

**Dunn City Council**  
**Regular Meeting**  
**Tuesday, October 12, 2021**  
**7:00 p.m., Dunn Municipal Building**

## Minutes

**PRESENT:** Mayor William P. Elmore Jr., Council Members J. Wesley Sills, April Gauden, Frank McLean, Billy N. Tart, and Chuck Turnage. **Absent:** Mayor Pro Tem Dr. David L. Bradham.

*Also present: City Manager Steven Neuschafer, Assistant City Manager Mathew Boone, Finance Director Jim Roberts, 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, Attorney Wiley Pope, and City Clerk Tammy Williams.*

### CALL TO ORDER AND INVOCATION

Mayor Elmore opened the meeting at 7:00 p.m. and shared that Mayor Pro Tem Bradham was absent due to his daughter's senior night at Triton High School. Rev. Elizabeth Gaines, Pastor at Divine Street Methodist Church gave the invocation and Council Member McLean led in the Pledge of Allegiance.

### AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Turnage and second by Council Member Sills to adopt the October 12, 2021 meeting agenda as presented with changes listed below:

*Add to Consent Agenda:*

- Temporary Blocking of Streets – McNeil Memorial Church

**Motion unanimously approved.**

### PRESENTATIONS

#### Employee Recognition

Chief White recognized Lieutenant Holly Pendergraph for earning her Advanced Law Enforcement Certificate from the North Carolina Criminal Justice Education and Training Standards Commission and for completion of the Criminal Investigators Certification Program. Both certifications are based on training, experience and educational requirements.

#### New Employee Recognitions

Finance Director Roberts introduced Customer Service Representative April Beasley and Chief White introduced Police Officer, Taylor Struble.

### PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 7:10 p.m. Having no comments, the Public Comment period was closed.

### CONSENT ITEMS

- Minutes of the September 14, 2021 City Council Meeting.
- Temporary Blocking of Streets – First Presbyterian Church
- Temporary Blocking of Streets – Shrine Car Show
- Temporary Blocking of Streets – Downtown Live Event
- Temporary Blocking of Streets – Christmas Tree Lighting
- Temporary Blocking of Streets – McNeil Memorial Church
- National Friends of Libraries Week Proclamation - *A copy of the Proclamation (P2021-08) is incorporated into these minutes as Attachment #1.*
- Resolution amending the 2021 Council Meeting Schedule - *A copy of the Resolution (R2021-34) is incorporated into these minutes as Attachment #2.*
- Resolution Accepting State Revolving Loan for 14-inch Water Distribution Rehabilitation Project - *A copy of the Resolution (R2021-35) is incorporated into these minutes as Attachment #3.*
- Budget Amendment – Dunn-Erwin Rd and E Wake St 14-inch Waterline Replacement Project - *A copy of Budget Amendment (BA2022-13) is incorporated into these minutes as Attachment #4.*
- Budget Amendment – Golden Leaf Grant - *A copy of Budget Amendment (BA2022-14) is incorporated into these minutes as Attachment #5.*
- Budget Amendment – Three Bridge Road Project - *A copy of Budget Amendment (BA2022-15) is incorporated into these minutes as Attachment #6.*

Motion by Council Member Tart and second by Council Member Gauden to approve all consent items.  
**Motion unanimously approved.**

### ITEMS FOR DISCUSSION AND/OR DECISION

#### Rezoning Request RZ-06-21-1611 S Elm Ave, C-4 to R-7

Mayor Elmore opened the Public Hearing at 7:13 p.m. Planning Director Adler presented request to rezone one parcel totaling .38 acres +/- located at 1611 South Elm Avenue. The parcel is currently zoned C-4, Neighborhood Business District and proposed to be rezoned to R-7, Single Family Dwelling District. The best use of the lot is for someone to live in the house and operate the business. R-10 would be the preferred zoning

to R-7 since it will be spot zoning and will require a variance to comply with city requirements. The Planning Board voted unanimously not 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 Tart to deny rezoning request RZ-06-21 located at 1611 South Elm Avenue from C-4, Neighborhood Business District to R-7, Single Family Dwelling District, which rezoning would be spot zoning and does not conform to the Future Land Use Plan. **Motion unanimously approved.**

**Ordinance Amendment OA-09-21; Chapter 13 add Section 13-10, Household/Indoor Furniture Kept Outside a Public Nuisance**

Mayor Elmore opened the Public Hearing at 7:18 p.m. Planning Director Adler presented request to amend Chapter 13 – Offenses and miscellaneous provisions, of the Dunn City Code. The amendment would amend the ordinance to make it a public nuisance to keep outside of the house indoor, household, or office furniture, any household fixtures, white goods or other appliances, metal products of any kind, and similar items not designed to withstand the elements. This shall not prevent the use of household furniture on a totally enclosed porch having a roof, walls, screens, or glass windows; or the use of furniture in good condition which is designed for outdoor use such as patio or lawn furniture, on porches or landings or in yard areas or other open places. With no additional comments, the Public Hearing was closed.

Motion by Council Member Sills and second by Council Member McLean to adopt the ordinance amendment OA-09-21 as presented. **Motion unanimously approved.** *A copy of the Ordinance (O2021-22) is incorporated into these minutes as Attachment #7.*

**Ordinance to Demolish 1610 Erwin Rd**

Mayor Elmore opened the Public Hearing at 7:21 p.m. Chief Building Inspector King presented Ordinance to Demolish Condemned Structure(s) located at 1610 Erwin Rd for consideration. Building Inspector Slater Johnson conducted an inspection and based upon his observations, the structure(s) are unsafe and have been condemned in accordance with G.S. §160D-1117. He also found the structure(s) dangerous or prejudicial to the public health or public safety and a nuisance in violation of G.S. §160A-193. The owner appealed the inspector's decision at the August 10, 2021 City Council Meeting and Council voted to affirm the original sixty days granted.

Sherry Miller and Kimberly Godwin spoke and requested additional time to remove some of the furnishings out of the house. With no additional comments, the Public Hearing was closed. After concerns expressed, King stated that council could adopt the ordinance and the staff could work with Ms. Miller on the time to get the belongings out.

Motion by Council Member Sills and second by Council Member Turnage to adopt the ordinance directing the Building Inspector to proceed with the demolition of the structure located at 1610 Erwin Rd, PIN #:1506-69-9985.000. **Motion unanimously approved.** *A copy of the Ordinance (O2021-23) is incorporated into these minutes as Attachment #8.*

**Ordinance to deem Property Unfit for Human Habitation – 100 W Edgerton St**

Chief Building Inspector King updated Council on the background of this property. The ordinance was tabled in May to allow owner time to consult with engineers and contractors to have floor system repaired. It was tabled again at the July Meeting and then at the September meeting it was tabled to allow the City Attorney to amend the ordinance to deem a portion of the property unfit for human habitation to prevent the business from having to close. They have put up a wall to close off approximately 3,300 sf of the building that cannot be used but they have two years to bring the property up to code. Council Member McLean asked about them using the back of the property for light storage and King replied that the City Attorney stated this would be hard to enforce and recommended closing off the back section instead.

Motion by Council Member Sills and second by Council Member McLean to adopt the amended ordinance directing the Chief Building Inspector to vacate, close, and post a section of the property Unfit for Human Habitation at 100 W Edgerton St, PIN #:1516-67-4811.000. **Motion unanimously approved.** *A copy of the Ordinance (O2021-24) is incorporated into these minutes as Attachment #9.*

**Appeal of Building Inspector's Order – 101 W Vance St**

Chief Building Inspector King conducted an inspection and based upon his observations, the structure is unsafe and condemned in accordance with G.S. §160D-1117. He also found the structure dangerous or prejudicial to the public health or public safety and a nuisance in violation of G.S. §160A-193. The owner of the property has appealed the Building Inspector's decision of sixty days. Derrick Hardison spoke on behalf of his mother, the owner, requesting additional time to get their father's belongings out of the structure.

After discussion, motion by Council Member Sills and second by Council Member McLean to affirm the allowable time period of sixty days in accordance with N.C.G.S. 160D-1122 of the structure located at 101 W Vance St, PIN#:1516-68-5364.000. **Motion unanimously approved.**

**Appeal of Building Inspector's Order – 411 N McKay Ave**

Chief Building Inspector King has conducted an inspection and based upon his observations, the structure is unsafe and condemned in accordance with G.S. §160D-1117. He also found the structure dangerous or prejudicial to the public health or public safety and a nuisance in violation of G.S. §160A-193. King added that there was a complaint received of the house being open. The house was boarded up after the initial hearing.

No permits have been issued. The owner has purchased several houses in Dunn and remodeled 25 of those houses at this point. Peter Gitto, representing Dunkin Deals, spoke to Council and appealed the Building Inspector's decision of sixty days and requested that the order be revoked.

After discussion, motion by Council Member Sills and second by Council Member Gaulden to affirm the allowable time period of sixty days in accordance with N.C.G.S. 160D-1122 of the structure located at 411 N McKay Ave, PIN #:1516-59-7422.000. **Motion unanimously approved.**

#### **Appeal of Building Inspector's Order – 809B E Edgerton St**

Chief Building Inspector King conducted an inspection and based upon his observations, the structure is unsafe and condemned in accordance with G.S. §160D-1117. He also found the structure dangerous or prejudicial to the public health or public safety and a nuisance in violation of G.S. §160A-193. He added that the door was open and people were staying there. Peter Gitto spoke to Council and appealed the Building Inspector's decision of sixty days and requested additional time to make repairs.

Motion by Council Member Sills and second by Council Member Tart to affirm the allowable time period of sixty days in accordance with N.C.G.S. 160D-1122 of the structure located at 809B E Edgerton St, PIN #:1516-96-0021.000. **Motion unanimously approved.**

#### **Federal Drinking Water State Revolving Fund (DWSRF) Capital Project Ordinance Dunn-Erwin Rd and E Wake St Water Distribution Rehabilitation/Replacement Project**

The Capital Project ordinance is a required financial document for the program and defines the budget and includes eligible expenses related to the Federal DWSRF Loan Project. The project is to abandon the 14-inch waterline on Dunn-Erwin Road, construct new water line in this area and replace a waterline on E Wake St. The original project estimate for this work was to be approximately \$893,750 but the updated budget exceeded this and totals \$982,592.

Motion by Council Member Gaulden and second by Council Member McLean to accept this Capital Project Ordinance for the water distribution project as presented. **Motion unanimously approved.** *A copy of the Ordinance (O2021-25) is incorporated into these minutes as Attachment #10.*

#### **CDBG-I Capital Project Ordinance for Grants 16-I-3156 and 20-I-3606**

The Capital Project ordinance is a required financial document for the program and defines the budget and includes eligible expenses related to the CDBG-I project. The project is to rehabilitate/replace approximately 13,625 linear feet of sewer lines and rehabilitate/replace 56 manholes with the goal of eliminating inflow and infiltration while reducing the possibility of future overflows.

Motion by Council Member Tart and second by Council Member Gaulden to accept this Capital Project Ordinance for the CDBG-I grants as presented. **Motion unanimously approved.** *A copy of the Ordinance (O2021-26) is incorporated into these minutes as Attachment #11.*

#### **Bank Loan to Purchase Property**

Finance Director Roberts presented terms of loan to purchase 8.32 acres of land to be used for the expansion of the city's Public Works and Public Utilities Departments. The property is located on N McKay Ave, Nu Home St, and N King Avenue. The loan will be through United Community Bank in the amount of \$375,000 at an interest rate of 1.91% for a term of 10 years with semi-annual payments of approximately \$45,000 per year.

Motion by Council Member Tart and second by Council Member Gaulden to approve the Loan Resolution and loan at the terms provided by United Community Bank, for the purchase of 8.32 acres on N McKay Avenue and allowing the Mayor, City Manager, and Finance Director to sign any and all documents needed to close this loan. **Motion unanimously approved.** *A copy of the Resolution (R2021-36) is incorporated into these minutes as Attachment #12.*

#### **Approve Solicitation for Architectural Services**

City Manager Neuschafer presented that a Request for Qualifications for architectural services associated with a new public works complex at N McKay Ave needs to be sent out. After discussions with USDA, the City will be advertising for a Construction Manager at Risk (CMAR). The CMAR is a delivery method, which entails a commitment by the construction manager to deliver the project within a Guaranteed Maximum Price (GMP). In most cases, CMAR is a cost effective and time conscious alternative to the traditional design-bid-build process.

The Purchase of the property at N McKay Ave has provided a location to build a new Public Works complex which will hold the Street Department, the Cemetery Department, and the Utility Department. The old public works location will be converted into storage for City departments. The proposed date of completion will be summer of 2023. Once the search process is finished, the cost and proposal for the design services will be brought back to the City Council for approval. Staff has already been meeting to discuss various needs and the equipment that needs to be sheltered.

After discussion, motion by Council Member Turnage and second by Council Member Gaulden to approve City Staff begin the Construction Manager at Risk process (for the public works complex) by requesting qualifications from qualified design professionals as presented. **Motion unanimously approved.**

**Land Use Plan Authorization and Budget Amendment**

City Manager Neuschafer presented proposed agreement with Stewart Inc. to update the City's Land Use Plan and Map. Chad Sary, Municipal Planning Vice President with Stewart, was the presenter for the Council's two Training Sessions on Planning Development and Growth held in July and August. The City's current 2030 Land Use Plan has not been updated since 2005. Not only is this outdated but an updated plan and map is necessary for the City to comply with the NC General Statute Article 5, Section 160D-501. This project will cost \$45,400 and will be allocated from the Planning Budget using the General Fund Balance.

Motion by Council Member Tart and second by Council Member McLean to Authorize the City Manager to enter into an agreement with Stewart Inc. for the Updated Land Use Plan and Map and to approve the associated budget amendment as presented. **Motion unanimously approved.** *A copy of Budget Amendment (BA2022-16) is incorporated into these minutes as Attachment #13 and a copy of the agreement has been filed with the City Clerk.*

**Halloween Resolution and Recommended Observance of Trick-or-Treating**

Motion by Council Member McLean and second by Council Member Tart to approve Resolution Urging a Safe and Courteous Halloween and to observe Trick-or-Treating on Saturday, October 30, 2021. **Motion unanimously approved.** *A copy of the Resolution (R2021-37) is incorporated into these minutes as Attachment #14.*

**Advisory Board Appointments - Parks and Recreation Advisory Board**

Motion by Council Member Turnage and second by Council Member Tart to appoint Dennis Michael Goldston to the Parks and Recreation Advisory Board for term ending June 30, 2024. **Motion unanimously approved.**

**Council Goals/Reports**

City Manager Neuschafer presented the updated reports, adding that paving of Watauga should begin the first of November.

**Administrative Reports**

Finance Director Roberts provided the following financial report for the period ending September 30, 2021:

- General Fund and Water and Sewer Fund balance combined was \$9,352,282 compared to \$3,782,011 in 2020.
- Property Taxes received \$260,953 compared to \$249,621 in 2020. Total Taxes received through the end of August were \$344,585 compared to \$368,538 last year.
- Sales Tax receipts for July were \$252,283, about \$23,950 more than last year.
- Utilities Sales Taxes are reported quarterly. Received quarter ending June 30, 2021 is \$152,050 compared to \$144,369 in 2020.
- Building Permit Fees collected total \$54,214 or 42% of budget.
- Water and Sewer Revenues collected year to-date are \$1,625,170 or 26.6% of budget compared to \$1,520,032 last year.
- General Fund expenditures total \$2,786,007 or 23.19% of Budget compared to \$ 2,598,800 in 2020.
- Water and Sewer Fund expenditures total \$1,315,465, or 17.31% of budget compared to \$1,379,071 in 2020.
- The benchmark for this period is 25% of budget.

He also reported on debt service 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**

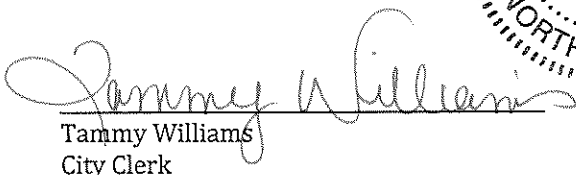
Council Member Gaulden announced that there will be a Community Candlelight Vigil in Dunn on Saturday remembering those lost due to addiction. Mayor Elmore announced other upcoming events and activities.

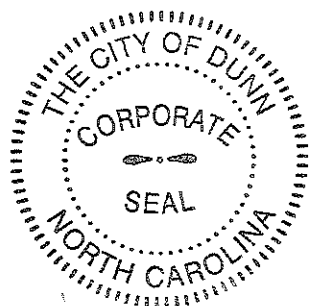
Motion by Council Member Sills and second by Council Member Gaulden to enter closed session for the purpose to instruct the staff concerning the negotiation of the price and terms of a contract concerning the acquisition of real property in accordance with [N.C.G.S. 143-318.11(a)(5)]. **Motion unanimously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

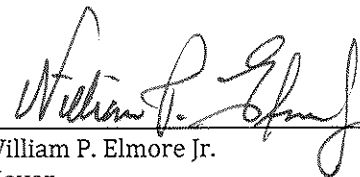
Mayor Elmore recessed the meeting at 8:40 p.m.

The meeting was reconvened and with no further business to discuss, motion by Council Member Sills and second by Council Member Gaulden to adjourn the meeting at 9:00 p.m. **Motion unanimously approved.**

Attest:

  
Tammy Williams  
City Clerk



  
William P. Elmore Jr.  
Mayor