

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, August 2, 2007, at 7:00 p.m. in the Dunn Municipal Building. Present was Mayor J. Dal Snipes, Mayor Pro Tem Donnie Olds, Council Members Buddy Maness, Bryan Galbreath, Billy Tart, and Joey Tart. Also present was City Manager Ronnie Autry, City Planner Steven Neuschafer, Chief Building Inspector Mike Blackmon, Librarian Mike Williams, Police Chief B.P. Jones, Fire Chief Austin Tew, City Engineer Ed Powell, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Steve Reed.

Council Member Billy Ray Godwin, Jr. was absent, out of town.

INVOCATION

Mayor Snipes opened the meeting at 7:00 p.m. and asked Mayor Pro Tem Olds 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

PUBLIC COMMENT PERIOD

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

Paul Chadwick - 404 N. Magnolia Avenue – spoke against moving Dunn District Court to Lillington. A smaller council chamber could not accommodate a large crowd. He questioned if the City is progressing forward or backwards if they downsize. He suggested that Dunn District Court remain and to house Public Works in a separate new complex. He stated that the courthouse is an image of Dunn. The City of Dunn makes up at least 10% of the population of Harnett County. He stated that by keeping Dunn District Court local, you keep all the surrounding towns together. He looks forward to future growth in Dunn.

William P. “Billy” Barfield – 1304 Guy Avenue - spoke in favor of leaving District Court in Dunn. He is a former magistrate and City Council Member. He first heard of moving the courtroom to Lillington through a leak to The Daily Record. When Judge McCormick decided to move court from Dunn, Judge Beverly Lake placed it back in Dunn; however, disposition court was lost which is a large revenue source. Instead of sending court to Lillington, ask Judge Corbett to give Dunn District Court additional days and ask for disposition court back. There are many empty buildings in Dunn that could be utilized. The Fire Department used offices downstairs for years. He spoke about Harnett County wanting the dispatch system and the water system, yet Dunn did not give it over to them. The people want the court left in Dunn. During the May 15, 2007 work session, a vote to move district court was not recorded. He questioned when discussion was held by the Council other than at the May 15th meeting and when was a vote taken. Why was this issue leaked to the press and not announced in the Council meeting. He asked that they leave District Court in Dunn.

Stella Brewington – 709 N. King Avenue – She complained about the gravesite of Eva Campbell at Resthaven Cemetery. The vase on the headstone was broken. When she went to the town about this, she was told by the City of Dunn that the City employees did not damage the stone; however, tire tracks were seen. She is not satisfied with the reply she received from the City of Dunn. Why should she be responsible for making the repairs to the stone.

Council Member Galbreath stated he did talk to Ms. Brewington, and if City personnel did this damage, it should have been reported. They do not know how long the stone was damaged. Policies need to be in place to protect from these type of incidents. He asked that a letter of apology be sent to Ms. Brewington.

They cannot determine how the damage occurred. There is also an issue of profane language that Ms. Brewington said was used by City staff. Cemetery staff and Public Works personnel should be careful with the language they use and should be mindful of their role in serving the public.

Mellicent Massey – PO Box 1293 – Dunn, NC – She announced an upcoming annual event in the area of Washington and Carr Streets. She asked that the City give permission to close these streets on September 8, 2007 from 10:00 a.m. – 7:00 p.m. Mayor Snipes asked Ms. Massey to submit a formal request for the Council to consider this temporary street closing at the September meeting.

Hearing no further comments, motion by Mayor Pro Tem Olds, seconded by Council Member Joey Tart to close public comment period. **Motion unanimously approved.**

CONSENT ITEMS

Minutes-Council considered approval of minutes of the July 5, 2007 Council meeting.

Personnel Policy Revision-Council considered approval of a Personnel Policy revision within the benefits section of the Dunn Personnel Manual to increase reimbursable tuition, registration and educational fees from \$500.00 per fiscal year to \$1000.00 per fiscal year. *A copy of the Personnel Policy revision is incorporated into these minutes as Attachment #1.*

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

ITEMS FOR DECISION

CONSIDERATION OF ORDINANCE TO DEMOLISH HOUSE 405 N. ELM AVENUE

During the May 3, 2007 City Council meeting, Mr. Charles Malloy was granted a (90) day extension (which would be August 1, 2007) to allow for the completion of repairs at 405 N. Elm Avenue.

Chief Building Inspector Mike Blackmon stated that Mr. Malloy was given a (90) day extension at the May 3rd meeting after discussion was held about Mr. Malloy focusing all of his monies toward repairing 405 N. Elm Avenue. The Council ordered demolition of Mr. Malloy's property at 403 N. Elm Avenue during the May 3rd Council meeting.

Mr. Malloy applied for a building permit on July 18, 2007 to begin repairs at 405 N. Elm Avenue. He presented updated pictures of the exterior of this property. Roofing repairs have been made as well as shingles installed. Mr. Malloy met with Code Enforcement Officer Steven King on July 31, 2007 to inspect the house. At this point, all of the repairs haven't been made.

Based on Mr. Malloy receiving a building permit on July 18, 2007, Mayor Pro Tem Olds asked Mr. Malloy if there was a mitigating factor that prevented him from beginning repairs directly after the May 3, 2007 meeting. Mr. Malloy responded that he had three (3) children and he had some financial difficulties. He stated that he submitted his information to the Inspection Department 2-3 days prior to July 18th.

Mr. Galbreath stated that he visited the property with Mr. Malloy and significant improvements have been made to this property. Mr. Galbreath stated that he understands the Council did give him a deadline to complete the repairs. Mr. Galbreath asked Inspector Blackmon how much additional time Mr. Malloy would need to complete the repairs. Mr. Blackmon responded he could not accurately answer that question. He does not know the work force of Mr. Malloy. If someone worked on a daily basis, it might be completed in (30) days; however, he deferred this question to Mr. Malloy.

Mr. Malloy responded he has made many repairs. The roof has been repaired. The entire house has been cleaned and he explained that several other repairs have been made. He explained that vandalism continues as he works on this property. Minor repairs are left to complete. He stated that thirty (30) days is sufficient time to complete the repairs.

Council Member Billy Tart stated that he rode by the property and noticed a lot of debris and a junk vehicle in the yard. Mr. Malloy responded that the vehicle has been removed.

Mayor Snipes asked Mr. Blackmon if he felt an honest effort had been made to repair this dwelling and if the bulk of the structural repairs have been made with only cosmetic repairs to complete. Mr. Blackmon responded yes; however, he suggested that Mr. Malloy give the City some type of assurance that the repairs will be completed. As long as the house sits vacant, there will be a continued problem with break-ins.

Motion by Council Member Galbreath, seconded by Council Member Joey Tart to rescind the Order to Demolish the House at 405 N. Elm Avenue, allow Mr. Malloy an additional (30) days to complete the repairs to the structure and to ask Mr. Malloy to contact the Inspections Department when repairs have been completed.

Mayor Snipes asked if there was further discussion.

Mayor Pro Tem Olds asked Mr. Malloy if he thought thirty (30) days was adequate time to finish the house. Mr. Malloy responded yes. Mr. Olds asked Mr. Malloy if something happens and the repairs are not made, what does he expect the Council to do. Mr. Malloy responded he understands rules and regulations and the Council can do whatever they feel they need to.

Council Member Maness stated that he is as concerned as Mr. Olds that some type of assurance needs to be given that the repairs will be completed in thirty (30) days. Mr. Malloy did not start repairs until two-thirds of his extension expired. Mr. Maness explained to Mr. Malloy that if the repairs are not complete in thirty (30) days and it comes before the Council again, he is not in favor of an additional extension. Mr. Malloy responded he accepted this.

City Attorney Pope gave a point of clarification on Council Member Galbreath's motion. The City Council did not adopt the Demolition Ordinance ninety (90) days ago because they granted the ninety (90) day extension. If he understood the intent of Mr. Galbreath, it is to allow an additional thirty (30) days to complete the repairs, which would place this back on the September agenda in order to vote it up or down depending upon if the repairs are made. Mr. Galbreath offered another motion.

Motion by Council Member Galbreath, seconded by Council Member Joey Tart to grant Mr. Malloy an additional thirty (30) days to complete the repairs at 405 N. Elm Avenue.

Mr. Maness called for a point of order. He asked if Mr. Galbreath should withdraw his first motion since it was duly seconded. Attorney Pope agreed.

Motion by Galbreath, seconded by Joey Tart to withdraw the motion as originally stated. **Motion to withdraw unanimously approved.**

Mayor Snipes called for the vote.

Motion unanimously approved.

TEMPORARY STREET CLOSING 900TH BLOCK OF N. MAGNOLIA AVENUE

Rev. James and Annie Leggett are requesting that the following street be closed from 8:00 a.m. until 6:00 p.m. on Saturday, September 1st for a family reunion.

- 900th block of N. Magnolia Avenue

Motion by Mayor Pro Tem Olds, seconded by Council Member Joey Tart to approve the temporary street closing in the 900th block of N. Magnolia Avenue from 8:00 a.m. until 6:00 p.m. to allow for a family reunion on Saturday, September 1, 2007. **Motion unanimously approved.**

**TEMPORARY STREET CLOSING
E. EDGERTON STREET FROM
N. WILMINGTON AVE. TO N. WASHINGTON AVE.**

Harnett County Youth Services Department is requesting that the following street be closed from 11:00 a.m. until 3:00 p.m. on Saturday, August 25th to hold a community involvement event called, Saturday Before School Starts.

- E. Edgerton Street from N. Wilmington Ave. to N. Washington Ave.

Motion by Council Member Maness, seconded by Council Member Galbreath to approve the temporary street closing on E. Edgerton St. from N. Wilmington Ave. to N. Washington Ave. to allow for Harnett County Youth Services to hold a community involvement event called, Saturday Before School Starts on August 25th from 11:00 a.m. – 3:00 p.m. **Motion unanimously approved.**

ITEM FOR DISCUSSION AND/OR DECISION

DUNN DISTRICT COURT

Mayor Snipes pointed out that the decision made by the City Council during the May 15, 2007 meeting as it relates to the Dunn District Court was advertised and open to the public; contrary to what has been reported. This meeting was a budget work session. He gave some background information about this issue that has not been given in The Daily Record:

- Mayor Snipes and the City Manager sat down with The Daily Record to discuss this issue. Nothing was leaked.

He gave the following factors leading to the decision to move District Court from Dunn:

- There are severe space needs at City Hall
- Current staff work out of former storage closets
- When members of the public visit City offices (planners, developers, etc.) to conduct business and spend their money in this City, there is not sufficient space to spread out their plans, graphs or site plans. It is quite an embarrassment for potential developers to do business in our City.
- Great space needs in the Planning/Zoning Department

A power point presentation was presented which indicated Revenues collected from the court system:

- FY 2001-2002 - \$35,000 collected
- FY 2006-2007 - \$11,975 collected
- Two uniformed police officers are paid at the expense of the City of Dunn as well as maintaining and operating a metal detector machine. These expenses are absorbed by the City.
- The courtroom is tied up for (30) days a year and is out of the control of the City.
- There is a disruption to taxpaying citizens when they come to do business at City Hall during court days.
- \$75,000 to convert half of the existing courtroom into office space and the other half into a permanent Council Chamber.
- Other towns bigger than Dunn do not have Council Chambers any larger than half of our current chamber.
- Merchants and taxpayers will not lose small claims court. That would remain at the Dunn District Court location for the local merchant to continue to use.

Mayor Snipes stated that another option may be available to address the space issue. He suggested that the Council revisit this issue since another option has developed. He suggested the Council contact Judge Corbett to ask that he not take action with regard to moving the District Court so that the Council can research the other option that has developed.

Council Member Joey Tart stated that he appreciates the phone calls he has received with regard to how the public feels. Public knowledge has been misunderstood and the public did not have the figures. He would like the Council to take additional time to revisit this issue

Motion by Council Member Joey Tart, seconded by Council Member Billy Tart to request Judge Corbett to not take action to relocate Dunn District Court at this time so the issue can be revisited by the Council.

Mayor Pro Tem Olds stated that this Council has never tried to deceive the public. This Council has always been upfront with issues. They have practiced honesty and openness and they stand on what they practice.

Council Member Maness stated that every Council Member around the table is honest and for anyone to suggest that this Council did anything deceitful or behind closed doors is absolutely not true.

Council Member Galbreath echoed his fellow Council members. Another option has been presented to Mr. Autry and that option will be researched. At this point, he is in favor of keeping District Court in Dunn and looking at other alternatives.

Mayor Snipes stated that this Council is trying to be stewards of the taxpayer's money and it is the taxpayer they serve.

Motion unanimously approved.

ADMINISTRATIVE REPORTS

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

EXECUTIVE REPORTS

Mayor Snipes reported that Council Member Godwin is absent tonight, excused.

Council Member Billy Tart thanked the citizens for the phone calls he has received with regard to the District Court issue.

Council Member Maness thanked everyone for the phone calls he has received and he spoke about the success of the Ponderosa Community Watch Program. He recognized and thanked the Public Works Department for the great job they are doing.

Mayor Pro Tem Olds praised the Dunn Recreation Department for the job they did in hosting the Dixie Youth State Tournaments.

Manager Autry praised the Dunn Area Boosters Club along with the Recreation and Public Works Departments in the part they played in hosting the Dixie Youth State Tournaments.

Mayor Snipes praised the Boosters Club and Recreation Department for the tremendous success in hosting the Dixie Youth State Baseball Tournament. The sixteen teams that participated were overwhelmed with the welcome they were given by the City of Dunn. He recognized City Engineer, Ed Powell in the audience and congratulated him in his recent marriage.

Mayor Snipes recognized the Cape Fear Storms 14 under girls softball team, which are the National Champions from Harnett County coached by Scotty Scarborough. Mayor Snipes asked that this team be recognized. He expressed sorrow in the recent death of Dr. Norman Wiggins, former president of Campbell University.

CLOSED SESSION

Motion by Mayor Pro Tem Olds, seconded by Council Member Joey Tart to enter closed session to discuss a matter relating to personnel at 7:50 p.m. **Motion unanimously approved.**

Closed Session

Closed Session adjourned at 8:25 p.m.

Motion by Council Member Maness, seconded by Mayor Pro Tem Olds 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 8:30 p.m.

J. Dal Snipes
Mayor

Attest:

Debra G. West
City Clerk