT OA-04-08 ARTICLE IV SIGNS OF THE ZONING ORDINANCE**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Sawyers Sign Service Incorporated (applicant) to add a new item in this section developed to set a new definition and standards for illumination and changeable copy LED signs.

The public hearing was duly advertised on June 10, 17 and 24, 2008.

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

Hearing none, the public hearing was closed.

#### **CONDITIONAL USE PERMIT CU 04-08 PIN #1516-80-6815.000 603 SPRING BRANCH ROAD**

Mayor Harris yielded to City Attorney Pope.

A request was received from Prakash Patel to operate a social club and bar at 603 Spring Branch Road.

This property is currently zoned C-3; Highway Commercial District, DBA Royal Inn Advertised as Red Carpet Inn 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 June 10, 17, and 24, 2008.

City Attorney Pope introduced CU 04-08, a request by Prakash Patel for a Conditional Use Permit to allow for the operation of a social club and bar at the location known as 603 Spring Branch Road owned by Prakash Patel. 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  
Prakash Patel  
Sukhdev Singh*

**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 04-08 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 #19 in the City Council packet which includes the conditional use application, Planning Department staff report, maps, lay-out of lounge area, available parking spaces and notification to adjacent property owners be entered as evidence. *(A copy of these documents entered as evidence for Case #CU 04-08 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. He entertained questions from the City Council.

Mayor Harris asked Mr. Neuschafer, if the Patels are currently operating a lounge in the City of Dunn. Mr. Neuschafer responded no, not to his knowledge.

Mayor Harris asked Mr. Neuschafer, if the Patels have previously operated a lounge in the City of Dunn. Mr. Neuschafer responded he does not think so; the Patels are the owners of the property. The actual operators of the establishment are present and could answer this question. Mr. Neuschafer added that a conditional use permit will go with the land, no matter who the operator is.

Council Member Maness asked Mr. Neuschafer, that in the event that there will be some conditions suggested to be considered by the applicant, would it be appropriate to ask about security issues at this point. City Attorney Pope stated that later in the public hearing, they will be hearing from the applicant, and at that time, the council can ask the applicant and the applicant will have to agree to those conditions during the public hearing.

Council Member Maness stated that he did not know what an adequate level of security at a facility like this, may or may not be. He believes that this facility has been rated for 100 occupants by the Fire Code. He asked Mr. Neuschafer if this was correct. Mr. Neuschafer responded that he believed that the facility had been rated for 99 occupants.

Council Member Maness stated that he would like to know from either Mr. Neuschafer or Police Chief Jones, the adequate ratio of security to patrons based on the maximum occupancy of the facility.

City Attorney Pope administered Oath to:  
*Police Chief B.P. Jones*

Chief Jones stated that based on Mr. Patel, it is his understanding that this will be a private club. He added that walk-ins would not be allowed in the club. If that is the case, and they will have membership dues, then with 99 people allowed, two (2) security guards would be adequate.

Mayor Pro Tem Robinson asked Chief Jones, if the City has such a requirement on other establishments located in our vicinity, requiring that they hire this type of security. Mr. Jones responded not to his knowledge, but the City Council can make this a stipulation in the approval.

*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*

Prakash Patel, part owner of the property, stated that his family has owned this property for the last eight years. He added that they plan on opening a bar and billiards club to attract more customers. The economy has been hit hard with gas prices and so has his business. This is a major reason they are adding it. He stated that Mr. Singh has operated a bar/lounge at the Ramada Inn in Dunn before and he is well familiar with the business.

Mr. Sukhdev Singh stated that he owned a sports bar at the Ramada Inn for three years and had a good business. He added that this will be a nightclub; strictly membership, with two security guards at all times.

Council Member Joey Tart asked Mr. Singh if he would specify his membership requirements. Mr. Singh responded he will have a membership for everybody over 21, with a membership fee and ID.

Council Member Joey Tart asked Mr. Singh for the typical membership fee. Mr. Singh responded \$25.00 to \$35.00. Mr. Tart asked Mr. Singh if this is what he planned to charge. Mr. Singh responded yes.

Mayor Pro Tem Robinson asked Mr. Singh about the people who reside at the inn over the night. Mr. Patel responded that he thinks membership will be complimentary to those guest who are over 21. They will have a list of all the guests that are checked in.

Council Member Maness asked Mr. Singh if he understood him to say that he plans on having two security officers at all times. He responded yes. Mr. Maness asked Mr. Singh for the operating hours. Mr. Singh responded 5:00 p.m. to 1:00 a.m. and weekends (Friday and Saturday) from 5:00 p.m. to 2:00 a.m.

Mr. Maness asked Mr. Singh if he planned to open on Sunday. Mr. Singh responded no for now but as the business picks up, they may open on Sunday as well.

Mayor Harris asked Mr. Singh if he had experience in operating lounges and bars. He responded yes. Mayor Harris asked Mr. Singh for the location of his previous operation. Mr. Singh responded Ramada Inn. Mayor Harris asked Mr. Singh why he was leaving the Ramada Inn. Mr. Singh responded that he sold the business because the new owner did not want a bar in it.

Mayor Harris asked Chief Jones if there were any unusual complaints from the bar that Mr. Singh operated at the Ramada. Mr. Jones responded he does not recall any.

Council Member Maness asked Mr. Singh and Mr. Patel, if required as a condition of acceptance, would they be willing to affirm and accept the requirement to have two (2) security guards at all times during the hours of operation. They responded yes.

City Attorney Pope asked the council if they had further questions of the applicants or applicant witnesses.

Council Member Billy Tart asked Mr. Singh if he ran a lounge and restaurant at the Ramada. Mr. Singh responded there was a restaurant there, however he did not operate it.

*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, opponents, or for the planner or other sworn persons. He explained that once the public hearing is closed, the only questions that the Council may pose to the applicant, proponents or opponents shall be for*

*clarification. No new evidence can be introduced after closing the public hearing. Any conditions that the Council wishes to consider to place upon the use of the land by the applicant, must ask the applicant if he will voluntarily place the condition upon his property at this time.*

Attorney Pope stated that Council Member Maness has already asked if the applicant would be willing to voluntarily consider one condition to which the applicant did agree. If there are other questions of the applicants, proponents or opponents or other conditions that the council would like to ask the applicant to consider, that should be done at this time.

In referring to the one condition, Council Member Maness asked Attorney Pope, if he was referring to the statement he made about the security officers and the operating hours. Mr. Pope responded they need to get clarification from the applicants. Mr. Pope asked Mr. Patel to step forward to make sure the record is clear as to the condition Council Member Maness is asking him to consider. Mr. Maness asked Mr. Patel, if he would be willing, as a condition, to voluntarily agree to maintain the operating hours as set forth and to always have two (2) security personnel present at all times that the establishment is open. Mr. Patel responded yes. For the record, Attorney Pope asked Mr. Patel or Mr. Singh to state the proposed hours. Mr. Patel stated the operating hours of 5:00 p.m. to 1:00 a.m. and weekends (Friday and Saturday) from 5:00 p.m. to 2:00 a.m.

Mayor Pro Tem Robinson asked Attorney Pope that although the applicant has agreed to the condition, it does not bind the City Council until the vote. Mr. Pope responded that was correct.

Mayor Harris asked Attorney Pope if it would be appropriate to have Mr. Patel and Mr. Singh recognize and acknowledge that they are aware of the City's nuisance order. Mr. Pope responded that the Mayor could ask this question of the applicant.

Mayor Harris asked Mr. Patel and Mr. Singh if they were familiar with the City's nuisance ordinance. Mr. Patel responded yes, they actually have a nuisance clause in their lease for the bar. If need be, they will address those concerns as time goes. Mayor Harris thanked Mr. Patel and stated that he was reluctant to ask this question because the Chief of Police had no knowledge of any disturbances or incidents within his previous operation.

*Attorney Pope asked the Council if they had further questions of the applicant or additional conditions they would like to ask the applicant to consider.*

In referring to the 2:00 a.m. closing time, Council Member Billy Tart asked Attorney Pope what is the time as far as selling alcohol at a lounge or club. Mr. Pope responded that question would be appropriate when this item is considered for decision. At this time, they are only accepting evidence for the public hearing.

*Attorney Pope stated that if there are no further questions or conditions that the council wishes to ask the applicant to consider, it would be appropriate to entertain a motion to close the public hearing on CU-04-08.*

With no further testimony, a motion was made by Council Member Maness and seconded by Council Member Billy Tart to close the public hearing at 8:06 p.m. **Motion unanimously approved.**

**CONDITIONAL USE PERMIT CU-05-08**  
**PIN #1517-20-9457.000**  
**200<sup>TH</sup> BLOCK OF N. ASHE AVENUE**

City Attorney Pope stated that this is a request from Four Oaks Bank & Trust Company (applicant) for the issuance of a conditional use permit to allow for a development Business Planned Development along the 200<sup>th</sup> block of N. Ashe Avenue totaling 8.0 acres (Article IX, Division 3).

City Attorney Pope explained that this matter was tabled by the Planning Board. He recommended that the Council entertain a motion to reschedule the public hearing for the August 12, 2008 Council meeting.

The public hearing was duly advertised on June 10, 17 and 24, 2008.

Motion by Council Member Turnage and seconded by Council Member Joey Tart to reschedule the public hearing for Conditional Use Permit CU-05-08 for the regular City Council meeting on August 12, 2008.  
**Motion unanimously approved.**

**REZONING REQUEST - PZ 06-08**

**PIN #1516-29-9515.000**

**PIN #1516-29-8570.000**

**INTERSECTION OF S. WATAUGA AVE. AND W. BROAD ST.**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by William Elmore (applicant) to rezone two parcels under the same ownership totaling 0.258± acres located at the intersection of S. Watauga Avenue and W. Broad Street.

This property is currently zoned R-10; Single Family Dwelling District and is requested to be rezoned to CO; Office and Institutional District.

The public hearing was duly advertised on June 10, 17 and 24, 2008.

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

Mr. William Elmore, applicant, stated that he would be available should the Council have any questions of him.

Hearing no further comments, the public hearing was closed.

**REZONING REQUEST – PZ 07-08**

**PIN #1516-19-8676.000**

**212 ELEANOR AVENUE**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Phillip Andrew Development (applicant) to rezone a parcel of land totaling 0.19± acres and located at 212 Eleanor Avenue.

This property is currently zoned R-10; Single Family Dwelling District and is requested to be rezoned to C-3; Highway Commercial District.

The public hearing was duly advertised on June 10, 17 and 24, 2008.

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

Applicant, Phillip Andrew, of Phillip Andrew Development stepped forward to introduce himself and stated that he is requesting the rezoning of this property as well as the next property on the agenda (Eleanor Street and on Divine Street).

Ken Whittenton, resident of Divine Street since 1972, stated that he did not necessarily oppose the rezoning of this property but he would like to speak about issues they have with the property being rezoned and how they feel this is going to affect their community and the traffic it will generate if they do not receive help from the Council. He pointed out the proposed 65 parking spaces on the property is a significant increase from the current Perry Brothers Tire Service. With the current location of Perry Brothers, most patrons leave their cars for repair most of the day; therefore, the traffic generated from the present Perry Brother business is sporadic and not a continual flow whereas the retail store is quite different. With a retail store of this magnitude, the traffic will increase significantly. If the parking spaces are turned five times a day, that would be 260 cars per day that could filter down Eleanor Street. That would be 1820 cars per week, 7,280 cars a month and 87,360 cars per year. If this retail develops to 24 hours a day, this will obviously increase the traffic. Mr. Whittenton stated that there is another scenario beside of this community; one big box breeds another big box if it becomes available. He asked that the Council alleviate the traffic on Eleanor Street and possibly on Sunny Avenue by closing these streets. This would stop the traffic from filtering down onto Divine Street and other residential streets behind this establishment. He asked that the council protect the integrity of the neighborhood.



Jason Speller, 1210 W. Pearsall, echoed some of the same concerns of Mr. Whittenton. He stated that he has been asked by his neighbors to speak on their behalf. He recognized the neighbors in the audience by a raise of their hands. As a neighborhood, they are proponents of Walgreens developing this area and think that it will be good for the growth of Dunn and will beautify this corner. The neighborhood has some serious concerns about the traffic coming off of Eleanor Street down to W. Divine Street and filtering out through residential neighborhoods. One of the things that needs to be noted, is that from Eleanor onto Cumberland, to turn left or right, is a very difficult task, especially during busy times of the day. He asked that the Council keep the traffic concerns in mind and to take appropriate steps to preserve the neighborhood and lives. The neighbors have spoken with City Planner Steven Neuschafer and they have shared with him their concerns. The neighbors have also spoken with the president of Phillip Andrew Development and have had dialog with Walgreens, which in the past, have contributed funds to improve city streets to make sure their development of a specific piece of property did not have a negative impact around their store. The neighbors are in the process of petitioning them for contributions to possibly have them pay for upgrades to that area so they can make sure that traffic into and out of Walgreens is safe and the neighborhood is not overly impeded by traffic from this location. He asked that if the council votes in favor of this rezoning, that they keep in mind that specific steps need to be taken into consideration to make sure they preserve the quality of life that they currently enjoy in the W. Divine Street neighborhood and surrounding areas.

Pam Blount, has lived on W. Divine Street since September, 1986. She is not opposing progress and asked the council to hear her concerns. When she came to Dunn, West Divine Street was not open all the way. The street was closed. Previously, a bank occupied this area and while there, traffic increased at lunch and at 5 p.m. on Divine Street. She stated that someone lost a child on this street. She is asking for protection from the council on this street.

Bill Creel, 905 W. Cumberland Street, bought his property in 1985. He has a driveway out to Divine Street. At one time, Divine Street was not open all the way through. Around 1988 or 1989, former City Council Member Arvle Tart, came to the residents and told them that the city wanted to open this street for the benefit of all concerned in the area and at that time, the city offered to waive all cost for curb and gutter if the residents would allow the City to open up Divine Street all the way. At that time, it was perceived to be in the best interest of the City of Dunn, so the residents did not object. Mr. Creel stated that in the late 80's or 90's, former Council Member Tommy Landen asked that the City be allowed to pave a dirt street located beside his house, which was a designated alley (Jernigan Terrace) and as one of the two property owners, he agreed to let the city pave it. A lot of the property that was residential in this old established neighborhood has now been changed to commercial use. The Jernigans, Gerald Hayes and Council Member Billy Tart have since changed property uses in this area from residential to commercial. He added that he has personally received calls from Walgreens since May 2007, trying to buy his property, which he told them was not available. He asked the Council "how does Walgreen come to Dunn"? The Perry Brothers property is currently zoned C-3 Highway commercial, and they could sell it as is to Walgreens with no trouble at all, but if developers are going to be allowed to add residential properties to make it easier for Walgreens to accommodate their building and facilitation of their store, then as in the past, the residents of Divine Street have given to the City of Dunn, they are now asking that the City of Dunn give to them. He asked the City for some restrictions and control of traffic. When the City closed Cumberland Street to erect the box culverts, a lot of people found out about Divine Street and now the traffic has doubled on this street. He pointed out that there are not enough stop signs on W. Divine Street. He asked that respect to be given back to his neighborhood. Control the traffic flow on Divine Street. He asked for restrictions with ingress and egress to the Walgreen property. Walgreens can be accessed from Cumberland Street or Erwin Road.

Kathy Johnson, stated that her mother is 85 years old and they live in the curve on W. Divine Street. If approved, she will be concerned about the traffic flow when she walks her mother home at night with her grandchild. She also stated that a child was lost in this curve and she would not want to see this happen to anyone else.

Patrick Godwin, 600 block W. Divine Street, echoed Mr. Creel's concerns. Council Member Chuck Turnage is his neighbor and can attest to the number of vehicles that run the stop sign there. He recalled an occasion when he and his wife and child were nearly run over. He asked that the council seriously consider this request.

Hearing no further comments, the public hearing was closed.

**REZONING REQUEST – PZ 08-08**  
**PIN #1516-19-7639.000**  
**REAR PORTION OF 1408 W. DIVINE ST.**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Phillip Andrew Development (applicant) to rezone a portion of the current parcel of land; this portion totaling 0.095± acres is located at the rear of the lot at 1408 W. Divine Street.

This property is currently zoned R-10; Single Family Dwelling District and is requested to be rezoned to C-3; Highway Commercial District.

The public hearing was duly advertised on June 10, 17 and 24, 2008.

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

Hearing no comments, the public hearing was closed.

**ORDINANCE AMENDMENT OA-05-08**  
**RENTAL HOUSING CODE**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by the City of Dunn to amend Chapter 4. Buildings and Building Regulations, Article II. Regulatory Codes, Section 4-39 – 4-60. to add a Rental Housing Code.

The public hearing was duly advertised on June 24 and July 1, 2008.

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

Hearing no comments, the public hearing was closed.

**ORDINANCE AMENDMENT OA-06-08**  
**NOISE ORDINANCE**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by the City of Dunn to amend Chapter 13. Offenses and Miscellaneous Provisions, Article II. Noise, Section 13-36 – 13-49. Noise Ordinance.

The public hearing was duly advertised on June 24 and July 1, 2008.

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

Patrick Godwin, 604 W. Divine Street, stated that according to The Daily Record, it is an excellent idea. The original intent of this ordinance may have been to quiet the loud music or exhaust and he could support such a proposal since he lives just off the busy Cumberland Street. He would like to see the ordinance more clearly defined to exclude yelling, shouting and whistling. That seems odd to him and creates a slippery slope. The proposal, as it stands, does not clearly define a nuisance noise from that which is considered part of everyday life. For example, he questioned being fined for whistling for his dog in the back yard because someone heard it 50' away. 50' is not very far. What about children playing in their yard, who are often clearly heard up to 100' away. Are they going to issue fines for mothers calling for their children. He mentioned the ordinances in the Town of Cary and how ordinances and enforcement can get carried away. If this ordinance is passed as proposed, it will eventually become an issue. He does not want the noise ordinance to overstep its purposes and he hopes the council will consider these concerns before voting.

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

Hearing no further comments, the public hearing was closed.

**ORDINANCE AMENDMENT OA-07-08**  
**AN ORDINANCE YOUTH PROTECTION REGULATIONS CURFEW**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by the City of Dunn to add Article V (An Ordinance Youth Protection Regulations Curfew) to Chapter 13. Offenses and Miscellaneous Provisions.

The public hearing was duly advertised on June 24 and July 1, 2008.

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

Patrick Godwin, 604 W. Divine Street, stated that he has lived in cities in the past, which had a successful curfew ordinance. The Town of Clayton implemented a successful curfew. He supports this youth curfew ordinance; however, he suggested a sunset clause similar to Clayton, to periodically allow discussion to make changes to the ordinance. He does not want to see this ordinance adopted permanently, without periodically allowing changes to it.

Hearing no further comments, Mayor Harris closed public hearings at 8:40 p.m.

8:41 p.m. Mayor Harris called for a 5 minute Recess

Mayor Harris reconvened the regular agenda at 8:50 p.m. and stated that weather advisories have been issued and based upon weather conditions, this meeting may be recessed and reconvened. He asked Police Chief Jones to keep them updated of the weather conditions.

**CONSENT ITEMS**

Minutes-Council considered approval of minutes of the June 5, 2008 Council meeting.

Minutes-Council considered approval of minutes of the June 26, 2008 Special Call meeting.

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

**ITEMS FOR DECISION**

**ORDINANCE AMENDMENT OA-04-08**  
**ARTICLE IV SIGNS**  
**OF THE ZONING ORDINANCE**

Manager Autry stated that a request was received from Sawyers Sign Service, Inc. (applicant) to add a new item in this section developed to set a new definition and standards for illumination and changeable copy LED signs.

The Planning Board met on June 17, 2008 and unanimously recommended approval of this request.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Joey Tart to approve the request from Sawyers Sign Service, Inc. to amend the sign ordinance to allow LED type electronic signs and the proposed associated text as provided by the Planning Department. **Motion unanimously approved.** *A copy of this Ordinance (02008-09) is incorporated into these minutes as Attachment #2.*

Police Chief Jones reported severe thunderstorm warnings with tornado warnings. Council consensus was to continue the meeting.

**CONDITIONAL USE PERMIT CU-04-08**  
**PIN #1516-80-6815.000**  
**603 SPRING BRANCH ROAD**

Mayor Harris stated that a request was received from Prakash Patel to operate a social club and bar at 603 Spring Branch Road.

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

The Planning Board met on June 17, 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 **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 and seconded by Council Member Galbreath to approve CU-04-08 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 essential or desirable to the public convenience or welfare of the community.
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.
4. The requested use will be in conformity with the land development plan. The location of this request is an established fringe interstate business area along an average minor thoroughfare; the issuance of this permit will 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. The issue of parking for the number of possible people on site will not impact other businesses in a negative manner.

Mayor Pro Tem Robinson did not impose the conditions of requiring security guards because it is not an ongoing requirement for other businesses operating in the City. It adds expense and cost. The Council should not make it difficult for a person to operate a business in the City when there is a mechanism and law enforcement to enforce existing codes. The hours of operation was consistent with North Carolina General Statutes and ABC laws in the State.

Mayor Harris pointed out that the applicant did volunteer to provide two security officers and acknowledged an understanding of the City's nuisance ordinance.

Council Member Maness stated that he cannot support this permit without the conditions. The purpose of a conditional use is so they can ask for conditions to be placed. He mentioned another situation at a previous location that is now no longer in business and had the council imposed conditions upon that business, it may have turned into a different situation.

Mayor Pro Tem Robinson disagreed. He stated that if they are going to make security a condition for this kind of operation, they have the option of revisiting the ordinance. They should not single out one business and place a condition that obviously adds to the cost of the operation of the business when it may or may not be necessary. The applicants seem to be responsible people. The fact that the applicant previously operated at the Ramada Inn without reportable incidents by the Police Chief, makes him wonder if it is an unfair disadvantage to this business. Adding \$200 per night to a business might mean the difference between whether or not they can offer a job to somebody in this town who really needs employment.

Council Member Billy Tart voiced his concern with the proximity of this business to residential neighborhoods behind the motel and down the street from it. He stated that he is totally against issuing this conditional use permit.

Council Member Maness stated that they had an obligation to the surrounding area to ensure some measure of safety. If the applicant had been opposed to the conditions that he asked for him to accept, he would not have accepted the condition. He added that the applicant is willing to put forth that investment to ensure a safe and secure facility.

**Motion carried 4-3.**

Ayes	Nays
Robinson	Maness
Galbreath	Billy Tart
Turnage	Joey Tart
Mayor Harris	

**CONDITIONAL USE PERMIT CU-05-08**

**PIN #1517-20-9457.000**

**200<sup>TH</sup> BLOCK OF N. ASHE AVENUE**

Motion by Council Member Turnage and seconded by Council Member Joey Tart to table CU-05-08 until the August 12, 2008 Council meeting. **Motion unanimously approved.**

**REZONING REQUEST – PZ-06-08**

**PIN #1516-29-9515.000**

**PIN #1516-29-8570.000**

**INTERSECTION OF S. WATAUGA AVE.  
AND W. BROAD ST.**

A request was received from William Elmore (applicant) to rezone two parcels under the same ownership. The parcels, totaling 0.258± acres, are located at the intersection of S. Watauga Avenue and W. Broad Street.

This property is currently zoned R-10; Single Family Dwelling District and is requested to be rezoned to CO; Office and Institutional District.

As of January 1, 2006, NCGS 160A-383 requires written statement on all rezoning amendment decisions (adoption and rejections); requires that statement address plan consistency, reasonableness and public interests furthered.

The Planning Board met on June 17, 2008 and unanimously recommended approval of this request.

Motion by Council Member Galbreath and seconded by Council Member Turnage to approve the request from William Elmore to rezone two parcels of land (PIN #1516-29-9515.000 and 1516-29-8570.000) totaling 0.258± acres and located at the intersection of S. Watauga Ave. and W. Broad St. from R-10; Single Family Dwelling District to CO; Office and Institutional District based on the following justification:

- 1) CO uses are consistent with the 2030 Land Use Plan for this area.
- 2) The amendment is not inconsistent with the surrounding land uses which are both (historically mixed commercial and residential) in this area. Moreover, the evolving pattern of office uses in this area warrant this change.
- 3) The permitted uses in the CO District are not considered detrimental to the area and would be a benefit to the entire community.

**Motion unanimously approved.**

**REZONING REQUEST – PZ-07-08**  
**PIN #1516-19-8676.000**  
**212 ELEANOR AVE.**

A request was received from Phillip Andrew Development (applicant) to rezone a parcel of land totaling 0.19± acres and located at 212 Eleanor Avenue.

This property is currently zoned R-10; Single Family Dwelling District and is requested to be rezoned to C-3; Highway Commercial District.

As of January 1, 2006, NCGS 160A-383 requires written statement on all rezoning amendment decisions (adoption and rejections); requires that statement address plan consistency, reasonableness and public interests furthered.

The Planning Board met on June 17, 2008 and recommended (6-1) approval of this request.

Council Member Joey Tart stated there has been a lot of discussion about safety and traffic. He asked City Attorney Pope if that issue would have to be handled at a separate public hearing, adding he would be in favor of considering those options given by the residents.

Attorney Pope responded that a street closing does require a public hearing which is not before the council tonight nor is the development plan of the proposed property. The Council cannot put a condition on a rezoning. Traffic patterns would be presented to the Council at a later date if they so choose.

Mayor Harris stated that it is the expression and intent of this Council to relay to the citizens and residents of Divine Street that they intend to go through the process to protect the residents and livability of that community.

Council Member Turnage stated that the Council needs to give guidance to the Planning Board, that a traffic plan needs to be part of not only Divine Street, but this whole area. He mentioned there may need to be an independent traffic flow study plan that includes the entire 421 corridor.

Mayor Harris asked City Planner Neuschafer to examine Eleanor Street and to bring back a recommendation to the City Council.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Galbreath to approve the request from Phillip Andrew Development (applicant) to rezone a parcel of land totaling 0.19± acres located at 212 Eleanor Avenue (PIN #1516-19-8676.000) from R-10; Single Family Dwelling District to C-3; Highway Commercial District based on the following justification:

- 1) Commercial Uses are consistent with the 2030 Land Use Plan for this area.
- 2) The amendment is not inconsistent with the surrounding land uses which are both (historically mixed commercial and residential) in this area. Moreover, the evolving pattern of commercial uses in this area warrant this change.
- 3) The permitted uses in the C-3 District are not considered detrimental to the area and would be a benefit to the entire community.

Mayor Pro Tem Robinson expressed his concern about the safety issues and the transportation through this neighborhood. He supports the idea of having the City Planner look at this issue and bring back recommendations.

Council Member Maness stated that he supports the concerns expressed by the residents of W. Divine Street. As a Council, they need to protect the safety of this neighborhood. As liaison of the Planning Board, Walgreen has also expressed their desire to protect the safety and well-being of the neighborhood and they do not want any of their traffic overflowing into this residential area.

**Motion unanimously approved.**

**REZONING REQUEST – PZ-08-08**  
**PIN #1516-19-7639.000**  
**REAR PORTION OF 1408 W. DIVINE ST.**

A request was received from Phillip Andrew Development (applicant) to rezone a portion of the current parcel of land. This portion, totaling 0.095± acres, is located at the rear of the lot at 1408 W. Divine Street.

This property is currently zoned R-10; Single Family Dwelling District and is requested to be rezoned to C-3; Highway Commercial District.

As of January 1, 2006, NCGS 160A-383 requires written statement on all rezoning amendment decisions (adoption and rejections); requires that statement address plan consistency, reasonableness and public interests furthered.

The Planning Board met on June 17, 2008 and recommended (5-2) approval of this request.

Motion by Council Member Joey Tart and seconded by Council Member Billy Tart to approve the request from Phillip Andrew Development (applicant) to rezone a portion of the current parcel of land totaling 0.095± acres located at the rear of the lot at 1408 W. Divine Street (PIN #1516-19-7639.000) from R-10; Single Family Dwelling District to C-3; Highway Commercial District based on the following justification:

- 1) Commercial Uses are consistent with the 2030 Land Use Plan for this area.
- 2) The amendment is not inconsistent with the surrounding land uses which are both (historically mixed commercial and residential) in this area. Moreover, the evolving pattern of commercial uses in this area warrant this change.
- 3) The permitted uses in the C-3 District are not considered detrimental to the area and would be a benefit to the entire community.

**Motion unanimously approved.**

**ORDINANCE AMENDMENT OA-05-08**  
**RENTAL HOUSING CODE**

Motion by Council Member Maness and seconded by Council Member Turnage to approve the proposed amendment to Chapter 4. Buildings and Building Regulations of the City of Dunn Code of Ordinances by adding a Rental Housing Code. **Motion unanimously approved.** *A copy of Ordinance (O2008-10) Rental Housing Code is incorporated into these minutes as Attachment #3.*

**ORDINANCE AMENDMENT OA-06-08**  
**NOISE ORDINANCE**

Motion by Council Member Galbreath and seconded by Mayor Pro Tem Robinson to approve the proposed amendment to Chapter 13. Offenses and Miscellaneous Provisions, Article II. Noise Ordinance.

Council Member Joey Tart mentioned concerns given by Mr. Godwin with noise from one house to another and if they should look at a sunset clause.

Mayor Pro Tem Robinson stated that the Council always has the right to change or amend an ordinance. A sunset clause may not be the message they want to send the public.

Mayor Harris stated that he is not opposed to a sunset clause, however, if an ordinance does not work, then they will revisit it.

**Motion unanimously approved.** *A copy of Ordinance (O2008-11) Noise Ordinance is incorporated into these minutes as Attachment #4.*

**ORDINANCE AMENDMENT OA-07-08**  
**AN ORDINANCE YOUTH PROTECTION REGULATIONS CURFEW**

Motion by Council Member Joey Tart and seconded by Council Member Turnage to approve the proposed Article V (An Ordinance Youth Protection Regulations Curfew) to Chapter 13. Offenses and Miscellaneous Provisions with a sunset clause of 2 years.

Council Member Maness stated that he is not in favor of imposing a sunset clause on an ordinance. If the ordinance is not working, the general public will let them know and will bring it to the Council's attention. If they are concerned that an ordinance will not work, they need to refine it before adoption. It sets a bad precedence to put a sunset on an ordinance.

Mayor Pro Tem Robinson agreed with Council Member Maness.

**Motion defeated 4-2.**

Motion by Mayor Pro Tem Robinson and seconded by Council Member Maness to approve the proposed Article V (An Ordinance Youth Protection Regulations Curfew) to Chapter 13. Offenses and Miscellaneous Provisions.

**Motion unanimously approved.** *A copy of Ordinance (O2008-12) Youth Protection Regulations Curfew is incorporated into these minutes as Attachment #5.*

**TEMPORARY BLOCKING OF STREET**  
**E. EDGERTON ST. FROM N. WILMINGTON AVE.**  
**TO N. WASHINGTON AVE.**

Manager Autry stated that a request has been received from Harnett County Youth Services Department requesting E. Edgerton Street from N. Wilmington Avenue to N. Washington Avenue be closed from 10:00 a.m. – 1:00 p.m. on Saturday, August 23 to hold their third annual community involvement event, Saturday Before School Starts.

Motion by Council Member Joey Tart and seconded by Council Member Maness to approve the temporary street closing as requested by the Harnett County Youth Services Department. **Motion unanimously approved.**

*\*Mayor Harris asked the Council to defer the Board appointments until the next council meeting due to weather conditions and the length of the agenda.*

**AWARD BID TO PURCHASE TRUCK FOR**  
**INSPECTIONS DEPARTMENT**

Manager Autry explained that funds were allocated in the F/Y 2008-2009 budget, for the purchase of a truck for the Inspection Department. Price quotes were received and are as follows:

<u>Submitted</u>	<u>Model</u>	<u>Bid Amount</u>
Dunn-Benson Ford 1700 W. Cumberland St. Dunn, NC 28334	2008 F-150	\$13,975.37
Bleecker Chevrolet Dunn, NC 28334	2008 Silverado 1500	\$16,712.58
Dorman Cadillac-GMC 1000 Interstate Drive Dunn, NC 28334	2008 Sierra 1500	\$16,729.09

After reviewing the prices and equipment, it is the recommendation of the Inspection Department to award the bid to Dunn-Benson Ford.



Motion by Council Member Billy Tart and seconded by Council Member Turnage to award bid in the amount of \$13,975.37 to Dunn-Benson Ford for the purchase of a 2008 F-150 Truck. **Motion unanimously approved.**

**CONSIDERATION OF AN AUTHORIZING  
RESOLUTION FOR A RURAL CENTER PLANNING GRANT  
EASTSIDE SEWER SYSTEM EVALUATION STUDY**

City Engineer Ed Powell explained that three years ago, they approved a planning grant with the Rural Center and as a result, they established a capital improvement plan. Over the years, they have received two (2) \$500,000 grants for sewer system rehabilitation, \$150,000 grant for a building improvement and enhancement and in the last two weeks, received a \$500,000 supplemental grant for the wastewater facilities which is under construction and supported by the Clean Water Management Trust Fund (CWMTF) program. He explained there is a new program and applications are due by the end of July for additional planning grants. They have proposed to submit an application for a \$75,000 planning grant (\$40,000 grant and \$35,000 local funds) to continue the study and develop a rehabilitation plan for the Eastside Sewer System which has been the subject of many problems over the years. After the Planning grant, they will be in a position to secure grant funding from the Rural Center for rehabilitation and replacement of the pipe systems there. This is the worst system they have in the program. The flow equalization will help tremendously but they are looking forward to rehabilitation of the Eastside system. They will smoke test all of the pipes in the Eastside system along with a physical inspection of the manholes. They will also develop a priority program for any rehabilitation.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Turnage to approve an Authorizing Resolution for a Rural Center Planning Grant. **Motion unanimously approved.**

*A copy of Authorizing Resolution (R2008-12) for a Rural Center Planning Grant for Eastside Sewer System Evaluation Study is incorporated into these minutes as Attachment #6.*

**AGENDA ITEM  
REMOVED FROM  
THE TABLE**

Motion by Council Member Turnage and seconded by Council Member Maness to remove from the table Minor Subdivision Plat Approval MS-01-07 with Variance Request – PIN #1516-07-7694.000 (100 Pecan Lane) and place on the agenda for action tonight. **Motion unanimously approved.**

Motion by Council Member Turnage to deny the request for the minor subdivision variance and recommend the applicants (William and Patsy Powell) formally request that the minor subdivision ordinance be revised and their improvements already be considered as an enduring feature of the revision, additionally requesting that this request be brought back to the Council for action, if possible, within ninety days.

Council Member Maness stated that before he offered a second, he asked for a point of clarification on the intent of the motion.

Council Member Turnage explained that the intent of the motion is to deny the request. There are two separate actions. The action came before the Planning Board last year and was tabled by the Council in November, 2007. The action was to grant a variance to the subdivision ordinance, which he recommends to deny because if they want to make it fair and equitable to everyone, it would be better to revise the subdivision ordinance for long term efficiency.

City Attorney Pope suggested that Council Member Turnage make a motion to deny the variance request and if that motion passes, then they can request that the City Planner have the Planning Board take into consideration, the minor subdivision ordinance and bring it back to the Council at a later date.

Council Member Turnage withdrew his previous motion.

Motion by Council Member Turnage and seconded by Council Member Maness to deny the request for a minor subdivision variance. **Motion unanimous carried to deny MS-01-07.**

City Attorney Pope stated that the Council can request that the Planning Board examine the minor subdivision ordinance and determine if revisions are necessary. The Powells can request an amendment to the ordinance.

Mayor Harris, with consensus of the council, directed Council Member Turnage to talk directly with City Planner Neuschafer to confirm his intent.

*\*Council Member Galbreath asked Mayor Harris to consider the Board Appointments tonight. Mayor Harris responded they will address Board Appointments after finishing the remainder of the agenda.*

## **ADMINISTRATIVE REPORTS**

Motion by Council Member Billy Tart and seconded by Mayor Pro Tem Robinson to accept the Administrative Reports. **Motion unanimously approved.**

*\*With Council consensus, Board Appointments were addressed at this time in the meeting.*

## **BOARD APPOINTMENTS**

During the June 5, 2008 Council meeting, board appointments were tabled until the July 8, 2008 meeting, with the exception of the Dunn Housing Authority Mayoral appointments.

### *Planning Board (3 year term)*

Incumbent, Claudell Brown is eligible to serve another term. Two applications have been received, one from Rev. Dennis Manuel of 1402 W. Cole Street, Dunn and the other from Teresa Sloan-Oudeh of 95 Pecan Lane, Dunn.

Motion by Council Member Maness and seconded by Mayor Pro Tem Robinson to re-appoint Claudell Brown to the Planning Board with a term ending June 30, 2011. **Motion unanimously approved.**

### *Board of Adjustment (3 year term)*

Motion by Council Member Joey Tart and seconded by Council Member Turnage to re-appoint Blount Whiteside, John Archie, Jr., and Gary Beasley to the Board of Adjustment with terms ending June 30, 2011. **Motion unanimously approved.**

### *ABC Board (3 year term)*

Applications have been received from Dal Snipes, Keith Finch, Curtis Williams, Donald S. Barefoot, Jesse C. Moore, and Teresa Sloan-Oudeh.

Motion by Council Member Galbreath and seconded by Council Member Turnage to appoint Jesse C. Moore to the ABC Board with a term ending June 30, 2011. **Motion unanimously approved.**

### *Library Board (3 year term)*

Debbie Williams has served six (6) consecutive years on the Library Board of Trustees and is ineligible to serve another term. Mr. John C. Coley is eligible to serve another term. An application has been received from Linda Wright Monds.

Motion by Council Member Joey Tart and seconded by Mayor Pro Tem Robinson to appoint Linda Wright Monds and re-appoint John C. Coley to the Dunn Library Board of Trustees with terms ending June 30, 2011. **Motion unanimously approved.**

### *Recreation Commission (3 year term)*

Motion by Council Member Maness and seconded by Council Member Billy Tart to re-appoint Denise Whitman, Eddy Langston, Shirley White and Dewayne Holmes to the Recreation Commission with terms ending June 30, 2011. **Motion unanimously approved.**

## **EXECUTIVE REPORTS**

Council Member Galbreath thanked the Police Department for their hard work with the noise ordinance and youth curfew ordinance.

Mayor Pro Tem Robinson announced that he and Mayor Harris have been contacted by Triton High School with regard to the delegation from China. They will be visiting Dunn, specifically City Hall, on September

11<sup>th</sup> at 11:00 a.m. They plan to attend the Rotary lunch meeting, followed by a visit to the General William C. Lee Museum and Avera'sboro Battlefield. Mayor Harris suggested they be presented with a plaque with the All America City Emblem with the address of the City along with T-shirts. A mock city council meeting would be interesting to have or a special call meeting and arrange a visit to Campbell University. Mayor Harris stated that Triton will be invited back to the August Council meeting to further explain their program.

Council Member Turnage stated that representatives Toni McKay and Fonnies Wullenwaber of Triton High School shared with him, their recent trip to China. The delegation from China will be visiting Dunn September 5 – 18, 2008. This is a cultural and economic exchange program. The students will stay in local homes and chaperones will stay in the local motels. Triton High School has formalized a request to the City for financial support.

With no further business to discuss, a motion was made by Mayor Pro Tem Robinson and seconded by Council Member Turnage to adjourn the meeting at 9:40 p.m. in recognition of the late Senator Jesse Helms. **Motion unanimously approved.**

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Oscar N. Harris  
Mayor

Attest:

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Debra G. West  
City Clerk