

Dunn City Council
Regular Meeting
Tuesday, December 14, 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, 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, Human Resources Director Connie Jernigan, Librarian Mike Williams, Communications Coordinator Kaitlin Adkins, Attorney Wiley Pope, and City Clerk Tammy Williams.

CALL TO ORDER AND INVOCATION

Mayor Elmore opened the meeting at 7:00 p.m. and Rev. Dennis Manuel, Pastor at East Granville Street Church of God of Prophecy gave the invocation. Afterwards, City Manager Neuschafer led in the Pledge of Allegiance.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Tart and second by Mayor Pro Tem Bradham to adopt the December 14, 2021 meeting agenda as presented. **Motion unanimously approved.**

CONSENT ITEMS

- Minutes of the October 25, 2021 City Council Meeting.
- Minutes of the November 9, 2021 City Council Meeting.
- Minutes of the November 15, 2021 City Council Meeting.
- Resolution Declaring Badge and Service Weapon carried by Capt. Rodney Rowland Surplus and Awarding to him at his Retirement. *A copy of the Resolution (R2021-42) is incorporated into these minutes as Attachment #1.*
- Retirement Resolution in Appreciation of Captain Rodney Wayne Rowland. *A copy of the Resolution (R2021-43) is incorporated into these minutes as Attachment #2.*

Motion by Council Member McLean and second by Council Member Gaulden to approve all consent items. **Motion unanimously approved.**

PRESENTATIONS

Presentation Rodney Rowland Retirement Resolution Retirement Resolution

Captain Rodney Rowland was recognized by Mayor Elmore and Council for 32 years of service with the City of Dunn Police Department. Chief White read the Resolution adopted by Council in appreciation for his service.

Employee Recognition – Police Department – Lt. Simmons and Sgt. Butler

Chief White recognized Lt. Nicholas Simmons and Sgt. Jonathan Butler for successfully completing the North Carolina Justice Academy Institute.

Introduction of New Employee

Public Utilities Director Adams recognized Cornelia Malloy, Administrative Support Specialist I.

PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 7:15 p.m. Having no comments, the Public Comment period was closed.

ITEMS FOR DISCUSSION AND/OR DECISION

Ordinance Amendment – OA-07-21; Amendments to Chapter 22 – Regulation of Unattended Donation Bins

Mayor Elmore opened the Public Hearing at 7:16 p.m. Planning Director Adler presented request to amend Chapter 22, Zoning, Section 22-60 of the Dunn City Code. The amendment would amend the zoning ordinance to add language to regulate the location, approval process, and maintenance of unattended donation bins.

An amendment to regulate donation bins was considered at the August meeting but was denied with staff directed to come back with an amendment that would ban donation bins altogether. After researching that possibility, the City Attorney found banning the bins would be unconstitutional. Staff went back to the drawing board to strengthen the language and the Planning Board unanimously recommended approval of OA-07-21 at their November meeting. With no additional comments, the Public Hearing was closed.

Motion by Council Member Gaulden and second by Council Member McLean to adopt the ordinance amendment OA-07-21 as presented to regulate the location, approval process, and maintenance of unattended donation bins. **Motion unanimously approved.** *A copy of the Ordinance (O2021-32) is incorporated into these minutes as Attachment #3.*

Rezoning Request (RZ-07-21), Corner Averagesboro Rd and Susan Tart Rd; Applicant - Susan Tart Properties, LLC

Mayor Elmore opened the Public Hearing at 7:21 p.m. Planning Director Adler presented request to rezone a portion of one parcel totaling 6.9 acres +/- located at the corner of Averagesboro Road and Susan Tart Road. The parcel is currently zoned R-10, Single-Family Dwelling District and proposed to be rezoned to R-7, Single-Family Dwelling District. The Planning Board voted unanimously to recommend approval of this request. Andrew Petty of Curry Engineering offered to answer any questions from Council. With no additional comments, the Public Hearing was closed.

Motion by Council Member Turnage and second by Mayor Pro Tem Bradham to approve RZ-07-21 rezoning a portion of a parcel of land located east of the corner of Averagesboro Road and Susan Tart Road from R-10, Single-Family Dwelling District to R-7, Single-Family Dwelling District, which rezoning would be reasonable and conforms to the Future Land Use Plan. **Motion unanimously approved.**

Rezoning Request (CZ-02-21), Property between Susan Tart Rd and Bruce Dr; Applicant – Susan Tart Properties, LLC

Mayor Elmore opened the Public Hearing at 7:24 p.m. Planning Director Adler presented request to rezone five parcels from R-10 and R-7 to R-7 Conditional Zoning District (CZD). These properties total approximately 20 +/- acres. They are located between Bruce Drive and Susan Tart Road in Dunn. This rezoning would permit single-family dwelling units on smaller lots than the standard lot dimensions allowed in R-7, in addition to other conditions mutually agreed upon by the developer and the City of Dunn. Susan Tart Property, LLC seeks to rezone five adjacent parcels to Conditional Zoning District (CZD) to make a Planned Unit Development with reduced lot sizes and setbacks from the standards established in R-7 to maximize the number of developable lots. The Planning Board met on November 30, 2021 to review the request and ask for comments from the public. After much discussion, the Planning Board voted unanimously to recommend denial of this request. He reviewed the staff evaluation in recommending the denial due to the requested size of the lots. Council Member Turnage added that the neighborhood meeting was handled well.

Andrew Petty with Curry Engineering presented an adjusted layout due to the concerns expressed by the Planning Board and asked for it to be tabled. After concerns expressed by Council members due to the adjustments not going through the proper channels, Zach Angle with Susan Tart Properties, LLC expressed additional comments stating their reasons for coming forward to Council with the adjustments to the plan. With no additional comments, the Public Hearing was closed.

Motion by Mayor Pro Tem Bradham and second by Council Member McLean to deny CZ-02-21 rezoning five parcels of land located between Bruce Drive and Susan Tart Road from R-10 and R-7 to R-7 Conditional Zoning District. **Motion unanimously approved.**

Consideration of Ordinance to Demolish Structure(s) – 101 E Vance St

Mayor Elmore opened the Public Hearing at 8:01 p.m. Chief Building Inspector King presented Ordinance to Demolish Condemned Structure for consideration. He has conducted an inspection and based upon his observations, the structure is unsafe and has been condemned in accordance with G.S. §160D-1117. He also found the property dangerous or prejudicial to the public health or public safety and a nuisance in violation of G.S. §160A-193. The owner did appeal the sixty days at the October Council meeting but the Council affirmed the inspector's decision. Derek and Scott Hardison attended and already determined it needs to be demolished and has moved ahead with the plans for demolition. Derek Hardison informed Council that the family is currently in the process of demolishing the building and everything should be complete within 60 to 90 days. With no additional comments, the Public Hearing was closed.

Motion by Council Member Sills and second by Council Member McLean to table until the February meeting. After discussion, the motion failed with Council Member Sills and McLean in favor and Council Members Gaulden, Tart, Turnage and Bradham opposed.

Motion by Council Member Tart and second by Council Member Turnage to adopt ordinance to demolish the structure(s) located at 101 W Vance St, PIN#: 1516-68-5364.000. **Motion unanimously approved.** *A copy of the Ordinance (O2021-33) is incorporated into these minutes as Attachment #4.*

Consideration of Ordinance to Deem Property Unfit for Human Habitation – 200 N Jackson St

Mayor Elmore opened the Public Hearing at 8:14 p.m. Chief Building Inspector King presented Ordinance to deem property Unfit for Human Habitation for consideration. Building Inspector Dwayne Williams has conducted an inspection and found the structure in a deteriorated condition that does not meet the requirements of the City of Dunn's Minimum Housing Code. King also found the property dangerous or prejudicial to the public health or public safety and a nuisance in violation of N.C.G.S. §160A-193. King added this was in response to a complaint from the Police Department. The people were staying in the house rent free as the owner is in a local nursing home. With no additional comments, the Public Hearing was closed.

Motion by Council Member Gaulden and second by Council Member McLean to adopt the ordinance directing the Chief Building Inspector to post the property Unfit for Human Habitation at 200 N Jackson St, PIN#: 1516-98-0871.000. **Motion unanimously approved.** *A copy of the Ordinance (O2021-34) is incorporated into these minutes as Attachment #5.*

Consideration of Ordinance to Deem Property Unfit for Human Habitation – 204 N Jackson St

Mayor Elmore opened the Public Hearing at 8:17 p.m. Chief Building Inspector King presented Ordinance to deem property Unfit for Human Habitation for consideration. Building Inspector Williams conducted an inspection and found the structure in a deteriorated condition that does not meet the requirements of the City of Dunn's Minimum Housing Code. King also found the property dangerous or prejudicial to the public health or public safety and a nuisance in violation of N.C.G.S. §160A-193. King added that this inspection was also handled due to a complaint by the Police Department. The owner, Joshua Jones, requested additional time to

repair the property as he could not get the renters out due to Covid and they really tore the property up and didn't pay any rent for over a year. With no additional comments, the Public Hearing was closed.

Motion by Council Member Gaulden and second by Council Member McLean to adopt the ordinance directing the Chief Building Inspector to post the property Unfit for Human Habitation at 204 N Jackson St, PIN#: 1516-98-1868.000. **Motion unanimously approved.** *A copy of the Ordinance (O2021-35) is incorporated into these minutes as Attachment #6.*

Consideration of Ordinance to Demolish Structure(s) – 306 W Granville

Chief Building Inspector King presented Ordinance to Demolish for consideration. King has conducted an inspection and based upon his observations, the structure is unsafe and has been 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. This was tabled at the November Council meeting to allow the owner time to demolish this property on his own. The house has been demolished.

Motion by Council Member Tart and second by Council Member Gaulden to deny ordinance to demolish the structure located at 306 W Granville St, PIN#: 1517-70-3640.000. **Motion unanimously approved.**

Consideration of Ordinance to Demolish Structure(s) – 809B E Edgerton

Chief Building Inspector King presented Ordinance to Demolish Condemned Structure for consideration. King has conducted an inspection and based upon his observations, the structure is unsafe and has 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. This was tabled to give the owner time for repair or demolition of the structure. Peter Gitto of Dunkin Deals shared his plans for the property of purchasing the lot beside the property, tearing down both structures and dividing lots to build two new structures. He asked Council to table to give him additional time to purchase the property.

Motion by Council Member Sills and second by Council Member McLean to table until the February meeting. The motion failed with Council Members Sills, Gaulden and McLean for the motion and Council Members Tart, Turnage and Bradham and Mayor Elmore voting against the motion.

Motion by Council Member Turnage and second by Council Member Tart to adopt ordinance to demolish the structure located at 809B E Edgerton St, PIN#: 1516-96-0021.000. **Motion approved with Council Members Tart, Turnage, Bradham and Mayor Elmore voting for the motion and Council Members Sills, Gaulden and McLean against.** *A copy of the Ordinance (O2021-36) is incorporated into these minutes as Attachment #7.*

Resolution to Accept COPS Hiring Grant

Chief White reported that he was notified that the Dunn Police Department has been chosen as one of five agencies within the State of North Carolina to receive funding for the COPS Grant. The grant is a 75% Federal and 25% Local match that provides salaries and benefits for two officers for three years. These two positions will be used to enhance the Narcotics Investigations Unit as well as the Community Enhancement Team, which are both vital in continued efforts to combat violent drug related crime.

Motion by Mayor Pro Tem Bradham and second by Council Member Gaulden to approve the Resolution to accept the FY2021 COPS Hiring Program Grant and to approve the Budget Amendment allocating the funding for FY2021-2022. **Motion unanimously approved.** *A copy of the Resolution (R2021-44) and Budget Amendment (BA2022-21) are incorporated into these minutes as Attachment #8.*

Authorization to Advertise for Wayfinding System Design Services

City Manager Neuschafer requested authorization for staff to advertise an RFQ pertaining to architectural and design services for a new gateway and wayfinding system for the city. Wayfinding is a key tool in how cities across the state begin redevelopment and work to improve the appearance and image of their city. The City of Dunn has recently undergone and approved a rebranding effort that was born out of the Imagine Dunn Strategic Vision Plan. Being able to include this new branding on wayfinding/wayfaring and gateway signage throughout the city would be an excellent way to kick start the overall rebranding efforts.

Motion by Council Member Turnage and second by Mayor Pro Tem Bradham to allow staff to advertise for design services for developing a new gateway and wayfinding system for the City of Dunn. **Motion unanimously approved.**

Authorization to Request Funding Appropriated in the 2021 American Rescue Plan

City Manager Neuschafer shared that the North Carolina General Assembly appropriated 2021 American Rescue Plan funding to the City of Dunn through the Department of Environmental Quality in the 2022 Budget for infrastructure projects. Appropriations include \$500,000 for Storm water Infrastructure projects. The first phase of the project is mapping the system and there is no match required. All funds must be obligated by December 31, 2024 and expended by the end of 2026. Mayor Elmore asked how long the mapping would take and Neuschafer added that once authorization is received from the State the project could begin in 90 to 120 days.

Motion by Council Member Tart and second by Council Member McLean to approve the Resolution designating the City Manager as the authorized representative to request the storm water funding on behalf of the City of Dunn. **Motion unanimously approved.** *A copy of the Resolution (R2021-45) is incorporated into these minutes as attachment #9.*

Consideration to Sell Real Property owned by the City of Dunn

City Manager Neuschafer shared that the City has received an offer of \$7,500, by Dunkin Deals LLC, to purchase real property located on E Edgerton St, PIN#1516-86-9073.000, in Dunn. Offer to Purchase was received by the City Clerk on November 30, 2021 and she confirmed with the buyer that they will pay the closing cost.

If the Council and Board of Commissioners wish to proceed with the sale of the property, the property would be sold with "Notice to sell Real Property with Invitation for Upset Bids." This property is jointly owned by the City of Dunn and County of Harnett. It was deeded to both the County and City on March 8, 1939.

Motion by Council Member Sills and second by Council Member McLean to approve the Resolution to Sell Real Property pursuant to the Notice and Upset Bids procedure as set forth in N.C. General Statute §160A-269. **Motion unanimously approved.** *A copy of the Resolution (R2021-46) is incorporated into these minutes as attachment #10.*

Discussion on Permanently Waiving Library Fines

City Manager Neuschafer presented request from County Library system as well as Librarian Williams on going fine free, which has become a trend in libraries over the past three years. The rationale is that collecting overdue fines, which are fines the library assesses for materials that are returned late, interferes with the library's mission to provide services to all citizens in its service area. There is almost a direct correlation between areas of financial need in Harnett County and library accounts with fines outstanding. It is believed that in some cases, the effect of such fines will cause library users to stay away from the library because they don't want to be confronted about fines. As a consequence overdue library materials are not returned.

The County Board of Commissioners have agreed to proceed with eliminating late fines for materials checked out by customers to include historical, currently outstanding and all future late fines. The Library will instead bill for the cost of lost items and block patron from card access if items are not returned in a reasonable amount of time. The Harnett County Public Library has not yet implemented this policy pending a vote from the governing boards of each of the libraries to go fine free. Dunn Public Library's advisory board has approved going fine free. If one library in the county does not approve, the policy can't be implemented in Harnett County since the libraries share an integrated library circulation system. Annual collections of fines and other fees for the library is about \$5,000 thus a portion of this revenue will be unrealized. If approved, changes are to be in place this spring.

Motion by Council Member Turnage and second by Mayor Pro Tem Bradham to permanently waive the library fees. **Motion unanimously approved.**

Special Events/Closing Street Policy – Discussion Only

City Manager Neuschafer reported that staff has seen an increase of request for closing residential streets. In some instances, we have received requests to close the same residential street as much as six times in one year. Staff is recommending a policy to handle requests for special events and neighborhood events, especially as it relates to closing public streets. A policy should help the community be more aware of what is required and will keep staff informed so that events can be handled in the safest and most efficient matter. Various department heads met to discuss permit requirements and safety issues to determine what needs to be included in the procedures. Moreover, staff also researched what other communities are doing to put together the proposed applications, which includes the policy and procedures as well as some ordinance revisions. If Council is interested in pursuing, staff will be directed to advertise a public hearing for the ordinance amendments and move forward in the months to come. Consensus was this needs to be done.

Council Goals/Reports

City Manager Neuschafer presented reports for review. The contractor for the Watauga Paving Project is still working on the punch lists.

Administrative Reports

City Manager Neuschafer added that Council Meetings are currently not streamed Facebook Live due to equipment issues but being added to YouTube to share the next day. Staff is working with IT on rectifying this situation.

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

- The City has \$8,411,275 in all accounts combined compared to \$6,506,247 in 2020.
- Property Taxes received through October were \$804,063 compared to \$771,456 in 2020.
- Sales Taxes for September were \$217,169, \$14,456 more than last year.
- Utilities Sales Taxes are reported quarterly, with first year's quarter at \$152,050 compared to \$144,369 in 2020.
- Building Permit Fees for the month of November were \$7,747 with total collected of \$79,827 or 61% of budget.
- Water and Sewer Revenues for the month of November were \$526,693, with total collected at \$2,689,457 or 44.02% of budget compared to \$2,503,584 in 2020.
- General Fund expenditures in November were \$1,015,635, with total expensed to-date at \$4,678,315 or 39% of Budget compared to \$4,539,482 for 2020. Revenues to-date are \$3,349,051.
- The Water and Sewer fund expenditures in November were \$654,171, with total expensed at \$2,344,265, or 30.8% of budget compared to \$2,207,357 for 2020. Revenues to-date are \$2,887,643.
- The benchmark for this period is 42% of budget.

He also updated Council on liens and assessments and debt service.

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

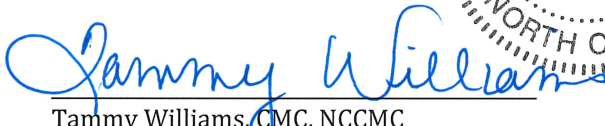
Mayor Elmore announced upcoming events and activities and wished everyone a Merry Christmas.

Motion by Council Member Sills and second by Council Member Gaulden to enter Closed Session to discuss Personnel Matters [N.C.G.S. 143-318.11(a)(6)] and instruct staff concerning negotiations on Real Property [N.C.G.S. 143-318.11(a)(5)]. **Motion unanimously approved.**

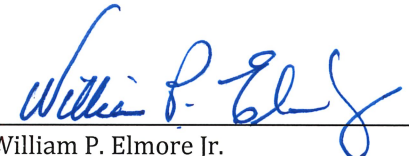
Mayor Elmore recessed the meeting at 9:08 p.m.

Mayor Elmore reconvened the meeting and with no further business to discuss, motion by Mayor Pro Tem Bradham and second by Council Member Turnage to adjourn the meeting at 9:44 p.m. **Motion unanimously approved.**

Attest:


Tammy Williams, CMC, NCCMC
City Clerk




William P. Elmore Jr.
Mayor