

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

The City Council of the City of Dunn held a Regular Meeting on Tuesday, September 8, 2009, 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, Finance Director Mark Stephens, Public Works Director Billy Addison, Public Utilities Director Dean Gaster, Planning Director Steven Neuschafer, Chief Building Inspector Mike Blackmon, Recreation Director Perry Hudson, Librarian Mike Williams, Police Chief B.P. Jones, 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, the Pledge of Allegiance was repeated.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Mayor Pro Tem Robinson and seconded by Council Member Joey Tart to adopt the September 8, 2009 meeting agenda with changes, if any, as listed below.

Items Added to the Agenda:

- none

Agenda Items Removed:

- none

Motion unanimously approved.

PRESENTATIONS

Retirement Recognition

J.R. Roberts (Fire Dept.)

Mayor Harris presented J.R. Roberts, a retirement plaque, in recognition and appreciation of his 20 years of service to the City of Dunn Volunteer Fire Department.

Proclamations Presentation

Recreation Department

Recognition of Five (5)

Dunn All-Star Teams

Mayor Harris presented and read a proclamation to each of the following Dunn Recreation Department All-Stars Team and recognized each team member and coach.

A copy of Proclamation (P2009-13) recognizing Dunn's Dixie Youth AA (8-under) All-Stars is incorporated into these minutes as Attachment #1.

A copy of Proclamation (P2009-14) recognizing Dunn's Dixie Youth AAA (10-under) All-Stars is incorporated into these minutes as Attachment #2.

A copy of Proclamation (P2009-15) recognizing Dunn's Dixie Youth Angels (10-under) All-Stars is incorporated into these minutes as Attachment #3.

A copy of Proclamation (P2009-16) recognizing Dunn's Dixie Youth Majors (12-under) All-Stars is incorporated into these minutes as Attachment #4.

A copy of Proclamation (P2009-17) recognizing Dunn's Dixie Boys (14-under) All-Stars is incorporated into these minutes as Attachment #5.

PUBLIC COMMENT PERIOD

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

Hearing no comments, the public comment period was closed.

PUBLIC HEARINGS

Rezoning Request PZ-03-09
Midtown Properties, LLC
PIN #1516-39-0878.000
107 N. Watauga Avenue

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Midtown Properties, LLC to rezone a parcel of land, totaling .60± acres, located at 107 N. Watauga Avenue.

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

The public hearing was duly advertised on August 18 and August 25, 2009.

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

Mr. Robert Frey, 179 Windsor Dr., Angier, NC – He stated that he is an attorney with the Jerry Parker Law Firm located in Dunn and he is speaking on behalf of Midtown Properties, LLC. He added that the Planning Board sent a favorable recommendation to rezone this property. If this property is rezoned, Midtown Properties proposes to do major renovations to this house and open it up for a law office, accountant or some other professional organization. This old home has been vacant for a number of years and is in a state of serious deterioration. He referred to several older homes in town that were once used as residential property but later converted to a viable useful commercial space such as law offices, flower shops or other office space. He stated that it will be beneficial to the City in making this property commercial and most of the property around it with the exception of one side is already zoned commercial. This property extends from Watauga Avenue to Ashe Avenue and is contiguous to RBC Centura bank. He stated that this area is already in the process of becoming commercial and this is certainly the best use of this property instead of simply residential rental property being there. Having a successful business is certainly better for the City; it will create more tax revenue and serve the citizens better. Commercial office space is generally low traffic with operating hours between 8:00 am and 5:00 pm. In referring to the concerns voiced by the adjoining residential property owners at the Planning Board meeting about increased traffic and the question of a reputable business occupying this house, he stated that both of these needs would be addressed should this property be zoned commercial. He added that if this property was not commercial but remained residential, then you never know who you may get. If it is commercial property, you're looking at business hours versus someone living there twenty-four hours a day, seven days a week. They foresee this property becoming commercial offices.

Hearing no further comments, Mayor Harris closed the public hearing at 7:36 pm.

CONSENT ITEMS

Minutes - Council considered approval of minutes of the August 11, 2009 Council meeting.

Tax Releases/Refunds – Council considered approval of Tax Releases/Refunds #2-#111. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

Proclamation-Council considered approval of a proclamation designating September 17-23, 2009 as Constitution Week. *A copy of Proclamation (P2009-18) designating Constitution Week is incorporated into these minutes as Attachment #6.*

Destruction of Municipal Records – Council considered approving the destruction of Finance Department records which have exceeded the required retention time pursuant to the Municipal Disposition Schedule. *A list of those records that have exceeded the required retention schedule and approved for destruction is incorporated into these minutes as Attachment #7.*

Surplus Resolution – Council considered approval of a Resolution Authorizing the Disposition of Personal Property by electronic means through www.GovDeals.com. *A copy of Surplus Resolution (R2009-26) is incorporated into these minutes as Attachment #8.*

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

ITEMS FOR DECISION

**Rezoning Request PZ-03-09
Midtown Properties, LLC
PIN #1516-39-0878.000
107 N. Watauga Avenue**

This is a request to rezone a parcel of land totaling .60± acres, located at 107 N. Watauga Avenue. This property is currently zoned R-10; Single Family Dwelling District and is requested to be rezoned to CO; Office & Institutional District.

The Planning Board met on August 25, 2009, reviewed the request and asked for comments from the public. After hearing comments from the public and the request from the applicant, the Planning Board recommended to approve this request. The vote was carried with a vote of 6-1 to approve.

Council Member Turnage pointed out that the staff report provided by the Planning Department states that office and institution uses are not consistent with the 2030 land use plan for this area. He added that there is ample commercial properties through-out Dunn. Encroachment into the residential neighborhood is an issue as well as overflow parking and potential hours to exceed 9:00 am - 5:00 p.m. He is against encroachment into the residential areas.

Council Member Maness stated that he was present at the Planning Board meeting and there was additional concerns expressed about the street parking as well as the additional traffic flow and the hours of operation. On two occasions at the Planning Board meeting, he pointed out that this rezoning request was not in compliance with the existing or future land use plan and his concern about how it may lead to an additional springboard to the rest of Watauga Avenue becoming commercially developed. His concern is where will they draw a line with commercial development in residential neighborhoods. He thought that line was clearly established based on the land use plan, adding that he realizes the land use plan is a guide and not a requirement. This rezoning is a unique situation; if this property did not extend over to Ashe Avenue, it would not be eligible to consider for commercial zoning but because it does, it is before the Council tonight; it met the requirement of having two pieces of commercial property adjoining it. He noted a further concern in that there is nothing they can do to put a condition that all the traffic come in on the Ashe Avenue side. Watauga is a very busy residential street and it will only get busier if they allow it to become commercially developed. If the vision is to go ahead and continue to commercially develop Watauga, then that is in direct conflict with the land use plan. His primary concern is where will they stop the continuing commercial development into existing residential neighborhoods. Most of the neighbors who spoke at the Planning Board meeting expressed negative concerns. He mentioned additional water run-off into an already bad area, adding to an existing problem with drainage. He pointed out that there are many available commercial properties through-out the town.

Council Member Joey Tart stated that this property has been vacant for many years. It would cost substantially to renovate this property. It does not appear likely that the house will be used for residential use in the near future and will take a considerable amount of money to make it sellable. He mentioned the negative view of commercial encroachment into the neighborhood and the drainage problems. He added that according to City Planner Neuschafer, commercial use would be in line for this area.

Mayor Harris stated that during the Planning Board meeting, the neighbors were semi-neutral. There has been a precedence set in the City of Dunn to let people take stately homes with heritage and develop them into offices, particularly professional offices. He added that a great Planning Board brought forth a favorable recommendation to rezone this property. He does not think this rezoning would be detrimental to this residential neighborhood.

Motion by Council Member Galbreath and seconded by Council Member Joey Tart to approve the request from Midtown Properties, LLC to rezone a parcel of land (PIN #1516-39-0878.000) totaling .60± acres and located at 107 N. Watauga Avenue from R-10; Single Family Dwelling District to CO; Office & Institutional District based on the following justification:

- 1) Office and Institutional uses are not 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 residential, retail, commercial and office space) in this area.
- 3) The permitted uses in the CO District are not considered detrimental to the area and would be beneficial to the entire community.

Mayor Harris asked if there was any further comment.

Council Member Turnage stated they should monitor the storm water run-off that will be likely in this area. If this rezoning is approved and a driveway is installed on this property, then water will flow down to Broad from Watauga and Ashe to Broad down to the lowest point.

Council Member Joey Tart questioned the potential for flooding in this area should they rezone this property commercial. Public Works Director Addison stated that the grade will send the water flow back toward Juniper Creek which would be east toward town. It will actually stay within the right-of-way boundaries coming back down Broad Street unless there is some type of containment to help restrict the flow.

Additional discussion was held about the possibility of further encroachment of commercially developed property into this neighborhood.

Ayes	Nays
Galbreath	Maness
Joey Tart	Robinson
	Turnage
	Billy Tart

Motion failed 2-4 and is denied.

Temporary Blocking of Streets Cotton Festival

Manager Autry stated that the NC Cotton Festival Committee has submitted a request to close the following streets for the 11th Annual Cotton Festival on November 7, 2009.

Friday, Nov. 6 from 7:00 pm until after the festival on Nov. 7 at 8:00 pm

- Broad St. from Clinton Ave. to Wilson Ave.
- Wilson Ave. from Edgerton St. to the Fire Station on Harnett St.

Saturday, Nov. 7 from 6:00 am until 6 pm

- Broad St. from Clinton Ave. to Layton Ave.
- Edgerton St. from Clinton Ave. to Fayetteville Ave.
- Wilson Ave. from Cumberland St. to the driveway to the Fire Station.
- Railroad Ave. from Cumberland St. to Harnett St.
- Lucknow Ave. to Broad St.
- Fayetteville Ave. from Cumberland St. to Edgerton St.
- King Ave. from Cumberland St. to Edgerton St.
- Layton Ave. from Cumberland St. to Edgerton St.

In addition, they also ask for assistance from city personnel (police, public works and parks and recreation) and that the street sweeper come through after the event on Saturday.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Turnage to approve the temporary blocking of streets as requested for the 11th annual NC Cotton Festival. **Motion unanimously approved.**

Order of Collections Authorization to Tax Collector

Manager Autry explained that pursuant to N.C.G.S. 105-352, attached is an Order of Collections which authorizes Tax Collector Shannon McIntyre to collect the taxes set forth in the 2009 tax records filed in the office of the Tax Collector.

Motion by Council Member Joey Tart and seconded by Council Member Maness to approve an order of collections authorizing Tax Collector Shannon McIntyre to collect the taxes set forth in the 2009 tax records filed in the office of the Tax Collector. **Motion unanimously approved.** *A copy of this Order of Collections is incorporated into these minutes as Attachment #9.*

Voting Delegate for 2009 NCLM Business Meeting

The North Carolina League of Municipalities will hold their annual business meeting on Tuesday, October 27, 2009 at 9:00 a.m. at the Greenville Convention Center.

Any municipality that plans to attend must have their governing board authorize a voting delegate and an alternate voting delegate to attend this meeting in order for them to cast a vote.

Mayor Harris, Council Members Galbreath and Turnage, and Manager Autry will be attending this meeting.

Motion by Council Member Turnage and seconded by Council Member Maness to designate Mayor Harris as a voting delegate and Council Member Galbreath as an alternate voting delegate representing the City of Dunn, NC at the 2009 North Carolina League of Municipalities annual business meeting on Tuesday, October 27, 2009 at the Greenville Convention Center. **Motion unanimously approved.**

Consideration of Tag Line for City of Dunn Logo/Brand Design

The DACC Marketing Committee along with representatives from the City of Dunn, Dunn Tourism Authority, Downtown Development Committee and Chamber members worked with a consulting firm over a period of several months to propose a new unified Logo/Brand for these agencies to use. It does allow each agency to use their own tag line, which is flexible depending on the occasion that would warrant a change.

The City Council approved the Logo/Brand design during their meeting of August 11, 2009; however, the Council members needed additional time to consider the tag line.

The tag line must begin with the word “Where” and end with the word “Matters”. The following tag lines have been suggested:

- Where Community Matters (recommended by the consulting firm)
- Where Livability Matters
- Where Communities Matter

Motion by Council Member Turnage and seconded by Council Member Joey Tart to adopt the tag line *Where Community Matters* for the City of Dunn Logo/Brand design. **Motion unanimously approved.**

ITEM FOR DISCUSSION
AND/OR DECISION

Financial Report

Finance Director Mark Stephens provided the following information from the North Carolina League of Municipalities about several legislative actions that will affect municipal revenues in FY 09-10 and FY 10-11 and an update on the Powell Bill distribution for this year:

- May 2010 Beer and Wine Distribution Reduced – a provision in the State budget will decrease the local share of the State excise tax on beer and wine for FY 09-10. As a result, the City has been informed to reduce the budgeted beer and wine tax revenues for FY 09-10 by two-thirds to reflect this reduction. This change in the distribution is intended to be a one-time revenue loss to local governments. Impact to the City of Dunn is a loss of approximately \$31,000.00 in revenue.
- FY 09-10 Sales Tax Changes – the State sales tax rate will increase from 4.5% to 5.5% on September 1, 2009 – all of the revenue from this 1% increase will go to the State. This has no direct impact on municipal revenues.
- FY 10-11 Property Taxes – the General Assembly created a property tax deferral for up to three (3) years on unoccupied new homes that are owned and constructed by a licensed general contractor engaged in the business of buying, improving and selling real property. Should a major subdivision be built with a lot of spec houses, the City may not see the property tax revenue right away if this deferral stays in effect.
- FY 09-10 Powell Bill Distribution – It is projected that the Powell Bill distribution will decline this year due to lower demand for motor fuel and automobiles. This decline in revenue has already been factored into the City budget and the numbers projected should be in line with the Powell Bill distribution for this fiscal year.

Mr. Stephens stated that the property tax discount period ended August 31, 2009 and the City has collected approximately 1.3 million in property taxes thus far. He informed the Council that the FY 08-09 audit report should be presented at the November Council meeting.

ADMINISTRATIVE REPORTS

Motion by Council Member Maness and seconded by Council Member Turnage to accept the Administrative Reports. **Motion unanimously approved.**

EXECUTIVE REPORTS

Mayor Pro Tem Robinson stated that there is a growing number of wooded lots with an overgrowth of voluntary vegetation on them and some lots within the City have bamboo growing on them. In talking with the City Manager and Public Works Director, he has been told that the City has no mechanism for taking care of these type wooded lots. He asked that this issue be reviewed by the City Attorney and some recommendation be made to the Council because this is a growing problem all over town.

Council Member Galbreath thanked Police Chief Jones and the Police Department for the crime prevention workshop held in the Council Chambers last week for local business owners. He announced a second workshop scheduled for this Thursday. These workshops are very informative to business owners.

Council Member Turnage announced the upcoming PAL Golf Tournament on October 14, 2009. He congratulated Campbell University in winning their first football game.

Council Member Maness announced that PAL is also holding a pork shoulder benefit sale.

CLOSED SESSION

8:08 p.m. - Motion by Council Member Joey Tart and seconded by Council Member Billy Tart to enter closed session pursuant to N.C.G.S. 143.318 to consult with the City Attorney about a legal matter. **Motion unanimously approved.**

Closed Session adjourned at 9:15 p.m. and Council reconvened the regular meeting at 9:16 p.m.

Motion by Council Member Joey Tart and seconded by Council Member Maness to approve the minutes of the closed session as recorded by City Attorney Pope. **Motion unanimously approved.**

With no further business to discuss, a motion was made by Council Member Maness and seconded by Council Member Joey Tart to adjourn the meeting at 9:18 p.m. **Motion unanimously approved.**

Oscar N. Harris
Mayor

Attest:

Debra G. West
City Clerk