

Dunn City Council
Regular Meeting
Tuesday, January 12, 2021
7:00 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. *Notice, relating to the Special Meeting Conditions, is incorporated into these minutes as Attachment #1.*

Also present: City Manager Steven Neuschafer, Assistant City Manager Mathew Boone, Finance Director Jim Roberts, Planning Director George Adler, Chief Building Inspector Steven King, Chief of Police Clark White, Human Resources Director Anne Thompson, Communications Coordinator Kaitlin Adkins, City Attorney Tilghman Pope, and City Clerk Tammy Williams.

CALL TO ORDER AND INVOCATION

Mayor Elmore opened the meeting at 7:00 p.m. and Rev. Howard Dudley, Pastor at First Presbyterian Church gave the invocation. Afterwards, Council Member Gaulden 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 12, 2021 meeting agenda as presented. **Motion unanimously approved.**

PRESENTATIONS

Employee Recognitions – Police Department

Chief White recognized Lt. Matt Smith for receiving his certificate for completion of the Leadership Institute and Leadership Certificate Program through the North Carolina Justice Academy. He also recognized Sgt. Jonathan Butler, who received his Advance Law Enforcement Certificate from the North Carolina Criminal Justice Training & Standards Commission.

Chief White introduced new Officers: Christopher S. Keon and Joshua T. Elliott

Mayor Elmore thanked Doug Heath for his fifteen years of service to the Dunn Planning Board.

PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 7:11 p.m. Having no comments, the Public Comment period was closed.

CONSENT ITEMS

- Approval of the minutes of the December 8, 2020 City Council Meeting.
- Approval of the minutes of the December 17, 2020 Special Called Meeting – Joint meeting with Town of Benson and Town of Four Oaks.
- Approval of Resolution declaring badge and service weapon carried by Harold Dwayne Collins surplus and awarding to him on his retirement. *A copy of the Resolution (R2021-01) is incorporated into these minutes as attachment #2.*
- Approval of the Budget Planning Retreat to be held at the Hotel Ballast in Wilmington on February 19–20, 2021.
- Approval to extend the Emergency Sick Leave (Covid-19).

Motion by Council Member Turnage and second by Mayor Pro Tem Bradham to approve all consent items. **Motion unanimously approved.**

ITEMS FOR DISCUSSION AND/OR DECISION

Ordinance to Demolish – 706, 710, 800 N Fayetteville Ave

Chief Building Inspector King reported that the ordinance was tabled at the December 2020 meeting, to give the property owner until the January 2021 Council meeting to have asbestos abated and all buildings demolished and removed. Asbestos has been removed, notification provided for demolition to proceed, however the buildings are still not down.

Mayor Elmore added that he personally spoke to Mr. Mize with The Lester Group and shared the concerns of the board. He said the property was released on December 29th by the City and with an additional 30 days, Mr. Mize assured the Mayor that they will take care of the demolition.

Council Member McLean added that the gentleman (speaking of the contractor, Mr. Godwin) says he only needed 30 days and it seems like there is more debris and materials now than before. He added his concern for the residents surrounding the property. Mayor Pro Tem Bradham asked if a permit for the stone crushing business was issued. King replied that the only permit issued is a demolition permit and a verbal agreement that the equipment is ok to be there as long as the demolition is taking place. Council Member Tart added, if the property was not released until December 29th, that only gave them a couple of weeks to demolish the buildings. He feels it will be more beneficial to the city if Mr. Godwin will handle the demolition as planned,

saving time and money for the city. Council Member Gaulden stated she drives by the site daily and nothing has been done and she firmly stated that nothing else should be brought into the site. This is not good for her constituents there and everything needs to be done in thirty days rain, sleet or snow. Council Member Turnage added that it is the responsibility of the owners of the property to supervise and see that this demolition is done. Mayor Pro Tem Bradham asked how much the demolition would cost if the city did handle and King estimated cost in 6 figures. Bradham answered he wants to save tax dollars but we can't keep letting this happen. He further stated that he will vote for an extension this time but will not vote to extend it again.

Council Member Sills read a prepared statement to be inserted in the record. *"Mr. Mayor, fellow council members, and fellow citizens, I offer these prepared remarks for reasoning as to why I am voting to adopt the ordinance for demolition of the Godwin Building Supply property and why I am urging others to do as well.*

First, let us begin by reviewing the facts of the issue at hand:

- 1. This business started in September of 2019.*
- 2. The contractor and owner made little progress for many months, citing complications due to asbestos.*
- 3. While presumably waiting for asbestos abatement, the contractor has admitted to illegally using the site to crushing concrete and other debris which was then sold. This side business is in violation of several city ordinances, including the fact no business license has been issued and this type of business is prohibited by zoning in this area of town.*
- 4. The city council requested the owner construct a privacy fence to minimize the risk to public safety and well-being. One has not been installed.*
- 5. The city council requested the owner install gravel crush and run rock driveways to minimize dirt/mud on public roads. One has not been laid.*
- 6. The city council demanded Mr. Godwin produce and commit to a timeline for demolition after asbestos abatement. His timeline was 3 – 5 days, as noted in our official, approved minutes. Twelve business days have passed since asbestos abatement, which was complete on Dec 19th. Therefore, his commitment has not been met.*

These facts are not in dispute. The city council has repeatedly attempted to solve this public crisis without assuming control of the property. Repeatedly, little to no progress has been made to mitigate the hazard to public safety and community harmony. No one can disagree that this property is an eye sore. Residents of the area are negatively impacted by the so-called "demolition" which seems to have no end in sight. Dust, noise, large trucks, and poor visuals are not what these residents signed up for when purchasing these properties nor should they unfairly bear the costs in diminished safety and falling property values generated by the contractor's failure to uphold his word. This council had an opportunity to take control of this property last month, putting a swift end to this ordeal.

We have this opportunity again, and we should take it.

I am the first to admit assuming control of the property is not, under ordinary circumstances, ideal. In the short term, this will require a capital outlay around 100k, maybe more, maybe less, to demolish and restore the property. This is not a sum I take lightly. However, there are clear paths to recouping this investment, albeit it will be several months to years. In addition, we must recognize we are not faced with ordinary circumstances. We are faced with steering a clear path to solve the problem at hand.

When I called several members of the community as well as my constituents for advice on this issue, they all expressed concern about the amount of tax money which would need to be expended; however, they all said, they all said, they would not tolerate looking out their windows and seeing this sad state of affairs. I am touched by their solidarity with their fellow citizens who are negatively impacted by this never-ending demolition.

The \$100k question, maybe more, maybe less, is, should we spend public tax money taking control of this demolition and actually finishing the job? I can say, unequivocally, yes is the answer.

I say yes because of the following:

- 1. I say yes because here, we believe in fair play. Allowing any side business to continue without proper permits is a slap in the face to all the other businesses, large and small, who play by the rules and pay money for a permit.*
- 2. I say yes because here, we believe in our town's value. Dunn and the Chamber of Commerce have spent thousands of dollars of tax money and private money, respectively, on reimagining our city. What does it say about our efforts to reimage our city and there is a quasi-rock quarry operation in the middle of our city?*
- 3. I say yes because here, we believe in property rights. All of our citizens, and especially residents close to the site, are negatively impacted by this failure of government. They do not deserve it.*

Enlightenment thinker John Locke wrote that humans have an inalienable right to life, liberty, and property. We all know that set of principles was the basis for Jefferson's immortal "Declaration of Independence." I am fond of a lesser known document entitled, "The Virginia Declaration of Rights" drafted by George Mason, a contemporary of Jefferson. Mason states:

That all men are by nature equally free and independent, and have certain inherent rights, of which, they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

I ask, will our actions tonight echo the thoughts of Lock, Mason, and Jefferson? Will we protect the private property rights of our neighbors? Will we, the City Council, fulfill our part of the social contract, the unspoken but foundational agreement between our liberty and our government? Our Libertarian friends deride zoning as

an unnecessary burden. Liberals say zoning and ordinances do not protect citizens enough. As a Republican, I am in the middle. We have given due process to the owners and to the contractor. We have been more than generous in our timelines for completed demolition. We, as the city council, need to act now, decisively.

James Madison, writing as Publius in "The Federalist Number 51" famously quipped, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary." When I am judged by my constituents three years from now, and by the Almighty, hopefully many, many years from now, I will proudly say I stood up for everyone, equally.

In closing, Dunn has many areas of weaknesses and many areas of successes, as do all cities. What makes Dunn special is our sense of community and family values. Our City Council has an opportunity tonight to send a loud and clear message to all the hucksters, charlatans, slum lords, and slackers that Dunn is not a dumping ground. Dunn is not an expendable resource. Dunn is not some 3rd world country. Dunn is our home and we will protect it, for ourselves and our posterity. Thank you."

James Rankin was recognized for remarks and restated his frustration with the dust from the stone crushing.

Motion by Council Member Turnage and second by Council Member Tart to table until the February meeting to allow time for the demolition and for a letter to be sent to The Lester Group to provide oversight of the project. **Motion approved with Council Member Sills opposed.**

Ordinance to deem property Unfit for Human Habitation - 906 and 908 N Clinton Ave

Chief Building Inspector King reported that the ordinance to deem the property Unfit for Human Habitation was tabled by City Council at the September 8, 2020 meeting until the October 13, 2020 meeting for an update on the outstanding repairs. As of December 29, 2020, there are three items on the repair list that have not been completed. King added that D & H has contracted to get the gas tank repaired and since they are getting the canopy relocated, they have not done the restriping of the parking lot. Hemir Alsanda spoke to Council and shared that they had to contract with someone out of South Carolina to repair the tanks and there is a lot involved with the State, due to many regulations and guidelines, so he is not sure that it will be handled in thirty days.

Motion by Council Member Tart and second by Council Member Turnage to table until the February meeting for an update. **Motion unanimously approved.**

Ordinance to Demolish - 503 E Carr St

Chief Building Inspector King reported Council tabled the demolition at the July 14, 2020 meeting to allow potential buyer, Curtis Miles, additional time to acquire ownership of the property. It was agreed upon that the main structure could be kept and repaired, but the other structures will need to be removed by the owner or by the City to conform to Zoning Regulations. It was tabled again at the August and September meetings, to allow time to demolish structures and to renovate the house. King added that Mr. Miles has done an outstanding job on the structure and is already down to the final inspections. Due to his reputation and based on what he has already done, King recommended denying the ordinance.

Motion by Council Member Sills and second by Council Member McLean to deny the Ordinance to Demolish 503 E Carr St. **Motion unanimously approved.**

Ordinance to Demolish - 809 E Pearsall St - storage building

Chief Building Inspector King reported that the ordinance to demolish the storage building was tabled at the November 10, 2020 Council meeting to allow the property owner time to make repairs or have it removed. King added that he has not heard anything from the property owners and as of today, the building still looks the same.

Motion by Mayor Pro Tem Bradham and second by Council Member Sills to adopt the ordinance directing the Building Inspector to proceed with the demolition of the storage building located at 809 E Pearsall St. (PIN #: 1516-84-1822.000). **Motion unanimously approved.** *A copy of the Ordinance (O2021-01) is incorporated into these minutes as attachment #3.*

Ordinance to Demolish - 614 E Divine St

Chief Building Inspector King reported that this ordinance was tabled by City Council at the November Council meeting until the January 2021 Council meeting to allow the owner time to make the necessary repairs to the dwelling. King said some repairs have been done - only mechanical passed and he estimated that 35% of the work has been done since tabled. Council Member McLean shared the conversation he had with the contractor concerning the amount of work that has been done. King added that February will make a year that he has been dealing with this property. He also stated there were some issues with unlicensed contractors on this property.

Motion by Council Member Turnage and second by Mayor Pro Tem Bradham to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 614 E Divine St. (PIN #: 1516-75-5460.000). **Motion approved with Council Member McLean opposed.** *A copy of the Ordinance (O2021-02) is incorporated into these minutes as attachment #4.*

Consideration to Sell Real Property – 415 S Magnolia Ave

City Manager Neuschafer reported that the City has received an offer of \$8,000, by Lucknow Homes LLC, to purchase real property located at 415 S Magnolia Avenue in Dunn. Offer to Purchase was received by the City Clerk on November 24, 2020.

If the Council wishes to proceed with the sale of the property, the property would be sold with "Notice to sell Real Property with Invitation for Upset Bids." Consideration to Sell the Property was tabled at the December 2020 Council Meeting.

Motion by Council Member Turnage and second by Council Member Gaulden to approve the Resolution to Sell Real Property pursuant to the Notice and Upset Bids procedure as set forth in N.C. General Statute §160A-260. **Motion unanimously approved.** *A copy of the Resolution (R2021-02) is incorporated into these minutes as attachment #5.*

Funding Computer Server Purchase

Finance Director Roberts made a request to secure a loan for the purchase of servers and equipment including: Two PowerEdge R640 servers, Two PowerSwitch S41112F-ON switches, and a Dell EMC PowerStore 1000T-AMER base. The total loan for this equipment will be approximately \$110,000 with a repayment term of four (4) years, at an interest rate of 1.80% (Bank Qualified) making payments in the amount of approximately \$29,000 per year.

Motion by Mayor Pro Tem Bradham and second by Council Member McLean to approve a loan through First Citizens Bank in the amount of \$110,000 to pay for the purchase and installation of computer servers and related equipment for use by the City and authorize the Mayor and City Manager to execute any and all documents associated with this Resolution. **Motion unanimously approved.** *A copy of the Resolution (R2021-03) is incorporated into these minutes as attachment #6.*

Request for Letters of Interest and Statement of Qualifications – Merger/Regionalization Feasibility Study and Water Treatment Plant Design

Assistant City Manager Boone presented that a Request for Letters of Interest and Statement of Qualifications were published in order to begin the process of selecting an engineering firm based on qualifications to assist with the Merger/Regionalization Study and the Water Treatment Plant Design. The City received a total of six Statement of Qualification for the Merger/Regionalization Study and the Water Treatment Plant Design. Of those received, City Staff reviewed and scored each using the same criteria for comparison. Staff short listed three firms and conducted in person interviews on November 13, 2020 and November 18, 2020. WithersRavenel received the highest collective score and therefore staff is recommending that the City move forward with WithersRavenel in contract negotiations.

Motion by Council Member Turnage and second by Council Member Gaulden to authorize staff to begin working with WithersRavenel to negotiate the scope of work and fees associated with both the Merger/Regionalization Study and design of the Water Treatment Plant and furthermore draft contracts for Councils' review and approval.

Motion unanimously approved.

Stormwater Fee Study Resolution – Mini-Brooks Act

City Manager Neuschafer presented recommendation that the City move forward with a stormwater fee study as required. This study will recommend a fee structure that is solely based upon the amount of impervious surface area on an individual property, to make the fee each property owner pays, proportionate to the impact on the stormwater infrastructure. Since the total estimated professional fee for engineering will be less than \$50,000.00, it is recommended that the City continue to exempt itself from the Mini-Brooks Act according to N.C.G.S. 143-64.32.

Motion by Council Member McLean and second by Council Member Turnage to authorize the City Manager to move forward with soliciting firms to provide proposals for completing a stormwater fee study, along with approval of resolution exempting the City from the Mini-Brooks Act according to N.C.G.S. 143-64.32, provided that such contract is \$50,000.00 or less as set forth in N.C.G.S. 143-64.32. **Motion unanimously approved.** *A copy of the Resolution (R2021-04) is incorporated into these minutes as attachment #7.*

City-wide Street Pavement Condition Study Resolution – Mini-Brooks Act

City Manager Neuschafer presented recommendation that the City move forward with a street pavement condition study, which will objectively evaluate the condition of every paved street the City is responsible for maintaining. The city has previously depended on the recommendation from department heads concerning which streets needed resurfacing. This study will have a prioritization based upon actual field conditions and will present the recommendations based upon extending the useful life of the pavement system. Since the total estimated professional fee for engineering will be less than \$50,000.00, it is recommended that the City continue to exempt itself from the Mini-Brooks Act according to N.C.G.S. 143-64.32.

Motion by Council Member Turnage and second by Mayor Pro Tem Bradham to authorize the City Manager to move forward with soliciting firms to provide proposals for completing a pavement condition study, along with approval of resolution exempting the City from the Mini-Brooks Act according to N.C.G.S. 143-64.32, provided that such contract is \$50,000.00 or less as set forth in N.C.G.S. 143-64.32. **Motion unanimously approved.** *A copy of the Resolution (R2021-05) is incorporated into these minutes as attachment #8.*

Council Goals/Reports

City Manager Neuschafer reported that the second round of bids are due this Thursday for the stormwater and street repairs. He updated that staff is waiting on DOT response on the crossings for the Tyler to Tart Park trail. Signage and street markings will not take long, that is just a matter of allocating funds. Staff does not have a timeline on how long the crossings will take on state right-of-ways, especially to ensure proper crossing of Highway 301, where there is no signal system.

Neuschafer also updated on the paver - there is a learning curve with the operator and once training is completed, the paver will be used for smaller projects year round.

Administrative Reports

City Manager Neuschafer updated Council that the cemetery crew will begin cleaning according to the established guidelines. Publicity was started this week to allow people time to remove any flowers or decorations prior to the cleanup.

Finance Director Roberts provided the following financial report for the period ending December 31, 2020:

- City has \$6,925,847 in cash in the General Fund and Water-Sewer Fund combined, compared to \$5,808,950 in 2019.
- Tax payments received through November 30, 2020 were \$1,722,888 compared to \$1,649,259 in 2019.
- Sales Tax Revenue continues to be very strong with October receipts at \$200,081 with total July through October of \$866,631. Sales tax are up 18.1% from the same time last year, when total collected was \$733,995.
- Utilities Sales Tax for the first two quarters are \$337,594, compared to \$343,048 for 2019.
- Building Permit Fees for the month of December were \$24,812, with total collected - \$77,699 or 78% of budget compared to \$69,064 for 2019.
- Water and Sewer Revenues for the month of December were \$486,485 compared to \$432,981 in 2019. Total collected to date - \$2,988,998 or 51.1% of budget compared to \$3,003,014 in 2019. The difference is related to COVID-19 payment deferrals.
- General Fund expenditures in December were \$685,085, with total expensed to date of \$5,219,118 or 44.8% of Budget, compared to \$5,663,619 in 2019.
- The Water and Sewer fund expenditures in December were \$453,831, with total to date of \$2,658,255 or 36.5% of budget compared to \$2,351,264 in 2019. The benchmark for this period is 50% of budget.
- Debt Service Report and Liens and Assessment Report were also presented.

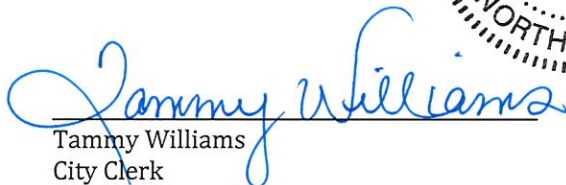
Reports were also received as follows: Communications/Public Information, Planning and Inspections Report, Public Works Report, Public Utilities Report, Parks and Recreation Report, Library Report and Police Report.

Announcements/Information

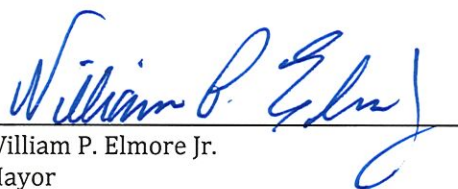
Mayor Elmore announced upcoming events and activities.

With no further business to discuss and with no objection, the meeting was adjourned at 8:50 p.m.

Attest:


 Tammy Williams
 City Clerk




 William P. Elmore Jr.
 Mayor