

Dunn City Council
Regular Meeting
Tuesday, January 10, 2023
6:30 p.m., Dunn Municipal Building

Minutes

PRESENT: Mayor William P. Elmore Jr., Mayor Pro Tem Dr. David L. Bradham, Council Members J. Wesley Sills, April Gaulden, Frank McLean, Billy N. Tart, and Chuck Turnage.

Also present: City Manager Steven Neuschafer, Assistant City Manager Mathew Boone, Finance Director Cary McNallan, Public Utilities Director Heather Adams, Chief of Police Cary Jackson, Planning Director George Adler, Parks and Recreation Director Brian McNeill, Human Resources Director Connie Jernigan, Administrative Support Specialist II Debra Creighton, City Attorney Tilghman Pope, and City Clerk Tammy Williams.

CALL TO ORDER AND INVOCATION

Mayor Elmore opened the meeting at 6:30 p.m. and Rev. Howard Dudley, Pastor of the First Presbyterian Church gave the invocation. Afterwards, Council Member Turnage led in the Pledge of Allegiance.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Sills and second by Council Member Gaulden to adopt the January 10, 2023 meeting agenda as presented. **Motion unanimously approved.**

PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 6:34 p.m. Having no comments, the Public Comment period was closed.

CONSENT ITEMS

- Minutes of the December 13, 2022 City Council Meeting.
- Special Events Permit – Temporary Blocking of Streets – Lucknow Music Festival

Motion by Council Member Sills and second by Council Member McLean to approve Consent Items as presented. **Motion unanimously approved.**

ITEMS FOR DISCUSSION AND/OR DECISION

SU-03-22 – Special Use Permit for a triplex at Pin 1516-09-2039.000

Mayor Elmore opened the Public Hearing at 6:35 p.m. and turned the hearing over to City Attorney Pope.

(City Attorney Pope’s script is transcribed in italics.)

The next matter is Case #SU-03-22, a request by Doug Turner for a Special Use Permit to allow for a single structure of three single-family attached residential units on an existing .57-acre parcel PIN being 1516-09-2039.000 adjacent to the south of 602 South Powell Avenue. The property is zoned R-M, Multi-Family Dwelling District. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards.

All persons who wish to testify in this case please come forward to be sworn in. Planning Director Adler and Doug Turner were sworn in.

In this hearing, we will first hear from Planning Director George Adler, then from the applicant and his witnesses, and then from opponents to the request, if any. Parties may cross-examine witnesses after the witness testifies if you have legal standing. If you want the Council to see written evidence, such as reports, maps, or exhibits, the witness who is most familiar with the evidence should ask that it be introduced. We cannot accept reports from persons who are not here. Don’t see any attorneys present other than the applicant, Mr. Turner, so we do not need to address the matter of attorneys.

I now open the hearing on Case #SU-03-22 Special Use Permit Application and request testimony from the Planning Director Adler.

Adler: “Thank you very much. I would like to include into the record, the staff report and other materials in the packet as provided to Mayor and Council.”

Received.

Adler: “This case was considered by the Planning Board December 20th and the Planning Board unanimously recommended approval. There are five conditions that must be met.

1. The first one is the use requested is listed among the conditional uses in the district for which the application is made.

This parcel was zoned R-M, Multi-Family Dwelling District when the owner initiated this project several years ago. The City put the project on hold to vacate a water line running through the parcel. The City’s rerouting of the water line was completed in summer 2022. In the meantime, during a Citywide rezoning,

the parcel was inadvertently rezoned R-10. The City is honoring the owner's vested right regarding this Special Use Application to consider the property R-M. Single-Family attached dwellings are listed as a permitted use in R-M with a Special Use Permit at Dunn City Code Section 22-461(5) a. 1. III.

2. The requested use is essential or desirable to the public convenience or welfare.

Quality rental housing is limited in Dunn. The addition of a triplex at this location addresses the community's need for quality rental housing. This would also implement one of Imagine Dunn's Quality of Life Strategies of creating housing choice based on unmet need.

3. The third item, 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 area includes residential rental property owned by the Dunn Housing Authority across South Powell Avenue from the subject site. The addition of three attached units of rental housing will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare of the neighborhood.

4. Number four, the requested use will be in conformity with the land development plan.

South Powell Avenue is a short street that sits between two character areas of the Future Land Use Map: which is up on the screen. The two character areas are the Hospital District and a Traditional Neighborhood character area. Multi-family is appropriate in both. In addition, a Housing Authority multi-family development is across South Powell from the subject site. The requested use conforms to current uses and the Future Land Use Map.

5. Number five, adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided. All utilities and access are available to this site.

The parcel has right-of-way access on South Powell Avenue. There is a three-inch City water tap on site. Storm drainage can be handled on site. City sanitary sewer is available but not directly on site. The owner must pump sanitary sewer at owner's expense from the site to the manhole at the corner of Joy Street approximately 100 linear feet northeast from the site. Sewer and water line on the right of way will be handled by the city the usual way.

Does anyone that has been sworn have any questions of Mr. Adler? Does the Council have any questions for Mr. Adler?

We will now hear from the applicant and other proponents.

Doug Turner: "Mr. Mayor, members of city council, before I start off my remarks I want to thank each and every one of you for your service, I know what you do and most of the time it is a thankless job and I appreciate the time and effort you put in to serving the citizens. Just a few remarks. Mr. Adler covered most of the remarks that I wanted to point out. My wife and I, we live here in Harnett County. We live, the address is Dunn, but it's closer to Coats. I have worked here in Dunn for a little more than 27 years in the Town of Dunn, now on Commerce Dr. My wife is a real estate agent in town and 25 years we have run a small residential real estate/rental business and we are looking to add some rental property to it. The thing that I would say about this project, it's pretty simple, it's the right place at the right time. We do have some rental property in Dunn. It is amazing to me the amount of demand there is for rental property in Dunn when anything we have becomes available. So I can say with certainty that this serves an unmet need in the town of Dunn. As Mr. Adler pointed out. There is residential rental all around the area across the street is Dunn Housing Authority. I own the property next door that is adjacent to this tract, I think it is in conformity and will not deform the neighborhood. I haven't spoken to anybody that is concerned about it in the neighborhood. Nobody has contacted me and nobody was at the planning board hearing, so I think it is in conformity. These are market rent housing, it is not anything subsidized. This is going to be quality housing, it's going to be market rate. Like I said before, it's the right place at the right time.

Thank you sir. Does anybody have any questions for Mr. Turner? Mayor and City Council, anybody have any questions?

Council Member Sills: "I have a question. The sanitary sewer – are you going to bury a sewer line at some point?"

Turner: "You are a little bit out of my expertise. But the way I understand that it is to work is, I have this at another property in Dunn. There is a pump that is placed underground, along with a reservoir and then there is a pump that is called a grinder pump that actually pumps it up hill slightly to the intersection of Joy and Powell– it's all underground. If that was your question."

Sills: "Yes it is."

Turner: "I may need to defer to somebody with more knowledge."

Adler: "The manhole is uphill, from it so generally gravity carries it but in this case, it needs some help."

Council Member Turnage: "It's a lift station."

Sills: "No one is going to see it or smell it"

Turner: "No"

Does anyone else have any questions for Mr. Turner? Thank you sir.

We will now hear from people opposing the request. Is there anyone here to speak in opposition of the request?

Seeing none, we will now entertain any further questions from the City Council members for the applicant, proponents or opponents which we have not heard from. Once the public hearing is closed, the only questions that you may pose to any person shall be for clarification only. You cannot receive any new evidence after the close of this Hearing.

If you wish to consider any conditions as a part of the approval of the special use permit, the applicant has to agree to those conditions, while we are still in the public hearing. If you have such requests, you need to ask Mr. Turner if he is willing to accept any such conditions as a part of the approval.

Are there any other questions from the Council of anyone that has given testimony this evening? Are there any conditions that you wish to consider upon granting of the special use permit? Hearing none and seeing none, Mr. Mayor at this point it would be appropriate to entertain a motion to close the Public Hearing.

Motion by Mayor Pro Tem Bradham and second by Council Member Turnage to close the Public Hearing. **Motion unanimously approved.**

Motion by Council Member Turnage and second by Council Member McLean to approve SU-03-22 to allow a triplex, a single structure of three single-family attached residential units, as a Special Use on a parcel, PIN# 1516-09-2039.000, zoned R-M, Multi-Family Dwelling District, and to approve the five conditions as listed above. **Motion unanimously approved.** *A copy of the Staff Report and related Materials have been filed with the City Clerk.*

Authorization to Open System Development Fee Analysis Public Comment Period

Public Utilities Director Adams requested authorization to advertise and open the 45-day public comment period for the System Development Fee (SDF) Analysis that was presented by The Wooten Company at the November Council Meeting. In November 2021, City Council authorized Staff to move forward with the Wooten Company's proposal to prepare an updated 20-year Capital Improvement Plan and a System Development Fee Study. System Development Fees (old term was impact fees) are one-time charges assessed to new water and/or sewer customers for their use of system capacity and serve as an equitable method by which to recover up-front system capacity costs from those using system capacity. In the last year, the City has seen a tremendous interest in residential and commercial development. In order to keep up with the growth, the water and sewer system will continue to require a significant amount of capital investments, which these fees will be used to offset those costs. Without these fees, customers have to absorb all the cost of growing our infrastructure. After comment period, a public hearing will be held and recommendation will be presented back to the Council. We have five years before the study has to be completed again.

Motion by Council Member Gaulden and second by Council Member McLean to authorize the City Clerk to advertise the 45-day public comment period for the System Development Fee Analysis. **Motion unanimously approved.**

Bank Loan for Juniper Creek Sewer Outfall Line Repairs

Public Utilities Director Adams gave an update on the project. There are four parts to this emergency repair project. First, the repair to the line itself that showed as a sinkhole in the 100 block of E Pope Street will cost up to \$50,000. The second part of the cost is the bypass pumping of the sewer from this portion of the line. It will take approximately six weeks to finalize the work and the pumping of the bypass sewer will be approximately \$110,000 for this amount of time. The third part of this project will be the manhole rehabilitation for approximately six manholes along this line segment. That cost will be up to \$100,000. The final cost to include in this work is the insertion of a cured in place liner. This involves inserting a new felt liner in the old pipe and is then cured in place with UV light. This will result in sealing the lining walls of the existing pipes. This rehab method is considered a trenchless alternative to dig and replace and the life expectancy of the liner is 50 plus years. This cost will be approximately \$115,000. The four parts of the project will total \$375,000.

Finance Director McNallan presented plans to borrow funds to repair and renovate this portion of the Juniper Creek sewer outfall line. Requests for Proposals were distributed to all local banks and five banks responded with proposals. The Council is being asked to consider the best proposal for this loan and amend the current Water and Sewer Fund budget for the loan proceeds and renovation expense. The repayment of this loan will begin in twelve months and will be paid from the Water and Sewer Enterprise Fund. The yearly payment will be approximately \$62,363. This is a \$375,000 loan to be paid over 84 months at an interest rate of 3.95% through Truist Financial Corporation.

Motion by Council Member Turnage and second by Mayor Pro Tem Bradham to accept the attached budget amendment and the resolution and loan conditions by Truist Financial Corporation for a \$375,000 loan to be used for the Juniper Creek sewer outfall renovations. **Motion unanimously approved.** *A copy of the Resolution (R2023-01) and Budget Amendment (BA2023-03) are incorporated into these minutes as attachment #1.*

Pearsall Street Culvert Replacement

City Manager Neuschafer presented proposal for the design of the Pearsall St Culvert Replacement. This proposal will authorize WithersRavenel to develop a design that will minimize the culvert needed to cross the Juniper Creek with Pearsall St. Back at the end of August 2022, the Pearsall St crossing of Juniper Creek was closed due to a culvert failure. This structural condition of the concrete culvert has made the closure to vehicular traffic necessary. Authorizing the design of this culvert crossing will bring a design up to the 30% complete mark, which generally will give you a working budget for the project. This agreement will use \$56,000 from the Stormwater fund. This expenditure will be outside of any possible grant funding the City might receive in the future.

Motion by Council Member Turnage and second by Council Member Tart to authorize the City Manager to enter into agreement with WithersRavenel for the W Pearsall Street Culvert Replacement as presented. **Motion unanimously approved.**

Authorization to Request Bids for Phase I of the Park to Park Sidewalk Project

Assistant City Manager Boone presented request to authorize staff to bid Phase 1 of the Park to Park Sidewalk Project. This project has been designed after much discussion and input from DOT and City Staff. This trail will connect the Dunn-Erwin Trail and Tyler and Tart Parks for Pedestrian and Bicycle traffic. This is going to be Phase 1 of a multi-phase project that will eventually connect all of the cities larger parks into a loop.

After discussion on the selected route, motion by Council Member Sills and second by Council Member McLean to authorize the City Manager to advertise for bids for Phase I of the Park to Park Sidewalk Trail. **Motion unanimously approved.**

Administrative Reports

City Manager Neuschafer shared the updated goals with Council. Paving bid is out and due back January 20, so hopefully, we will have a contract back in February for Council to consider.

Finance Director McNallan provided the following financial report for the period ending December 31, 2022:

- The City has \$10,102,633 cash, compared to \$9,661,306 last year.
- Water and Sewer Revenues for the month were \$486,851, with total collected year to-date at \$3,404,517 or 92.25% of budget, compared to \$3,192,231 in 2021.
- Property Taxes are \$2,127,544, compared to \$1,670,567 last year.
- Sales Tax receipts were \$270,844, with total collected year to-date at \$1,605,779 or 57.3% of budget.
- Utilities Sales Taxes are received for the year is \$340,277, compared to \$329,607 in \$82,363 or 55% of budget, compared \$83,103 last year.
- General Fund expenditures for month are \$803,616, with total expensed to-date at \$6,386,241 or 48% of Budget, compared to \$9,703,303 in 2021.
- Water and Sewer fund expenditures for the month are \$535,132, with total expensed to-date at \$3,547,834, or 44.9% of budget, compared to \$2,742,933 last year.
- Stormwater fund expenditures for the month were \$106,170, with total expenses to-date of \$248,509, or 8.57% of budget. Revenues to-date are \$77,779.
- The benchmark for this period is 50% of budget.
- McNallan also updated on debt service and liens and assessments.

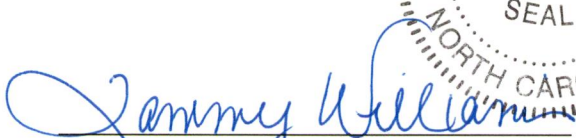
Reports were also received as follows: Planning and Inspections Report, Public Works Report, Public Utilities Report, Parks and Recreation Report and Police Report.

Announcements/Information

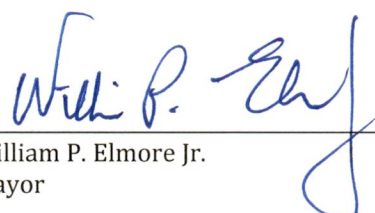
Mayor Elmore announced upcoming events and activities.

With no further business to discuss, motion by Council Member Sills and second by Council Member Gaulden to adjourn the meeting at 7:24 p.m. **Motion unanimously approved.**

Attest:


 Tammy Williams, CMC, NCCMC
 City Clerk




 William P. Elmore Jr.
 Mayor