

Dunn City Council
Special Called Meeting
Tuesday, October 6, 2020
3:00 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. *Notice, relating to the Special Meeting Conditions, is incorporated into these minutes as Attachment #1.*

Also present: City Manager Steven Neuschafer, Assistant City Manager Mathew Boone, Finance Director Jim Roberts, Public Utilities Director Heather Adams, Planning Director George Adler, Chief Building Inspector Steven King, Chief of Police Clark White, Parks and Recreation Director Brian McNeill, Librarian Mike Williams, Communications Coordinator Kaitlin Adkins, City Attorney Tilghman Pope, and City Clerk Tammy Williams.

CALL TO ORDER AND INVOCATION

Mayor Elmore opened the meeting at 3:00 p.m. and City Council Member Gaulden gave the invocation. Afterwards, Mayor Pro Tem Turnage led in the Pledge of Allegiance.

ITEMS FOR DISCUSSION AND/OR DECISION

After a review of the Agenda, Mayor Elmore turned the meeting over to Manager Neuschafer. Neuschafer recognized Chief Building Inspector King to review the condemnation process.

Review and Discussion on the Condemnation Process

Chief Building Inspector King introduced the Planning and Inspections staff in attendance: Code Enforcement Officers Dwayne Williams, Slater Johnson and Stephen Hodges, and Administrative Support Specialist Carmen Barnes. He then reviewed the minimum housing standards versus the condemnation process. Once an order is given from the Chief Building Inspector for not meeting minimum housing standards, the landlord or owners are given 90 days for repairs or demolition of structure. The inspector can allow more time and most homes are repaired and never come to Council. After allowed time period expires with no repairs, structure is taken to Council for adoption of ordinance declaring property "Unfit for Human Habitation." Once ordinance is adopted, occupants must vacate the dwelling and the property owner has one year to make repairs. If repairs are not made in the time period allowed, the ordinance to demolish can be adopted by Council, then after 90 days the dwelling can be demolished and lien placed on property. Minimum housing allows a year and half before the home can be torn down.

Attorney Pope confirmed that the City's minimum housing standards mirror state statutes. For the City to be tougher, ordinances must be changed.

If property is sold, the 90 days will transfer to the new owner. Discussion followed on preventing purchase of these properties. Attorney Pope said the city cannot prevent people from purchasing a home, but can incorporate language in the notice warning new owners that the ordinance to condemn transfers. Council Member Tart stated that sometimes the tenant is the one that tears up the property and the landlord needs it condemned so that they can get the tenants out and make repairs.

Council Member Bradham said there are three factors to consider: safety especially for the children, fairness to neighbors, and the image problem these structures cause for the city. When King was asked what the Council could do to make things easier for his department, he replied to adopt stricter code to give the inspections department more authority. Council Member Bradham suggested research be done to see what other cities do. Council Member Tart asked if there was anything the city could do about repeat offenders and King confirmed there is nothing in the code that addresses it. King shared that he has spoken to three landlords that own dozens of properties and has gone over all the rules and minimum housing standards with these individuals. He added that if property owners would invest more money in the houses and go up on the rent, a lot of these issues would be handled.

Mayor Elmore confirmed consensus from Council for the Inspections Department to research and determine what would be involved to adopt stricter code related to minimum housing.

King then reviewed the Unsafe Building Condemned Procedures. The city goes strictly by the General Statutes as there is nothing in our code that addresses unsafe buildings condemned. Order to repair or demolish is issued to the owner of the property and after hearing, they have sixty days for repairs or demolition. After granted time, if repairs or demolition has not taken place, the structure would be taken to Council for adoption of ordinance to demolish. Afterwards, the owner has 30 days for appeal before the property can be demolished. He shared a comparison of the timeline for repairs based on square footage, noting repairs vary on the amount of time it takes. It depends on who is doing the work and if they know what they are doing. It is up to the council to give the owner additional time. Two of the dwellings coming back up at the October meeting have been going on for over a year.

King shared that at the hearing he has with the owner, everything is explained as to what needs to be done. Mayor Pro Tem Turnage asked how inspections find out about condemned homes. King replied Inspectors have to depend on how the structure looks on the exterior or they are contacted by the police department, fire department or complaints. Sometimes the owner or tenant will allow them to inspect the interior and sometimes they have to get an Administration Search Warrant.

Discussion followed on the amount of time that has been given to property owners to make repairs. Mayor Pro Tem Turnage stated that each decision has to be treated on a case by case basis. Adding, if they wait to the last minute to do repairs, it doesn't take council but a minute to decide, but if they have done due diligence to begin repairs then it makes it tougher to not give them the extended time. King referenced the Property History report which outlines contact with owners concerning the dwelling. King stated once time is given and money invested in property, then it is hard not to give that extension since they have already invested money in the house. At that point, you have to just keep giving them time. Attorney Pope recommended Council could make the decision not to give extensions for those who have not started repairs prior to the public hearing. Mayor Elmore said council will need to decide on how they are going to handle extensions for future ordinances for consideration.

Review of Progress on Goals and Objectives established at Retreat

City Manager Neuschafer reviewed the information included in packet, which includes a Retreat Summary and Staff Work Plan. The work plan essentially includes all the items on the summary, color coded for prioritization. Council Member Bradham asked if there were any short term goals that were not going to happen by the end of the year. Neuschafer replied that the trail from Tyler to Tart Park may take longer to establish. Council has acknowledged the route but needs to determine signage and what improvements will be done. Small scale paving had to be shifted because of the amount of time needed to work on storm drains due to all the recent rain. Also, there was a challenge finding a qualified operator for the paver. An operator has now been hired but must be trained to operate the paver purchased by the city. The visioning process is going well and information should be available for review at the retreat. Neuschafer added that staff is also moving ahead on some of the long term projects. Water sewer storm water and paving project should be done within the next few months. Council Member Tart inquired if there is anywhere on website where you can report potholes to develop a list that needs to be handled. Neuschafer said that the 311 system Public Works uses does work orders but they should be able to add something to web page. They accumulate list until enough to purchase load of hot asphalt or they can put cold ash down for a temporary fix for real bad potholes. NCDOT Road Maintenance in Lillington has to be contacted for state roads. Council Member Sills asked about edging being required by ordinance or for the City to just handle as overgrowth looks bad and does not help with the city's image. Neuschafer said currently the city just edges 421 and small portion of 301 to keep it looking nice. Neuschafer added that the city could do more edging but it is the responsibility of the property owner to maintain growth to street.

Identify Storm Water Drainage Process and Prioritize

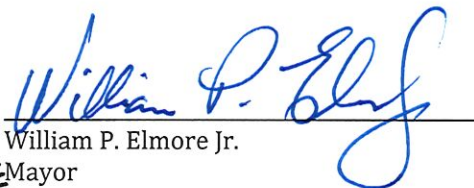
City Manager Neuschafer shared that the amount of impervious surface is a major part of the problem when dealing with storm drainage. The water just runs off the impervious surface and when running fast, and ground is not absorbent, it causes flooding issues. He added that the city does not have any storm water control requirements for commercial development. If over an acre, the development has to abide by state's system for storm water control. He showed Council the drainage basins for the city, which includes lower Black River, upper Mingo and lower Mingo. He also showed how the landscape of the city has changed since 1949, decreasing the free flow of storm water. Housing has been developed where creeks used to run free, constricting the flow of water. In 1996, minimum storm drainage repairs was projected at \$2.6 million but to do a 20 to 50 year fix was projected at \$11.5 million. He added, something needs to be done, but the city has to decide how to fund and how to develop a priority list. Over the years, mapping storm water structures and changing the fee schedule have been discussed. A study would provide information as to where the storm drains were, the size and condition of pipes. The cost for these studies for the water and sewer systems were about \$150,000 each. He added that the commercial storm water fee is \$7.75 and residential is \$2.75 which brings in around \$170,000 to \$180,000 a year. All commercial facilities, no matter the impervious service area, pay the same fee. He recommended the city may want to look at a rate based on the amount of impervious service area, where those with more of this area pay a higher storm water fee. He used Hope Mills as an example, which brings in more than \$730,000 a year to do improvements on their storm water system. If the city does not want to increase fees, then decision must be made on how to pay for needed projects – debt or taxes. He added that something has got to be done on Juniper Creek as the improvements are aging out. A rate and fee study would probably be around \$20,000 and a mapping study over \$100,000. Consensus was for City Manager to bring a proposal to council by the December meeting.

Review and Discussion on City's Alley Assessment Report

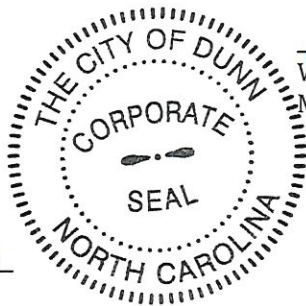
Planning Director Adler shared that the alley report distributed to Council in December 2019 was a report on the staff's study of the City's alleys. The city has 110 alleys and 53 are rated to potentially be closed while others are rated from good to needing work. He pointed out that the city will need to determine what process to follow. Who will handle the costs of closing to include advertising for public hearings, surveys, recording fees, and informing adjacent property owners? For alleys kept open, what is the criteria for maintenance? Each alley has to be looked at individually, to determine if the alley contains utility lines or is it a driveway or pedestrian path. If a right of way is closed, the property automatically reverts to the property owners whether they want it or not. Need to develop process for closing the alleys and decide if the City wants to absorb the cost or if the city could assess the property owner. Attorney Pope added that he was not sure the city could assess property owners for something they do not want. Currently, the city has a lot of right of ways not being maintained.

Consensus was that more study of the process is needed to determine how to evaluate the alleys and move forward with a decision to be made within the next year.

With no further business to discuss, the meeting was adjourned at 5:22 p.m.



William P. Elmore Jr.
Mayor



Attest:



Tammy Williams, CMC
City Clerk