

**MINUTES
CITY OF DUNN
DUNN, NORTH CAROLINA**

The City Council of the City of Dunn held a Regular Meeting on Tuesday, October 15, 2019 at 7:00 p.m. in the Dunn Municipal Building. Present: Mayor Oscar N. Harris, Mayor Pro Tem Frank McLean, Council Members Buddy Maness, Dr. Gwen McNeill, Billy Tart, Chuck Turnage and Dr. David L. Bradham.

Also present: City Manager Steven Neuschafer, Assistant City Manager Mathew Boone, Finance Director Jim Roberts, Public Utilities Director Heather Adams, Public Works Director Vince Washington, Planning Director George Adler, Chief Building Inspector Steven King, Chief of Police Chuck West, Parks and Recreation Director Brian McNeill, Human Resources Director Anne Thompson, Librarian Mike Williams, Community Planner Tasha McDowell, Administrative Support Specialist Connie Jernigan, Communications Coordinator Kaitlin Adkins, Attorney Tilghman Pope, and City Clerk Tammy Williams. Guests recognized by Mayor Harris: Council Members Elect April Gaulden and Wes Sills; Ronnie Autry, former City Manager; and Emily Weaver with The Daily Record

INVOCATION

Mayor Harris opened the meeting at 7:00 p.m. and Reverend Gerald Blake gave the invocation. Afterwards, the Pledge of Allegiance was recited. Mayor Harris congratulated those who were newly elected and re-elected to the Council.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Turnage and second by Council Member Tart to adopt the October 15, 2019 meeting agenda with changes as listed below.

Move Agenda Item 17: Proclamation – Veteran’s Day to 4a under Presentations

Motion unanimously approved.

PRESENTATIONS:

Friends Fighting Cancer: Turn Pink October 25, 2019

Mayor Harris presented a Proclamation to Robbie Tart, President of Friends Fighting Cancer, in honor of the Fannie Godwin’s Laps for Life Celebration and “Dunn Goes Pink Day” on October 25, 2019. Several other representatives from Friends Fighting Cancer were in attendance dressed in pink. City Hall was also lit in pink. *A copy of this Proclamation (P2019-16) is incorporated into these minutes as Attachment #2.*

New Employee Introductions

The following employee was introduced to the Council: Stephen D. Hodges, Code Enforcement Officer with the Inspections Department.

Certificate of Achievement for Excellence in Financial Reporting

Mayor Harris presented the 9th consecutive Certificate of Achievement for Excellence Award to Finance Director Jim Roberts and the Finance Department staff for the comprehensive annual financial report for the year ended June 30, 2018.

Veterans Day Proclamation

Mayor Harris presented the Proclamation recognizing November 11, 2019 as Veterans Day in Dunn to representatives of the American Legion Post 59. He recognized all veterans in the audience including representatives from Veterans of Foreign Wars 6767 and Council Members Turnage, McLean and City Manager Neuschafer. *A copy of Proclamation P2019-17) is incorporated into these minutes as Attachment #3.*

Mayor Harris recessed the meeting at 7:28 p.m. and reconvened at 7:30 p.m.

Retiree Insurance – Medicare eligible

Human Resources Director Thompson and Jody Fortune, representative with Synergy Benefit Advisors, shared options and cost of providing insurance to 65 and older, Medicare eligible retirees. After discussion, Fortune agreed to send a letter informing retirees that changes can be made to their plan at enrollment time.

PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Harris at 7:58 p.m. Having no comments, the Public Comment period was closed.

Mayor Harris recessed the meeting for Public Hearings at 7:58 p.m.

PUBLIC HEARINGS:

Proposed Economic Development Incentive Agreement with Pallet Consultants of North Carolina, Inc.

Mayor Harris opened the public hearing concerning a proposed agreement to extend economic incentives to Pallet Consultants of North Carolina, Inc., a North Carolina Corporation (PCNC) which intends to lease, up fit and reuse the industrial building located at 2 Dinan Road, Dunn NC, in order to establish and operate a pallet manufacturing facility. The public hearing was duly advertised on October 3, 2019.

Hearing no comments, the public hearing was closed at 7:59 p.m. *A copy of the legal notice is incorporated into these minutes as Attachment #4.*

USDA Loan Application – Purchase of Police/Water and Sewer/Public Works/Parks and Recreation Equipment and Vehicles

Mayor Harris opened the public hearing concerning securing loans/grants from the United States Department of Agriculture, Rural Development, to obtain sufficient funds for the purchase of four police vehicles and related equipment, a leaf vacuum and collection box, two mowers, a bunker and field rake for Public Works, Parks and Recreation and Water and Sewer Departments. The public hearing was duly advertised on October 2, 2019.

Hearing no comments, the public hearing was closed at 8:00 p.m. *A copy of the legal notice is incorporated into these minutes as Attachment #5.*

Ordinance Amendment OA-01-19; Section 18 of the Code of Ordinances

Mayor Harris opened the public hearing to amend Section 18 of the Code of Ordinances to amend Solid Waste Management per General Statute requirements. The public hearing was duly advertised on October 4 and October 8, 2019

Hearing no comments, the public hearing was closed at 8:01 p.m. *A copy of the legal notice is incorporated into these minutes as Attachment #6.*

Consideration of Ordinance to Demolish House – 404 E Townsend St

Mayor Harris opened the public hearing concerning the condemnation and demolition of the single-family structure owned by Hoyle Properties at 404 E Townsend St. The public hearing was duly advertised on October 1, 2019 and October 8, 2019.

Comments were heard from Barry Hoyle of Hoyle Properties asking that the Council grant an extension. Comments were also given by Chief Building Inspector King. With no further comments, the public hearing was closed at 8:18 p.m. *A copy of the legal notice is incorporated into these minutes as Attachment #7.*

Consideration of Ordinance to Demolish House – 704 E Divine St

Mayor Harris opened the public hearing concerning the condemnation and demolition of the single-family structure owned by Rosa Lee Coxum c/o Delores Thompson at 704 E Divine St. The public hearing was duly advertised on October 1, 2019 and October 8, 2019.

Hearing no comments, the public hearing was closed at 8:19 p.m. *A copy of the legal notice is incorporated into these minutes as Attachment #7.*

Consideration of Ordinance to Demolish House – 309 E Harnett St

Mayor Harris opened the public hearing concerning the condemnation and demolition of the single-family structure owned by Will Covington at 309 E Harnett St. The public hearing was duly advertised on October 1, 2019 and October 8, 2019.

Hearing no comments, the public hearing was closed at 8:20 p.m. *A copy of the legal notice is incorporated into these minutes as Attachment #7.*

Consideration of Ordinance to Demolish House – 123 Spring Branch Rd

Mayor Harris opened the public hearing concerning the condemnation and demolition of the single-family structure owned by Stacey Harper and Ridge Keith at 123 Spring Branch Rd. The public hearing was duly advertised on October 1, 2019 and October 8, 2019.

Hearing no comments, the public hearing was closed at 8:21 p.m. *A copy of the legal notice is incorporated into these minutes as Attachment #7.*

Conditional Use Permit CU-01-19; DeAngelo Jackson (applicant); Anchor Properties of Raleigh LLC (owner) PIN # 1506-89-9238.000; 1107 Erwin Rd

Mayor Harris opened the public hearing to hear the request for a Conditional Use Permit [Zoning Ordinance Article IX, Division 1, 22-461 (8) from DeAngelo Jackson. The conditional use request is for a Certified Adult Day Care. The Public Hearing was duly advertised on September 17, 24, and October 1, 2019.

Mayor Harris yielded to City Attorney Pope.

City Attorney Pope introduced Case # CU-01-19, a request by DeAngelo Jackson, for a Conditional Use Permit to allow for a Certified Adult Day Care at 1107 Erwin Road. The property is currently zoned O&I, Office and Institutional District. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards. He further asked that all persons who wish to testify in this case, please approach the podium to be sworn in or to give affirmation.

Swearing-In:

*City Attorney Pope administered oaths to:
George Adler, City Planner
DeAngelo Jackson, applicant*

Explanation of Proceeding

City Attorney Pope explained in this hearing, we will first hear from City Planner George Adler, then from the applicant and their witnesses, and then from opponents to the request. Parties may cross-examine witnesses after the witness testifies when questions are called for. If you want the Council to see written evidence, such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. We cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client's case. Before you begin your testimony, please clearly identify yourself for the record.

I now open the hearing on Case # CU-01-19 Conditional Use Permit Application and ask for testimony from City Planner Adler.

Testimony from City Planner

City Planner Adler asked to add the following into evidence: Staff Report, Application, and Findings of Fact

City Attorney Pope accepted evidence with the exception of findings of fact, which is to be considered at a later time.

City Planner Adler referred to page 1 of the Staff Report. The property is at 1107 Erwin Road and is approximately 1.06 acres. It is approximately .5 miles from the hospital and a bit further from the intersection of Broad St and US 421. It has public services with water and sewer supplied by the City of Dunn. The property is currently zoned office and institution, and the one addition that is requested is certified adult daycare. The current use in the immediate area is O&I according to Attachment 1. Most of the property south and across the street is O&I. Adjacent to the west is R-20, which is currently a field, and across the street is R-10 which is residential with O&I beside it to the east, with current use residential. Referring to two pictures in Attachment 2: one is looking north toward property from Erwin Rd and one is looking across Erwin Road toward Cherry Lane. Attachment 3 shows views from drive looking northeast down Erwin road and from drive looking southwest across neighboring parcel. Attachment 4 shows the future land use plan created in 2005 and is indicated in the circle as residential at that time. Between 2005 and 2017, there was a rezoning that changed some of these properties to O&I. The use of the property as a certified adult day care will not increase traffic or activity. Previously the building was used as an office building and it has been vacant for a short period of time after a storm.

City Attorney Pope asked if there are any questions for the city planner.

Council Member Maness asked if the current use is residential. City Planner Adler responded no but that there is a resident next door and further confirmed the building has been vacant since the storm but was previously used as an office building.

Council Member Turnage asked if by granting the request, we would be adding to the existing ordinance of O&I or just this specific property. City Planner Adler confirmed the conditional use would just be for this property.

City Attorney Pope asked if there were any additional questions for the city planner. With none, he stated that we will now hear from the applicant and other proponents.

Applicant's Testimony

DeAngelo Jackson, owner of Walk by Faith Adult Heath & Day Care, stated that the business has been operating at 1004 W Broad St for 5 years and they are currently looking to move the business to 1107 Erwin Rd.

City Attorney Pope asked if anyone had questions for the applicant.

City Attorney Pope stated that there is a recommendation that if the conditional use permit be approved that the parking lot should be striped and wheel stops included. He asked Mr. Jackson if that is an agreeable condition for you as an applicant.

Mr. Jackson replied that it was.

City Attorney Pope stated that we will now hear from people opposing the request and there were none.

City Attorney Pope asked if there were any further questions from council members for the applicant, proponents or any opponents. Once the public hearing is closed, any questions will be for clarification only. No new evidence may be introduced after the public hearing is closed. If the council wishes for the applicant to consider any other conditions to be placed on granting the conditional use permit other than the one that has already been agreed to by the applicant, the applicant must be asked at this time, if he will voluntarily accept the conditional limitation for granting the conditional use permit.

Mayor Harris asked if any other conditions were made by the planning board and City Attorney Pope replied that there were not.

Council Member Maness asked if as a certified adult day care, will the facility have to be handicapped accessible, or is that something based on the specific use of the property. Pope replied that the property will have to comply with any other legal requirements, whether you allow the condition or not, to operate a licensed day care.

With no further conditions, motion was made by Mayor Pro Tem with second by Council Member McNeill to close the public hearing at 8:01 p.m. for Conditional Use Permit CU-01-19. **Motion unanimously approved.** *A copy of the legal notice is incorporated into these minutes as Attachment #8.*

Mayor Harris reconvened the council session at 8:32 p.m.

CONSENT ITEMS:

Approval of the minutes of Special Call Meeting September 10, 2019, 3:00 p.m.

Approval of the minutes of the September 10, 2019 Council Meeting.

Approval of the Resolution Urging Residents to Observe a safe and courteous Halloween. *A copy of Resolution (R2019-26) is incorporated into these minutes as Attachment #9.*

Approval of Temporary Blocking of Streets for the annual Christmas Tree Lighting.

Approval of Temporary Blocking of Streets for the annual Customer/Community Appreciation Day hosted by Another Barber Shop on November 23, 2019.

Proclamation – National Friends of Libraries Week *A copy of Proclamation (P2019-18) is incorporated into these minutes as Attachment #10.*

Approval to appoint Linda James to the Cemetery Advisory Board for term ending June 30, 2022.

Approval to ratify the decision to pursue a Public Nuisance Lawsuit against Donald J. Lee, owner of the real property located at 609 W Johnson St in Dunn NC.

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

ITEMS FOR DISCUSSION AND/OR DECISION:

Economic Development Incentive Agreement with Pallet Consultants of North Carolina Inc.

Economic Development Incentive Agreement with Pallet Consultants of North Carolina, Inc. (PCNC) was presented by City Manager Neuschafer. In the incentive package: PCNC, in addition to a direct investment in the tax base, will be creating approximately 50 full-time jobs at an average wage of \$38,360 per year and providing employee insurance coverage (paying at least 50%). The investment is projected to be at \$3.7 million. The proposed economic incentive package will include 5 annual grants (estimated to be a total of \$76,534 over the 5-year period), not to exceed 80% of the City ad valorem taxes paid by PCNC over the 5-year period and based on their performance as related to the agreement. The same agreement is being considered by the County of Harnett.

After discussion, motion by Council Member Turnage and second by Council Member Maness to adopt the Resolution to enter into an Incentive Agreement between the City of Dunn and Pallet Consultants of North Carolina, Inc. **Motion unanimously approved.** *A copy of Resolution (R2019-27) is incorporated into these minutes as Attachment #11.*

USDA Loan Applications – Purchase of Equipment for City and Water/Sewer Departments and Police Cars

Finance Director Roberts presented request to secure two loans/grants in the amount of \$475,000 from the United States Department of Agriculture (USDA), Rural Development for the purchase of equipment and vehicles for the Water and Sewer Department – enterprise fund, and for the City of Dunn Public Works, Recreation, and Police Departments.

Motion by Council Member Bradham and second by Council Member McNeill to approve the resolution agreeing to apply for financial assistance from USDA for a loan/grant in the amount of \$475,000. **Motion unanimously approved.** *A copy of Resolution (R2019-28) is incorporated into these minutes as Attachment #12.*

Ordinance Amendment OA-01-19; Section 18 of the Code of Ordinances

Chief Building Inspector King presented request to amend Section 18 of the Code of Ordinances Solid Waste Management per general statute requirements. The ordinance is being amended to include additional definitions and revisions to height requirements of weeds, vegetation, grasses or bushes, etc. The new language allows the City to address unsafe trees, and would reduce weeded lot infractions from 12 inches to 8 inches, to allow the City to cite the property sooner, so the weeds do not get so high before being mowed. The other change would reduce mowing for vacant lots over 1 acre to only include 150 feet from any structure or right-of-way.

After concerns were expressed and further discussion, motion by Council Member Maness and second by Council Member Turnage to adopt the amended Chapter 18 of the Code of Ordinances to include additional definitions and revisions to height requirements of weeds, vegetation, grasses or bushes, etc. as presented, with the exception of 18-2(c). *A copy of Ordinance Amendment (OA-01-19) O2019-10 is incorporated into these minutes as Attachment #13.* **Motion unanimously approved.**

Ordinance to Demolish House – 404 E Townsend St, PIN # 1516-87-9495.000

Chief Building Inspector King presented, for consideration, ordinance to demolish house at 404 E. Townsend St. Based upon his observations, the structure is unsafe and has been condemned in accordance with G.S. §160A-426. He further stated that, if adopted, the owner would have 30 days before it will be demolished.

After discussion, motion by Council Member Maness and second by Mayor Pro Tem to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 404 E Townsend St (PIN #: 1516-87-9495.000). **Motion unanimously approved.** *A copy of Ordinance (O2019-11) is incorporated into these minutes as Attachment #14.*

Ordinance to Demolish House – 704 E Divine St, PIN # 1516-75-7246.000

Chief Building Inspector King presented, for consideration, ordinance to demolish house at 704 E Divine St. Based upon his observations, the structure is unsafe and has been condemned in accordance with G.S. §160A-426.

Motion by Council Member McNeill and second by Mayor Pro Tem to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 704 E Divine St (PIN #: 1516-75-7246.000). **Motion unanimously approved.** *A copy of Ordinance (O2019-12) is incorporated into these minutes as Attachment #15.*

Ordinance to Demolish House – 309 E Harnett St, PIN # 1516-77-5457.000

Chief Building Inspector King presented, for consideration, ordinance to demolish house at 309 E Harnett St. Based upon his observations, the structure is unsafe and has been condemned in accordance with G.S. §160A-426.

Motion by Council Member Bradham and second by Council Member McNeill to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 309 E Harnett St (PIN #: 1516-77-5457.000). **Motion unanimously approved.** *A copy of Ordinance (O2019-13) is incorporated into these minutes as Attachment #16.*

Ordinance to Demolish House – 123 Spring Branch Rd, PIN # 1516-74-5282.000

Chief Building Inspector King presented, for consideration, ordinance to demolish structure at 123 Spring Branch Rd and based upon his observations, the structure is unsafe and has been condemned in accordance with G.S. §160A-426.

Motion by Council Member Tart and second by Council Member McNeill to adopt the ordinance directing the Building Inspector to proceed with the demolition of the dwelling located at 123 Spring Branch Rd (PIN #: 1516-74-5282.000). **Motion unanimously approved.** *A copy of Ordinance (O2019-14) is incorporated into these minutes as Attachment #17.*

Conditional Use Permit CU-01-19; DeAngelo Jackson (applicant); Anchor Properties of Raleigh LLC (owner)

PIN # 1506-89-9238.000; 1107 Erwin Rd

City Planner Adler presented request received from DeAngelo Jackson for a conditional use permit to operate a Certified Adult Day Care at 1107 Erwin Rd. This property is currently zoned O&I, Office & Institutional District. The planning board met on September 24, 2019 and recommended in a 4-0 vote to approve this request. Additional condition agreed upon by the applicant is that the parking lot should be striped and wheel stops included.

Motion by Council Member Turnage and second by Council Member Bradham to grant DeAngelo Jackson the conditional use permit CU-01-19 at 1107 Erwin Rd based on the evidence presented and the findings of facts together with the condition that the parking lot should be striped and wheel stops included. **Motion unanimously approved.** *A copy of evidence submitted in addition to the Findings of Fact: CU-01-19 is incorporated into these minutes as Attachment #18*

Orange Avenue Water, Sewer and Street Improvements

Mike Slusser with Davis Martin Powell Engineers and Surveyors presented recommendation for the Council to consider awarding construction contracts for water, sewer, and street improvements on N Orange Avenue between W Barrington Street and W Granville Street. Bid packages were sent out to four (4) contractors on August 14, 2019. Informal bids were received on September 12, 2019, at which time one (1) bid was received from Lorman Inc. The bid included a base bid for the utility work and an alternate bid for paving the street after construction. Due to receiving one bid, the City contacted another contractor to get a quote on the paving scope. The lower paving bid was submitted by RLT & Associates. Funds were appropriated within the 2019-2020 Water & Sewer Operating Budget.

Motion by Council Member Turnage and second by Council Member Maness to award a contract to Lorman, Inc. for the base bid utility work at a cost of \$108,525 and award the paving to RLT & Associates in the amount of \$22,075. **Motion unanimously approved.**

Financial Report/Assessments Update

Finance Director Roberts provided the following financial report for the period ending September 30, 2019:

- General Fund is at \$3,192,573 and \$2,337,755 in the Water-Sewer Fund. Through September of 2018, General Fund had \$2,596,447 with \$2,459,827 in the Water and Sewer Fund. With Both Fund Balances combined, the City has \$474,054 more than for the same period last year.
- Property tax receipts for the 2019 year are approximately \$575,166. Estimate for the 2019 year is \$3,750,000.
- Sales Tax Revenue for the month of July was \$205,010.
- Utilities Sales Tax report for the last Quarter is due \$167,512.
- Building Permit Fees for September were \$14,210 for a total collected for the year of \$37,567 or 47% of budget.
- Water and Sewer Revenues for the month of September were \$496,368. Total to date collected is \$1,559,866 or 27.9% of budget.
- Expenditures are at \$3,277,542 or 30.68% of budget in the General Fund. The Water and Sewer Fund has spent \$1,239,684 or 24.72% of budget. The benchmark for this period is 25% of budget.

He also presented the Assessments Update.

Motion by Mayor Pro Tem and second by Council Member McNeill to acknowledge receipt of the Financial Report and Assessments Update. **Motion carried unanimously.**

ADMINISTRATIVE REPORTS

Reports received: Planning and Inspections Report, Public Works Report, Public Utilities Report, Parks and Recreation Report, Library Report and Police Report.

Motion by Council Member Maness and second by Council Member McNeill to acknowledge receipt of Administrative Reports. **Motion unanimously approved.**

City Manager's Report

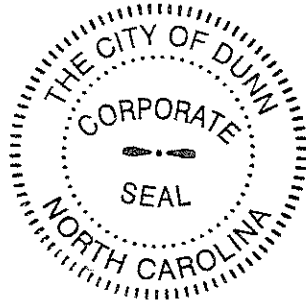
No additional report.

ANNOUNCEMENTS/INFORMATION

Mayor Harris announced upcoming events and activities.

Proclamation in honor of the 60th Anniversary of First Federal Bank. *A copy of this Proclamation (P2019-15) is incorporated into these minutes as Attachment #1.*

With no further business to discuss, motion by Council Member McNeill and second by Mayor Pro Tem to adjourn the meeting at 9:14 p.m. **Motion unanimously approved.**



A handwritten signature in cursive script, appearing to read "Oscar N. Harris".

Oscar N. Harris
Mayor

Attest:

A handwritten signature in cursive script, appearing to read "Tammy Williams".

Tammy Williams
City Clerk