

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

The City Council of the City of Dunn held a Regular Meeting on Tuesday, September 9, 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, 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, Recreation Director Perry Hudson, 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.

Council Member Billy Tart was absent, excused.

**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 9, 2008 meeting agenda with changes, if any, as listed below.

*Items Added to the Agenda:*

- Resolution of Commendation and Appreciation-Harnett Primary School
- Resolution of Commendation and Appreciation-Wayne Avenue School
- Resolution of Commendation and Appreciation-Dunn Middle School
- Proclamation Recognizing China Delegation
- Mayoral Appointment to Betsy Johnson Regional Hospital Authority
- Temporary Blocking of Street-The Working Group

*Agenda Items Removed:*

- none

*Agenda Adjustment*

- Public Comment Period moved to Item #12 (After Consent Items)

**Motion unanimously approved.**

Mayor Harris opened Public Hearings at 7:05 p.m.

**PUBLIC HEARINGS**

**DEMOLITION OF HOUSE  
805 E. HARNETT STREET**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the demolition of the dwelling owned by Angela Denise Walden and located at 805 E. Harnett Street.

The public hearing was duly advertised on August 27, 2008 and September 3, 2008.

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

Elijah Clark of 609 E. Pearsall Street, Dunn – He stated that some landlords give citizens such as himself, a place to live that cannot afford other housing. He does not make much money and this is the only affordable housing he can pay for.

Hearing no further comments, the public hearing was closed.

**ORDINANCE AMENDMENT OA-08-08**  
**CHAPTER 13. OFFENSES AND MISCELLANEOUS PROVISIONS**  
**PROPOSED AMENDMENT TO CURFEW 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, Article V, Section 13-70 (Curfew Ordinance).

The public hearing was duly advertised on August 28, 2008 and September 4, 2008.

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

Jeremy Bass, 101 Lilly Street, Dunn – He questioned the definition of a “school day” as proposed in the amendment which defines it as “any day in any calendar year designated by the Harnett County School Board as a regular school day for the public schools of Harnett County”. He stated there are other juveniles that will be in the City of Dunn who attend other school systems such as Cape Fear Christian Academy, home school, Sampson County Schools and Johnston County Schools that would not have the same school calendar. He asked how the ordinance can be legitimately enforced if these individuals are caught in Dunn. Will they be questioned or stopped by the Police?

Patrick Godwin, 604 W. Divine Street, Dunn – He read from an internet search which showed that many city imposed curfews have been overturned as unconstitutional because they were too vague. The current daytime curfew ordinance as written, is inadequate and unconstitutional. He spoke against the amendment. Children should be helped and not harassed by the Police Department.

Hearing no further comments, Mayor Harris closed public hearings at 7:15 p.m.

**CONSENT ITEMS**

Proclamation-Truck Body Capital of the World – Council considered approval of a proclamation designating Dunn, NC as “Truck Body Capital of the World”. Mayor Harris read and presented the proclamation to Mr. Pat Godwin, owner of Godwin Manufacturing Co. *A copy of Proclamation (P2008-13) “Truck Body Capital of the World” is incorporated into these minutes as Attachment #1.*

Mayor Harris, along with the entire Council, stepped to the podium to present the following Resolutions of Commendation and Appreciation to Harnett County Board of Education Superintendent Dan Honeycutt, Mrs. Sabrina Hendley (Principal of Harnett Primary) and Karen Lee (Asst. Principal), Mr. Hugh Bradham (Principal of Wayne Avenue), Mr. Stan Williams, II (Principal of Dunn Middle) and Steve McLean (Asst. Principal), Harnett County Board of Education members Billy Tart and Vivian Bennett, Dunn Area Chamber of Commerce (DACC) President Barry Kelly and DACC Education Chairman Clem Medley.

Resolution-Council considered approval of a Resolution of Commendation and Appreciation to Harnett Primary School for making adequate yearly progress under the No Child Left Behind Act in Education. *A copy of Resolution (R2008-16) recognizing Harnett Primary School is incorporated into these minutes as Attachment #2.*

Resolution-Council considered approval of a Resolution of Commendation and Appreciation to Wayne Avenue School for making adequate yearly progress under the No Child Left Behind Act in Education. *A copy of Resolution (R2008-17) recognizing Wayne Avenue School is incorporated into these minutes as Attachment #3.*

Resolution-Council considered approval of a Resolution of Commendation and Appreciation to Dunn Middle School for making adequate yearly progress under the No Child Left Behind Act in Education. *A copy of Resolution (R2008-18) recognizing Dunn Middle School is incorporated into these minutes as Attachment #4.*

After the presentation, Harnett County Board of Education Superintendent Dan Honeycutt spoke about the dedication and excellence of the work by the teachers. It is a tremendous accomplishment to have three schools in Dunn meet the “No Child Left Behind” expectations as well as their achievement of attaining

high growth under the ABC Model. He thanked the Dunn community for their involvement in their schools.

Minutes-Council considered approval of minutes of the August 12, 2008 Council meeting.

Minutes-Council considered approval of minutes of the August 21, 2008 Special Call meeting.

Tax Releases/Refunds-Council considered approval of Tax Releases/Refunds #3 - #129 and #130 - #137. *Copies of Tax Releases/Refunds are filed in the office of the Tax Collector.*

Tax Collections Department - Destruction of Records - Council considered approval of destruction of records that 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 #5.*

Board Appointment-Library Board-Council considered approval of appointing Ms. Elma West of 1505 Fairview Street, Dunn, to fill the unexpired term of Phil Parker ending June 30, 2009.

Proclamation-Council considered approval of a proclamation designating September 17-23, 2008 as Constitution Week. *A copy of Proclamation (P2008-14) designating Constitution Week is incorporated into these minutes as Attachment #6.*

Proclamation-China Delegation – Council considered approval of a proclamation recognizing the China Delegation of students from No. 1 Middle School of Liuyang, Hunan Province, China, in their visit to Dunn, NC during the period of September 5-18, 2008. *A copy of Proclamation (P2008-15) recognizing the China Delegation is incorporated into these minutes as Attachment #7.*

Board Appointment-Betsy Johnson Regional Hospital Authority – Mayor Harris appointed Mr. Donnie Olds to fill the unexpired term of Dwight Snow ending March 31, 2009.

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

#### **PUBLIC COMMENT PERIOD**

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

Ms. Elizabeth Crudup, 400 S. Magnolia Avenue, Dunn – She spoke about the agenda item “Consideration of Memorandum of Understanding to accept property from Harnett County Board of Education”. This property is the old Harnett High School. It was a Rosenwald school where African Americans received their education. This is an extremely historic piece of property. She stated that in Harnett County, black people have nothing standing to represent their history. The City of Dunn has a track record of demolishing or neglecting historic properties and should not consider taking on this piece of property.

Mr. Daniel Smoak, 401 S. Clinton Avenue, Apt. C, Dunn - He received a paper stating that his rent would be increasing \$25.00 per month. He is here to find out about this increase. He works hard and doesn't understand the rate increase. He suggested they increase inspection rates instead of increasing rental rates. He is against the rental inspection fee.

Mr. Elijah Clark, 609 E. Pearsall Street, Dunn – He spoke about the curfew ordinance. He stated that he is 51 years old and he was stopped by the Police Department and asked why he was out so late.

Mr. Thomas Ellis, II, 400 S. Magnolia Avenue, Dunn - He asked the Council to define gang member. He stated that the gang task force could be put to other uses. There are no gangs in the City.

Doug Godwin, 725 Westbrook Avenue, Dunn – He asked the Council to reconsider the fee being charged with the new rental housing ordinance. The City is charging the landlord a direct fee of \$65.00 for paperwork and inspection time; the landlord has the same paperwork and inspection time so it is only fair for the landlord to charge \$65.00. With the new ordinance, he could find problems with any house in Dunn, including his own. If he calls a plumber or electrician, it will cost \$150.00 and every inspection will

cost \$150 to \$200. If divided by 12, it is \$24.00 per month to pass along to the tenant. Some of his tenants are handicapped, on fixed incomes and cannot go out and earn additional money to make up this difference every year. With other inflation, it is too much to ask his tenants to bare these costs. He does not have a problem with the ordinance; however, he does not agree with the inspection fee. He asked that the City not charge a fee, but keep the inspection.

Dr. Ken McElynn, 121 Brightwood Circle, Dunn – On behalf of himself and his neighbors, he has serious concerns about the mandatory rental housing ordinance passed on July 8, 2008. He spoke of the economy and their worries that this ordinance will hurt people more, and force landlords to raise rent. Substandard housing is a serious issue in Dunn but so is the right to privacy. This rental housing ordinance is unconstitutional. The 4<sup>th</sup> amendment of the Bill of Rights of the US Constitution protects citizens against unreasonable search and seizure without probable cause. The citizens need effective citizen outreach, not government intrusion. He insisted that the Council rescind this ordinance immediately on the grounds of unconstitutionality. He asked the Council to create a task force to address substandard housing in Dunn.

Ms. Jennifer Fuller, 119 Brightwood Circle, Dunn – She spoke against the mandatory rental inspection. You cannot infringe upon citizen's rights in order to protect a group of people. She spoke against making distinctions between homeowners and renters. She should be treated the same as a landowner; federally, locally and statewide. She questions the people that will be inspecting her home. She questioned some of the standards in the ordinance such as the definition of clean. The ordinance is vague in areas. Why not have a public outreach program or a hotline for renters to call in for substandard housing. She agreed that substandard housing must be an issue in Dunn for this ordinance to be written; however, this ordinance is going about the issue the wrong way. This ordinance conveys that renters have fewer rights than homeowners.

Carolyn McDougal, 809 E. Johnson Street, Dunn – She stated that the NAACP does not condone using names or affiliation with any type of proceeds without proper authorization. Wincor Management Company released information that the NAACP is supporting the city ordinance. She stated that NAACP is not supporting it at this time. They do not want anybody using the Harnett County NAACP unless it's Carolyn P. McDougal. She is the only one authorized to use that name in Harnett County. The NAACP does not involve itself in any type of dilemma without investigating all circumstances surrounding the issues. She asked that no one use the NAACP name unless it comes through Carolyn P. McDougal.

Hearing no further comments, the Public Comment period was closed at 7:55 p.m.

### **ITEMS FOR DECISION**

#### **CONSIDERATION OF ORDINANCE TO DEMOLISH HOUSE 805 E. HARNETT STREET**

Council Member Galbreath asked Inspector Blackmon to present information about this property.

Inspector Mike Blackmon stated that owner, Angela Denise Walden, was sent a letter in May, stating this house had been condemned. The majority of the windows are broken out; the house is standing open with no electricity or water. Ms. Walden was notified of a hearing held on Thursday, May 22, 2008. At that time, the inspection office was located in City Hall. Mr. Greg Harris, Ms. Angela Walden and Code Enforcement Officer Steven King attended the hearing on May 22, 2008 and discussed the repairs that needed to be made. Ms. Walden was sent a letter dated June 5, 2008, stating that the defective conditions needed to be repaired or demolished within 60 days, which is a state statute. To date, nothing has been done to this house and as of yesterday, it was still open to the elements.

Mayor Harris asked Mr. Blackmon if Ms. Walden had made contact with him. Mr. Blackmon responded that he has not been contacted by Ms. Walden, but he understood from Code Enforcement Officer Steven King, that on August 4, 2008, when the inspections department moved their offices from City Hall to 102 N. Powell Avenue, which was also the date that the 60 days expired, Greg Harris came by to speak with Mr. King and Mr. King asked Mr. Harris to come back another day but Mr. Harris has not done so.

Council Member Galbreath asked Mr. Blackmon if this house could be rehabbed and if so, what amount of time could it be done. Mr. Blackmon responded that if the homeowner has sufficient funds, anything is

possible. If the homeowner hired reputable contractors to do the work, 60 days is an adequate time to get started; however, it appears in this particular case, they never started steps to rehab it.

Council Member Joey Tart asked Mr. Blackmon what it would take to rehab this house. Mr. Blackmon responded there is no heat, it is on a concrete slab and the condition of the water piping is unknown because it is located underneath the concrete. It is a cinderblock house. He estimated \$15,000 to \$25,000; however, there is no way to know some of the hidden problems that may exist.

Mayor Harris asked Mr. Blackmon if he knew how long this house had been standing in this condition. Mr. Blackmon responded for quite some time. He added that Ms. Walden was contacted several months prior to serving the letter. She advised that the windows would be replaced and the house repaired. It became apparent that nothing was going to be done to rehab the house. Based on North Carolina General Statutes, it was in a state that justified condemnation.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Maness to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 805 E. Harnett Street.

Mayor Harris asked if there was further discussion.

Mr. Robinson stated that this house is probably 60 to 70 years old. The Council has no justification in the absence of any compliance by the owners of this property, for not approving the ordinance to demolish. Any other action taken by the Council at this point and time would set a precedence they couldn't live with in this City if they want safe, decent, affordable housing. He would not want this property next to him in its current condition. It does not help the neighborhood. If a piece of property endangers the rest of the neighborhood, they have an obligation to first approach the owners to request that they do something and in the absence of their response, then the Council has the responsibility to take action.

**Motion unanimously approved.** *A copy of Ordinance (02008-14) to demolish 805 E. Harnett Street is incorporated into these minutes as Attachment #8.*

**ORDINANCE AMENDMENT OA-08-08**  
**CHAPTER 13. OFFENSES AND MISCELLANEOUS PROVISIONS**  
**PROPOSED AMENDMENT TO CURFEW ORDINANCE**

Mayor Harris yielded to City Attorney Pope.

Mr. Pope stated that following the Council's adoption of the curfew ordinance in July, the Town of Erwin also adopted a curfew ordinance which addressed school days and school hours for children that were suspended from school, skipped school and things of that nature so a request was brought forward to amend the City of Dunn's ordinance to include school day. They must define what constitutes a school day. During the public hearing tonight, Mr. Bass brought forth a legitimate concern about children that attend a school system outside of Harnett County and may be on a different school calendar and could be out of school and theoretically in violation of the ordinance amendment as proposed tonight. He pointed out that there are numerous existing exceptions within the current curfew ordinance that address some of these concerns; however, he does not feel it would adequately address those concerns raised by Mr. Bass as far as juveniles from other school districts that could be in the City of Dunn. He recommended tabling this amendment to allow him an opportunity to bring forward an additional amendment at the October council meeting that would address the concern that has been brought up about children that do not fall under the Harnett County School schedule.

Motion by Council Member Turnage and seconded by Council Member Maness to table the curfew ordinance amendment until the October meeting. **Motion unanimously approved.**

**TEMPORARY BLOCKING OF STREET  
GLENFIELD DRIVE**

With Council Consensus, Mayor Harris deferred this item of business until the continued meeting on September 11, 2008 at 11:00 a.m.

**TEMPORARY BLOCKING OF STREETS  
EMERGENCY SERVICES DISASTER DRILL**

With Council Consensus, Mayor Harris deferred this item of business until the continued meeting on September 11, 2008 at 11:00 a.m.

**VOTING DELEGATE FOR  
2008 NCLM BUSINESS MEETING**

With Council Consensus, Mayor Harris deferred this item of business until the continued meeting on September 11, 2008 at 11:00 a.m.

**ORDER OF COLLECTIONS  
AUTHORIZATION TO TAX COLLECTOR**

With Council Consensus, Mayor Harris deferred this item of business until the continued meeting on September 11, 2008 at 11:00 a.m.

**CONSIDERATION OF MEMORANDUM  
OF UNDERSTANDING TO ACCEPT  
PROPERTY FROM HARNETT COUNTY  
BOARD OF EDUCATION**

Mayor Harris yielded to City Attorney Pope.

Attorney Pope stated that at the last Council meeting held on August 21, 2008, there was a draft Memorandum of Understanding (MOU) that he prepared and sent to Harnett County for their consideration, as it relates to this property. At that time, the Council requested that he inquire from the County, that in the event the property could not be saved, for whatever reason, and had to be demolished, if the County would give any consideration to waiving tipping fees. He has presented this request to the County Manager and in his last correspondence with the County Manager, he was advised that it would be discussed with the County Commissioners at their next work session, which did not fall in time before this meeting; therefore, he does not have an answer for the Council at this time. Mr. Pope stated that the County Manager said that the County might like to suggest some changes to add to the MOU, particularly a provision as it relates to the Rosenwald school. There is no final draft MOU for Council consideration tonight.

Motion by Council Member Joey Tart and seconded by Council Member Turnage to table this item of business until the October Council meeting. **Motion unanimously approved.**

**TEMPORARY BLOCKING OF STREET  
THE WORKING GROUP**

With Council Consensus, Mayor Harris deferred this item of business until the continued meeting on September 11, 2008 at 11:00 a.m.

## ADMINISTRATIVE REPORTS

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

## EXECUTIVE REPORTS

In response to the comments made by Ms. Elizabeth Crudup during the public comment period with reference to the old Harnett High School property, Council Member Galbreath stated that nowhere in any of their information, did they say anything about demolishing that property. He encouraged citizens to have all the facts before making presentations to the Council.

Council Member Joey Tart stated that the Harnett High property is needed for the services of the City, for the Police Athletic League, Senior Center, Meals on Wheels and daycare. The City of Dunn has been taking care of this facility for the last ten years. It is his intention to keep this property for the City of Dunn; however, there is a part of this property that is in an unsafe condition, and it is his hope to rehab it.

Mayor Harris made the following reports:

- The Dunn Downtown Development Corporation has requested the downtown tax monies collected for the past two years as well as the City's contribution of \$12,000.
- A Rural Center Grant in the amount of \$100,000 has been awarded to H & H Products for the restoration of the old meat processing plant located behind Morganite. This will be forthcoming to the Council.
- The transfer of all assets in the merger of the Dunn Fire Department to Dunn Emergency Services has been completed. A ribbon cutting will be held in the near future.
- Work has begun on the restoration of the McKay house.
- The Harnett Regional Theater will present "Over the River and Through the Woods" on Friday night and encouraged all to attend.

Mayor Harris stated that the China Delegation will be attending the September 11, 2008 continued Council Meeting, at which time, they will be presented with medallions and proclamations.

With no further business to discuss, a motion was made by Mayor Pro Tem Robinson and seconded by Council Member Turnage at 8:27 pm to recess the meeting until 11:00 am on Thursday, September 11, 2008. **Motion unanimously approved.**

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Oscar N. Harris  
Mayor

Attest:

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Debra G. West  
City Clerk