

**Dunn City Council**  
**Regular Meeting**  
**Tuesday, May 9, 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, Downtown Director Amber Groves, 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. Rev. Randy Hill, Pastor of Gospel Tabernacle Church gave the invocation and afterwards, led in the Pledge of Allegiance. Mayor Elmore thanked Pastor Hill for hosting the Mayor’s Prayer Breakfast this year.

**AGENDA ADJUSTMENT AND APPROVAL**

Motion by Council Member Turnage and second by Council Member Gaulden to adopt the May 9, 2023 meeting agenda as presented with the following addition: Purchase of Real Property. **Motion unanimously approved.**

**PRESENTATIONS**

**Dunn Middle School Basketball Champions**

Mayor Elmore recognized Dunn Middle School Basketball coaches and team for being Undefeated Conference Champions. *A copy of the Proclamation (P2023-07) is incorporated into these minutes as Attachment #1.*

**PUBLIC COMMENT PERIOD**

The Public Comment Period was opened by Mayor Elmore at 6.46 p.m. Having no comments, the Public Comment period was closed.

**CONSENT ITEMS**

- Minutes of the March 27, 2023 City Council Meeting.
- General Fund Budget Amendment. *A copy of Budget Amendment (BA2023-15) is incorporated into these minutes as Attachment #2.*
- Resolution – Conveyance of Personal Property to Dunn PAL. *A copy of the Resolution (R2023-11) is incorporated into these minutes as Attachment #3.*

Motion by Council Member Sills and second by Council Member McLean to approve all consent items. **Motion unanimously approved.**

**ITEMS FOR DISCUSSION AND/OR DECISION**

**SUP-01-23 – Special Use Permit for Banquet Hall/Event Venue at 123 Railroad Avenue**

Mayor Elmore called on the City Attorney to conduct the Public Hearing at 6:47 p.m. City Attorney Pope’s comments in this matter are all in italics.

*The Public Hearing on this matter is now open. The next matter is Case #SUP-01-23, a request by Byron Ferrell (Applicant) for a Special Use Permit to allow for a Venue/Banquet Hall on an existing .16-acre parcel PIN being 1516-67-1086.000 located at 123 South Railroad Avenue. The property is zoned C-1, Central Commercial District. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards.*

*At this time, all persons wishing to testify, if you will, please approach the podium to be sworn in or give your affirmation.*

Planning Director Adler and Applicant, Byron Ferrell were both sworn in. *Thank you very much. You may return to your seat or sit on the front row, whatever is more convenient.*

*In this hearing, we will first hear from Planning Director George Adler, then from the applicant and his witnesses, and then from any opponents to the request. Parties may cross-examine witnesses after a witness testifies if you have standing, which we can discuss if that becomes an issue. If you want the Council to see written evidence, such as reports, maps, or exhibits, then the witness who is most familiar with the exhibit or evidence should be the one to present it. We cannot accept any reports from persons who are not here to testify. I do not see any Attorneys present for any party, so that is inapplicable.*

*So with that background, we are opening a Public Hearing on Case #SUP-01-23 Special Use Permit Application and we will receive testimony from the Planning Director.*



Planning Director Adler: Thank You Tilghman. I'd like to start by saying this Special Use Request was received by Planning before the April 11 vote of the Council on the UDO, so the applicable code will be the old code and that's what will be referenced. This will be the last Special Use Request processed the old way. The UDO has all Special Use Request coming straight to the Council rather than stopping off at the Planning Board to avoid any potential ex parte communication issues. Having said that I would like to ask that all the materials in the council packets related to the case be included in the record.

*Those are received in evidence.*

Adler: To grant a Special Use Request code requires that five conditions be met. The first is the use requested is listed among the conditional uses in the zoning district. 123 South Railroad is approximately 4300 square feet in size, built in 1920. The Fire Marshall has determined the space able to accommodate approximately 200 persons. It is in the C-1 Central Commercial Zoning District. "Banquet hall and event venue" is listed as a Special Use in the C-1 district at Section 22-461(6)(m) in the applicable city code.

The second item is the requested use is essential or desirable to the public convenience or welfare. The requested use of banquet hall and event venue is a desirable use and would provide additional venue space downtown.

The third item is the requested use will not impair the integrity or character of surrounding or adjoining districts, nor be detrimental to the health, morals, and welfare. An event venue, at this location, would not be detrimental to the health, morals, or welfare of the community. The Land Use Plan identifies the downtown as being "characterized by a sensitive blending of preserved and renovated older structures" and allows a mix of uses. The downtown is pedestrian-friendly and attracts regional and local users. This use would support these goals.

Number four, the requested use will be in conformity with the land development plan. The Future Land Use Map identifies 123 South Railroad as being in the Downtown Character Area. (Take a look at Attachment 4) It is up on the screen. Downtown is intended to allow a mix of various uses. Most recently it was used as a co-working space. To use such a structure as an event venue would conform with the Future Land Use Plan and Map.

Number five, adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided. All Public Utilities are available on the site. The parcel fronts on South Railroad Avenue. There is public access to the rear of the structure via the alley behind it. There are pictures and attachments 1, 2, and 3.

Regarding parking generally, South Railroad Avenue is a one-way heading north with on-street parking on the east side of the street. There is alley access to the rear of the building with open space on the parcel for loading and unloading. Off-street parking is not a requirement in the C-1 District per section 22-341 (2)(B). I have additional evidence that I would like to submit to the record. An analysis of available public parking within a 9-block area bounded by Edgerton, Clinton, Divine, and Fayetteville.

*So received, if you will distribute it to the Council please.*

In the 9-block area there are two public parking lots with a total of approximately 95 spaces. Counting both sides of each street within that area are approximately 245 on-street spaces. So the total number, both on-street and off-street public parking spaces within that 9-block area, is 340. If you have any questions for me, I will be happy to answer them and the applicant is also here to address the different types of events the site would anticipate holding.

*Prior to questions from the Council, is there any person here withstanding that has any questions for the Planning Director? Hearing none, at this time it would be appropriate for any questions that Council may have for Mr. Adler.*

Council Member Turnage: I have a few points on each one of the conditions. Bottom line up front we have two venue or banquet locations in the central commercial district. With two within a mile of the applicants location of 123 S Railroad St. I've asked the Downtown Director and Downtown Development Corporation to be cognizant in the future with the planning board, of course now it is coming directly to the council, but to know when these type of businesses or any type of business will come before us so we can get a feeling from the Downtown Development Corporation their pros and cons, and whether they are opposed to it or support it. That's condition one. Condition two is the venue is desirable however, as in the first condition, we already have four venues and we should be looking for marketable, sustainable, day to day business that generates steady job opportunities and sales revenue. Condition number three whether the venue is not detrimental to health welfare and morale of the local business, the central commercial district, remains to be seen. There are only opponents of the venue at the planning board meeting, no mention of adjacent business owner's support for the venue. That is why I have asked for the Downtown Director and the Downtown Development group to be more involved the next time. Regarding condition number four, there is a difference, is there a difference and I guess this is to you George, is there a difference in the downtown character area and the central commercial district? The downtown character is not referenced in attachment four of the packet unless it is something new to the UDO.

Adler: It's possible that it is from the Future Land Use Map and the future land use plan doesn't show geography by zoning. It shows it by character area.



Turnage: Ok, but so the downtown character that's the red one – downtown character area, ok alright, I understand. I thought that might be the thing with the UDO or new land use plan. Number five now for the parking situation, if approved that will be an issue if not understood by the applicant or onsite manager, surrounding businesses, city staff that get questioned and Dunn Police Department that will ultimately have to enforce this area when, if they have events there. I can count maybe two spaces on the one-way South Railroad Street directly in front of the venue and 2-3 parking spaces in the one-way alley in the rear of the building. Please explain the authorized parking or maybe the applicant can explain the authorized parking situation, if approved, the recommended 200 people attending as an example and would that being a potentially hundred cars in that area and where would the handicap accessible parking be? So those are my questions or comments for you or for the applicant.

*We can save that last question for the applicant, he will be next, at this time this is your opportunity to ask Mr. Adler if you have questions of him.*

Council Member Tart: I have one question on the parking that you had listed. Now that is if every parking space and no one else in the city is parked out on the streets, the other businesses. Were there any data showing how many parking spaces are available during say 12:00 or 5:00 on a normal day in the City of Dunn?

Adler: To my knowledge there is not, but I would imagine that it would vary from day to day, even from hour to hour. And I did the best I could in counting the spaces but many of them, the striping has worn away. So it was an estimate.

Tart: I know one of the main issues that we have is parking and the business beside it, they had issues there and they went out and purchased some extra land and put their employees in that because the parking is so congested all during the day. People parking on the right of way, people can't get by and this has been a problem there especially being it's on Railroad Ave and it comes out to a one-way street with limited parking.

*Anyone else have questions for Mr. Adler?*

Council Member Gauden: So George, the parking issue like any other downtown, a business is downtown, people walk to the venue spot. I see where the concern is about the parking but it is downtown. If you go to any other city, you walk downtown, so I wouldn't think that you could expect the parking to be right in front of a facility, when it is a downtown adjacent building. So I am sure that you all went over that at the Planning Board meeting. That could be an issue but I'm sure the Dunn Police Department can handle if anyone parks illegally. Having four venues if it was five more, there's like ten banks in Dunn and thirty churches so that shouldn't matter, but my thing is that I'm sure you already went through all of this for us to get this far. That's all I have to say.

*Are there any questions for Mr. Adler?*

Council Member Sills: George help me remember where Railroad crosses Cumberland is there a crosswalk there?

Adler: Do you mean can a pedestrian cross?

Sills: Yes, is there a crosswalk?

Adler: No there's not.

Sills: Is there a crosswalk where Wilson crosses Cumberland?

Adler: I believe there is.

*Any other questions for Mr. Adler? Hearing none, we will now here from the applicant and other proponents. If applicant will please come forward?*

Byron Ferrell, Applicant: Good evening Mayor and members of the board. Give you just a little bit about myself. My name is Byron Ferrell. Another fulltime job outside of my other full time job is, I'm a photographer. So I have seen my business expand so right now I do a lot of business in the Wake County area and why I chose Dunn was because this is home to me. And I got a lot of business here and I wanted to expand my business and part of that is getting a venue, where when my clients come in such as people that's getting married or people that's having babies or things of that nature, that could be a one-stop shop to my business where they can have their events at my place. So it's just a part of an expansion of my business. The reason why I am considering Dunn to be the home of Byron Ferrell Photography.

*Thank you sir. First is there anybody here withstanding that has any questions of the applicant? Hearing none and seeing none, any questions from the council for the applicant?*

Turnage: Mr. Ferrell do you plan to have a fulltime employee there, you know during the week while you're not there or just when you have events?

Ferrell: Yes, not at the moment will I have a fulltime, just one on an on-call basis.



Turnage: Ok.

Sills: So Mr. Ferrell, your business model is you'll take the couple or the kid or whoever's pictures at the facility and then they will leave. If they want to have some more friends over or have an event then you can do it all in that square footage of the 200 people.

Ferrell: So part of the venue is also for me to use it as a photography studio as well outside of me having a venue event there. The model is like this, I do take pictures of a couple that's getting married they're looking for, they're asking me questions on what venues to have their reception or bridal showers or something like that, I can offer those services as well.

Sills: Is there restrooms? I've actually never been in the building so excuse my ignorance. Is there restrooms and kitchenette in your facility for food?

Ferrell: No food. It does have the restroom just a refrigerator, sink, stuff like that, that's it.

Sills: So 5:00 at night are there going to be a big party or 10:30 in the morning you're going to be taking pictures of new born babies. Is it any...

Ferrell: That's to the discretion of the client cause if they need an event at 5:00 in the evening, 8:00 in the evening, we'll go by the guidelines of the city, but whatever time they inquire on, is what time they will be in there. So I really can't give an exact time.

Sills: Didn't we buy some no parking signs and put in front of the Carolina Therapy? Didn't we do that? I thought we were going to.

Mayor Elmore: I think at one time parking was allowed on each side of the street along the railroad track and in front of the building, but council several months ago, maybe last year closed the parking along the railroad track because it was causing a situation that emergency vehicles could not pass through with parking on both sides. I don't know if they put no parking signs up but we did stop parking on that side.

Turnage: That's right.

Mayor Pro Tem Bradham: I think you just answered this question with Councilman Sills. So, it's not necessarily a 9 to 5 type situation. It's just when your clients need a service. It could be weekends, could be the week, whenever that it, is that right?

Ferrell: Yes sure.

Turnage: So do you own the building now and you had the workspace area pop up workspace type of thing?

Ferrell: I don't own the building, I'm leasing the building.

Turnage: Ok you're leasing the building for that ok.

*Other questions from Council for the applicant?*

Sills: How long is your lease?

Ferrell: It's a two- year lease right now.

Turnage: The thing of it is, if we change it to a special use it stays with the building.

Sills: Permanent yes.

*Other questions for the applicant? Thank you sir. We will now hear from people opposing the request. None were sworn in earlier, if there are any opponents if you will come forward to be sworn. Hearing none and seeing none, Council members, we will now entertain any further questions that you might have for the applicant, for Mr. Adler or any opponents none of which has spoken at this time. Once the public hearing is closed, the only questions that you may pose will be for clarification purposes only. You cannot receive any new evidence after the close of the Public Hearing.*

*Additionally, any conditions that you would like to place upon the use of the land by the applicant must be agreed to by the applicant. So if there are conditions that you wish for the applicant to consider now is the appropriate time to present them and ask him if he would accept that as a condition and if he is not interested in accepting that condition then you cannot impose it as a part of approval of the special use permit. So first let's start, are there any further questions that anybody on council has for Mr. Adler or Mr. Ferrell? No further questions, then are there any conditions that any member of the council wishes to ask the applicant to consider as a part of any potential approval of the special use permit?*

Sills: Can we ask that only x number of people use the facility during certain hours, to cut down on traffic and things like that on Railroad Street?



*You can request such a condition I'm not sure how you are going to quantify it. But you can request that, if the applicant is willing to consider it. But I'm not sure how you are going to determine the number of people or which hours it will apply to and things of that nature.*

Turnage: For instance, Frank have you gotten any feedback from the folks on your board about opposing or supporting it?

Gaulden: And I was going to add even though you said it's in Frank's ward. It's in the City of Dunn so I think if someone is wanting to bring something to Dunn from Wake County and bring another business I think we should give the opportunity especially if he went through the proper protocol. He has done everything to meet the requirements. If it's any issues with his neighboring partner, I'm sure like any other neighbor you should be able to talk to your neighbor in regarding parking. The Police Department is here. Chief Cary does a great job with assisting with that so I don't see why it should be that much of an issue. You can't tell, you're not able to tell whether or not business hours for a business. I'm just on the other side of the Railroad track with my fulltime job and so you never can tell. We don't have enough parking spaces but there's other parking for them to use. So I just think that we need to. He has everything here and you have to give people a chance to bring, you want Dunn to grow, but you can't control and just knock them out of the park and not give them a chance so I say give him a chance.

*Are there any conditions that any member of the council wishes to ask the applicant to consider for potential approval of the special use permit? Hearing none Mr. Mayor at this time, it will be appropriate to entertain a motion to close the Public Hearing.*

Motion by Council Member Tart and second by Council Member McLean to close the Public Hearing. **Motion unanimously approved.**

Mayor: Thank you Tilghman.

*So Mr. Mayor, at this time the public hearing is closed no further evidence may be introduced or considered by the council in making your decision. There are five findings that you must make in order to approve the special use permit and it would be my recommendation that you take them one at a time, debate them one at a time and vote on them one at a time and then in the event that all five pass, then there would be an inclusive motion at the end to approve the special use permit.*

Mayor: Tilghman, I would ask if you would, if you would handle these items for us as well.

*I'd be glad to, so the first required condition, and this is in your agenda package a couple of pages back if it is helpful to turn to, it is that the use requested is listed among the conditional uses in the district for which the application is made. Which it does appear to be, so it would be appropriate for someone to make a motion that condition number one is satisfied based upon it being listed among the conditions.*

Motion by Council Member Sills and second by Council Member Gaulden that condition one is satisfied. **Motion unanimously approved.**

*The second is that the requested use is essential or desirable to the public convenience or welfare.* Motion by Council Member Sills and second by Council Member Gaulden to approve condition two, the requested use is essential or desirable to the public convenience or welfare. **Motion unanimously approved.**

*The third condition is that 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.*

Motion by Council Member Gaulden and second by Council Member McLean to approve 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. **Motion unanimously approved.**

*The fourth condition is that the requested use will be in conformity with the land development plan, which is the future land use map.* Motion by Council Member Sills and second by Council Member Gaulden that condition four be approved. **Motion unanimously approved.**

*And the fifth condition is that adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided.* Motion by Council Member Gaulden and second by Council Member McLean to approve that adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided. Vote Split Council Members Sills, Gaulden and McLean in the affirmative and Council Members Bradham, Tart and Turnage opposed.

Mayor Elmore repeated condition and stated "in case of a tie the mayor votes and I vote in the affirmative so the motion carries."

**Motion approved with Council Members Bradham, Tart and Turnage opposed and Mayor Elmore, Council Members Sills, Gaulden and McLean in the affirmative.**

*So all five conditions have been found in the affirmative. It will be appropriate to entertain a motion to approve the special use permit application.*



Motion by Council Member Gaulden and second by Council Member McLean to approve SUP-01-23 permit 123 South Railroad Avenue, PIN being 1516-67-1086.000 zoned C-1, Central Commercial District, to include Event Venue/Banquet Hall as a Special Use.

Mayor: Any discussion among the board?

Tart: Mr. Mayor, I think it will be fine to have a photographer on that street with parking but when we look at 200 people with 100 parking spaces during the day. That is one of our main issues today is no one can find parking spots even during the day. All the lots are full, there's other businesses in town and they need public parking. If an event comes on during the day. There's just not enough parking to have a venue at any time during the day.

Gaulden: I just want to. I guess we are going to go back and forth on this parking thing. As he stated, he has a full time job. It's like anything else it's other event spaces in the City of Dunn. Other businesses in the City of Dunn that are on corner lots and so if he has a full time job, those spaces are not occupied. If something is downtown there's no parking people are all walking from the shrine center so I mean. I don't think that should be the biggest issue, is parking and where it's located. I mean it's a business coming to the City of Dunn. He could had went anywhere else but whatever, I have spoken, that's all I have to say.

Tart: My question to that, is that during the day all the city parking lots are full. The businesses downtown, their employees park there so when you say walk where are you speaking of for them to be parked at?

Gaulden: Wherever they can find to park, I mean that's what. If you go to any other municipality, any other city, you are going to walk to where you have to go. So I don't think that because the parking lot is full you should stop, I mean that should be a major issue. I just don't think so.

Turnage: Where's the handicap people going to park?

Gaulden: I'm sure he can figure that out. That's part of what George can figure out with him. And you never know...

Turnage: The question I've got is bringing businesses to downtown that are bringing people to the downtown area on a daily basis. This is we already got ..

Gaulden: So that means you are putting restrictions on people.

Turnage: No I'm not putting any restrictions on anyone.

Gaulden: Yes it is putting restrictions. Once you put restrictions on someone you're putting a restriction on this place and I don't think that's fair and secondly, you're saying other venues there's two bars right across the street from each other so let's be fair about it. Let's be real about it and again I have spoken and that's all I have to say about that. I'm not going to argue about parking because if someone has to get there you never know, they might want photography here but go to the other venues for something else. So don't knock something until you try it. I have had enough with things being shut down because of people's way of thinking and it's overdue for you all to make a change in putting a limit on people and again I have spoken.

Applause form audience.

Bradham: Mr. Mayor I will just say that I'm a small business owner and congratulations on your business. I think you will do well. I think the whole issue of the parking is not a figment of the imagination. I have had several constituents concerned about it and I just want you to be cognizant of that. I know you will be. And you know so that is the only concern I have. It's not about the business. As a small business owner, I wish you luck with what you're doing. Just know that is something that people have had some concerns about and just be aware of that. Other than that I have no problem with any small business owner doing what they need to do to be successful.

McLean: Well the only thing I am going to say since I have been silent is that if you got to pick every little thing that a person has to encounter then to me that's not good because nothing comes perfect. There's going to be something insufficient I don't care how well you do it. So I'm just trying not to say nothing.

Gaulden: Speak up.

Mayor: Any further comments?

Sills: Mr. Ferrell I wish you the best. I went to school with your wife. She's a great person. I'm sure you're a great person although I don't know you very well. I wish you the best just please if this passes do right by the rest of the neighbors and make sure they don't block the road and things like that because we have had lots of problems on Railroad, so thank you.

Mayor: Any comments by board members? Any further questions for Mr. Adler or for the applicant? Hearing none, at this time I will ask for a motion on this particular item.

*I think you already have a motion and a second you just call for a vote*



Mayor: Thank you it's a long conversation, I got confused there. I apologize. Ok so there is a motion on the floor.

Requested vote split with Council Members Sills, Gaulden and McLean in the affirmative and Council Members Bradham Tart and Turnage opposed.

Mayor: Mayors, in this case, vote to split the tie and honestly I have mixed emotions both ways. The parking does concern me tremendously and I'm glad to have the business in town. I do have a question, is it ok for me to ask Mr. Adler a question?

*Only if it is for clarification on something submitted during the public hearing.*

Mayor: Ok, clarification. He did mention does this stay with the building? Does this stay only with the tenant at the building or does it transfer to the next tenant?

Adler: The special use will be with the property not with the tenant.

Mayor: I really have mixed emotions about this. I'm not 100% sure how I feel on it so.

Gaulden: I thought it was already approved.

*If I could address that, the council has found that all five conditions have been met in the affirmative so the approval of the motion is just a wrap up motion but you have already determined that all five conditions have been met.*

Mayor so the board has determined that all five conditions have been met except one and I voted in favor of that, item five.

*This is just a wrap up of those five conditions to approve the permit.*

Mayor: In that case, based on the information provided, I vote in the affirmative on this, so motion carries and the special use permit is in place.

**Motion approved with Council Members Bradham, Tart and Turnage opposed and Mayor Elmore, Council Members Sills, Gaulden and McLean in the affirmative.** *A copy of the Evidence is incorporated into these minutes as Attachment #4.*

#### **RZ-02-23 – Rezoning Request 6 parcels between Dogwood Knoll, Fairground, and Davis Street**

Mayor Elmore opened the Public Hearing at 7:27p.m. Planning Director Adler presented request to rezone six parcels totaling 1.90 acres +/- located on Fairground Road between Davis Street and Dogwood Knoll Street. The parcels currently have mixed zoning, four being zoned C-2, Shopping Center District, while two parcels are split between C-2 and R-10, Single Family Dwelling District. The request is to rezone all six to R-10, Single Family Dwelling District. The rezoning is reasonable based upon the surrounding area. The desired use is for a church. The impact would be reasonable if all city codes are met. The increased traffic a few times a week would not be excessively inconvenient provided the site plan, driveway access and screened parking were well planned. Rezoning to R-10 would permit housing development, which is needed. It does permit a house of worship in this district. They would need to close the unused street and move storm drainage. They are planning on building a church to accommodate 400 to 500 people and designing property for the needed parking and facility could be an issue. The rezoning achieves the purpose and is consistent with the Land Use Plan. The Planning Board voted unanimously to recommend approval of Rezoning Request RZ-02-23.

Council Member Turnage questioned the use of the property for a church instead of houses and Council Member Sills expressed concerns on where the cars would enter the property. There were also questions concerning the potential closing of the Davis Street right away adjoining the properties.

After discussion, Attorney Pope confirmed for Council that they are only considering the rezoning tonight, not the church, closing of street or relocation of the drainage ditch.

Del Crawford, Crawford Design Co, representing the owner spoke in favor of the rezoning.

Harry Waters, Wendy McBride, and Vivian Vincent – all residents located on Dogwood Knoll opposed the rezoning and expressed concerns related to drainage and traffic issues. With no additional comments, the Public Hearing was closed.

City Manager Neuschafer recommended that items such as this be handled by Conditional Zoning. It is more work up front, however the applicant did not choose to apply for the conditional zoning permit but it allows the Council to see exactly what they are approving.

After much discussion, motion by Council Member Turnage and second by Council Member Sills to table until the June meeting. **Motion approved with Council Member Tart opposed.**

Motion by Council Member Turnage and second by Mayor Pro Tem Bradham to waive fees of \$500 for the conditional rezoning until the June Council meeting. **Motion unanimously approved.**



**RZ-03-23 – Rezoning Request 211 West Harnett Street**

Mayor Elmore opened the Public Hearing at 8:02 p.m. Planning Director Adler presented request to rezone one parcel .48 acres +/- located at the corner of West Harnett Street and North King Avenue. The property is currently zoned R-10, Single-Family Dwelling District and is proposed to be rezoned to R-7, Single-Family Dwelling District. The Planning Board voted unanimously to recommend approval of Rezoning Request RZ-03-23. Staff concludes that rezoning this parcel to R-7 would achieve the purpose and is consistent with the Future Land Use Plan.

Comments were made in favor of the rezoning by applicant, Brad Phelps, who also presented sample drawings of the homes he would be building there. With no additional comments, the Public Hearing was closed.

Motion by Council Member Sills and second by Council Member Gaulden to approve RZ-03-23 to rezone one parcel, PIN being 1516-68-0246.000, .48 acres +/- located at the corner of West Harnett Street and North King Avenue from R-10, Single Family Dwelling District to R-7, Single Family Dwelling District, as presented. **Motion unanimously approved.**

**Ordinance Amendment (OA-03-23) 160D Changes**

Mayor Elmore opened the Public Hearing at 8:14 p.m. Assistant City Manager Mathew Boone presented recommended changes to the Code of Ordinances related to the following:

CHAPTER 1, SECTION 1-6 (k), GENERAL PENALTY; ENFORCEMENT OF ORDINANCES; CONTINUING VIOLATIONS

CHAPTER 4, ARTICLE II, REGULATORY CODES

SECTION 4-31, MINIMUM HOUSING CODE

CHAPTER 4, ARTICLE II, REGULATORY CODES

SECTION 4-31, MINIMUM HOUSING CODE

Session Law 2019-111 and others that followed, repealed NCGS 160A, Article 19. Planning and Regulation of Development and created the new 160D, Chapter 160D, Local Planning and Development Regulation. This is not only affected the Planning and Zoning related ordinances, but also included the Unsafe Buildings, Non-Residential Buildings or Structures, and the Minimum Housing Standards. These ordinance amendments are intended to bring the Minimum Housing Code and the Non-Residential Buildings or Structures Standards ordinances into compliance with 160D to include Statute Citations, definitions, processes, and procedures. The amendments have been reviewed by the City Attorney. With no additional comments, the Public Hearing was closed.

Motion by Council Member Gaulden and second by Council Member Sills to approve Ordinance Amendments OA-03-23 as presented. **Motion unanimously approved.** *A copy of the Ordinances (O2023-09), (O2023-10) and (O2023-11) are incorporated into these minutes as attachment #5.*

**Asset Inventory and Assessment Resolution and Engineering Contract**

Public Utilities Director Adams presented request for awarding an engineering services agreement for the professional services required to complete the Sewer Asset Inventory and Assessment grant awarded by the NC Division of Water Infrastructure. The City of Dunn was awarded a \$400,000 Asset, Inventory and Assessment Grant from the NC Division of Water Infrastructure for the purpose of building upon the last sewer assessment that was completed in 2020. Requests for Qualifications were duly advertised. Nine Letters of Interest were received and City Staff reviewed and scored each using the same criteria for comparison. Of the letter of interests submitted, WithersRavenel received the highest collective score for this project. Engineering fees are reimbursable through the grant and are within the budget submitted to NCDEQ.

Motion by Council Member Sills and second by Council Member McLean to award an engineering services agreement to WithersRavenel for engineering services related to the Sewer Asset Inventory Assessment Grant awarded by the Division of Water Infrastructure. **Motion unanimously approved.** *A copy of the Resolution (R2023-12) is incorporated into these minutes as Attachment #6.*

**Contract Award for Audit Services**

Finance Director McNallan requested consideration to award a contract for audit services for fiscal years FY23, FY24, and FY25. In March 2023, the City issued a request for proposal for audit services. The City received one response from the audit firm Thompson, Price, Scott, Adams & Co., P.A. (TPSA). This audit firm has years of experience with governmental audits and has recently provided audit and financial reporting services for the towns of Smithfield, Lumberton, and Godwin, as well as Johnston County. The proposal for FY23 auditing services is \$25,000 plus \$5,000 for financial statement preparation. If a single audit is necessary, each single audit would cost \$3,000. The estimates for the two additional years of FY24 and FY25 would be the same as FY23. All independent audit contracts must be approved by the Local Government Commission.

Motion by Mayor Pro Tem Bradham and second by Council Member Turnage to approve the attached resolution awarding the FY23 audit contract to TPSA and authorize the Mayor and Town Manager to execute the contract, engagement letter, and related documents. **Motion unanimously approved.** *A copy of the Resolution (R2023-13) is incorporated into these minutes as attachment #7.*



**Pay Study Implementation**

City Manager Neuschafer presented proposal to the City Council on the implementation of the City’s pay study. The total cost of the proposed pay study, including benefits, is \$388,155 for the General Fund and \$111,699 for the Water and Sewer Fund. The amounts related to the expenses for June 1-30, 2023 (FY23) are \$32,267 and \$9,308, respectively. An amount of \$355,888 would be budgeted and encumbered in FY23 in the Non-Departmental Department. This amount would be carried over to FY24 to provide funding for the various General Fund departments’ salaries and benefits related to the pay study increases. The Water and Sewer Fund would fund the pay study using FY24 revenues.

After discussion, motion by Council Member Sills and second by Council Member Gaulden to approve the attached resolution to implement the pay study and the attached budget amendment. **Motion unanimously approved.** *A copy of the Resolution (R2023-14) and Budget Amendment (BA2023-16) are incorporated into these minutes as Attachment #8.*

**Purchase Property**

City Manager Neuschafer requested approval from the council to purchase a lot near the intersection of S McKay Ave and Susan Tart Rd from Habitat for Humanity of Harnett County for \$20,000 purchase price plus fees. After purchase, the City will mark the property corners and use force account labor to repair storm drainage ditch located on the property.

Motion by Council Member Turnage and second by Council Member McLean to approve purchase of PIN 1516-35-0128.000 a .25 +/- acre lot on S McKay Ave for \$20,000 and associated budget amendment. **Motion unanimously approved.** *A copy of Budget Amendment (BA2023-17) is incorporated into these minutes as Attachment #9.*

**Administrative Reports**

City Manager Neuschafer reported paving contractors are about 40% complete. Republic Services will begin replacing old carts the first of June – 300 carts each week and at the beginning of the year, they will begin replacing recycle carts. He thanked Public Utilities Director Adams for her service as this was her last meeting. Neuschafer added that the Fiber Optics being placed around the city is a countywide project. Mayor Elmore also recognized that it was City Manager Neuschafer’s last meeting. He made comments and opened the floor for all Council Members to make remarks as well as the City Attorney.

Finance Director McNallan provided the following financial report for the period ending April 30, 2023:

- The City has \$13,499,779 cash, compared to \$10,621,806 last year.
- Water and Sewer Revenues for the month were \$560,214 with total collected year to-date at \$5,576,456 or 83.3% of budget, compared to \$5,121,903 in 2022.
- Property Taxes are \$5,408,273 with estimated taxes, \$5,383,600.
- Sales Tax receipts were \$253,542, \$34,285 above last year’s.
- Utilities Sales Taxes received for the year is \$497,673, compared to \$486,135 last year.
- Building Permit Fees collected total \$130,452 or 87% of budget compared to total collected last year of \$140,968.
- General Fund expenditures for month are \$760,978, with total expensed to-date at \$11,215,459 or 77.5% of Budget, compared to \$10,201,776 in 2022. Revenues to-date are \$12,149,821.
- Water and Sewer fund expenditures for the month are \$406,591, with total expensed to-date at \$5,375,830, or 63.8% of budget, compared to \$5,266,613 last year. Revenues to-date are \$5,506,504.
- Stormwater fund expenditures for the month were \$24,523, with total expenses to-date of \$469,921, or 15.9% of budget. Revenues to-date are \$225,256.
- The benchmark for this period is 83.3% 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.

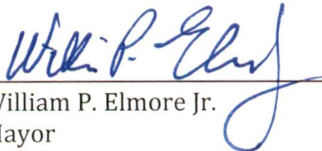
**Announcements/Information**

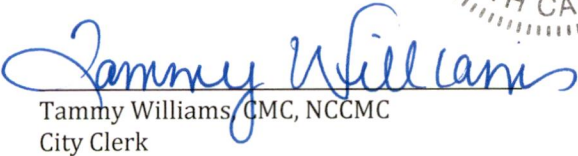
Mayor Elmore announced that Mathew Boone will begin serving as Interim City Manager as of June 1 and will be sworn in by the City Clerk. He announced upcoming events and activities.

With no further business to discuss, motion by Council Member Sills and second by Council Member Gaulden to adjourn the meeting at 8:56 p.m. **Motion unanimously approved.**

Attest:



  
William P. Elmore Jr.  
Mayor

  
Tammy Williams, CMC, NCCMC  
City Clerk