

Dunn City Council
Regular Meeting
Tuesday, March 8, 2022
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.

Also present: City Manager Steven Neuschafer, Assistant City Manager Mathew Boone, Finance Director Jim Roberts, Public Utilities Director Heather Adams, Chief of Police Clark White, Police Major Cary Jackson, Planning Director George Adler, Parks and Recreation Director Brian McNeill, Human Resources Director Connie Jernigan, Librarian Mike Williams, Public Works Director Vincent Washington, 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 7:00 p.m. and Rev. Roy Johnson gave the invocation. Afterwards, Mayor Pro Tem Bradham led in the Pledge of Allegiance.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Sills and second by Council Member Tart to adopt the March 8, 2022 meeting agenda as presented. **Motion unanimously approved.**

PRESENTATIONS

Harnett County Director of Economic Development – Christian Lockamy

Mr. Lockamy introduced himself as the new Economic Development Director for Harnett County.

Update from the I95/I40 Crossroads of America Alliance – Reid Williams, Director

Mr. Williams gave a quick update on the Alliance activities.

Employee Recognitions

Chief White recognized Officers Trae Gonzales and Zachary Jacobs on being awarded the North Carolina Criminal Justice Education and Trainings Standards Commission Intermediate Law Enforcement Certification. Officer Gonzales was also recognized for his efforts and awards received in organizing the department's participation in the Special Olympics Law Enforcement Torch Run with their organization being the top new agency for this year. The Police Department raised \$11,000 instead of the goal of \$7,000.

Sheriff Wayne Coats Presentation

Sherriff Coats presented Certificates of Appreciation to the Police Department and City of Dunn for their assistance with the countywide Kentucky Area Relief Effort and Support in January for tornado victims organized by the Sheriff's Department.

Introduction of New Employees

Public Works Director Washington recognized Angela Siekkinen, Administrative Support Specialist I and Equipment Mechanic Nick Herring. Public Utilities Director Adams recognized Nathan Rawls, Plant Maintenance/Relief Operation Specialist for the Water Plant.

PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 7:21 p.m. Having no comments, the Public Comment period was closed.

CONSENT ITEMS

- Minutes of the January 11, 2022 City Council Meeting.
- Minutes of the January 18, 2022 City Council Special Meeting.
- Minutes of the January 28, 2022 City Council Meeting – Budget Planning Retreat.
- Minutes of the February 8, 2022 City Council Meeting.
- Minutes of the February 18, 2022 City Council Special Meeting.
- Budget Amendment – Three Bridge Road. *A copy of Budget Amendment (BA2022-25) is incorporated into these minutes as Attachment #1.*
- Mural Grant Recommendations by Community Appearance Committee
- Special Event – Temporary Closing of Alley – Stewart Theater
- Special Event – Temporary Closing of Street – First Presbyterian Church
- Resolution to Convey Personal Property to Dunn PAL. *A copy of the Resolution (R2022-05) is incorporated into these minutes as Attachment #2.*
- Resolution Authorizing Disposition of Personal Property. *A copy of the Resolution (R2022-06) is incorporated into these minutes as Attachment #3.*
- Resolution adopting the General Records and Program Records Retention and Disposition Schedule. *A copy of the Resolution (R2022-07) is incorporated into these minutes as Attachment #4.*
- NC DOT Mowing Agreement
- Approval of Mutual Aid Agreement with Harnett County for Fire Prevention Code Enforcement

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

ITEMS FOR DISCUSSION AND/OR DECISION

Ordinance Amendment OA-02-22, Section 18-2

Mayor Elmore opened the Public Hearing at 7:23 p.m. Assistant City Manager Boone presented request to amend Ordinance, Sec. 18-2., Uncontrolled growth, accumulation—Prohibited subsection (a) and (b). A request to change the wording by replacing rubbish with solid waste. The proposed amendment has been reviewed by the City Attorney, Tilghman Pope. With no additional comments, the Public Hearing was closed.

Motion by Council Member Gaulden and second by Council Member Sills to approve Ordinance Amendment OA-02-22 to change the wording by replacing rubbish with solid waste in the ordinance, Sec. 18-2., Uncontrolled growth, accumulation—Prohibited, as presented. **Motion unanimously approved.** *A copy of the Ordinance (O2022-03) is incorporated into these minutes as Attachment #5.*

CZ-01-22: Conditional Rezoning from RA-40 to RM-CZD – 11142 NC55E

Mayor Elmore opened the Public Hearing at 7:25 p.m. Planning Director Adler presented a request to rezone a parcel of land, PIN #1526-33-0531.000, address 11142 NC 55 East in Dunn's ETJ, from RA, Single-Family Residential and Agricultural District to RM, Multifamily Conditional District with the sole use being to allow the development of a transitional housing dormitory. On October 26, 2021, City Council adopted the ordinance amendment OA-10-21, adding the use of "transitional housing dormitory" to the City's Zoning Ordinance and assigned the RM district as the sole district in which this use will be permitted. On February 22, 2022, Hope Center Ministries presented case CZ-01-22 to the Dunn Planning Board, which unanimously recommended adoption of this rezoning. Comments in favor of the request were given by Travis Byrd, Regional Director for the Hope Center Ministries. Several members of the audience stood to show their support of the rezoning request. With no additional comments, the Public Hearing was closed.

Motion by Mayor Pro Tem Bradham and second by Council Member Turnage to approve CZ-01-22 to rezone 11142 NC 55 East, PIN #1526-33-0531.000, from RA-40, Single-family and agricultural district to RM, Multifamily Conditional district, to allow the development of a transitional housing dormitory as the sole permitted use of the site as presented. **Motion unanimously approved.**

CZ-02-22: Conditional Rezoning from R-7, Single Family to R-7, Single Family Conditional Zoning District/Planned Unit Development – Susan Tart Property

Mayor Elmore opened the Public Hearing at 7:34 p.m. Planning Director Adler presented a request to rezone five parcels of land, PINs being 1506-78-8506.000; 1506-77-7440.000; 1506-88-1668; 1506-88-2105; and 1506-78-5911.000 from R-7, single-family dwelling district to R-7 Single-family dwelling Conditional District/Planned Unit Development to permit the construction of up to 103 single-family detached residential units, with open space, shade street trees at an average of one per unit, and to include several conditions agreed to by the developer.

On March 9, 2021 and December 14, 2021, City Council approved rezoning these five parcels (four in March, one in December) to R-7, Single-family dwelling district. At the Planning Board meeting on November 30, 2021, Susan Tart Properties requested Conditional Rezoning/Planned Unit Development for a proposed subdivision with 111 single-family homes with reduced setbacks and lot dimensions. The Planning Board unanimously recommended to deny the request and on December 14, 2021, City Council agreed and denied that request.

Susan Tart Properties submitted a revised version of the subdivision of up to 103 single-family detached residential units, with open space and shade street trees at an average of one per unit to the Planning Board February 22, 2022. R-7 lot width and setbacks will be followed; however, total square footage of the lots will be less than the 7,000 square foot minimum required in R-7. The Planning Board unanimously recommended approval of the proposed CZD / PUD with conditions that the developer agreed to abide by.

Concerns were expressed by Council Members on the traffic impact and traffic safety. The size of the street was also concerning to many Council members with the developer proposing 21 feet of pavement and using the curved curb as an extension. Council Member Tart added with people parking on a street that small is concerning for emergency services. Adler added that the streets within the subdivision are being treated as minor streets and he reviewed the ordinances related to minor and subdivision streets. Adler added that he did send the plans to the Emergency Services and their biggest concern was not having an additional exit. Adler then reviewed the conditions established by the Planning Board and agreed upon by the developer. Andrew Petty of Curry Engineering spoke for the rezoning and answered questions concerning the property on behalf of the property owner, Zach Angle. Much discussion followed on the width of the streets, parking, buffering for the homes and safety barrier for the playground. City Attorney Pope reviewed the conditions as established by the Planning Board, revised by Council and the developer agreed to each revised and added condition. With no additional comments, the Public Hearing was closed.

Motion by Council Member Turnage and second by Council Member Gaulden to approve the CZ-02-22 Conditional Zoning Request as presented, with the following conditions as recited and agreed upon by the developer during the Public Hearing:

1. Add an all evergreen landscape buffering of at least three species along Susan Tart Road to screen houses from traffic and protect open space areas.
2. Add landscaping around storm water containment areas.

3. Obtain and follow all NCDOT requirements to include the following:
 - a) If NCDOT requires a traffic Impact analysis based on the proposed number of units to be developed and if so to comply with all requirements recommended by the traffic impact analysis.
 - b) Request approval from NCDOT for a second entrance for the internal street and meet all requirements of NCDOT to obtain approval.
 - c) Obtain all NCDOT driveway and access permits.
4. Widen the internal street width to 25 feet of pavement plus 2½ feet of curb on either side per City of Dunn Engineering Design and Construction Standards.
5. Adjust corner lots with setback issues per Dunn City Code.
6. Obtain state approval of storm drainage system proposed and erosion control plan.
7. Submit Home Owner Association (HOA) deeds and covenants and maintenance agreement.
8. Install traffic barrier at sharp curb on Susan Tart Rd adjacent to the proposed open space to be located within the DOT right of way if approved by NCDOT and if not to be located outside the DOT right of way but constructed to NCDOT standards.
9. Grant authority to Dunn Planning Board Chair to sign the Preliminary Plat once all conditions are satisfied above, as well as items in Dunn City Code Section 20-42. – Preliminary Plat.

Motion approved with Mayor Pro Tem Bradham opposed.

Black River Wastewater Treatment Plant Effluent Conveyance System Grant Project Ordinance

Finance Director Roberts presented proposed Grant Ordinance authorizing all appropriations necessary for the completion of the Black River Wastewater Treatment Plant Effluent Conveyance System with funding coming from the State of North Carolina and the American Rescue Plan Funds-Earmark Project Number: SRP-W-ARP-0033 and administrated by the NCDEQ Division of Water Infrastructure.

Motion by Council Member McLean and second by Council Member Sills to approve the Grant Project Ordinance as presented. **Motion unanimously approved.** *A copy of the Ordinance (02022-04) is incorporated into these minutes as Attachment #6.*

Eastside Pump Station, Forcemain and Outfall Line Improvements Grant Project Ordinance

Finance Director Roberts presented proposed Grant Ordinance authorizing all appropriations necessary for the completion of the Eastside Pump Station, Forcemain and Outfall Line Improvements project with funding coming from the State of North Carolina and the American Rescue Plan Funds-Earmark Project Number: SRP-W-ARP-0033

Motion by Council Member Sills and second by Council Member Gaulden to approve the Grant Project Ordinance as presented. **Motion unanimously approved.** *A copy of the Ordinance (02022-05) is incorporated into these minutes as Attachment #7.*

Consider Awarding Engineering Services Agreement for the American Rescue Plan Wastewater Projects

Public Utilities Director Adams presented engineer agreements for consideration for or the design, surveying, easement acquisition assistance, permitting, construction admin, and construction observation services for the American Rescue Plan Earmarked funded sewer projects.

Requests for Qualifications were duly advertised in The Daily Record on 1-28-22 and was also listed on the NC Interactive Purchasing System Website. Two Letters of Interest were received and of those received, City staff reviewed and scored each using the same criteria for comparison. Davis Martin Powell (DMP) received the highest collective score and therefore is recommendation by staff for both projects. Engineering fees are reimbursable through the grant and are within the budget submitted to NCDEQ. The engineering fees associated with the two projects are as follows:

- WWTP Effluent Conveyance Engineering Fees \$1,637,500
- Eastside Lift Station and Outfall Engineering Fees \$1,788,500

Motion by Council Member Sills and second by Mayor Pro Tem Bradham to award engineering service agreements to Davis Martin Powell for engineering services related to both sewer projects which will be funded with State Appropriated American Rescue Plan funds. **Motion unanimously approved.** *A copy of the contracts are incorporated into these minutes as Attachment #8.*

Resolution Adopting Updated Compliance Plans for the NC Small Cities CDBG-I Program

Public Utilities Director Adams presented resolution adopting the updated compliance plans and policies for the Section 3 Action Plan and the Citizen Participation Plan. These plans are required by the Community Development Block Grant-Infrastructure (CDBG-I) Program. Adams read the Memorandum summarizing the updates to the Compliance Plan.

Motion by Council Member Tart and second by Council Member Turnage to approve the Resolution adopting the updated Section 3 and Citizen Participation compliance plans for the City of Dunn during the implementation of the North Carolina Small Cities Community Development Block Grant for the Infrastructure (CDBG-I) Program. **Motion unanimously approved.** *A copy of the Memorandum and Resolution (R2022-08) are incorporated into these minutes as Attachment #9. A copy of the Plan is on file with the City Clerk.*

Resolution Adopting Assessment of Fair Housing for the NC Small Cities CDBG-I Program

Public Utilities Director Adams presented resolution adopting the Analysis of Impediments or Assessment of Fair Housing in the City of Dunn for the Community Development Block Grant-Infrastructure (CDBG-I) Program. The City of Dunn is participating in a CDBG-I program for the replacement of sewer mains that are located in low to moderate income residential areas within the City and a requirement of the program is for the City to develop an Analysis of Impediments to continue fair housing efforts. Adams read the Memorandum summarizing the Assessment of Fair Housing Report.

Motion by Council Member Turnage and second by Council Member McLean to approve the resolution adopting the Fair Housing Assessment and certifying to the NC Department of Environmental Quality that the City will continue to affirmatively further fair housing as required by the Community Development Block Grant Infrastructure Program. **Motion unanimously approved.** *A copy of the Memorandum and Resolution (R2022-09) are incorporated into these minutes as Attachment #10. A copy of the Assessment is on file with the City Clerk.*

Public Services Complex Architect Selection

Assistant City Manager Boone presented staff's recommendation to enter into contractual negotiations with IBI Group, an architectural firm to design the City of Dunn's new Public Services Complex. Staff issued an RFQ for design services pertaining to the city's new Public Services Complex and received sixteen responses from architectural firms from all over the state. Five firms were chosen for interviews that were conducted based on RFQ scores and of those five, two were shortlisted and staff visited some of their similar projects in the area. After reviewing the credentials, completed projects and other criteria, the review team feels that IBI Group out of Raleigh will be the best fit. The next step will be to negotiate a contract. The estimated timeframe to design and construct the building is two years.

Motion by Mayor Pro Tem Bradham and second by Council Member Gaulden to allow the City Manager to negotiate terms with the chosen firm to research and design the City's Public Services Complex. **Motion unanimously approved.**

Addressing Alley Network

Planning Director Adler presented report showing systematic approach to begin the process of addressing the issues with the Dunn's alley network including estimated costs. The central commercial area in Dunn and its immediate surrounding blocks have a network of north/south alleys that complement our street grid system. However, some alleys have been closed without recording the new property surveys showing that the alleys are closed. In other cases, homeowners have used the alley adjacent to their property as if it were their own. This practice has been facilitated by the limited attention the City has spent on maintaining the alley system. The result is that some alleys are in excellent condition, some function but need repair, and some don't function at all. This creates a problem for public safety personnel when they aren't sure where the right-of-way ends. In December 2019, City Staff presented to Council a research document titled "The City of Dunn Alley Conditions Report". Each alley was color coded to indicate condition: Green indicated open and in good repair; Yellow indicated open but repairs needed; and Red indicated that the alley appeared to either already be closed or should be closed. Phase I - Closing Unused Alleys is estimated at \$60,000 and if the Closures are not completed by June 30, 2022, the remaining balance will be carried over to FY2022-2023.

Motion by Council Member Turnage and second by Council Member McLean to authorize a Budget Amendment for the City to begin the Alley Closure Process in three phases:

- 1) For closing the red highlighted prioritized list of alleys and use the funds for land surveys, recording fees, notification signs, mailings to adjacent alley property owners, advertisement and additional requirements.
- 2) That the process, procedures and cost factors be captured for use if there are additional alley closures of the yellow or green highlighted alleys in the Alley Study.
- 3) That the City begin an assessment and scheduled maintenance and sustainment plan of the yellow and green alleys and present at the May Council Meeting. **Motion unanimously approved.**

A copy of Staff Recommendations and Budget Amendment (BA2022-26) are incorporated into these minutes as Attachment #11.

Set Special Meetings

City Manager Neuschafer requested consideration to set a Special Called Meeting on Monday, March 14, 2022 at 6:00 p.m. in Council Chambers for the purpose of Storm Water Fee Study, Pay Classification Study, Police Compensation Plan, Consideration to Purchase Real Property and a Closed Session.

He further requested a Special Called Joint Meeting of the City Council and Planning Board be set on Thursday, April 21, 2022 from 7:00 p.m. until 9:00 p.m. at the Dunn Community Center for the purpose to receive an update and instruction on the Draft Unified Development Ordinance and to review and comment on Draft Future Land Use Map.

Motion by Council Member Gaulden and second by Council Member McLean to approve the Special Meetings on March 14, 2022 and April 21, 2022 as presented. **Motion unanimously approved.**

Budget Retreat Summary and Updated Goals

City Manager Neuschafer presented the Retreat Summary provided by the Facilitator Chad Sary and the 12-24 Month Goals and Priorities as agreed upon and established at the Budget Planning Retreat. The agreed upon Goals and Priorities will continue to be reported each month at the Council Meeting.

These reports will replace the current Goals and Objectives Reports beginning at the April Council meeting. Goals not completed and still valid have been incorporated into this updated list.

Motion by Council Member Gaulden and second by Council Member Turnage to approve the Goals and Priorities as presented. **Motion unanimously approved.**

Council Goals/Reports

City Manager Neuschafer added that the current reports are available for review.

Administrative Reports

Finance Director Roberts provided the following financial report for the period ending February 28, 2022:

- The City has \$10,852,148 cash on hand compared to \$9,200,912 last year.
- Water and Sewer Revenues for the month of February were \$497,435, with total collected to-date of \$4,171,145 or 68.27% of budget compared to \$3,922,065 in 2021.
- City has received \$3,779,484 in Property Taxes through January compared to \$3,669,894 last year.
- Sales Taxes receipts in December were \$249,883, \$32,600 more than last year.
- Utilities Sales Taxes are reported quarterly with this year's second quarter receipts at \$185,238 with total of \$329,607 compared to \$337,720 for this same time period last year.
- Building Permit Fees collected to-date total \$103,065 or 66.49% of budget compared to \$101,029 for the same time last year.
- General Fund expenditures for February were \$1,122,498 with total expensed to-date of \$8,175,720 or 65.13% of Budget compared to \$6,798,227. Revenue to-date is \$8,990,746.
- The Water and Sewer fund expenditures for February were \$542,022 with total expensed to-date of \$4,420,108 or 56.02% of budget compared to \$3,837,223 last year. Water and Sewer revenues to-date are \$4,902,285.
- The benchmark for this period is 67% of budget.

He also updated on Debt Service payments and liens and assessments.

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.

Council Member Sills congratulated Police Department and encouraged residents to pray for the people of Ukraine.

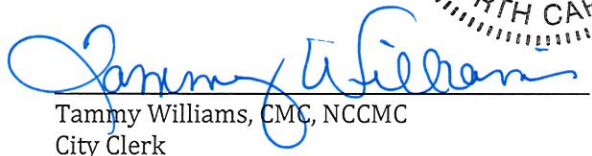
Motion by Mayor Pro Tem Bradham and second by Council Member Gaulden to enter Closed Session in accordance with [N.C.G.S. 143-318.11(a)(5)] to establish or instruct the staff concerning the negotiation of the price and terms of a contract concerning the acquisition of real property. **Motion unanimously approved.**

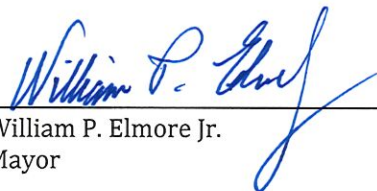
The meeting was recessed at 9:17 p.m.

Mayor Elmore reconvened the meeting and with no further business, a motion was made by Council Member Sills and a second by Mayor Pro Tem Bradham to adjourn the meeting at 9:38 p.m. **Motion unanimously approved.**

Attest:




 Tammy Williams, CMC, NCCMC
 City Clerk


 William P. Elmore Jr.
 Mayor