

Dunn City Council
Regular Meeting
Tuesday, July 11, 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, Frank McLean April Gaulden, Billy N. Tart, and Chuck Turnage. **ABSENT:** April Gaulden

Also present: City Manager Steven Neuschafer, Finance Director Cary McNallan, Chief of Police Cary Jackson, Planning Director George Adler, Parks and Recreation Director Brian McNeill, Public Works Director Dwayne Williams, Assistant Public Utilities Billy Cottle, Administrative Support Specialist Amber Groves, Attorney Wiley Pope, and City Clerk Tammy Williams.

CALL TO ORDER AND INVOCATION

Mayor Elmore opened the meeting at 6:30 p.m. and shared that Council Member Gaulden was unable to attend as she was under the weather. Afterwards, Apostle McArthur, Pastor at God’s House of Prayer Church of Deliverance gave the invocation and then Council Member Sills led in the Pledge of Allegiance.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member McLean and second by Mayor Pro Tem Bradham to adopt the July 11, 2023 meeting agenda as presented. **Motion unanimously approved.**

PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 6:33 p.m. Dr. Gwen McNeill spoke about her concerns in reference to errors, she felt were made at the June Council meeting concerning the Juneteenth Proclamation and the Park to Park Trail. She further expressed concerns in reference to the lack of attention at Codrington Park. Marilyn Mayer with the Carolina Wetlands Association gave an update on the Stoney Run Walkable Watershed project and invited Council and staff to a Community Meeting and Open House to be held on September 7 from 6:00 to 8:00 p.m. at the Trinity Church. Having no comments, the Public Comment period was closed.

CONSENT ITEMS

- Minutes of the June 8, 2023 Emergency City Council Meeting.
- Minutes of the June 13, 2023 Regular City Council Meeting.
- Special Event Permit – Temporary Blocking of Streets - I thought Turkeys could Fly 5K
- Special Event Permit – Temporary Blocking of Streets - 5K and Truck Rodeo
- Destruction of Municipal Records - Administration

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

ITEMS FOR DISCUSSION AND/OR DECISION

CZ-01-23: Conditional Rezoning of 9.05 acre parcel, Erwin Road

Mayor Elmore opened the Public Hearing at 6:41 p.m. Planning Director Adler presented request to rezone a 9.05 +/- acres parcel of land from a mix of R-20 and R-10 Single-family dwelling districts to R-7 Conditional Zoning District to permit a 27-lot subdivision for single-family detached houses. Rezoning to R-7 CZD would allow six units per acre. Four lots will face Erwin Road, 23 will face a new street entering off Erwin Road, terminating in a cul-de-sac. Currently, the parcel is wooded. The developer will preserve trees around the perimeter to screen the new units from adjoining neighborhoods. The developer held a neighborhood meeting on June 12. The meeting was attended by ten people. The Planning Board voted unanimously to recommend approval, with the following two conditions: 1. Preserve trees around the perimeter of the site to screen the new homes from existing adjoining neighborhoods; and 2. Install curb, gutter, and sidewalk, including driveway aprons, along Erwin Road the width of the property, including in front of the two parcels not part of the new development. An additional condition should be added: City Council approval of the sewer allocation for the 27 residential units.

The amendment is reasonable based upon surrounding conditions. The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of rezoning outweigh any potential inconvenience or harm to the community. The amendment is warranted due to changed or changing conditions in the area and the amendment achieves the purpose and is consistent with the Land Use Plan. Therefore, staff concludes that the Conditional Rezoning to R-7 CZD at this location off Erwin Road conforms and is consistent with the Future Land Use Plan.

Mayor Pro Tem Bradham expressed concerns about the increased traffic and flood plain. Council Member Turnage asked about the HOA requirements.

Ben Stout, representative for applicant, Stout Land spoke in favor of the development and rezoning explaining the objective of the land and home construction business.

After discussion and with no additional comments, Mayor Elmore closed the public hearing.

Motion by Council Member Sills and second by Council Member Turnage to approve case CZ-01-23, a 9.05 acre +/- parcel, PIN being 1506-79-5869.000, to rezone from a mix of R-20, Single-family dwelling district and R-10, Single-family dwelling District to R-7 Conditional Zoning District to permit a 27-lot subdivision for 27 single-family detached houses, including the two conditions as presented including a 15 ft. tree buffer easement along the back of the properties on lots 5-27, and to approve the sewer allocations as needed. **Motion approved with Mayor Pro Tem Bradham opposed.**

Ordinance Amendment OA-04-23, Childcare, Drop-in/Short-term

Planning Director Adler asked Council to table to allow staff additional time for research.

Motion by Council Member Tart and second by Council Member McLean to table the Public Hearing until the August 8, 2023 Council Meeting. **Motion unanimously approved.**

City Policy Memo Encouraging Conditional Rezoning

Planning Director Adler presented a recommended City Policy Memo that encourages applicants seeking to rezone in certain locations and in certain circumstances to do a Conditional Rezoning rather than a straight, base rezoning. Members of the Planning Board and City Council have expressed concern about approving rezonings before the applicant explains the expected use of the land. Conditional rezonings must either: (1) include a site plan that will describe in some detail what will be developed on the site once rezoned; or (2) limit the number of uses that will be permitted on the rezoned parcel. The City Attorney has reviewed and edited this memo. The Planning Board recommended unanimously that this memo be approved at their June 27, 2023 regular meeting. This City Policy would not require conditional rezonings. But, if approved, it would provide an official expression of City policy that the Planning Director can refer to, when applicants apply for certain types of legislative rezonings in certain locations.

After discussion, motion by Council Member Turnage and second by Mayor Pro Tem Bradham to approve the City Policy Memo: Encouraging Conditional Rezoning in Certain Locations, as presented and be reviewed every five years. **Motion unanimously approved.** *A copy of the City Policy Memo is incorporated into these minutes as Attachment #1.*

Voluntary Annexation Petition ANX-01-2023 Erwin Rd, owned by J2M2 Holding LLC

City Manager Neuschafer presented request for the voluntary annexation as a part of the development presented earlier. The Council adopted a Resolution Directing the Clerk to Investigate the Voluntary Annexation ANX-01-22 and the Certificate of Sufficiency was completed by the clerk.

Motion by Council Member Sills and second by Council Member Turnage to adopt the Resolution Fixing Date of Public Hearing as August 8, 2023 at 6:30 p.m. for the Voluntary Contiguous Annexation Petition ANX-01-23. **Motion unanimously approved.** *A copy of the Resolution (R2023-24) is incorporated into these minutes as Attachment #2.*

Capital Project Ordinance – Ammons Road Meter Vault Project

Finance Director McNallan shared with Council that this project was listed in the FY24 Capital Improvements Plan. A capital project fund will be established for recording the expenditures and funding sources for this project. Funding will include a \$109,725 transfer from the Water and Sewer Fund reserves with funding being 100% from Water and Sewer reserves. Public Utilities Assistant Director Cottle explained that the project includes the installation of a meter vault on Ammons Road. This would be used to meter water on Ammons Road that is currently supplied by Harnett County and billed to Harnett County based on meter readings that the County supplies to the City each month.

Motion by Council Member Sills and second by Council Member McLean to approve the capital project ordinance and budget amendment for the Ammons Road Meter Vault Project as presented. **Motion unanimously approved.** *A copy of the Ordinance (O2023-16) and Budget Amendment (BA2024-01) are incorporated into these minutes as Attachment #3.*

Capital Project Ordinance – Tracy Lane Water and Sewer Extension Project

Finance Director McNallan presented the Capital Project Ordinance for this project which was listed in the FY24 Capital Improvements Plan. Funding will include a \$56,400 transfer from the Water and Sewer Fund reserves. Both the engineering and construction phases of this project will be funded 100% by Water and Sewer Fund reserves. L.E. Wooten and Company has submitted a proposal of \$56,400 to complete the design and surveying, assist with the informal bidding process, and provide construction administration and observations for the entire project. Once the project construction cost is determined, staff will return to the City Council to request additional funding for the construction phase of this project.

Public Utilities Assistant Director told Council that the project will include over 600 linear feet of 6-inch water main and appurtenances and over 500 linear feet of gravity sewer main and appurtenances along Tracy Lane to serve five parcels and any additional growth in that area.

Motion by Council Member Sills and second by Council Member McLean to approve the capital project ordinance and budget amendment for the Tracy Lane Water and Sewer Extension Project, and award the engineering contract to L.E. Wooten and Company. **Motion unanimously approved.** *A copy of the Ordinance (O2023-17) and Budget Amendment (BA2024-02) are incorporated into these minutes as attachment #4.*

Pearsall St Culvert Replacement

City Manager Neuschafer presented request to bid the replacement of the Juniper Creek roadway crossing at Pearsall St. This crossing has been closed to traffic since it collapsed several months ago. The replacement of the failing portion of the existing structure is a possibility but the estimated cost of the work and limited scope begged the question of should the whole crossing be replaced and upgraded to allow for better water flow and increased safety. This project also deals with an existing sewer line that bisects the existing culvert boxes so a possible sewer line relocation could also be included in the project. These designs are at 30%, which means that there is enough study and information to know that the project can physically work and generally what the price will be after talking with product vendors. The project would be funded out of existing stormwater fund balance and water and sewer funds and leveraging some debt, if grant funds are not available. The City has \$500,000 in stormwater grant funding secured and this project should be eligible to use those funds.

After discussion, motion by Council Member Turnage and second by Council Member Tart to authorize the City Manager to have the designs completed and bid the project for West Pearsall St. **Motion unanimously approved.**

Administrative Reports

City Manager Neuschafer presented updated goals report. We have committed to several projects for the SOC and last week, we received four approvals from the state for additional sewer projects. We will have a lot of work going on in the city by the end of this year with all having deadlines of 2026.

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

- The City has \$9,802,489 cash, compared to \$9,637,149 last year.
- Water and Sewer Revenues for the month were \$563,128, with total collected year to-date at \$6,711,644 or 100.3% of budget, compared to \$6,206,408 in 2022.
- Property Taxes are \$5,574,673, more than the estimated budget of \$5,383,600.
- Sales Tax receipts were \$283,926, with total collected year to-date at \$2,357,611 or 73.9% of budget.
- Utilities Sales Taxes received for the year is \$664,992, compared to \$668,806 last year.
- Building Permit Fees collected total \$153,160 or 102% of budget compared to total collected last year of \$170,096.
- General Fund expenditures for month are \$599,972, with total expensed to-date at \$16,221,716 or 89.5% of Budget, compared to \$11,836,478 in 2022. Revenues to-date are \$16,518,838
- Water and Sewer fund expenditures for the month are \$569,252, with total expensed to-date at \$7,007,144, or 80.5% of budget, compared to \$6,986,399 last year. Revenues to-date are \$6,743,111.
- Stormwater fund expenditures for the month were \$23,692, with total expenses to-date of \$490,796, or 16.6% of budget. Revenues to-date are \$459,967.
- The benchmark for this period is 100% 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

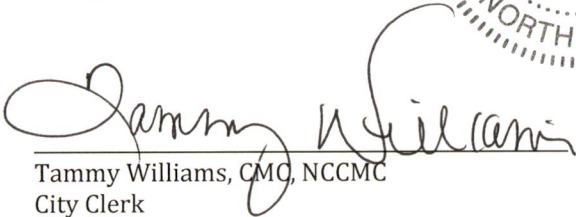
Mayor Elmore announced upcoming events and activities.


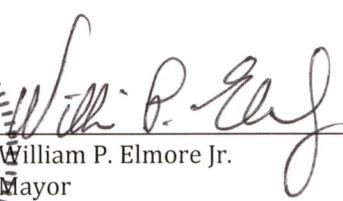
Motion by Council Member McLean and second by Mayor Pro Tem Bradham to enter Closed Session according to [N.C.G.S. 143-318.11(a)(5)], to establish or instruct on the negotiation for the acquisition of real property. **Motion unanimously approved.**

Mayor Elmore recessed the meeting for the Closed Session at 7:39 p.m.

He reconvened the meeting and with no further business to discuss, motion by Council Member Tart and second by Council Member Sills to adjourn the meeting at 8:33 p.m. **Motion unanimously approved.**

Attest:


Tammy Williams, CMC, NCCMC
City Clerk

 
William P. Elmore Jr.
Mayor