

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

The City Council of the City of Dunn held a Regular Meeting on Thursday, September 6, 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, Billy Ray Godwin, Jr., and Joey Tart. Also present was City Manager Ronnie Autry, City Planner Steven Neuschafer, Recreation Director Perry Hudson, Public Works Director Billy Addison, Public Utilities Director Dean Gaster, Fire Chief Austin Tew, City Attorney P. Tilghman Pope, City Clerk Debra West, and Daily Record Reporter Steve Reed.

INVOCATION

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

AGENDA ADJUSTMENT

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.

Ms. Mellicent Massey, representing The Working Group, Inc., announced their community event scheduled for September 8, 2007. She requested donations for the entertainment, and announced that they will be registering voters during this event.

Hearing no further comments a motion was made by Council Member Billy Tart and seconded by Council Member Maness to close the public comment period. **Motion unanimously approved.**

PUBLIC HEARINGS

**REZONING REQUEST PZ-05-07
PIN #1516-57-5975.000
304 W. BROAD STREET**

The public has been notified that oral and written comments will be heard and received concerning the request by James Little (applicant) to rezone a parcel of land totaling 0.48± acres located at 304 W. Broad Street.

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

The public hearing was duly advertised on August 14, 2007 and August 21, 2007.

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

Hearing no comments, the public hearing was closed.

**REZONING REQUEST PZ-06-07
PIN #1506-79-0376.000
1601 ERWIN ROAD**

The public has been notified that oral and written comments will be heard and received concerning the request by Melissa Stevens (applicant) to rezone an existing parcel of land totaling 0.69± acres located at 1601 Erwin Road.

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

The public hearing was duly advertised on August 14, 2007 and August 21, 2007.

Mayor Snipes 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-01-07
ARTICLE III - DISTRICTS
ADDING SECTION 22-59 LANDSCAPING**

The public has been notified that oral and written comments will be heard and received concerning the request by the City of Dunn Planning Department to add Section 22-59 Landscaping Regulations to the City of Dunn Code of Ordinances. This is a new section developed to set standards for buffering properties of conflicting land uses and densities.

The public hearing was duly advertised on August 14, 2007 and August 21, 2007.

Mayor Snipes 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-02-07
ARTICLE X – ADMINISTRATION AND ENFORCEMENT
ADDING SECTION 22-530 CIVIL REMEDIES AND EQUITABLE RELIEF**

The public has been notified that oral and written comments will be heard and received concerning the request by the City of Dunn Planning Department to add Section 22-530 Civil Remedies and Equitable Relief to the City of Dunn Code of Ordinances. This is a new section developed to set standards for enforcement of the Zoning Ordinance.

The public hearing was duly advertised on August 14, 2007 and August 21, 2007.

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

Hearing no comments, motion by Council Member Joey Tart, seconded by Council Member Godwin to close public hearings and reconvene the regular council meeting at 7:12 p.m. **Motion unanimously approved.**

CONSENT ITEMS

Minutes-Council considered approval of minutes of the August 2, 2007 Council meeting.

Minutes-Council considered approval of minutes of the August 23, 2007 Special Call meeting.

Budget Amendments-Council considered approval of Budget Amendments #2 - #3. *A copy of Budget Amendments #2 - #3 is incorporated into these minutes as Attachment #1.*

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #126 - #132. *A copy of Tax Releases/Refunds is filed in the office of the Tax Collector.*

A motion was made by Mayor Pro Tem Olds and seconded by Council Member Galbreath to approve all consent items. **Motion unanimously approved.**

ITEMS FOR DECISION

**REZONING REQUEST PZ-05-07
PIN #1516-57-5975.000
304 W. BROAD STREET**

A request was received from James Little (applicant) to rezone a parcel located at 304 W. Broad Street totaling 0.48± acres.

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

The Planning Board met on August 21, 2007 and **recommended approval** of this request.

Motion by Council Member Godwin, seconded by Council Member Maness to approve the request received from James Little (applicant) to rezone a parcel located at 304 W. Broad Street (PIN #1516-57-5975.000) 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 evolving land use pattern for this area. The surrounding land uses are office 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.

Motion unanimously approved.

**REZONING REQUEST PZ-06-07
PIN #1506-79-0376.000
1601 ERWIN ROAD**

A request was received from Melissa Stevens (applicant) to rezone a parcel located at 1601 Erwin Road totaling 0.69± acres.

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

The Planning Board met on August 21, 2007 and **recommended approval** of this request.

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to approve the request received from Melissa Stevens (applicant) to rezone 1601 Erwin Road (PIN #1506-79-0376.000) from C-3; Highway Commercial District to R-10; Single Family Dwelling District based on the following justification:

1. R-10 uses are consistent with the 2030 Land Use Plan for this area.
2. The amendment is not inconsistent with the surrounding land uses which are both (historically mixed commercial and residential) in this area. This change will be acceptable since this parcel has always been residential.
3. The permitted uses in the R-10 District are not considered detrimental to the neighborhood and would be a benefit to the entire community.

Motion unanimously approved.

**ORDINANCE AMENDMENT OA-01-07
ARTICLE III - DISTRICTS
ADDING SECTION 22-59 LANDSCAPING**

Mayor Snipes explained that this is a new Section developed to set standards for buffering properties of conflicting land uses and densities. These standards will create requirements for a planted or structural barrier between specified uses. It will also establish the minimum standards for landscaping new and expanded parking lots.

The Planning Board met on August 21, 2007 and recommended approval of this ordinance amendment.

Planner Neuschafer stated that the Planning Board has been working on this ordinance for over a year. This ordinance came in a previous form to the City Council and was tabled for further study. The Planning Board made further modifications to this ordinance before bringing it back to the City Council for consideration. Mr. Neuschafer explained that this ordinance consists of buffering landscape requirements to protect different land uses. Parking lot landscaping requirements are included as well. Mr. Neuschafer pointed out that this ordinance not only protects existing properties and uses, but it is not too burdensome to new developments and properties.

Motion by Council Member Godwin, seconded by Council Member Joey Tart to approve the request from the Planning Department to amend the Zoning Ordinance by adding Section 22-59 Landscape Regulations, revoke Section 22-164(b), Section 22-183(b) and reclassify as Reserved Sections 22-345.6, 22-345.7 and 22-345.10. **Motion unanimously approved.** *A copy of Ordinance (O2007-12) is incorporated into these minutes as Attachment #2.*

**ORDINANCE AMENDMENT OA-02-07
ARTICLE X – ADMINISTRATION AND ENFORCEMENT
ADDING SECTION 22-530 CIVIL REMEDIES
AND EQUITABLE RELIEF**

Mayor Snipes explained that this is a new Section developed to set standards for enforcement of the Zoning Ordinance, Chapter 22 of the City of Dunn Code of Ordinances. This new Section covers notice given for violations and penalties for violations.

The Planning Board met on August 21, 2007 and recommended approval of this ordinance amendment.

Planner Neuschafer stated that the current ordinance is very vague as it relates to the steps and procedures that the City may take with enforcement of the zoning ordinance. This proposal sets out an exact time frame and methodology to remedy or abate a zoning violation.

Motion by Council Member Galbreath, seconded by Mayor Pro Tem Olds to approve the request from the Planning Department to amend the Zoning Ordinance by adding Section 22-530 Civil Remedies and Equitable Relief and revoke Section 22-249 and reclassify as Reserved. **Motion unanimously approved.** *A copy of Ordinance (O2007-13) is incorporated into these minutes as Attachment #3.*

**FINAL SUBDIVISION PLAT APPROVAL
FOR THE “COTTAGES AT GLENEAGLES”
WELLONS REALTY, INC.**

Manager Autry explained that during the November 21, 2006 meeting, the Planning Board approved the Preliminary Plat for this single family dwelling subdivision. This land has been zoned for the R-10 subdivision. This subdivision has also been annexed into the City by request of the owner; and at this time the improvements required by City Code are being completed. City staff have reviewed the construction plans and inspected the completed work.

The Planning Board met on August 21, 2007 and recommended approval of this final plat.

Motion by Mayor Pro Tem Olds, seconded by Council Member Maness to approve the final subdivision plat for the “Cottages at Gleneagles” for Wellons Realty, Inc. **Motion unanimously approved.**

**CONSIDERATION OF
SOLID WASTE CONTRACT
AMENDMENT
REPUBLIC WASTE SERVICES**

Manager Autry stated that during the Dunn City Council Special Call Meeting of March 15, 2007, discussion was held with regard to extending the existing garbage contract with Republic Waste Services. The City Council renewed the agreement for an additional three (3) year term beginning July 1, 2007 and ending June 20, 2010.

In addition, the Council asked the City Manager to negotiate with Republic Waste for an additional two (2) year extension.

This amendment sets the same terms of the original contract with an annual CPI (consumer price index) increase and if approved, will extend the contract beginning July 1, 2010 and ending June 30, 2012.

Motion by Council Member Joey Tart, seconded by Mayor Pro Tem Olds to approve an additional two (2) year extension to the existing Solid Waste Contract with Republic Waste Services beginning July 1, 2010 and ending June 30, 2012. **Motion unanimously approved.** *A copy of this Amendment to the Solid Waste Contract is incorporated into these minutes as Attachment #4.*

Council Member Maness noted the importance of extending this contract. The reason for the extension was attributed to the extensive savings for the taxpayers by locking in the same rates with only a consumer price index increase each year.

Mayor Snipes noted that the City is paying well below the market price for garbage service and will continue to pay below the market price for the next five (5) years.

**TEMPORARY STREET CLOSING
THE WORKING GROUP**

Manager Autry explained that the Working Group, Inc. is requesting that the following streets be closed from 9:00 a.m. until 7:30 p.m. on Saturday, September 8, 2007 for their street intervention and HIV/AIDS awareness event.

- East end of E. Townsend Street running east along Carr Street to N. Elm Avenue
- N. Washington Avenue from E. Vance Street to E. Carr Street

Motion by Mayor Pro Tem Olds, seconded by Council Member Galbreath to approve the temporary street closures as requested by the Working Group, Inc. **Motion unanimously approved.**

**TEMPORARY STREET CLOSING
FRIENDS OF THE CANCER CENTER BENEFIT**

Manager Autry explained that the Friends of the Cancer Center are requesting that the following streets be closed from 5:00 p.m. until 12:00 a.m. on Saturday, October 6, 2007 for their fundraiser event to be held at the Dunn Shrine Center.

- Wilson Avenue from Edgerton Street to Harnett Street
- Edgerton Street from Wilson Avenue to Clinton Avenue

Motion by Council Member Billy Tart, seconded by Council Member Godwin to approve the temporary street closures as requested by the Friends of the Cancer Center. **Motion unanimously approved.**

**CONSIDERATION OF RESOLUTIONS TO
ASSIGN ANNEXATIONS TO VOTING
DISTRICTS/WARDS**

Manager Autry explained that the Council is being asked to adopt three (3) resolutions that assign voting districts/wards for three (3) separate voluntary annexations which have been recorded for commercial and undeveloped vacant property. Although this will not involve any voters at this time, this process will assure that the annexed property is assigned to the correct voting district/ward.

Mr. Autry stated that these resolutions will be forwarded to the US Justice Department and the Harnett County Board of Elections office.

Motion by Council Member Maness, seconded by Mayor Pro Tem Olds to adopt three (3) Resolutions Establishing the Voting Ward Designation for Land Annexed Into the City of Dunn, Corporate Limits. **Motion unanimously approved.** *A copy of Resolutions (R2007-16), (R2007-17), and (R2007-18) Establishing the Voting Ward Designation for Annexed Land is incorporated into these minutes as Attachment #5.*

Council Member Galbreath pointed out that this will affect Wards 6, 1 and 4. Mayor Snipes stated that it does not affect any individuals living in these wards at the current time but will with future growth.

**AWARD BID FOR BANK FINANCING
CAPITAL PURCHASES FOR FY 07-08**

Manager Autry explained that a request for financing proposals was submitted to all approved financial institutions for the financing of the following equipment approved for Fiscal Year 2007-2008:

Backhoe for Cemetery	\$32,000
Police Car	\$25,000
Fire Radios	\$24,000
Playground Equipment	\$40,000
Mower for Recreation	\$ 9,000

Financing Not to Exceed \$130,000

The proposals received are as follows:

<u>Financial Institution</u>	<u>Term</u>	<u>Rate</u>	<u>Total interest and fees</u>
First Citizens Bank	3 years	3.55%	\$ 9,530.00
BB&T	3 years	3.75%	\$ 9,749.99
RBC Centura	3 years	3.69%	\$ 9,809.85
Suntrust	3 years	3.85%	\$10,010.00

Motion was made by Council Member Joey Tart and seconded by Council Member Maness to award financing to First Citizens Bank at a rate of 3.55% with three (3) annual payments in arrears. **Motion unanimously approved.**

**“NO PARKING” ZONE
200TH BLOCK OF SOUTH LUCKNOW SQUARE**

Manager Autry explained that a letter of request has been received from the Dunn Rescue Squad to eliminate approximately 80 feet of public parking in the 200th Block of South Lucknow Square directly in front of the rescue vehicle bays. This will allow rescue to have clear access to the roadway to respond to calls.

Motion by Council Member Billy Tart, seconded by Council Member Godwin to approve a “No Parking Zone” for approximately 80 feet in the 200th Block of South Lucknow Square directly in front of the Dunn Rescue Squad vehicle bays. **Motion unanimously approved.**

Discussion was held about the need to place a “Do Not Block” sign at the Highway 421 exit to keep it clear from traffic in the event of a call received during train traffic. This request will need to be directed to the Department of Transportation (DOT) since Highway 421 is a state maintained highway. Manager Autry was directed to contact DOT about this issue.

**AUTHORIZATION FOR FIRE
DEPARTMENT TO ACCEPT THE
HOMELAND SECURITY-ASSISTANCE
TO FIREFIGHTERS GRANT (AFG)**

Manager Autry explained that the Dunn Fire Department has the opportunity to accept an award in the amount of \$125,450.00 through the U.S. Department of Homeland Security. The Federal share will be \$119,178.00 and the City’s match will be \$6,272.00. This is a matching grant of 95/5. The Assistance to Firefighters Grant (AFG) must be completed by August 8, 2008.

The City of Dunn Fire Department proposes to purchase 26 complete (SCBA) Self Contained Breathing Apparatus and 26 spare bottles with the AFG funds.

Motion by Council Member Maness, seconded by Mayor Pro Tem Olds to authorize the Fire Department to accept the Assistance to Firefighters Grant (AFG) in the amount of \$119,178.00 and fund the City’s match of \$6,272.00. **Motion unanimously approved.**

The Council commended Fire Chief Tew in obtaining this grant.

**CONSIDERATION OF MEMORANDUM
OF AGREEMENT FOR FIRE DEPARTMENT
NEEDS ASSESSMENT**

Mayor Snipes explained that discussions have been held with regard to the needs of the City of Dunn Fire Department. These needs were a priority with the Mayor and Council during budget preparations. The Fiscal Year 2007-2008 budget appropriated for the financing of a Fire Service Truck at a cost of approximately \$300,000.00. Bids were received from four (4) vendors and the low bid was \$296,886.00.

To better address the needs of the Fire Department, the North Carolina League of Municipalities has submitted a proposal to perform a “Needs Assessment” for the City of Dunn. This assessment would include but is not limited to personnel, equipment, and structures.

Mayor Snipes asked that the Council put the purchase of the Fire Service Truck on hold until this study is complete.

Much discussion was held about the justification for conducting the assessment. Mayor Pro Tem Olds questioned why the City would pay an outside agency \$7500.00 to tell the Fire Department what they need. He stated that the Fire Chief and fire department members are in a better position to know what they need. Several members of the Council stated that an outside agency could better assess the needs of the entire department by prioritizing those needs.

Motion by Council Member Godwin, seconded by Council Member Joey Tart to approve the Memorandum of Agreement between the City of Dunn and the North Carolina League of Municipalities for a Fire Department Needs Assessment at a cost of \$7500.00 and approve budget amendment #4. **Motion carried 5-1 with Mayor Pro Tem Olds casting the dissenting vote.** *A Copy of the Memorandum of Agreement between the North Carolina League of Municipalities and the City of Dunn to perform a Needs Assessment for the City of Dunn Fire Department and Budget Amendment #4 are incorporated into these minutes as Attachment #6.*

ADMINISTRATIVE REPORTS

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

EXECUTIVE REPORTS

Council Member Joey Tart expressed appreciation to the Working Group and Friends of the Cancer Center for the difference they are making in the community.

Council Member Godwin mentioned the interesting article Mayor Snipes sent to the Council about the Town of Hendersonville.

Council Member Billy Tart expressed appreciation to the Dunn Fire Department for the job they are doing as well as the other Departments in the City of Dunn.

Council Member Maness announced that a candidates forum will be held on Monday, September 17, 2007 at 7:00 p.m. in the Council Chambers. He encouraged everyone to attend.

Council Member Galbreath recognized Mr. Charles Malloy, who was in the audience earlier tonight. Mr. Malloy requested an additional (30) day extension at the August Council meeting, to complete repairs at a dilapidated structure located at 405 N. Elm Avenue. He thanked Mr. Malloy for completing the repair of this structure. This proves that when the citizens cooperate with the City Administration and Council, families can be placed into a structure that otherwise, would have been torn down.

Council Member Galbreath reminded citizens of the PAL Golf Tournament on September 13th beginning at 11:00 a.m. at the Chicora Country Club. He thanked PAL for sponsoring a Family Fun Day held at Codrington Park Pool recently.

Manager Autry recognized and welcomed Utilities Director Dean Gaster, who will be responsible for water and wastewater plant compliance. Some duties at Public Works have been separated. Public Works Director Billy Addison will be responsible for overseeing the distribution systems, water/sewer maintenance, streets and cemeteries.

Mayor Snipes asked that citizens observe and pay attention to the bus traffic with school starting back.

Mayor Snipes announced that he along with City Engineer Ed Powell and Manager Autry met with Nancy Guthrie, representative from the Clean Water Management Trust Fund Grant (CWMTF), to receive an update on the City's application. The CWMTF grant recipients will be announced on October 8 and 9, 2007. The City of Dunn has been working very hard to obtain a three (3) million dollar grant.

Mayor Snipes wished City Attorney Pope a Happy Birthday.

With no further business to discuss, the meeting was adjourned at 8:13 p.m.

J. Dal Snipes
Mayor

Attest:

Debra G. West
City Clerk