

Dunn City Council
Regular Meeting
Tuesday, May 12, 2020
7:00 p.m., Dunn Municipal Building

Minutes

PRESENT: Mayor William P. Elmore Jr., Mayor Pro Tem Chuck Turnage, Council Members J. Wesley Sills, April Gaulden, Frank McLean, Billy N. Tart, and Dr. David L. Bradham. *Public Notice, relating to the Special Meeting Conditions, is incorporated into these minutes as Attachment #1.*

Also present: City Manager Steven Neuschafer, Executive Assistant Connie Jernigan, and City Clerk Tammy Williams. Participating via WebEx: Assistant City Manager Mathew Boone, Finance Director Jim Roberts, Public Utilities Director Heather Adams, Planning Director George Adler, Chief Building Inspector Steven King, and by telephone: City Attorney Tilghman Pope.

CALL TO ORDER AND INVOCATION

Mayor Elmore opened the meeting at 7:00 p.m. and Dr. Len Keever, Pastor at First Baptist Church gave the invocation via WebEx. Afterwards, Council Member Sills led in the Pledge of Allegiance.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Mayor Pro Tem Turnage and second by Council Member Tart to adopt the May 12, 2020 meeting agenda as presented with changes as listed below:

- *Remove Approval of Rules and Regulations for the Dunn Erwin Trail and the Minutes of the April 3, 2020 Special Called Meeting from the Consent Agenda and move to Items for Discussion and/or Decision*
- *Replace the documents related to the Resolutions for Tart Park Loan Approval with the documents distributed at the meeting, which included an additional resolution required by the LGC.*

Motion unanimously approved.

PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 7:07 p.m. The City Clerk confirmed no comments were received and no one has signed up to make comments. Having no comments, the Public Comment period was closed.

CONSENT ITEMS

Approval of the April 14, 2020 Regular Meeting Minutes.

Proclamation – Drinking Water Week 2020. *A copy of the Proclamation (P2020-08) is incorporated into these minutes as Attachment #2.*

Approval of Destruction of Municipal Records – Administration and Finance. *A copy of each request has been incorporated into these minutes as Attachment #3.*

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

ITEMS FOR DISCUSSION AND/OR DECISION

Dunn Erwin Rail Trail

Mayor Pro Tem Turnage reviewed the need for the rules and regulations for the Dunn Erwin Trail due to the use of golf carts and ATV's on the trail. The City of Dunn will enforce the section of the trail located in the city limits. Council Member Bradham requested, if possible, for the City to occasionally have law enforcement presence on the trail and communicate with the Town of Erwin and County to have that same presence throughout the trail.

Motion by Mayor Pro Tem Turnage and second by Council Member Gaulden to approve the Rules and Regulations and their enforcement in the City of Dunn as adopted by the Harnett County Board of Commissioners for the Dunn Erwin Rail Trail. **Motion unanimously approved.** *A copy of the Rules and Regulations is incorporated into these minutes as Attachment #4.*

Minutes of the April 3, 2020 Special Called Council Meeting

Council Member Sills requested that the minutes be changed to reflect that he missed the meeting “due to medically diagnosed pneumonia”.

Motion by Council Member McLean and second by Mayor Pro Tem Turnage to approve the minutes of the April 3, 2020 Special Called Meeting with the correction noted. **Motion unanimously approved.**

Resolutions for Tart Park Loan

Public Hearing concerning the City of Dunn entering into a financing agreement obligating the City to make installment payments for a principal amount not to exceed \$2,200,000 plus interest in reference to the Clarence Lee Tart Park renovations and construction. The public hearing was duly advertised on April 28, 2020. Mayor Elmore opened the Public Hearing at 7:16 p.m.

Finance Director Roberts presented the request to the Council to approve the resolution to file the application that is needed with the LGC. He also presented the resolution to proceed with the loan process. No additional comments have been received by the City Clerk and with no further comments, the Public Hearing was closed.

Motion by Council Member Tart and second by Council Member Bradham to adopt the Resolutions authorizing the filing of an application of a Financing Agreement and to authorize the Mayor and City Manager to execute any and all documents to proceed with the loan. **Motion unanimously approved.** A copy of the Resolution (R2020-07) is incorporated into these minutes as Attachment #5 and Resolution (R2020-08) as Attachment #6.

Rezoning Request (CZ-02-PUD) O-I to R-10 Single Family Dwelling - Conditional Zoning District, Planned Unit Development (PUD)

Mayor Elmore made the council and public aware that his business is involved in the selling of this property and if there was a tie that he would not be voting on this item of business.

Public Hearing regarding request to rezone a parcel of land currently zoned O-I, Office & Institutional District to R-10, Single-Family Dwelling Conditional Zoning District, Planned Unit Development (PUD). This property is 9.39 acres +/- and is located off Tilghman Dr. (PIN #: 1516-08-0033.000). The rezoning will permit single-family dwelling units in a development named Dunhaven. The Public Hearing was advertised April 21, April 28, and May 5, 2020. Mayor Elmore opened the Public Hearing at 7:21 p.m.

Planning Director Adler shared the information of the planned development. The Conditional Zoning PUD would allow for a decrease of the required setback to front=20'; rear=20' and sides=5'. Two acres will be dedicated to open space.

Comments were made in favor of the request from Dustin Blackwell and Robert Stanley, both representing the development. Comments concerning the short setbacks and fire safety were discussed. City Manager Neuschafer replied that the setbacks are not typical for the City but it is similar to Gleneagles. Blackwell shared that there are certain fire safety requirements incorporated in the NC Building Code that will have to be followed. No additional comments have been received by the City Clerk and with no further comments, the Public Hearing was closed.

After further discussion, motion by Mayor Pro Tem Turnage and second by Council Member Bradham to grant the Conditional Zoning PUD request for conditional zoning off Tilghman Drive (PIN #: 1516-08-0033.000) from O-I, Office & Institution District to R-10, Single-Family Dwelling Conditional Zoning District, PUD to allow single-family dwelling units based on the following justification:

1. The rezoning request is reasonable based on surrounding conditions. The market has not responded to the medical office space the original developer had anticipated when the property was zoned O&I. However, demand for housing has increased and that development is in keeping with the area.
2. The impact to the surrounding property owners will be reasonable. Residential development of 28 units of homeownership housing will not create undue traffic or noise concerns.
3. The site has been vacant for several years with O&I zoning. Conditional rezoning to R-10 as a PUD is responding to the growing need for housing and is in keeping with the times and the Future Land Use Map.
4. Rezoning from O&I to R-10 PUD is in concert with the Future Land Use Map, as the Future Land Use Map in 2005 projected this parcel to be residential. This strategic conditional rezoning to residential with a PUD achieves the purposes of good planning.

Motion unanimously approved.

Ordinance to Demolish House - 610 E Pope St

Public Hearing regarding the consideration of Ordinance to Demolish House - 610 E Pope St, PIN #: 1516-74-1768.000. The Public Hearing was advertised on May 1 and May 5, 2020. Mayor Elmore opened the Public Hearing at 7:39 p.m.

Chief Building Inspector King has conducted inspections at 610 E Pope St and based upon his observations, the structure is unsafe and has been condemned in accordance with G.S. §160A-426. The property was also found dangerous or prejudicial to the public health or public safety and is a nuisance in violation of G.S. §160A-193. King shared that he had recently been contacted by Leon Davis, who is interested in repairing and selling the property.

City Manager Neuschafer read a statement received by the Clerk from Elaine Jones requesting a 30-day extension so that the family could pay what was owed to the City and clean up the property to sell. No additional comments have been received by the City Clerk and with no further comments, the Public Hearing was closed.

After discussion, motion by Council Member McLean and second by Mayor Pro Tem Turnage to table the ordinance to demolish 610 E Pope St until the June meeting for further consideration. **Motion passed 4-2 with Council Members Sills and Tart opposed.**

Ordinance to Demolish House - 307 W Johnson St

Public Hearing regarding the consideration of Ordinance to Demolish House - 307 W Johnson St, PIN #: 1516-69-5687.000. The Public Hearing was advertised on May 1 and May 5, 2020. Mayor Elmore opened the public hearing at 8:03 p.m.

Chief Building Inspector King has conducted inspections at 307 W. Johnson St. and based upon his observations, the structure is unsafe and has been condemned in accordance with G.S. §160A-426. The property was also found dangerous or prejudicial to the public health or public safety and is a nuisance in violation of G.S. §160A-193. King stated that the owner is not interested in the property and wanted to have it demolished but has not at this point.

Motion by Council Member Bradham and second by Council Member Sills to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 307 W Johnson St (PIN #: 1516-69-5687.000). **Motion unanimously approved.** *A copy of the Ordinance (02020-07) is incorporated into these minutes as Attachment #7.*

Server Buyout and Warranty Extension

Assistant City Manager Boone presented buyout option for current server lease and further proposed that a 1-year warranty be included. This is a cost saving measure to maintain current Dell servers instead of purchasing all new servers which would cost in excess of \$100,000.

After discussion, motion by Mayor Pro Tem Turnage and second by Council Member Gaulden to approve server lease buyout and purchase of 1-year warranty at a cost of \$21,337.33. **Motion unanimously approved.**

Audit Services Selection

Finance Director Roberts reported that request for proposals were sent out to secure a firm to provide auditing services for the next three years. After review of the responses from six different firms, the staff recommends Bernard Robinson & Company with offices in Greensboro and Dunn. The cost for the audit is \$22,500 annually.

After discussion, motion by Mayor Pro Tem Turnage and second by Council Member Bradham to approve Bernard Robinson & Company as the audit firm for the City of Dunn for a three year term beginning with the 2019-2020 fiscal year. **Motion passed 5-1 with Council Member Sills opposed.**

Loan Acceptance Resolution and Water Distribution Rehabilitation Capital Project Ordinance

City Manager Neuschafer presented request to secure engineering services for Storm Water, Water, Sewer and Street Improvements project. In an effort to evaluate infrastructure prior to resurfacing streets, City staff has identified that a 2-inch galvanized waterline will need to be replaced along N. Watauga from Broad to Vance Street and to meet current design standards, the waterline will need to be upsized to 6- inch. There is also approximately 450 linear feet of sewer main that is in poor condition that also needs to be replaced. Since pavement patching on N Watauga will be greater than 30% of the project, Davis Martin Powell's (DMP's) recommendation is to perform full depth reclamation of the street and pave. The asbestos cement waterline on Lakeshore Drive is approximately 60 years old and within the last several years, the City has made fourteen (14) repairs. Due to the number of interruptions to customers, staff recommends replacing the 6-inch asbestos cement water line.

After discussion, motion by Mayor Pro Tem Turnage and second by Council Member Bradham to authorize City Manager Neuschafer to solicit financing for \$1,550,500 for storm water, sewer, waterline and street repairs for Bay Street, General Lee and Broad, Watauga Avenue, and Lakeshore Drive and to execute an engineering agreement with Davis Martin Powell in the amount of \$162,450 for engineering services related to these projects contingent upon the City receiving local financing, if necessary. **Motion unanimously approved.** *A copy of the contract is incorporated into these minutes as Attachment #8.*

Delegate to Vote on NCLM Board of Directors

After recommendation by the Mayor, motion by Council Member Bradham and second by Council Member McLean to appoint Mayor Pro Tem Turnage as the City's designee to vote for the NCLM's Board of Directors. **Motion unanimously approved.**

Loan Acceptance Resolution and Water Distribution Rehabilitation Capital Project Ordinance

Finance Director Roberts presented request for a Water Distribution Rehabilitation Capital Project Ordinance and acceptance of the Federal Drinking Water State Revolving Fund Loan offer in the amount of \$875,750. He shared that the Public Utilities Department has identified the Erwin Road Area and East Wake for the Street Water Distribution Rehabilitation Project and applied for State/Federal funding for this work. The Project includes the abandonment of the 14" (Dunn-Erwin Road Area) and 2" waterline (E. Wake Street) and construction of new waterlines for the connectivity of the water distribution system. The funding for this project comes from the Federal Drinking Water State Revolving Fund (DWSRF). This work has been approved by the State of North Carolina with a budget estimate of \$893,750, which includes engineering/administration, construction, contingency and the loan closing fee. The work will be funded by the Water and Sewer fund and reimbursed by the DWSRF loan.

Motion by Council Member Sills and second by Council Member McLean to approve the Capital Project Ordinance and to accept the Federal Drinking Water State Revolving Fund Loan in the amount of \$875,750 for work to be completed related to project number H-SRF-F-20-1977, Erwin Road Area & East Wake Street Water Distribution Rehabilitation Project. **Motion unanimously approved.** *A copy of the Resolution (R2020-09) is incorporated into these minutes as Attachment #9 and Capital Project Ordinance (02020-08) as Attachment #10.*

Budget Workshop Meeting

Motion by Council Member Bradham and second by Council Member McLean to set a Special Called Meeting for a Budget Work Shop for Tuesday, May 19, 2020 at 1:00 p.m. in Council Chambers. **Motion unanimously approved.**

NC Department of Transportation Sidewalk Agreement I-5986-B

Assistant City Manager Boone presented request for the City to agree to share costs associated with constructing new sidewalks to be built during the I-95 Widening project. This project will be completed at the expense of the NC Department of Transportation. Construction costs will be on an 80% NCDOT and 20%

City of Dunn shared match. The estimated minimum cost to the City will be \$16,112, subject to change. This municipal agreement program represents a significant cost savings for the City.

Motion by Mayor Pro Tem Turnage and second by Council Member Gaulden to authorize City Manager Neuschafer to execute the Transportation Improvement Project - Municipal Agreement with Sidewalk ID # 9312 between the City of Dunn and the NC Department of Transportation for the shared construction costs of 80% NCDOT and 20% City of Dunn, associated with sidewalks in NCDOT project I-5986B. **Motion unanimously approved.** A copy of the agreement is incorporated into these minutes as Attachment #11.

Council Goals/Reports

City Manager Neuschafer reviewed the reports presented by staff. Specific updates were given on the trail from Tyler to Tart Park, the Dog Park and Vision Strategic Plan process. Council Member Sills asked if Wi-Fi could be made available at Tyler Park. City Manager Neuschafer stated that the staff can work to incorporate into the budget with final approval from the Council.

Administrative Reports

Finance Director Roberts provided the following financial report for the period ending April 30, 2020:

- The City had \$4,813,635 in cash in the General Fund and \$2,362,126 in the (NCCMT Term Account) Water-Sewer Fund. Through April of 2019, the City had \$4,062,101 in the General Fund and \$2,315,884 in the Water and Sewer Fund.
- Taxes collected to-date: approximately \$4,097,735 in property taxes or approximately 98% of our expected tax income.
- Sales Tax Revenue through February is \$1,651,197 or 74.6% of our total expected income. This is the area that will be hit hardest by the "Stay at Home" decree we are under due to Covid-19.
- Utilities Sales Taxes - \$525,935.
- Building Permit Fees for the month of April were \$11,603, for a total collected for the year of \$112,952 or 141% of budget.
- Water and Sewer Revenues for the month of April were \$452,354 with total to-date of \$4,761,893 or 85.14% of budget.
- Expenditures are at \$9,522,713 or 82.1% of budget in the General Fund. The Water and Sewer Fund has spent \$4,309,059 or 69.1% of budget. The benchmark for this period is 83% of budget.

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.

Motion by Council Member Tart and second by Council Member McLean to acknowledge receipt of the Administrative Reports. **Motion carried unanimously.**

Announcements/Information


Mayor Elmore announced upcoming events and activities. Mayor Pro Tem Turnage shared the following to be incorporated into the minutes: "Dunn High School's Friends, a 501C organization that perpetuated the memory of Dunn High School students, teachers and activities between 1926 and 1985, ended its 10-year run as an organization on April 30, 2020. The organization paid its final pledge of \$2,000 to the City of Dunn toward the Tyler Park Renovations. DHSF celebrated annual reunions that blended students from the 40s to the 80s sharing experiences from their Dunn High School days. DHSF established endowments for scholarships to continue for years to come for students that have relatives with connections to Dunn High School. We thank DHSF for its support and continued memories and memorabilia in the Dunn Area History Museum."

Motion by Council Member Bradham and second by Mayor Pro Tem Turnage for Council to enter a Closed Session in accordance with [N.C.G.S. 143-318.11(a)(5)]. **Motion unanimously approved.**

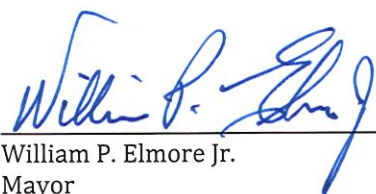
Mayor Elmore recessed the meeting at 9:03 p.m. for the Closed Session.

The Council Meeting was reconvened. With no further business to discuss, motion by Council Member Tart and second by Council Member Gaulden to adjourn the meeting at 9:40 p.m. **Motion unanimously approved.**

Attest:


 Tammy Williams
 City Clerk




 William P. Elmore Jr.
 Mayor