

Dunn City Council
Regular Meeting
Tuesday, September 13, 2022
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, April Gaulden, Frank McLean, Billy N. Tart, and Chuck Turnage.

Also present: City Manager Steven Neuschafer, Assistant City Manager Mathew Boone, Public Utilities Director Heather Adams, Chief of Police Cary Jackson, Planning Director George Adler, Parks and Recreation Director Brian McNeill, Interim Public Works Director Dwayne Williams, 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 6:30 p.m. and Rev. Cameron Cloud with Central Baptist Church gave the invocation. Afterwards, Council Member Turnage led in the Pledge of Allegiance. Mayor Elmore welcomed Triton High School student Christina Goldston.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Tart and second by Council Member Turnage to adopt the September 13, 2022 meeting agenda as presented with the following changes:

- Add Stormwater Mapping Project Ordinance Using ARPA Funds
- Acknowledge receipt of Planning Board application from Rob Jones. **Motion unanimously approved.**

CONSENT ITEMS

- Minutes of the August 1 and August 9, 2022 City Council Meetings.
- Constitution Week Proclamation. *A copy of the Proclamation (P2022-07) is incorporated into these minutes as Attachment #1.*
- Retirement Resolution – Charles Kelvin Barbour. *A copy of the Resolution (R2022-31) is incorporated into these minutes as Attachment #2.*
- Resolution Declaring the Badge and Service Weapon carried by Charles Kelvin Barbour Surplus and Awarding to him on his Retirement. *A copy of the Resolution (R2022-32) is incorporated into these minutes as Attachment #3.*
- Resolution Declaring the Badge and Service Weapon carried by Thomas Wayne Johnson Surplus and Awarding to him on his Retirement. *A copy of the Resolution (R2022-33) is incorporated into these minutes as Attachment #4.*
- NC Governor’s Highway Safety Program Resolutions. *A copy of the Resolutions (R2022-34) and (R2022-35) is incorporated into these minutes as Attachment #5.*
- Proclamation Termination of State of Emergency due to the Covid-19 Pandemic. *A copy of the Proclamation (P2022-06) is incorporated into these minutes as Attachment #6.*

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

PRESENTATIONS

Retirements – Police Department

Chief White recognized Sergeant Charles Kelvin Barbour and Lieutenant Thomas Wayne Johnson on their retirement and presented them Retirement Resolutions.

Introductions of Employees

Chief West introduced the following Police Officers: Damien Eason, Juan Fernandez, and Bailey Riddle.

Update from I95/I40 Crossroads of America

Reid Williams, President of the Alliance, gave a brief update to Council on the activities of the Alliance.

PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 6:47 p.m. Comments were made by Rick Salvage and Norton Webster, board members of the Carolina Wetlands Association, who spoke to Council requesting permission to access public property concerning the Stoney Run project. Vicky Woodard and Clarence Woodard spoke about their concerns regarding drainage easements at Grove Park on their properties. Having no additional comments, the Public Comment period was closed.

ITEMS FOR DISCUSSION AND/OR DECISION

Special Use Permit SUP-02-22 US301N

Mayor Elmore opened the Public Hearing at 6:59 p.m. for the request to allow a childcare center as a Special Use of a property zoned C-3, Highway Commercial District. The Planning Board voted unanimously to approve the permit. He then turned over the meeting to the City Attorney to convene the hearing.

(City Attorney Pope’s script is transcribed in italics.)

The next matter is Case #SUP-02-22, a request by Pamela M McLeod for a Special Use Permit to allow for a Childcare Center at an existing .84 acre parcel at 2337 US 301 North. The property is currently zoned C-3, Highway Commercial District. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards.

This Hearing does involve sworn testimony and receiving of evidence and at this time, all persons who wish to testify in this case please approach the podium to be sworn in or give your affirmation. After the swearing-in, you may return to your seat. The following were sworn in to testify: Planning Director George Adler, Pamela McLeod and Ilka McElveen.

Okay, you may be seated except for Mr. Adler. In this hearing, we will first hear from Planning Director, George Adler and then from the applicant and her witnesses, and then from opponents to the request.

Parties may be cross-examined if the person has standing to cross-examine a witness and we can get into that issue when and if it arises. If you want the Council to see written evidence, such as reports, maps, exhibits, the witness who is most familiar with the evidence should present that and it should be introduced at the end of his or her testimony. We cannot accept testimony from anyone who is not here to testify and sworn in. Does not appear we have any Attorneys representing any of the parties.

So now we will formally open the hearing on Case #SUP-02-22 Special Use Permit Application and ask for testimony from Planning Director George Adler.

Adler: "Thank you very much. I'd like to first ask that all Staff Report and all the Materials submitted to Council be entered into the record."

So received as evidence

"Regarding this case, there are five questions when addressing a special use permit.

The First question relates to whether or not the requested use is listed among the conditional uses in the district for which the application is made.

This parcel is zoned C-3, Highway Commercial and child care center is listed as a permitted use in C-3 with a Special Use Permit in Section 22-461(8) h.

The second question relates to whether the use is essential or desirable to the public convenience or welfare.

The requested use of child care center is a desirable use. This would provide needed licensed child care in the Dunn community.

The third question to be addressed is whether or not it will impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare of the community.

The parcel is one of several commercially zoned parcels on the west side of 301, south of Hobson Road in Dunn's ETJ. The east side of 301 is zoned industrial, between 301 and the railroad. Directly across 301 from the subject property is a 14-acre tract with several large industrial buildings. Next door to the subject property to the north is a church; adjacent to the south are four vacant parcels, one commercially zoned, three residentially zoned parcels down to the corner of 301 and Jernigan. Behind the subject parcel, the property along Jernigan Road is residential at no greater density than two residential units per acre.

A child care center will not negatively impact the area where the property is located. However it will add to traffic when parents drop off and pick up their child. According to the child care owner, Ms. McLeod, the hours of operation will be 6 a.m. to 6 p.m.; ages served will be six weeks to 12 years; the total number to be served will depend on the number the state licensing agency allows. There will be eight total employees. There will be no vans owned by the child care center.

There are several child care centers in Dunn. They vary in size, ages served, and curriculum; some operate out of a private home, some in commercial locations; some provide religious instruction, some do not. Quality child care is an essential service for working parents and is not detrimental to the health, morals, or welfare of the community.

The fourth question is will the requested use be in conformity with the land development plan.

The Future Land Use Map, adopted in June 2022, identifies 301 North as a Gateway & Corridor Character Area. These character areas, located along prominent entrance ways to the city, are identified as needing improvement and/or redevelopment in Imagine Dunn, the city's Strategic Vision Plan, adopted in 2021. These character areas anticipate a mix of various uses. The existing 2,600 square foot structure was built in 1990. Most recently it was used as a hair salon. To convert such a structure to child care would conform with the Future Land Use Plan and Map.

The fifth question addresses the issue of adequate utilities, access roads, drainage, sanitation, and other necessary facilities that have been or are being provided.

Dunn city water is available on the site. Drainage, sanitation, and road access appear adequate. The number of children served by the child care center will be determined by the state licensing agency, the NC Dept of Health & Human Services, Division of Child Development and Early Education. The City has a 16" water line on 301 north. City sewer ends approximately a half mile south of the property. Sanitary facilities are served onsite by a septic system. Before the owner will receive a license for child care, the location must meet state standards regarding sanitary facilities.

NCDOT may require improvements related to traffic regarding the single driveway onto the site from 301. Right now there is room for only a few vehicles to queue up on the property for drop off or pick up without having the line extend into 301.

Regarding parking, as indicated in your packets, Section 22-346(a) says "1 space is required for each 6-person capacity." So total spaces needed, based on 8 employees and estimating 60 children will equal 18 parking spaces. Currently, there are 14 striped spaces on this parcel and one handicap space and one access aisle. The property would allow for modifications of existing improvements for both parking and ingress and egress depending on what DOT requires.

If various improvements with parking, access into and egress from the site are made and the state licensing agency approves a license for the facility, the location and use would conform to the Future Land Use Plan and Map and provide a needed service to the community. I'd be glad to answer any questions if you have any."

Thank you Mr. Adler. Ms. McLeod, do you have any questions for Mr. Adler? "Inaudible" I'm getting ready to call you in a second. Is there anyone here standing opposed to the request, have questions for Mr. Adler? Any questions from Mayor or Council for Mr. Adler? Alright thank you sir.

We will now hear from the applicant and other proponents regarding the application.

Pamela McLeod: "I am still waiting on Mr. "inaudible" Temple, I have contacted thirteen site engineers and they are all backed up for the next three to four months, unbelievable right. So he is supposed to get back with me, but it has been like a month now. I have been leaving messages, text messages, voice messages and nothing. So I was asked to come up with a plan how I saw fit that the traffic could go in without it being a problem. So my husband, this is not the actual thing, but my friend came up with a thing to kind of like show the building and there is room for two cars, a car to come in for entering in and exit. We are going to move the concrete slats. It's like seven on this side and one handicap over here where the gate is. We are going to move those slats and put them on the side of the fence for employee parking since I have more space on the property this way. I have more this side than I do on this side so they come in they are going to miss these and line the cars and stop them right here at the handicap cause that is where they can walk in because they have to sign their children in and they have to be signed out, which will take no more than three to four minutes to sign, so they will be able to, whoever is stopped here would be able to go ahead and get out. We did it with the cars, we had cars but we took them off "inaudible." We can get easily 8-10 cars in there the way we measured it out.

And all our parents are not going to go to work at 7:00, all parents are not going to go to work at 8:00, at 9:00. Some work part-time and some are in school so I don't foresee it being a congestion problem but as I was asked to contact DOT. I did what I was instructed to do and so this is my projected plan for them to be able to come in and stop by this access point by the handicap ramp, come in and sign them out and just go on out. But I am cutting down bushes because I have some bushes here that I feel are a hazard by the mailbox, on both sides and some bushes by the fence. We are taking all those bushes out. So I don't have to have a permit for bushes to come down do I? *"Laughter from audience"* Ok I am just checking. The fence is not all the way out to the whole property that I purchased. This is a little area to show you that they have adequate play space behind there when we finish putting the fence up. But the parking for the Staff will be to the side of this fence so that is my proposed thing. So we have been monitoring the traffic on 301 and today was a backup, there was a lot of traffic, something happened on 95. So there was a lot of traffic today. I just hope yall will accept this and approve me because all of my retirement money has gone to this building I purchased so I am asking you all, I need a chance. I feel like it will be a good service to the community. I also have worked for Harnett County Schools since 2002, just resigned my position as a teacher on July 2nd. I thank all of you for your time. Any questions for me?"

Do we have any questions for Ms. McLeod from those standing opposed to the request? Any questions from the Mayor or Council for Ms. McLeod?

Now we will hear from anyone opposed to the request.

Hearing none and seeing none, we will now entertain any further questions from the city council members or the applicant. Let me back up Ma'am I apologize you were sworn in to testify, do you wish to speak in favor of the application?

Ilka McElveen: "Good Evening Council, my name is Ilka McElveen and I live in Elizabethtown NC. I own a childcare facility that has been there since 1957. I didn't build it but my grandmother did. We served kids from 1957 to present. We have graduated lawyers, doctors, veterinarians. We serviced low income with child subsidies we have a majority subsidized children. We give opportunities to these children that they normally would not be able to receive, we take them on trips out of Elizabethtown. They go to "inaudible," we take them to the zoo, we do scholarships, fundraisers. We take one trip to Disney once a year, so Pam's daycare will be a benefit to this community and the children."

Thank you Ma'am does anyone, Mayor and Council have questions for this witness?

So now we will entertain any further questions from the Council members for the applicant. Once the public hearing is closed, the only questions posed to the applicant, shall be for clarification. No new evidence can be introduced, you can only consider testimony and evidence that has been introduced as a part of this hearing in making your final decisions.

Also if there are any conditions that the Council would like to place upon the use of the land by the applicant, must be agreed by the applicant. So now would be the appropriate time if there are any conditions you would like the applicant to consider regarding the awarding of the special use permit. Now would be the time to discuss those and ask the applicant if she will agree to those.

Hearing none further, Mr. Mayor it will be appropriate to entertain a motion to close this public hearing.

Motion by Council Member Sills and second by Council Member Gaulden to close the Public Hearing. **Motion unanimously approved.**

Motion by Council Member Turnage and second by Council Member Sills to approve Condition 1. The use requested is listed among the conditional uses in the district for which the application is made. **Motion unanimously approved.**

Motion by Council Member Turnage and second by Council Member Sills to approve Condition 2. The requested use is essential or desirable to the public convenience or welfare. **Motion unanimously approved.**

Motion by Council Member Turnage and second by Council Member Gaulden to approve Condition 3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. **Motion unanimously approved.**

Motion by Council Member Turnage and second by Mayor Pro Tem Bradham to approve Condition 4. The requested use will be in conformity with the land development plan. **Motion unanimously approved.**

After discussion, motion by Council Member Turnage and second by Council Member Gaulden to approve Condition 5. Adequate utilities, access roads, drainage, sanitation, and other necessary facilities have been or are being provided. **Motion unanimously approved.**

Motion by Mayor Pro Tem Bradham and second by Council Member Sills to approve SUP-02-22 to allow a childcare center as a Special Use on property zoned C-3, Highway Commercial District. This parcel is .84 acres +/- and is located at 2337 US 301 North, PIN being 1527-05-7596.000 as presented. **Motion unanimously approved.** *A copy of the Evidence provided is incorporated into these minutes as Attachment #7.*

USDA Loans

Mayor Elmore opened a Public Hearing at 7:23 p.m. for Council to consider USDA loans for financing. Brittany Barefoot presented request to apply to the USDA Rural Development Division for funds to finance the purchase of police cars and public works equipment for the 2022 year. The repayment for these loans will be approximately \$42,650 per year. The equipment will be 7-year loan at 1.5% from the 2021 commitment and the cars for 2022 should be a 7-year loan at approximately 3.1/4%. The Grant money has not been established yet for the police cars for 2022. With no additional comments, the Public Hearing was closed.

Motion by Council Member Gaulden and second by Council Member McLean to approve allowing the City finalize the Loans and Grants with the USDA for equipment purchased in 2021, police cars for 2022. **Motion unanimously approved.**

Financing of Paving Projects 2022

Brittany Barefoot presented request for the City to use funding from the Powell Bill, and borrowed money to complete a major project consisting of asphalt conditioning, repair, and replacement in line with the recommendations made by engineers, SEPI. This loan is to provide some of the funding for this project and will not exceed \$1,000,000. It will be a term of fifty-nine months at Truist for 3.340%. This will be used in connection with our Powell Bill funding and our DMV license income to provide in excess of \$2 Million to complete the project.

City Manager Neuschafer added that SEPI Engineering has sent a list of work to staff. Those projects will be vetted through public utilities to make sure there are no conflicts. SEPI feels confident about being able to get a contractor for the paving and treatments.

Motion by Council Member Sills and second by Council Member McLean to accept the resolution and loan conditions by TRUIST bank for a \$1 Million loan to be used for street and pavement work. **Motion unanimously approved.** *A copy of the Resolution (R2022-36) is incorporated into these minutes as Attachment #8.*

Authorization to Submit Funding Applications for Water and Wastewater Asset, Inventory and Assessment (AIA) Grants

Public Utilities Director Adams presented request for Authorization to submit grant funding applications to the Division of Water Infrastructure for the Water and Wastewater AIA Grant program. The City is eligible to apply for grant funding to aid with asset inventory and condition assessment of critical assets. The maximum amount of AIA grant funding that the City is eligible for is \$400,000. The engineering fee to prepare both applications is \$5,000 and will be taken from the 2022-2023 Water and Sewer operating budget.

Motion by Council Member Gaulden and second by Council Member McLean to approve WithersRavenel to assist with preparing the grant applications and furthermore approve the resolution authorizing the City Manager to submit applications for both a water and wastewater Asset, Inventory, and Assessment grant. **Motion unanimously approved.** *A copy of the Resolution (R2022-37) is incorporated into these minutes as Attachment #9.*

Stormwater Capital Ordinance

City Manager Neuschafer presented proposed Grant Ordinance authorizing all appropriations necessary for the completion of Project Number: SRP-SW-ARP-0003, which is an engineering/surveying project where the chosen firm, ESP Associates INC. is doing a complete and comprehensive map of the City’s entire stormwater system. This would include drains, inlets, drainage ditches, curbing, storm drains etc. This project will be funded through the ARPA Project Grant and is one hundred percent eligible for project costs up to a maximum of \$500,000.

Motion by Mayor Pro Tem Bradham and second by Council Member Turnage to approve the Grant Project Ordinance as presented. **Motion unanimously approved.** *A copy of the Ordinance (O2022-11) is incorporated into these minutes as Attachment #10.*

Stormwater Capital Improvement Plan (CIP)

Neuschafer presented request to formally adopt the list of projects for our Stormwater Capital Improvement Plan. The City has operated off of a listing of projects from a Citywide 2014 stormwater study, since it was completed. However, the project list was never formally adopted as a CIP. Adopting this abbreviated list of projects as our CIP is necessary to move forward in the future. Once we have the mapping project completed, later this year, we will be in a position to do more extensive modeling and planning.

After discussion, motion by Council Member Turnage and second by Council Member Sills to approve the Stormwater Capital Improvement Plan as presented. **Motion unanimously approved.** *A copy of the CIP is incorporated into these minutes as Attachment #11.*

Authorization to Submit Funding Application for Stormwater Grant and Loan

Neuschafer presented request for authorization to submit a grant and loan funding application to the Division of Water Infrastructure for eligible stormwater construction projects.

The City is eligible to apply for grant/loan funding for stormwater construction projects through the Division of Water Infrastructure. The maximum amount of grant funding that may be awarded is \$4.5 Million. The City is anticipating that the complete list of top priority project’s estimated cost will be up to \$8.9 Million. Any project or portion thereof not funded by grant will be financed and paid back through the City’s stormwater fund. Council needs to determine how much is to be applied for because once the grants is applied for and approved, the city will be on the hook for all the projects committed. Mayor Elmore encouraged board to consider applying for all projects for the grant and Council was in consensus. The engineering fee to prepare the applications is \$5,000 and will be taken from the stormwater operating budget.

Motion by Council Member Turnage and second by Council Member Sills to approve WithersRavenel to assist with preparing the grant application and furthermore approve the resolution authorizing the City Manager to move forward with submitting an application for the proposed stormwater projects. **Motion unanimously approved.** *A copy of the proposed projects and Resolution (R2022-38) is incorporated into these minutes as Attachment #12.*

Resolution of Intent to Close unopened Alleys

Neuschafer presented proposed Resolution of Intent to Consider Permanently Closing the following alleys as identified below:

- 1. between N Fayetteville Ave and N King Ave and W Cole St and W Granville St
- 2. between N Layton Ave and N McKay Ave and W Cole St and W Granville St
- 3. between N Layton Ave and N McKay Ave and W Cole St and W Granville St
- 4. between N King Ave and N Layton Ave and W Cleveland St and W Vance St
- 5. between N McKay Ave and N Layton Ave and W Cleveland St and W Vance St
- 6. between N Ellis Ave and N McKay Ave and W Vance St and W Cleveland St
- 7. between N McKay Ave and N Ellis Ave and W Car St and W Johnson St
- 8. between N Orange Ave and N Ellis Ave and W Cleveland St and W Carr St
- 9. between N Elm Ave and N Magnolia Ave and E Vance St and E Cleveland St
- 10. between N Elm Ave and N Washington Ave and E Vance St and E Harnett St

The City of Dunn conducted an Alley Study in 2019 as Council wanted to identify unused alleys and those currently not being maintained. The study also identified alleys which are partially closed as identified in the Harnett County GIS. Council approved budgeting to begin the process of closing these alleys. Using the study, staff has identified various alleys to begin this process. The process of closing these alleys would include a survey and recording in the Register of Deeds for proper identification of closed alleys in the Harnett County GIS. This would also relinquish the responsibility of the City to maintain these alleys.

After discussion, motion by Council Member Turnage and second by Council Member Gaulden to adopt the Resolution of Intent to Consider Permanently Closing the alleys as identified and to set the Public Hearing for November 15, 2022 at 6:30 p.m. at the Dunn Municipal Building. **Motion unanimously approved.** *A copy of the Resolution (R2022-39) is incorporated into these minutes as Attachment #13.*

Planning Board Appointment

Motion by Council Member Turnage and second by Council Member McLean to express appreciation to those who have applied for the vacancy and to appoint Valerie Newton to the Planning Board for term ending June 30, 2025. **Motion unanimously approved.**

Administrative Reports

City Manager Neuschafer updated Council on lane closures on Hwy 421 and I95 until late morning due to vehicle fire. He shared that the PARF grant has been awarded to City for Tart Park playground equipment and official notification is forthcoming. He also informed Council of damage to Pearsall Street at stormwater covert causing the street to be closed for some time. He also updated Council on the stormwater mapping project. Council Goals Update Report was included in the packet.

Barefoot provided the following financial report for the period ending August 31, 2022:

- The City has \$9,561,155 cash, compared to \$9,173,073 last year.
- Water and Sewer Revenues for the month were \$590,747, with total collected year to-date at \$1,191,285 or 17.8% of budget, compared to \$1,075,647 in 2021.
- Property Taxes are \$45,013, compared to \$53,641 last year.
- Sales Tax receipts were \$255,790, with total collected year to-date at \$523,292.
- Utilities Sales Taxes are reported quarterly. For first quarter, taxes received is \$189,123, compared to \$186,377 in 2021.
- Building Permit Fees for the month were \$9,435, with total collected of \$20,349 or 14% of budget, compared \$34,473 last year.
- General Fund expenditures for month are \$1,053,804, with total expensed to-date at \$2,244,267 or 16.96% of Budget, compared to \$1,941,362 in 2021.
- Water and Sewer fund expenditures for the month are \$527,836, with total expensed to-date at \$1,430,470, or 18.11% of budget, compared to \$654,893 last year.
- The benchmark for this period is 17% of budget.
- Barefoot also updated on debt service and liens and assessments.

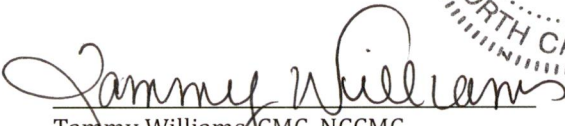
Reports were also received as follows: Planning and Inspections Report, Public Works Report, Public Utilities Report, Parks and Recreation Report and Police Report.

Announcements/Information

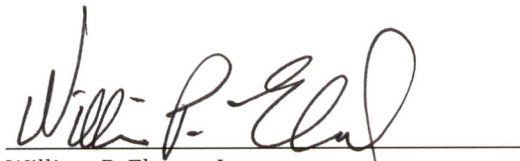
Mayor Elmore announced upcoming events and activities.

With no further business to discuss, motion by Council Member Sills and second by Council Member Gaulden to adjourn the meeting at 8:08 p.m. **Motion unanimously approved.**

Attest:


Tammy Williams, CMC, NCCMC
City Clerk




William P. Elmore Jr.
Mayor