

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

The City Council of the City of Dunn held a Regular Meeting on Tuesday, September 14, 2010, 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, Police Chief B.P. Jones, Planning Director Steven Neuschafer, Chief Building Inspector Mike Blackmon, Recreation Director Perry Hudson, Librarian Mike Williams, 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, the Pledge of Allegiance was repeated.

**AGENDA ADJUSTMENT AND APPROVAL**

Motion by Mayor Pro Tem Robinson and seconded by Council Member Turnage to adopt the September 14, 2010 meeting agenda with changes, if any, as listed below.

*Items Added to the Agenda:*

- Set Special Call Meeting/Work Session - October 13, 2010 – 8:30 am

*Agenda Items Removed:*

- none

**Motion unanimously approved.**

**PRESENTATIONS**

**Proclamation Presentation  
Dixie Youth NC All-Stars  
12U Boys State Runner Up**

Mayor Harris and Mayor Pro Tem Robinson read and presented a proclamation recognizing the Dunn Recreation Department Dixie Youth NC All-Stars (12-Under) Boys Baseball Team State Runner Up. A copy of Proclamation (P2010-19) recognizing the Dunn Dixie Youth NC All-Stars 12U is incorporated into these minutes as Attachment #1.

**Proclamation Presentation  
Dixie Youth NC All-Stars  
10U Girls Angels State Champions**

Mayor Harris and Mayor Pro Tem Robinson read and presented a proclamation recognizing the Dunn Recreation Department Dixie Youth NC All-Stars (10-Under) Girls Angels State Champions as well as advancing to compete in the World Series in Vanleave, Mississippi. A copy of Proclamation (P2010-20) recognizing the Dunn Dixie Youth NC All-Stars 10U is incorporated into these minutes as Attachment #2.

Comments were made by Dixie Youth League Assistant District Director Jay Hardison. He thanked the City for their support of the Recreation department. He pointed out that during the State Championship and World Series tournament, he noticed that no other town had their Recreation Director, City Manager or Mayor attend those events like the City of Dunn and that means a lot to these young boys and girls.

Comments were made by Recreation Director Perry Hudson. He announced that the City of Dunn will host the state tournament for AA (8-under) Boys teams in 2011. He also thanked the City of Dunn for supporting the Recreation programs.

7:20 pm - Mayor Harris called for a short recess.

**CSX Transportation/NCDOT Rail Division  
Mr. Danny Gilbert**

Mr. Danny Gilbert, Rail Safety Consultant for NCDOT Rail Division, presented information to the Council with regard to CSX Transportation and NCDOT Rail Division working together to reduce the number of collisions between the general public and trains. They have been meeting with cities and towns on the CSX A line for a few months in an attempt to improve safety on this line.

Mr. Gilbert explained that the federal highway administration and the federal railroad administration have indicated that 25% of the nation's crossings could be closed or consolidated which started this effort.

It was proposed to the Council, to close the Pearsall at – grade crossing. He stated that if the City did not want to close the Pearsall at-grade crossing, then the City could offer another crossing for consideration to close. CSX and NCDOT Rail Division are willing to offer a monetary amount of \$57,500.00 to the City in exchange for closing a rail crossing. He explained that monies may not be available next year in exchange for closing a crossing.

**1<sup>st</sup> Baptist Church/PAL  
Community Garden Partnership**

First Baptist Church of Dunn desires to partner with the Police Athletic League (PAL) to develop a new after school/summer program for those served by the PAL's program.

Dr. Len Keever, Pastor of First Baptist Church, explained that the church and PAL participants would construct a greenhouse, plant a large garden and grow vegetables to share with the community by selling at a local farmer's market using the income to fund the PAL program, provide for scholarships and PAL activities. This program will teach management, work skills and provide nutrition.

Dr. Keever explained that this grant was applied for via Food Lion and Pepsi for a new community project and the church was awarded \$10,000 to build a greenhouse. NC Cooperative Extension has joined in this initiative and will provide raised plant beds.

Council Member Turnage stated that the Council will further discuss the sustainability/long-term cost of this project during the October 13, 2010 work session.

**PUBLIC COMMENT PERIOD**

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

Mr. Reece Murphy, 201 S. Layton Avenue, Dunn, NC announced that this is the last Council meeting he will cover for The Daily Record. His employment will end September 30<sup>th</sup>; he will be married soon and will relocate to another State. He stated that this Council represents the City well and he will miss reporting for this Council.

Hearing no further comments, the public comment period was closed.

**PUBLIC HEARINGS**

**Conditional Use Permit CU-03-10  
Carmen & Rob Forrester  
Pin #1516-57-3212.000  
210 W. Divine Street**

Mayor Harris stated that this is a request for a Conditional Use Permit [Zoning Ordinance Article IX Section 22-461 (2) d.] from Carmen & Rob Forrester. The conditional use will allow for the operation of a bed and breakfast at 210 W. Divine Street.

This request is for the purpose of operating a bed and breakfast. According to the applicant, the bed and breakfast would be similar to the one the applicant is currently operating in the 300 block of W. Divine Street. There is a mix of residential, commercial and office use surrounding the property under consideration.

This 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. During the deliberation for decision, questions may only be asked to clarify previous testimony.

The public hearing was duly advertised on August 17<sup>th</sup>, 31<sup>st</sup> and September 7<sup>th</sup>, 2010.

Mayor Harris yielded to City Attorney Pope.

City Attorney Pope introduced CU 03-10 a request by Carmen & Rob Forrester for the issuance of a conditional use permit to allow for the operation of a bed and breakfast at 210 W. Divine Street. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards. Attorney Pope asked that all persons who wish to testify in this case, approach the podium to be sworn or give their affirmation.

***Swearing-In:***

*City Attorney Pope administered oaths to:*

*City Planner Steven Neuschafer*

*Applicant Ms. Carmen Forrester*

**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.

City Attorney Pope opened the hearing on Case #CU 03-10 Conditional Use Permit Application and asked for testimony from Planning Director Steven Neuschafer.

***Testimony from the Planner***

Planner Neuschafer asked that the documents contained behind tab #14 in the City Council packet which includes the conditional use application, Planning Department staff report, statement of justification from the applicant and a map of the property be entered as evidence. *(A copy of these documents entered as evidence for Case #CU 03-10 Conditional Use Permit is incorporated into these minutes as Attachment #3)*

*At the end of the City Planner's testimony, Attorney Pope asked if there were any questions of the City Planner.*

Council Member Billy Tart asked Mr. Neuschafer if two parking spaces and two on-street parking spaces is sufficient for this business. Mr. Neuschafer responded that on-street parking is allowed for this use and will suffice according to the zoning ordinance; however, the applicant can explain the parking situation in detail.

*Attorney Pope asked if there were questions of the City Planner from any opponent/proponent. None were heard.*

***Attorney Pope asked for testimony from the Applicant/Proponents***

Ms. Forrester stated that the surrounding churches have agreed to let them use their parking spaces whenever needed.

She stated that she and her husband have been in Dunn for almost three years and the experience they have had in operating their current bed and breakfast will prepare them to be successful with another one. A bed

and breakfast adds a unique experience to the town and makes people remember a town more than a hotel. She gave an example of a couple from out-of-state who recently wed at the bed and breakfast and to prepare for their wedding, they purchased their wedding cake, flowers, etc. from local businesses in town. They have also experienced guests from the continents of North America, Australia, Europe, and Asia.

*Attorney Pope asked the Council if they had any questions of the applicant/proponents.*

Mayor Harris asked Mrs. Forrester if this bed and breakfast will provide 24 hour staffing. She responded not at this time.

*City Attorney Pope entertained questions from other parties for the applicant/proponents. None were heard.*

*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 additional conditions that the Council wishes to consider to place upon the use of the land by the applicant, must ask the applicant if he/she will voluntarily place the condition upon his/her property at this time.*

With no further testimony, a motion was made by Council Member Joey Tart and seconded by Council Member Maness to close the public hearing for CU-03-10 at 7:53 p.m. **Motion unanimously approved.**

**Conditional Zoning Request CZ-04-10**

**Ashley Glover**

**Pin #1516-80-3293.000**

**608 Spring Branch Road**

Mayor Harris stated that the public has been notified that oral and written comments will be heard and received concerning the request by Ashley Glover for a conditional zoning district for a parcel of land, totaling .63 acres +/-, at 608 Spring Branch Road.

This property is currently zoned I-100; Industrial District and is requested to be rezoned to C-3 (CZD); Highway Commercial Conditional Zoning District, to allow for the operation of a child care center.

The public hearing was duly advertised on August 17<sup>th</sup>, 31<sup>st</sup> & September 7<sup>th</sup>, 2010.

Mayor Harris asked if there was anyone who wished to speak for or against this conditional zoning request.

Ashley Glover of 206 Stewart Rd., Godwin, NC stated that she has a small child and it is her desire to operate a child care center. Her father owns the building and it was previously used as a private school.

Hearing no further comments, Mayor Harris closed the public hearing.

**Ordinance Amendment OA-03-10**

**Chapter 22; Article III**

**Section 22-70 through 22-123 and**

**Section 22-367**

Mayor Harris stated that this is a request to hereby amend Chapter 22 of the City of Dunn zoning ordinance; Article III, Division 1, Section 22-70 through 22-123 and Section 22-367.

This amendment will revise the accessory structure dimensional requirements in all residential zones and the accessory building guidelines.

The public hearing was duly advertised on August 17<sup>th</sup>, 31<sup>st</sup> & September 7<sup>th</sup>, 2010.

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

Hearing no comments, Mayor Harris closed the public hearings at 7:56 pm and reconvened the regular meeting.

### **CONSENT ITEMS**

Minutes – Council considered approval of minutes of the August 10, 2010 Council meeting.

Proclamation - Council considered approval of a proclamation designating September 17-23, 2010 as Constitution Week. Mayor Pro Tem Robinson read the proclamation. *A copy of Proclamation (P2010-21) designating Constitution Week is incorporated into these minutes as Attachment #4.*

Budget Amendment – Council considered approved of Budget Amendment #2 for FY 2010-2011. *A copy of BA #2 is incorporated into these minutes as Attachment #5.*

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 (R2010-17) is incorporated into these minutes as Attachment #6.*

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

### **ITEMS FOR DECISION**

#### **Conditional Use Permit CU-03-10**

**Carmen & Rob Forrester**

**Pin #1516-57-3212.000**

**210 W. Divine Street**

This request is for the operation of a bed and breakfast at 210 W. Divine Street.

This property is currently zoned R-10; Single Family Dwelling District.

The Planning Board met on August 24, 2010, 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 unanimously to approve this request.

Motion by Council Member Turnage and seconded by Council Member Galbreath to approve CU-03-10 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 Section 22-461 (2) d, the Conditional Use is listed in the ordinance.*
2. The requested use is essential or desirable to the public convenience or welfare. *The requested use is desirable to the public. A bed and breakfast is consistent with the residential and commercial uses in the area.*
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. *The surrounding area already has a large group of patrons because of the museum, church, and commercial properties around the location under consideration. The bed and breakfast will only be busy during peak season. The amount of traffic may increase but minimally due to the self-limiting capacity of the house.*
4. The requested use will be in conformity with the land development plan. *The location of this request is surrounded by three different zoning districts; the issuance of this permit will be appropriate with the anticipated growth pattern of future residential and commercial use identified in area four of the 2030 Land Use Plan.*
5. Adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided. *All facilities are available at this location which is currently a vacant house.*

**Motion unanimously approved.**

**Conditional Zoning Request CZ-04-10**

**Ashley Glover**  
**Pin #1516-80-3293.000**  
**608 Spring Branch Road**

This is a request for a conditional zoning of a parcel of land, totaling .63± acres, located at 608 Spring Branch Rd.

This property is currently zoned I-100; Industrial District and is requested to be rezoned to C-3; (CZD); Highway Commercial Conditional Zoning District.

The Planning Board met on August 24, 2010, to review the request and ask for comments from the public. After hearing comments from the public and the request from the applicant, the Planning Board recommended unanimously to approve this request.

Motion by Council Member Galbreath and seconded by Council Member Joey Tart to approve the request from Ashley Glover for a conditional zoning district for a parcel of land (PIN #1516-80-3293.000) totaling .63± acres, located at 608 Spring Branch Road from I-100; Industrial District to C-3 (CZD); Highway Commercial Conditional Zoning District based on the following justification:

- 1) The City of Dunn Land Use Plan identifies this parcel as commercial use on the future land use map. This property is located in area three of the Land Use Plan.
- 2) The amendment is not inconsistent with the surrounding land uses which are commercial and office.
- 3) A child care center in the C-3 (CZD) District is suitable and is not considered detrimental to the area and would be beneficial to the entire community.

**Motion unanimously approved.**

**Ordinance Amendment OA-03-10**  
**Chapter 22; Article III**  
**Section 22-70 through 22-123 and**  
**Section 22-367**

City Planner Neuschafer explained that this amendment will revise the accessory structure dimensional requirements in all residential zones and the accessory building guidelines. The idea behind the amendment is to limit the size of an accessory building such as a garage, pool house, etc. that would be built behind a single family residence. The ordinance had not previously stipulated exactly what the regulations were as far as if an accessory building could be built larger than the primary structure, which they have had a couple of these in town, due to the error in the ordinance.

The Planning Board met on August 24, 2010, conducted a public hearing and unanimously approved the amendment.

Motion by Council Member Joey Tart and seconded by Council Member Turnage to approve OA-03-10. **Motion unanimously approved.** *A copy of Ordinance (O2010-12) is incorporated into these minutes as Attachment #7.*

**Authorization to Accept**  
**21<sup>st</sup> Century Grant for PAL**

Manager Autry asked the Council to defer this issue until the October 13, 2010 special call meeting/work session to review this proposal extensively. Council consensus was to defer to October 13, 2010.

**Consideration of a Resolution in**  
**Support of the Establishment of a**  
**College of Osteopathic Medicine at**  
**Campbell University**

The Council is being asked to formally support the establishment of a College of Osteopathic Medicine.

The Board of Trustees of Campbell University approved a feasibility study on August 4, 2010 to consider the establishment of a College of Osteopathic Medicine, beginning with a charter class in August 2013.

Campbell University is requesting that all local municipalities adopt a resolution supporting this medical school.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Maness to adopt a Resolution in Support of the Establishment of a College of Osteopathic Medicine at Campbell University. **Motion unanimously approved.** *A copy of Resolution (R2010-18) in support of this medical school is incorporated into these minutes as Attachment #8.*

### **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 12<sup>th</sup> Annual Cotton Festival on November 6, 2010.

#### Friday, Nov. 5 from 7:00 pm until after the festival on Nov. 6 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. 6 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 at the Fire Station on Harnett.
- 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 Council Member Joey Tart and seconded by Council Member Galbreath to approve the temporary street closings as requested for the 12<sup>th</sup> Annual NC Cotton Festival. **Motion unanimously approved.**

### **Temporary Blocking of Street McNeil Memorial Church**

Manager Autry stated that a request has been received from McNeil Memorial Church to close E. Canary Street from S. Elm Avenue to S. Magnolia Avenue on Saturday, September 18, 2010 from 8:00 am until 4:00 pm for the purpose of holding a street fair for the neighborhood children.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Turnage to approve the temporary street closing as requested by McNeil Memorial Church. **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 2010 records filed in the office of the Tax Collector.

Motion by Mayor Pro Tem Robinson and seconded by Council Member Joey Tart to approve an order of collections authorizing Tax Collector Shannon McIntyre to collect the taxes set forth in the 2010 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.*

**Consideration of NCWaterWARN  
Mutual Aid and Assistance Agreement  
For Water and Wastewater Utilities**

The Council is being asked to enter into a mutual aid agreement with the NC Water and Wastewater Agency Response Network (NCWaterWARN) for water and wastewater utilities.

Utilities Director Dean Gaster provided the following key components of this agreement:

- The NCWaterWARN initiative establishes a process for peer-to-peer mutual aid to provide rapid, short-term deployment of emergency assistance to restore critical operations to an affected utility.
- 47 states currently have this agreement in place and North Carolina has had this agreement in place since June, 2008. It provides provisions for network activation, reimbursement, liabilities and other issues mutually agreed upon by those that have signed this agreement. It also meets Fiscal Year 06 Department of Homeland Security requirements which states that in order to be eligible for Federal reimbursement, assistance provided through mutual aid agreements requires that the agreement be established prior to the event of an emergency.
- This is a utility helping utility agreement.
- NCWaterWARN is designed to supplement existing mutual aid agreements.
- NCWaterWARN is designed to expedite assistance before state and federal governments can mobilize.
- NCWaterWARN can be activated between utilities in crisis without a disaster declaration, but integrates with the State EOC operations during a declared disaster.
- The agreement does not obligate members to do anything. Members are not required to provide assistance.
- This program is recognized by the State Emergency Management and FEMA.

Motion by Council Member Galbreath and seconded by Council Member Turnage to approve the NCWaterWARN agreement. **Motion unanimously approved.** *A copy of the NCWaterWARN agreement is incorporated into these minutes as Attachment #10.*

**Voting Delegate for  
2010 NCLM Business Meeting**

The North Carolina League of Municipalities will hold their annual business meeting on Monday, October 25, 2010 at 1:45 p.m. at the M.C. Benton Convention Center in Winston Salem, NC.

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 the NCLM Annual Conference.

Motion by Council Member Galbreath and seconded by Council Member Maness to designate Mayor Harris as a voting delegate and Council Member Turnage as an alternate voting delegate representing the City of Dunn, NC at the 2010 North Carolina League of Municipalities annual business meeting on Monday, October 25, 2010 at the M.C. Benton Convention Center in Winston Salem, NC. **Motion unanimously approved.**

**Set Special Call Meeting/Work Session Date  
October 13, 2010**

Motion by Mayor Pro Tem Robinson and seconded by Council Member Galbreath to set a special call meeting/work session date for October 13, 2010 at 8:30 am in the Council Chambers for possible action on the following issues:

- Consultant will discuss a proposal to convert the Rosenwald School (old Harnett High School building) into senior apartments
- Evaluate the 21<sup>st</sup> Century PAL Grant and the location of the proposed greenhouse project for PAL
- Establishment of a CDC (Community Development Corporation)
- CSX proposal to close Pearsall Street at-grade crossing

**Motion unanimously approved.**

**ITEMS FOR DISCUSSION  
AND/OR DECISION**

**Financial Report**

Finance Director Mark Stephens provided the following pre-audited financial report for fiscal year ended June 30, 2010:

- Property taxes were \$3,242,175 or 101.94% of budget. The City ended \$62,174 above budget.
- Franchise taxes were \$557,175 or 103.18% of budget. The City ended \$17,175 above budget.
- The Sales Tax Revenue was \$1,254,333.39 or 88.33% of budget. The City ended \$165,667 below budget.
- Total expenditures in the General Fund were \$8,839,784 or 96.62% of budget. The City ended \$309,216 below budgeted expenditures.
- Total expenditures in the Water/Sewer Fund were \$3,999,881 or 93.34% of budget. The City ended \$285,019 below budgeted expenditures.
- The City received \$999,338 in State and Federal grants for the year.
- The City acquired \$670,000 in capital assets in both the general and water/sewer fund during the year.

**ADMINISTRATIVE REPORTS**

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

**ANNOUNCEMENTS**

The following announcements and/or comments were made.

Mayor Harris:

- The next City Council meeting is scheduled for Tuesday, October 12, 2010 at 7:00 pm.
- The City Council will meet on October 13, 2010 at 8:30 am for a Special Call/Work Session Meeting.

Manager Autry:

- Contractor has completed repairs to the bridge at the Water Plant that leads down to the pump station. He will be sending to the Council, before and after pictures of the bridge work. Cost estimates were budgeted at \$150,000; however, the actual cost to repair was under \$70,000.
- Broad Street connection from Magnolia to Clinton should be complete by the end of the week. This will complete the wastewater project in the downtown area. Water line upgrades will begin in the downtown area after the first of the year.
- A proposal will be presented at the October Council Meeting to observe Halloween on Saturday night, October 30, 2010.
- A very positive article was in the News and Observer portraying the City of Dunn's detective Scott Epperson aka "Barney Fife".

Mayor Pro Tem Robinson:

- I Love Dunn buttons are available in the City Manager's office.

With no further business to discuss, a motion was made by Council Member Joey Tart and seconded by Council Member Maness to adjourn the meeting at 8:31 p.m. **Motion unanimously approved.**

---

Oscar N. Harris  
Mayor

Attest:

---

Debra G. West  
City Clerk