

**Dunn City Council**  
**Regular Meeting**  
**Tuesday, August 10, 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.

*Also present: City Manager Steven Neuschafer, Assistant City Manager Mathew Boone, Finance Director Jim Roberts, Public Utilities Director Heather Adams, Public Works Director Vincent Washington, Planning Director George Adler, Chief Building Inspector Steven King, Chief of Police Clark White, Parks and Recreation Director Brian McNeill, Human Resources Director Connie Jernigan, Librarian Mike Williams, Administrative Support Specialist II Debra Creighton, City Attorney Wiley Pope, and City Clerk Tammy Williams. Guests recognized by Mayor Elmore: Former Council Member Dr. Gwen McNeill.*

### CALL TO ORDER AND INVOCATION

Mayor Elmore opened the meeting at 7:00 p.m. and Rev. Randy Beasley, Pastor at Lees Grove Pentecostal Freewill Baptist Church gave the invocation. Afterwards, Council Member Turnage led in the Pledge of Allegiance.

### AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Turnage and second by Council Member Tart to adopt the August 10, 2021 meeting agenda as presented with change as listed below.

#### *Add Item for Discussion and/or Decision*

- Unified Development Ordinance Proposal

**Motion unanimously approved.**

### PRESENTATIONS

#### Introduction of City Employee

Chief White introduced Investigator Jake Schlieman.

### PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 7:07 p.m.

Dr. Gwen McNeill and Ronald Ross requested renovations for Codrington Park and for the park to be included in the Tart to Tyler Park Trail. With no comments, the Public Comment period was closed.

### CONSENT ITEMS

- Minutes of the July 13, 2021 City Council Meeting.
- Resolution accepting NC Governor's Highway Safety Program Grant for the second year of the grant period. *A copy of the Resolution (R2021-25) is incorporated into these minutes as Attachment #1.*
- Budget Amendment – American Rescue Funds Funding Adjustments. *A copy of Budget Amendment (BA2022-03) is incorporated into these minutes as Attachment #2.*
- Temporary Blocking of Streets – Dunn Chapel FWB Church Back to School event
- Temporary Blocking of Streets – Chalk Fest
- Temporary Blocking of Streets – Harnett St for Family Reunion

Motion by Mayor Pro Tem Bradham and second by Council Member Gaulden to approve all consent items.

**Motion unanimously approved.**

### ITEMS FOR DISCUSSION AND/OR DECISION

#### **Rezoning on Jernigan Rd (RZ-05-21) from C-3 to R-20, Progress Homes, LLC, PIN# 1527-16-0414.000**

Mayor Elmore opened the Public Hearing at 7:13 p.m. Planning Director Adler presented request to rezone 1 parcel totaling 1.4 acres +/- located on Jernigan Road. The parcel is currently zoned C-3, Highway Commercial District and proposed to be rezoned to R-20, Single Family Dwelling District. He reviewed the staff report and reported that the Planning Board voted unanimously to recommend approval of this request. With no additional comments, the public hearing was closed.

Motion by Council Member Turnage and second by Council Member Sills to approve rezoning request RZ-05-21 located on Jernigan Road from C-3, Highway Commercial District to R-20, Single Family Dwelling District, which rezoning achieves the purpose and is consistent with the 2030 Land Use Plan. **Motion unanimously approved.**

#### **Ordinance Amendment OA-04-21 – Amendments to Chapter 20 Subdivision of Land, 20-74: Utilities and 20-77: Easements**

Mayor Elmore opened the Public Hearing at 7:17 p.m. Planning Director Adler presented request to amend the Ordinance to add 20-74 (c) Underground Utilities and 20-77 Easements. Last month, the Planning Board recommended that this request be tabled for research concerning the standard width of easements. After research, the Planning Board voted unanimously to approve the request with one revision in Section 22-77 (1): change fifteen (15) foot to twenty (20) foot width in the third sentence of that paragraph to conform to the second sentence of that paragraph. With no additional comments, the Public Hearing was closed.

Motion by Mayor Pro Tem Bradham and second by Council Member Gaulden to adopt ordinance amendment OA-04-21 as presented with the one revision approved by the Planning Board. **Motion unanimously approved.** *A copy of the Ordinance (O2021-19) is incorporated into these minutes as Attachment #3.*

**Ordinance Amendment OA-06-21: Amendments to Chapter 22 Zoning, Section 20-60: Regulation of Unattended Donation Boxes**

Mayor Elmore opened the Public Hearing at 7:21 p.m. Planning Director Adler presented request to amend the Zoning Ordinance to add 20-60: Regulation of Unattended Donation Boxes. He presented pictures of the various boxes around the city and noted that only one of the companies represented was a non-profit and there is generally clothing and debris scattered around the boxes. He reviewed the proposed regulations including giving current boxes 60 days to come into compliance. The Planning Board voted to approve the request, 5 in favor with 1 opposed due to discussion on banning the boxes. This ordinance would give the city the authority to regulate. Ronald Ross spoke in favor of regulating and not banning the boxes. With no additional comments, the Public Hearing was closed.

After much discussion concerning regulating or banning the boxes altogether, motion by Council Member Turnage and second by Mayor Pro Tem Bradham to deny ordinance amendment OA-06-21. **Motion approved with Council Members Gaulden and McLean opposed.**

Consensus of Council was to ban the boxes, so the Mayor directed City Manager Neuschafer for staff to begin that process.

**Appeal of Building Inspector's Decision – 1610 Erwin Rd**

Chief Building Inspector King presented appeal to Council. Inspector Slater Johnson has conducted an inspection at 1610 Erwin Rd and based upon his observations, the structure is unsafe and has been condemned in accordance with G.S. §160D-1117. The Building Inspector also found the structure dangerous or prejudicial to the public health or public safety and a nuisance in violation of G.S. §160A-193. Sherry Miller, presenting the owner of the property, has appealed the Building Inspector's decision of sixty days to repair or demolish the structure and according to N.C.G.S. §160D-1130 as represented in her letter of appeal to Council. Mayor Elmore shared that Ms. Miller was in attendance if there were any questions for her.

Motion by Council Member Sills and second by Council Member Turnage to affirm the allowable time period of sixty days in accordance with N.C.G.S. 160D-1122 of the structure located at 1601 Erwin Rd, PIN# 1506-69-9985.000. **Motion unanimously approved.**

**Resolution for Enforcement of Automated School Bus Safety Camera**

City Manager Neuschafer presented proposed Resolution to allow for enforcement of the Harnett County Ordinance for the Civil Enforcement of North Carolina General Statute §20-217 by means of an Automated School Bus Safety Camera installed and operated on any School Bus within Harnett County in the city limits of Dunn. The agreement the County has with BusPatrol is that 60% of gross revenues from citations will go to BusPatrol for operating the program and 40% to the schools. The County and the municipalities will not receive any of the funds for the violation. The Harnett County Board of Commissioners adopted the Stop Arm Ordinance that will allow the County to enforce civil penalties for these violations.

Motion by Council Member Sills and second by Council Member Gaulden to adopt the Resolution authorizing the application and enforcement of the Harnett County Ordinance for the Civil Enforcement of NC General Statute §20-217 in the City of Dunn. **Motion unanimously approved.** *A copy of the Resolution (R2021-26) is incorporated into these minutes as Attachment #4.*

**Stream/Ditch Maintenance Program**

City Manager Neuschafer presented request for approval to move forward with assembling a series of informal projects that would systematically address storm drainage issues through basin maintenance across the jurisdiction. There are three major drainage basins in Dunn and the City has previously identified four sub-basins directly inside the corporate limits, in the 2014 Stormwater Study completed by DMP. There are three main waterways in the Dunn jurisdiction; Black Creek, Juniper Creek, and Stoney Run. Beyond that there are many "blue line streams" and tributaries which carry stormwater run-off from the fields and streets to the waterways and eventually into the Cape Fear River. During major rain events it is the time and efficiency that storm water flows through these tributaries that causes localized flooding on streets and in neighborhoods. He proposed to use funds in the stormwater operating budget to identify, evaluate, and hire an experienced contractor to begin debris removal and blockages once proper access to these properties are authorized. The cost is dependent on the length of the tributary and amount of debris located.

Motion by Council Member Tart and second by Council Member McLean to approve for the City Manager to move forward with identifying waterways in need of cleaning, hiring appropriate contractors to perform the work and to enter into agreements with property owners for access to the targeted waterways. **Motion unanimously approved.**

**I95/I40 Crossroads of America Economic Development Alliance, Inc. Memorandum of Understanding**

Mayor Elmore presented the Memorandum of Understanding (MOU) between the City of Dunn and Town of Four Oaks for the development of a non-profit corporation I-95/I-40 Crossroads of America Economic Development Alliance, Inc. The MOU includes an annual expenditure of \$50,000 to be paid to the organization to fund its operational expenses, which has already been budgeted for FY2021-2022. The purpose of the Alliance is to recruit new industries, incentivize the expansion of existing industries, and promote economic development opportunities to increase the tax base and create jobs for the residents within and surrounding the City of Dunn and Town of Four Oaks.

Motion by Mayor Pro Tem Bradham and second by Council Member Sills to approve the MOU with the Town of Four Oaks for the development of the I-95/I-40 Crossroads of America Economic Development Alliance, Inc. as presented. **Motion unanimously approved.** *A copy of the MOU is incorporated into these minutes as Attachment #5.*

**Consider Engineering Services Agreement for Black River Wastewater Treatment Plant Expansion Study** Public Utilities Director Adams reminded Council that in 2020, the Black River Wastewater Treatment Plant (WWTP) had an average daily flow that was greater than 80% of the permitted treatment capacity which requires that the City begin planning for future expansion needs. Staff is proposing an engineering contract with DMP to provide planning and permitting services for the WWTP. The study will project 20-year wastewater treatment capacity needs and upgrades required to meet state and federal regulations. It will also examine the improvements needed to utilize the current discharge location on the Cape Fear River (approximately 3 miles of conveyance force main) and the second alternative shall examine the feasibility of relocating the discharge location to the Black River which is adjacent to the plant site. The cost proposed by DMP for this work is \$86,500. After various questions from Council, information and comments were added by Mike Slusser with DMP.

After much discussion, motion by Council Member Gaulden and second by Council Member McLean to enter into an agreement with Davis Martin Powell for engineering and permitting services associated with the Black River Wastewater Treatment Plant Expansion Study and approve a budget amendment in the amount of \$16,500. **Motion unanimously approved.** *A copy of the Agreement and Budget Amendment (BA2022-04) is incorporated into these minutes as Attachment #6.*

#### **Approval of Water Line Replacement Project for S Elm Ave and E Bay St**

Public Utilities Director Adams requested approval to move forward with a water line replacement project to replace the 12-inch water line on S Elm Avenue from Cumberland to Bay Street and the 12-inch water line on E Bay Street from Elm to Magnolia Avenue. Within the last couple of months, the City has experienced three water main breaks on the Elm Avenue 12-inch waterline. With each break, nearby residents have filed damage claims due to the amount of water that is discharged into yards and underneath homes. Also, there is approximately 400 LF of 12-inch on E Bay (connects to Elm) that did not get replaced during a 2013 upgrade project. Staff recommends replacing this section on Bay to complete this past project. Estimated engineering and construction costs is \$1,100,000. \$200,000 was budgeted in the 2021-2022 water and sewer operating budget for Bay Street (Magnolia to Elm). Staff also recommends obtaining a 5-year loan for the \$900,000 balance with an annual payment estimated at \$195,000 with debt service to begin in 2022.

Motion by Mayor Pro Tem Bradham and second by Council Member Turnage to approve moving forward with the design and construction to replace the 12-inch water line on Elm Avenue and Bay Street and approve an engineering agreement with Davis Martin Powell for the design, construction administration, and construction observation for the above referenced project. **Motion unanimously approved.** *A copy of the agreement is incorporated into these minutes as Attachment #7.*

#### **Request to Advertise for Statement of Qualifications for a Water and Sewer System Development Fee Study and Resolution to Exempt from the Mini-Brooks Act**

Assistant City Manager Boone presented request to move forward with a water and sewer system development fee study. System Development Fees (old term was impact fees) are one-time charges assessed to new water and/or sewer customers to recover up-front system capacity costs for using the plant capacity. NC General Statute 162A Article 8 provides for the uniform authority to implement system development fees for public water and sewer systems in NC and gave local governments until July 2018 to comply with the law. In June 2018, the City of Dunn stopped charging impact fees and decided not to complete the study at that time. With the recent residential and commercial interest in the city, staff feels this is needed in planning for growth and the need for additional capacity at both the water and wastewater treatment plant. The cost of the study is estimated at \$35,000.

Motion by Council Member Tart and second by Council Member Gaulden to approve for City Staff to move forward with advertising the RFQ and approval of the resolution for the city to exempt itself from the Mini Brooks Act, since the contract is expected to cost less than \$50,000. **Motion unanimously approved.** *A copy of the Resolution (R2021-27) is incorporated into these minutes as Attachment #8.*

#### **Unified Development Ordinance (UDO) Proposal**

City Manager Neuschafer presented proposal to embark on the important initiative to modernize the City's development related codes by creating a UDO, which will update our existing codes (Zoning, Subdivision and Flood Damage Prevention) and merge these regulations into a UDO that will: meet North Carolina State Statutes; become more user friendly and more consistent with document formatting; include form-based code elements; reduce and minimize inconsistencies, redundancies, and unnecessary cross-references; provide a modernized table of permitted uses; modify existing zoning districts, introduce potential new zoning districts and remove and replace outdated standards, definitions, and terminology. This engineering study will cost approximately \$25,000 and take four or so months to complete.

Motion by Council Member Sills and second by Mayor Pro Tem Bradham to approve the agreement for professional services for creating a Unified Development Ordinance from Stewart Inc., and the related budget amendment in the amount of \$25,000. **Motion unanimously approved.** *A copy of Budget Amendment (BA2022-05) is incorporated into these minutes as Attachment #9.*

#### **Council Goals/Reports**

City Manager Neuschafer reported on various water, sewer, street and stormwater projects and studies that have been completed and/or approved, how the projects were funded as well as the projects still needed.

Parks and Recreation Director McNeill gave an update on Tart Park construction and Codrington Park plans for improvement. He also updated Council on the staffing and maintenance issues with the swimming pool.

**Administrative Reports**

Finance Director Roberts provided the following financial report for the period ending July 31, 2021:

- General fund and Water and Sewer fund combined was at \$9,485,108 compared to last year's total of \$6,128,001.
- Property Tax - next payment should be around \$20,000 for a total of approximately \$3,940,000 for the 2020 tax year, which is approximately 5% over last year's budgeted amount. Total Taxes received through the end of May were \$4,400,234 compared to \$4,183,387 in 2020.
- Sales Tax Revenue for July through May, were \$2,389,338, increase of 3.3% from the same time last year which was \$2,108,731.
- Utilities Sales Taxes are reported quarterly with next report September 15.
- Building Permit Fees for the month of July were \$19,113 and total collected last year was \$170,467 or 170% of budget.
- Water and Sewer Revenues for the month of July were \$537,543, up 9.9% from last year's total of \$489,310.
- General Fund expenditures in July were \$875,333 or 7.3% of Budget, compared to \$ 817,988 last year.
- The Water and Sewer fund expenditures in July were \$307,859 or 4.1% of budget compared to \$334,042 last year.
- The benchmark for this period is 8.33% of budget.

He also reported on Debt Service and Liens and Assessments and updated Council on the new utility billing.

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 Gaulden added information about an upcoming Back to School event being held at Codrington Park.

Motion by Council Member McLean and second by Council Member Gaulden to enter closed session for the purpose to instruct the staff concerning the negotiation of the price and terms of a contract concerning the acquisition of real property in accordance with [N.C.G.S. 143-318.11(a)(5)]. **Motion unanimously approved.**

Mayor Elmore recessed the meeting at 9:06 p.m.

The meeting was reconvened and with no further business to discuss, motion by Council Member Sills and second by Council Member Tart to adjourn the meeting at 9:41 p.m. **Motion unanimously approved.**

Attest:



*Tammy Williams*  
 Tammy Williams, CMC  
 City Clerk

*William P. Elmore Jr.*  
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 William P. Elmore Jr.  
 Mayor