

**Dunn City Council**  
**Regular Meeting**  
 Tuesday, February 20, 2024  
 6:30 p.m., Dunn Municipal Building

## Minutes

**PRESENT:** Mayor William P. Elmore Jr., Mayor Pro Tem J. Wesley Sills, Council Members Raquel McNeil, April Gauden, Alan Hargis, and Dr. David L. Bradham. **ABSENT:** Council Member Billy N. Tart

*Also present: City Manager Steven Neuschafer, Assistant City Manager Billy R. Godwin, Finance Director Cary McNallan, Chief of Police Cary Jackson, Planning Director George Adler, Parks and Recreation Director Brian McNeill, Human Resources Director Connie Jernigan, Public Works Director Dwayne Williams, Collections and Distribution Manager Billy Cottle, Water Plant Manager Ian Stroud, Wastewater Plant Manager Donrie Dukes, Administrative Support Specialist Amber Groves, 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 Council Member Gauden gave the invocation. Afterwards, Council Member Hargis led in the Pledge of Allegiance.

### AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Bradham and second by Council Member Gauden to adopt the February 20, 2024 meeting agenda as presented with the following addition:

- Small Rural Tribal Body Worn Camera Grant

**Motion unanimously approved.**

### CONSENT ITEMS

- Minutes of the November 14, 2023 City Council Meeting.
- Minutes of the December 12, 2023 City Council Meeting.
- Minutes of the January 3, 2024 City Council Orientation Meeting.
- Temporary Blocking of Street/Use of City Property – B Healthy Club Anniversary
- Audit Contract Award to TPSA and authorize the Mayor and City Manager to execute the contract, engagement letter, and related documents. *A copy of the Resolution (R2024-05) is incorporated into these minutes as Attachment #1.*
- Retirement Resolution – Terry Bethea. *A copy of the Resolution (R2024-06) is incorporated into these minutes as Attachment #2.*
- Budget Amendment – Various Accounts. *A copy of Budget Amendment (BA2024-11) is incorporated into these minutes as Attachment #3.*
- Park to Park Trail Project Amendment. *A copy of the Capital Project Ordinance (O2024-01) and Budget Amendment (BA2024-12) are incorporated into these minutes as Attachment #4.*
- Capital Projects Manager/Building Inspector Amendment. *A copy of Budget Amendment (BA2024-13) is incorporated into these minutes as Attachment #5.*
- Small Rural Tribal Body Worn Camera Grant

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

### PRESENTATIONS

#### Terry Bethea Retirement Presentation

Mayor Elmore recognized Terry Bethea on his retirement.

#### CALEA Reaccreditation - Police

Chief Jackson presented to the Council and her staff the second CALEA Accreditation award to the City of Dunn Police Department.

#### Reading of Black History Month Proclamation

Mayor Elmore read the proclamation and recognized Council Members Gauden and McNeil honoring their leadership and service to the City of Dunn. *A copy of the Proclamation (P2024-02) is incorporated into these minutes as Attachment #6.*

#### School Bus Driver Appreciation Week

Mayor Pro Tem Sills read the Proclamation and presented a copy to the schools in attendance: Dunn Elementary and Dunn Middle Schools. *A copy of the Proclamation (P2024-03) is incorporated into these minutes as Attachment #7.*

### PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 6:51 p.m. The following spoke in favor of Chief Jackson and the Dunn Police Department: Karren Lee, Michael Wood, and Michael Preddy. The following spoke in favor of Pac-Man's retirement: Victoria Lee, Susan Thrailkill and Johnnie Jackson. Herb Smith spoke about a vision for Dunn and encouraged engagement with residents and Michael Edwards spoke about the fiber optics installed around the City. Having no additional comments, the Public Comment period was closed.



## ITEMS FOR DISCUSSION AND/OR DECISION

### Resolution and Order for Closing of Public Street – W Godwin Between 801 S King Ave and 707 S King Ave

Mayor Elmore opened the Public Hearing at 7:19 p.m. City Manager Neuschafer presented for consideration the closing of a section of public street between 801 S King Ave and 707 S King Ave from S King Ave to the alley. A petition requesting the closure was received on December 1, 2023 and is included in this packet. The Resolution of Intent was adopted at the December Council meeting setting the date for the Public Hearing for February 20, 2024. The public hearing was duly advertised and posted as required. Proper notice was certified mailed to the property owners adjoining this property and posted in two places along the property and all utilities were located. The City of Dunn has an outfall line that crosses the property and the owners have had a survey map completed which identifies the easement in their property. With no further comments, the Public Hearing was closed.

Motion by Council Member Gaulden and second by Mayor Pro Tem Sills to adopt the Resolution and Order to Close the Public Street between 801 S King Ave and 707 S King Ave as presented. **Motion unanimously approved.** *A copy of the Resolution and Order (R2024-07) is incorporated into these minutes as Attachment #8.*

### SUP-01-24 (quasi-judicial) Dwelling – Multi-Family Conversion at 309 N Wilson

Motion by Mayor Pro Tem Sills and second by Council Member Bradham to open a Public Hearing at 7:22 p.m. to consider a request to convert a single-family home into a triplex in an R-7 zoning district. **Motion unanimously approved.**

And at this time, since the hearing is open, I'd like to turn it over to the City Attorney Tilghman Pope to conduct this portion of the meeting. *City Attorney Pope's comments in this matter are all in italics.*

*Thank you, Mr. Mayor. This is a request to convert a single-family home into a triplex and an R7 zoning district. Specifically, the request is to allow for the development of a multifamily conversion as a special use of the property zoned R7. As the Mayor indicated, this is a quasi-judicial proceeding and the matter is under case #SUP-01-24, which is a request by David Berg and Chris Dolan, for a special use permit to allow for a multifamily dwelling conversion on an existing .16-acre parcel being Pin #1516-78-0032-000 at 309 N Wilson Ave. The property is zoned R7 Single Family Dwelling District.*

*The meeting on this matter is judicial in nature and will be conducted with special due process safeguards. At this time, any person who wishes to give testimony in this hearing, if you will, please come to the podium to be sworn.*

*George, is there a Bible there? If you'll place your left hand on the Bible and raise your right hand. Do you solemnly swear that the testimony you're about to give to be the truth, the whole truth, and nothing but the truth, so help you God? All agreed. Thank you. You may be seated.*

*In this meeting we will first hear from the planning director, George Adler, and then from the applicant and their witnesses, and then from opponents to the request. Parties may cross examine witnesses after each witness testifies when questions are called for if the person has standing. If you want City Council to see written evidence such as reports, maps, exhibits, the witness who is most familiar with the evidence should ask that it be introduced at the end or beginning of your testimony. We cannot accept reports from persons who are not here to testify. I do not see any attorneys present for any party, so we'll skip that part and now open this meeting on Case #SUP-01-24 Special Use Permit application and recognize the Planning Director George Adler.*

Planning Director Adler: Thank you. I would I'd like to include in the record all the materials that were provided to council in their packets.

*Those items are received in evidence.*

Adler: This request is for a special use permit to allow for multifamily conversion as a special use of the structure that's currently existing at 309 N Wilson. And that's specifically to convert a single-family home into a triplex.

In the UDO section 506 table of permitted uses, a dwelling multifamily conversion is permitted in R7 as a special use. Referring to UDO section 3.06 A 5B that describes the process, a quasi-judicial process. There are a few questions that are raised, and I'll address them, and it basically follows what was in the staff report. On the first question asks does the use materially endanger the public health or safety. 309 N Wilson is zoned R7 Single family zoning district. Multifamily conversion is permitted as a special use in R7 according to the table of permitted uses at 5.06. A triplex at this location would increase density slightly. Just two blocks from the center of downtown. Increasing residential density in the downtown area supports Imagine Dunn's vision for more commercial and pedestrian activity downtown.

Will the use substantially injure the value of adjoining or abutting property? 309 N Wilson is in the Gateway and Corridor Character area and to quote from the Future Land Use plan, many of these areas were identified in the city Strategic Vision Plan as opportunities for improvement and or redevelopment. Development policies should focus on adaptive reuse of existing structures. That's on page 28 of the Future Land Use Plan. Increasing the residential from one household to three in a revitalized residential structure built in 1925 adjacent to the downtown would not injure the value of surrounding properties. All Public Utilities are available on the site. A multifamily conversion would not impede orderly development or have any negative



impact on surrounding properties. So, the question of is the requested use in conformity with the city's adopted comprehensive plan? The future land use map identifies this address as being in the Gateway and Corridor character area adjacent to the downtown character area. The conversion of a dilapidated single-family structure to a vitalized triplex conforms to that character area of support of redevelopment. A blend of uses and a blend of different residential types. The existing 2000 square foot structure was built in 1925. To convert and revitalize such a structure into a three-household residential building would conform with the future land use plan and map.

I would like to just explain one thing that might not be clear. What's requested is a multifamily conversion and that's defined in the UDO as a structure that was built as a single-family home, that's converted up to a triplex. So, that means converting the existing single-family home at 309 N Wilson to a triplex. If for whatever reason, the existing structure can't be redeveloped into a triplex. A new building with three units could not be built without a special use permit and rezoning to RM mixed-use or C1. If you have any questions, I'd be happy to answer them.

*At this time, this is the opportunity for Council to ask any questions of Mr. Adler.*

Council Member Bradham: Back to your last point. So, if it's converted to a triplex. I don't want to put words in your mouth, if it doesn't sell or doesn't work out or whatever, then at that point you're saying that it cannot be converted to a... what was the last point that you made?

Adler: That what is being requested is converting the existing building to a triplex. Let's just say the existing building could not be, and for whatever reason, it could be that it costs too much to get it to meet code. It could be any number of reasons, whatever the reason is. If it had to be torn down. The owners could not just build a triplex. That's a different definition in the UDO, that's multifamily. This is a single family. This is a dwelling conversion from a single family to a triplex. So, if the building came down and you had approved this special use permit for the multifamily conversion that would become a moot point.

Council Member Hargis: So, you're saying that it would revert back to single family at that time is what you're saying?

Adler: To do anything other than single family you would need to come back to council for a special use permit and that would also include rezoning.

*Other questions of Mr. Adler from Council.*

Hargis: I have a question about something, but I don't know if you would be the right one George to ask or not or maybe one of the petitioners might be, but I as I was looking through this, there is a tremendous amount of things that the county inspector has said that need to be done, sprinkler systems and all kinds of things that are expensive. And I just wonder. Are you prepared to do that?

*Applicants are coming next; you'll be able to ask them this question.*

Unintelligible comments by David Berg.

*Oh, oh, oh. You're not testifying yet, Sir. Any other questions for Mr. Adler? All right. Thank you, Sir. We will now hear from the applicant and other proponents. State your name before you testify, please.*

Chris Dolan: My name is Chris Dolan I am one of the homeowners. I do have some items I'd like to put into testimony.

*If you will pass that around with Dr Bradham, please.*

Hargis: Yes, speak in I cannot hear you.

Dolan: I did not know how many copies to make, so I do apologize. I am short, so, I did have seven.

Hargis: We just passed around.

Dolan: So, I do apologize for that, but I did not know how many I needed.

*You may proceed.*

I'm starting out. I've actually numbered the items that you have in your packet there. So starting with the top right, you'll see an item number one. This is just a listing of the home that we purchased last year in April. So, we haven't even had it a year yet. So, we purchased it in April of 2023. The listing agent had it listed as a triplex. Then after that. So that's just kind of #1. So, if you look to page 2 on here, there's a whole series of my county tax records for this property and also a letter from Harnett County. So, in looking at the tax records, so again, they're marked as. You'll see a letter from Harnett County, such as, say, #2 on the top right. You may have to undo your paper clip, Sir.

It might be easier for you to undo the paper clip. Anyways, there's a letter from Harnett County here, and basically understanding this is he's clarified to us that the MOD. The MOD is the model type, which is a single-family resident as a model type, but the usage is 62, which is a duplex triplex. He pulled these records back



and he was able to go back for what their limitation was 2002. And since 2002 for their records, this home has had the usage code as a triplex duplex with the measurements in there for each individual unit. So, I want to I wanted to share that with you so you could see that, and this letter is from him, and he said if you had any questions, but it does say that the use of this home is a triplex. So that is #2.

Number 3. We reviewed the zoning in your packet there, you'll see a little. Speaking of something like this kind of enlarged, this is from 2006. In 2006 our home 2000 and actually up to 2021 and previous years, our home was actually classified and zoned as OI. It was not changed to R7 until 2021 and that is evidence 3B. So, this is 3A and you have 3B. So 3A is that this home was actually zoned as OI, which is office and institutional.

Number 4. The home and you can see in the very front picture of the packet that I gave you, the home has three mailboxes. The home also has three electric meters. I emailed Mr. Adler here and asked him some questions and that is on #4 packet. There's an e-mail from Mr. Adler and myself in exchange and I asked him how does somebody get 3 electric meters because I called Duke Energy myself and I said, hey, you know we have 3 electric meters. Can you tell me how long that they have been there? Their records only go back to 1999 and they said we've had three meters there since at least 1999. Then I asked what is the process of Mr. Adler and Duke Energy, both, asked both parties. Duke said that in order to have an electric meter, an inspection needs to be completed and that is done by the city. In addition to that, it has to be approved to allow the additional meters to be added. In the e-mail from Mr. Adler, he does confirm that that is indeed the case, that typically somebody would apply through the city inspection department and ask for the additional meters to be added and then they're either approved or not approved. And the Duke Energy has to have that before they can add additional meters. The other part of that e-mail, as I asked him about the three mailboxes, I said how does somebody get 3 mailboxes. Because I can't just call today the post office and say, hey, can I please get another address for my house. There is a process put in place and that is that you need to go through the city. In the e-mail George says what is his awareness? Because George has been here since I think 2019. So, he said in his history of being here, he could say that you have to go to the city to get the approval to plan this. You have to get their approval because you have to have the 911 information added. You have to have all kinds of different things to get approved prior to getting 3 mailboxes.

So as far as we know from Duke Energy, I asked him how long their policy was in place, having inspections for additional meters. And they said at least 40 plus years that they're aware of that their records go back. If you look at #5, I pulled, there's a packet in there where I pulled comparable sales and listings to our property. To show how the county has listed them for usage codes and compare this to what the City of Dunn has both in what they have on their map but also what they have as zoned previously and currently. So, I'm gonna go to that for a second here.

All right, so first we have 604 S Fayetteville Ave. This is a duplex triplex. The usage code is the same as ours, which is 62. And this is on the Duke or I'm sorry, on the Dunn City zoning map, it is R10. I pulled then 310 W Broad St. in Dunn. This actually shows description as a use 57 as converted residents to commercial. This is zoned as RM. This is actually a fourplex. This is a quad, 4 units in one. I then pulled the 311 East Bay St. This is also used code 57. And it says converted resident commercial. This is also zoned RM and this, for me, shows it apartments because it has apartments are five or more units. So, once you get past that 4 quad it becomes an apartment according to how they've defined this here. Next, I pulled our neighbors down the street, so on the same block as us on the opposite corner. So, if you look at the map of what George had up there on our exact block, just the opposite corner is 303 Wilson and it actually has two mailboxes, 2 meters, it's 301 and 303 N Wilson Ave.

They have that listed in the zoning map. So, on the 2022 and 2024 zoning map, the zoning maps here, it is listed as R7. It is also classified use as 62 duplex triplex. Then I pulled a house that's actually currently for sale just to kind of, you know, mix things up a little bit and this is 103 Winterlochen Drive. This is also use code as 62 duplex triplex. This I could not find in the ZODI map, and I don't know if it's because it's outside of city limits or if I just, the city, the streets are just not listed there. But I couldn't actually find that one. But that just kind of gives you an idea of how ours compares to the other multifamily homes that are out there and have been sold recently.

Number six, I made a mistake. I thought parking was according to the UDO that Harnett County has, which is 1.5, but George states. I couldn't find the city's UDO that George shared it with me today. So, the parking is 1.8. parking spots off street per unit. So, we have a very large backyard where our property is so we can accommodate the 4.5 vehicles or the six vehicles almost that we would need. So, we have ample space in the back. So that was something that came about.

Next, I'd like to kind of talk to you guys about the person that we spoke we bought the house from. His name is BL Strickland, he's Belvin L Strickland Junior. We actually just talked to him today too, but we also met with him when we were purchasing the home. So, we talked to him, and he told us that this home was actually converted to a triplex in 1977.

*Ma'am, you can't give testimony as to what somebody else said. How to close.*

Dolan: OK, that's fine. That's OK, but we're just trying to say that this house has been triplex for a while, so that's fine. And one of the things that came about the conversation is that he did go through the city. I don't know how far back records go because it seems to me like even the county doesn't go past like the 80s. But his father - he assured us that he went through the proper channels. His father actually was a City of Dunn Inspector.



*Ma'am I'm sorry you can't testify what somebody else said that's not here.*

Dolan: It's there. I mean, he was. I gave you the. I'm just telling you that he was, his dad was an inspector. That's all I'm saying right now.

Unintelligible comments.

*OK? Sir you will get opportunity to testify in a minute.*

Dolan: OK, that's fine. So, I'm putting into evidence that his father, the owner's father, was the city inspector for City of Dunn for multiple years. So that's what I'm putting in that in for evidence. No other, no other comment.

Unintelligible comments by David Berg.

Yeah, well, you can see that he was, I'm sure somebody probably even know him, but he was. If you look at the picture, you can see that he was here on the council for, I think he was an inspector for around 20 years that is there. So, I believe that he would have been able to instruct his son properly on how to do this. To convert it to a triplex the right way. Umm. And I do have a copy of his deed if that's necessary. The other thing I wanted to point out is, in having a conversation with Mr. Adler here, we have a conflict about dumpsters.

So right now, we actually have city water that we provide for the three units. They all get automatically when you open up a water account through the City of Dunn. You automatically get a recycling bin, a yard waste debris container, and a recycling container. So, you get in garbage. Sorry, you get 3 different bins automatically if you want them. You don't have to take them, but you get them. So right now, we are providing 3 of everything to these people. So, one thing that George mentioned is that the future conversion, if this was declared a new conversion versus an existing just requesting a special use permit, is that he felt that we would need to have a dumpster. A reading from Article 5.13, it says, any residential development with more than two units. I take that as a neighborhood or a community, not an existing property that's within the city limits, that's just already there. So, there is a little conflict I have, I guess, with that, with that language. So, I don't think a dumpster would be necessary because this house is probably six blocks from here. I mean, I don't think it's necessary. And viewing the other properties that we disclosed to you, I didn't see any of them having dumpsters either. So in in my conclusion and yes, I'm long winded and I will finally be done.

So going back to kind of where I started here. So, we were surprised based on this, what we've told you about the listing and about property having the meters and the mailboxes and what the county has showed us. We were surprised when Mr. Adler told us that we, that first of all, he couldn't find any documents showing that this was ever converted. But that our house is considered single family, single family, and that we would have to apply for a special permit. So, we were surprised because we were like, OK, this is already a triplex. And it's better for and we've as far as we know it's been at least about 50 years that it's been that way. So, we were surprised. We were and confused based on all these findings. That's why I'm sharing those findings with you. And it's been taxed as a triplex for the county as well. So, everything leads to the suspended triplex as an existing structure, not a single-family resident. So, with what the county has shown us for tax records and for previous zoning maps, we actually would like to request that 309 N Wilson be considered an existing triplex. We would like to grandfather clause in, if this is possible, to have this to be considered existing structure as a triplex and not be considered a newly converted triplex because this would cause financial hardship on us, and it's been like 50 years.

*Can I ask a couple of questions at this time? So, this is not a proceeding where you get to ask for a variance from what you have applied for. So, are you speaking in favor of your request for a special use permit? Are you opposed to a special use permit?*

Dolan: Well, so, I was told that's what we had to do. Obviously, I want it to be a triplex, but I don't want to be newly converted triplex because it's already triplex.

*So, are you in favor of your application or are you opposed to your application?*

Dolan: I'm in favor of it being.

*OK, I need to ask you a few questions about your documentation. Do you desire for these documents to be received into evidence as a part of this proceeding?*

Dolan: I do.

*OK, if you'll give me just a minute from for the council benefit. Item number two is a statement from a third party who's not here to be cross examined and in my opinion would not be admissible into evidence. Items number one, she has provided testimony of her own personal knowledge. Item number three, she has item number 4. Since it's from Mr. Adler and he is present, could be cross examined, I think would be permissible. Items. #5. She testified that she gathered that information herself, so I think that would be permissible. Item number six is not any city code information, that's something from the county, so that's not relevant and the last item of Mr. Strickland's obituary is an out-of-court statement and that in my opinion would not be admissible either. So, I would entertain a motion to receive into evidence item 1,3B. Four and five.*



Dolan: Sir, could I ask if number?

*Not right at this moment.*

*Motion by Council Member Sills and second by Council Member Hargis. Is there any discussion about receiving items 1,3B, four, and five into evidence? Hearing none, all those in favor of the motion signify by saying aye, all opposed, motion carries.*

*And is there a motion that items 2,6 and an unnumbered item being an obituary of Belvin Strickland, not be received into evidence? Motion by Council Member Sills.*

Hargis: What is the item number six?

*Hold on one second. I have a motion on the table. Second by Council Member Gaulden. OK, I'm sorry*

Hargis: What is item number 6?

*She testified that it's something from the county.*

Dolan: It's not applicable, it's not applicable.

*Have a motion and a second. Is there any discussion about excluding items 2,6 and an unnumbered item obituary of Belvin Strickland from the evidence? Hearing none, all those in favor signify by saying aye, any opposed, motion carries. OK, ma'am, do you have further testimony?*

Dolan: Well, I was just going to ask if #2 if I could remove the cover letter because the other items are, I think, imperative because it tells you about my, how the house has been zoned. So, is it possible to just remove the cover letter and keep the items that are behind it? Those are the tax records from the Harnett County. I do think that those are warranted that possible.

*Who made the handwritten notes on them*

Dolan: Me after I talked to somebody, so I understood everything that.

*So based on her testimony and personal knowledge of the handwritten notes made on the items attached to item two, and the fact that they are otherwise public records, I would entertain a motion that those tax records be received into evidence. Is there a motion that only the tax records but not the cover letter from Harnett County Tax department be received into evidence?*

*Motion by Council Member McNeil that the tax records be included and not the cover letter. Have a motion. Is there a second? Motion dies from lack of a second. All Right Ma'am, do you have any further testimony?*

Dolan: I do not at this time

*OK, Are there anybody present who's been sworn to provide testimony that has any questions for this witness? Anybody from the Council have questions for this witness?*

Mayor Pro Tem Sills: Just. What is your ultimate goal with this property? If you had a magic wand, what are you gonna make happen here?

Dolan: We would like to continue the use of the triplex. We would like to update the home to bring it to the 22nd century, because it's not right now. We would like to bring it up to code.

Unintelligible comments by David Berg.

Dolan: So, we've already done, as you can see in the picture that George has on the top left here. It's already looked. It already looks a lot better and we're going to keep working on it. The home was neglected and in. Yeah, the home is neglected by the previous owner. We had one tenant that's been living there for 13 years and said that the previous owner didn't do anything for 13 years while she lived there.

Unintelligible comments by David Berg.

So that we can move forward. Making this home up to code and everything it needs to be and our ultimate.

*I'm sorry to interrupt you. If you're both gonna answer questions - Could you state your name for the record, please because you've not yet testified?*

My name is David Berg.

*Thank you, Sir. I'm sorry, you can finish your answer, ma'am.*

Dolan: And the other thing is our goal is to increase the property value because you know we paid X amount for this property. And I think with us making the improvements and bringing it, updating it, I think we can improve the property value. The look and curb appeal of not only this home but the whole neighborhood



because right now it's it was it was neglected. It is already been improved, but we started on the outside and now we need to go to the inside. There's a lot of work that needs to get done.

*Any other questions of the applicant?*

Hargis: Yeah, so, so there are people living there now, right? OK and. The question that I had, and I asked George earlier because this letter in this packet is addressed to George. But I'll ask you guys this because I don't know because it says that the structure located in. Your house there, if you wanted to convert it to two family dwelling, you had to have a fire separation would be required by the by this North Carolina code. And you would have to design construction that must form to be competent by competent draftsman and North Carolina engineer. North Carolina architect work should be performed by North Carolina license general contractor. If you convert it to a three-family dwelling, then you would have to do even more. You would have to put in, it looks like you would have to put in water sprinklers. I mean.

Berg: We're going to try to get it grandfathered in.

Dolan: Well, that's why we.

Hargis: Well, that's not what you're here for I don't think.

Dolan: But that's what we've been asking all along and we were told this is what we had to do.

Hargis: I think you're here if I'm speaking out of turn, I don't know but I think you're here to apply for a special use permit that would be whatever conditions that the board puts on. Different than grandfathering something in. So just like when Tilghman asked a while ago if you were in favor of this or not, I think that you should think about that.

Dolan: So, I think the conditions that are in that letter there are for a new build. Newly converted and that's I think is where we're, I feel like it's vague because our property is not a newly converted. So, we're not sure why that applies per se.

Hargis: Yeah, I feel your pain on it because I understand. I mean if you have a, if you have a piece of property, you know. I'm a believed as limited to the government as you can have. And I think that you know, people should be able to do some stuff with what they want to do within some sort of boundaries or confinement. You know, you show some of these houses that are you know, that are currently, I would not put any one of them up as prized possessions for the City of Dunn or something that would make people want to come here or make businesses, attract businesses or anything like that.

Dolan: I agree.

Hargis: And I don't think this one will either and I think you know that you know on the application you had said this is for low-income housing. And well, it says.

Dolan: I didn't put that ...

*Hold on, Councilman. I don't, I don't mean interrupt you. There will be an opportunity for discussion amongst council at this point. It's just, do you have a question for?*

Hargis: Well, she said she didn't know that that was on there. That's the question. Did you know that?

Dolan: I didn't put low income because I don't know where that came from.

Hargis: I guess that's it for me. I just wanted to just kind of let you know my thoughts kind of out there. Just

Bradham: I have a question too and I apologize if you've already answered this. It may be in the packet, but you I see your address is Smithfield. Do you have triplex that you are doing currently in Smithfield or is this your first project?

Dolan: this is our first multi home,

Bradham: OK.

Dolan: We have other properties that we own, but this is our first multifamily property that we that we own.

Council Member McNeil: So, this will take you, how many years do you think?

Dolan: It depends on what is required to bring it up to code. So, if we are required to have a sprinkler system right now, I'm being told that there is a shortage of Labor for this and that. I don't know how long that could happen. I don't know if everything goes on hold because you can't find the tradesmen.

Berg: There's like 200 in the state right now.

Dolan: And all new homes right now are requiring sprinkler system. So, I don't know if.



McNeil: Do you have other options besides what you are you coming here for today?

Dolan: I think the only other option we would have would be to either convert back to a single family or to convert it to a duplex.

McNeil: Because I see how old these units are. So that's kind of my question.

Unintelligible comments by Berg.

*Other questions?*

Dolan: I'm sorry, so the other option would be duplex.

Council Member Gaulden: And I have a question. You say your tenants were there 13 years and they're going to have to leave now. Do you plan on allowing them to come back when you finish it, or you said it was three families in there? So, is it somewhere like they're gonna be displaced and have to find somewhere else to go?

Dolan: Yeah. So, when we acquired the property, they did not have a lease. So, we put it in place a month-to-month lease with them. And so, after speaking with George and kind of talking about the amount of work that we're gonna need to put into the property. We determined that it would be in the best scenario because you don't wanna be pulling, you know, wanna be plumbing, what people try and sleep and whatnot. So, it would be in our best interest and liability wise not to have occupants. So, what we did was we gave each person a letter and we took, gave them their 30 day notice for their lease and we said that if they needed to have a reference from their landlord as they're looking, that we would give them a reference, as long as they can, you know, as long as they pay their last month like they're supposed to. And also, we told them that when it's done that, we would be in contact with them. So right now, Unit A is a couple, Unit B is a single person and Unit C is a mother and son.

Gaulden: OK. So, you're saying they do have an option to go back there if they want to?

Dolan: Yeah, OK, definitely.

Gaulden: And as my council colleagues stated, it is on here that it does say low-income housing, but that was that was my only question for you though. Thank you.

*Other questions of the applicant from council?*

Hargis: Just to go back just to clarify this that you filled this out right? Do you feel that this application and it said on the second page what your uses were and under two. It says the request and use is essential and desirable to the public convenience and welfare for low-income housing. You put that in there, right?

Dolan: Did you write that? Berk looks at application. Unintelligible comments..

*Yes, We'll come back to him, but any other questions of the council for the applicants? And nobody here to cross examine the applicants, thank you very much. Next, we will hear from people opposing the request. Is there anyone here to speak in opposition to the request for the special use permit? OK, this is the final opportunity of council members to ask questions of the applicant or of Mr. Adler, since there were no opponents, and we will entertain further questions from council members at this time. Once the meeting at public meeting is closed, the only questions to be posed can be for clarification. There may be no new evidence. So now is the opportunity to ask questions, final questions of either Mr. Adler or the applicants. This is also if there are any conditions that the Council would desire to place upon granting the special use permit. You must ask them of the applicant at this time if they would accept that as a condition as a part of granting the special use permit. So first we'll go any further questions, Mayor. I think you had one for Mr. Adler?*

Mayor: Has this property had a minimum housing inspection on it since all this transpired?

Adler: Yes

Mayor: How did that how? What were the results of that?

Adler: The reports are being written on each unit.

Hargis: I can't hear.

Adler: The reports have been are in the process of being written. He had said that they would take some time, they would be pretty extensive reporting.

Mayor: So, another question if. If the board doesn't, all this was generated because they were working without a permit and the city found out about that. So if this, if the action tonight and they're requesting is not approved, what happens? To their tenants and what happens to the property? Are they in violation?

Adler: The Minimum housing process would continue. And whether or not if it met a certain level of as determined by minimal housing code. It could be they could receive an order to repair or demolish within a certain number of days. And that's what would proceed. But one thing I guess I would like to mention is that



we did extensive searching in our office, both paper and electronic. And we found nothing that approved a triplex. We looked back through microfiche of council minutes, which go back to 1900. And there would have gone through council to approve a triplex. That we found nothing. I contacted the post office. And the three mailboxes were established in 99. So, there is no dispute that the house has been informally unpermitted, used as a triplex for an extended period of time.

Mayor: Are you saying that's being used illegally? In the current use, is that what you're saying?

Adler: Yeah, I would.

Mayor: So next question. If minimum housing is favorable to them, will they continue to be able to use the house for three rental units illegally?

Adler: No. No. If it's. If it's denied, then the triplex is not permitted.

Sills: Which means those families have to go.

Adler: Yes.

Hargis: When do you expect the minimal housing report to be done?

Adler: I don't know. I'd have to. John Ganis is working on it, and I don't know. He's pretty busy and he's only here two days a month.

Hargis: I mean you're talking months or years or what are you talking?

Ader: No, it wouldn't be, it would be within a month,

Hargis: Within the next month. So, if we would ask them to tell them where you got this on the agenda, maybe they would hurry up a little bit. Maybe.

Adler: He, yes. One of the things that I just wanted to kind of emphasize tonight is that the discussion is on the use rather than the building itself. That's what that was. That's an important thing and that's one of the reasons why I didn't ask Brad Sutton to come from that building inspector.

Mayor: I want to ask one more question. Where it is to be. If this is approved tonight. Does that mean that then they have to meet the conditions that that they inspect? The planning department in the county has written up that they will have to bring it up to code on each unit. They will have to provide firewalls between the units. And if it's more than two units, they have to have a sprinkler system. If this is passed tonight is that the rules they have to come by.

Adler: The sprinkler system I'm not sure about, but the other rules would be, and I would say that the. I would interpret the code to say that they would need a dumpster. And I don't know the length of time that they would be given to bring it up to code to minimum housing. I'm not, I'm not sure exactly about that. But there's both the building code and the minimum housing code. And there's the fire code, they would all apply, and they would all have to be addressed.

Gaulden: Can I ask something?

*Is it a question?*

Gaulden: Yeah.

*Yeah. Go right ahead.*

Gaulden: George, if they were working without a permit and you're waiting for the inspector's report. How are they working without a permit? And then why is the why are we still waiting on the report from the inspector? If they're working without a permit? It seems like the inspector should have already had the report in front of you today to present to council tonight.

Adler: Steven Hodges put a stop work order on the house.

Gaulden: OK. So how did it come about that they were working without a permit but?

Adler: They were. Stephen Hodges, the code enforcement officer, driving around saw a set of stairs going up outside. Outside stairs going to the second floor and they didn't look proper. And he called the office and no permit had been issued. So, he went and approached them and that initiated this whole procedure.

Gaulden: OK, thank you.

*Any other questions of Mr. Adler?*



Sills: So, the property was purchased. It was sold to the owners as a triplex and now through your extensive research, we feel like it probably is not a triplex done properly with permits and applications and through whatever mechanism. Good old boy system. Slap on the back. They've got a mailbox and a water meter and a power meter. Is that correct?

Adler: They have one water meter, and they have 3 electric boxes that the boxes come from Duke. The water meter is the city's. And if you look at Harnett Counties GIS, the address is 309. Not ABC.

Hargis: Now, when you said a while ago that you're not sure about the sprinkler system, but that's in this letter. What? Why? Why would that? What would? I don't understand that.

Adler: I think that it would depend on the year of the code. The year of the code that is applied. And I have to say that that's what Brad Sutton told me. Because it's possible that an earlier code could be referred to, but I don't. But I don't know that I don't wanna muddy the waters. If you were, if you would like, we could arrange it for them to come and speak. However, the distinction is between the code, the building code, the fire code, the minimum housing code. And then there's the use. And what we're talking about here with the special use permit is the use.

Hargis: I understand, but I'm my question is what we're, if we approve it with a special use and we put these conditions on there then they're going to have to go for or you know they have to do it. And so that that's the question you know that we probably should have. I personally think that we should wait to get the, the, the inspections back, see how it goes, see what they say about that rule, see how that works and then talk about it. Maybe at the work session or talk about it in the next meeting or whatever. That's my opinion, but you know, what's right.

*Well, right now we're in the middle of a quasi-judicial hearing. We're not having a discussion and a debate and a vote. So, are there any other questions for Mr. Adler?*

Sills: So, what happens? Let's just say we vote against this. What happens tomorrow with these people and their property.

Adler: They still have a stop work order on the house.

Sills: And they still got three families living in more than likely illegal triplex.

Adler: That's my understanding that they're in the process of so that they can do work on the house. Because the extent of the work in each unit is enough to make it not possible to live in the unit while the work is going on. But they would be able to make it a duplex.

Sills: So, we deny this tonight, then they can turn it from the illegal triplex to a certified duplex.

Adler: That would be a choice of theirs.

*Any other questions, Mr. Adler? Actually, you can ask Mr. Adler a question, yes.*

Unintelligible comments by Dolan.

*Yeah, I'm sorry, ma'am, if you can, if you could up*

Hargis: OK. I can't hear anything anyway, so that's right.

Dolan: I just wanted to know, I guess, George, in general. If this. I know that there are certain conditions that you would like to have or that need to be applied and one of them is to bring up the fire code, and we totally agree with that. I mean, if it's just my family living there, I'd want to make sure that they were safe, no doubt about it. So, I have no opposition to that. But is it possible? Because I think what Brad is referring to. From what we from what our review online has found is that that is for brand new buildings. And again, that's why I'm asking why I keep trying to establish this as an existing triplex. Is it possible to revert back to a previous code that may not require a sprinkler system?

Berg: There's not a multipurpose family house built in 1929 that has fire sprinkler in Dunn right now, I guarantee you.

*George, if you know the answer to that question you can answer it. That's a building code matter that if that's outside of your knowledge you cannot answer it.*

George: No

*Alright Council, are there any other questions for the applicants and or are there any conditions that you would like for them to consider if in the event you elect to grant the special use permit?*

McNeil: I have a question, how is this actually possible if it's not under code? How are people living? Why are they still there if it's not up to code?

*Are you asking the applicant?*



McNeil: I guess, or can I ask Mr. George or is that?

*Well, we had finished his question, but if you still have a question for him, you can ask him a question.*

McNeil: OK Mr. George this is for you.

Adler: It's my understanding that we don't have the legal authority to evict tenants unless the building's condemned.

*Any questions from council for the applicants or any conditions that you would like to ask the applicants to consider as a part of your deliberation on the special use permit?*

Mayor: I have one final question and that will be for the owners of the property that's why were you working there without a permit with the extensive of amount of work that you're doing?

Berg: Well, we called the City of Harnett County and they said we could do siding, and we do windows as we're doing and roofing

Mayor: Where?

Berg: Harnett County

Dolan: We mistakenly, we could not find information on the city of Dunn's website that was, but Harnett County has a very detailed like when these inspections and what doesn't on their website and it was and it said that if you were installing windows in the same openings, if you were installing siding existing type or if you were installing existing type roof that you do not need a permit. So, we did not have a permit and my husband erroneously decided that he wanted to put some steps up, and that's where he made a mistake. He should not have put steps up, because that does require permit and that was against my judgement.

*Any other questions of the applicants or any conditions that the Council wishes to ask the applicant to consider as a part of considering the special use permit?*

Hargis: I got a procedural question, and it would be effective what they're like so if we. If we turn this down, how long would it be isn't there a time frame that they have to wait to come back and ask for something?

*Yes, and I don't know off the top of my head under the new UDO what that time frame is. But yes, you can't refile the same application unless you have new evidence and material ...*

Hargis: Right

*within a certain period of time.*

Hargis: So, my question to you, to you would be, would you rather? Just for you and everybody can decide what they wanna do, but would you rather wait and come back? Or for us or make this decision and then put these conditions on you because I'm going to if I make the motion, I'm going to say that you have to do what the county says here and that may make it where you can't do it. So, if you would like to wait and see what the inspector says, the building inspector, the questions that we have about the sprinkler system that George doesn't know, those things, we can consider that in the in the future without having you. But if we turn it down tonight, you will not be able to bring this back for six months, I know.

Dolan: I think what would happen is if you put those conditions on and that is indeed. Yeah, I think we could still confirm with Brad if those are the correct codes, and he would tell us as we're going through the permitting process what needs to be done. I think George put that in as an example of what Brad had from the current media. So, we could go back to Brad, and he could clarify for us what's needed. But I think we would like to move forward. And I think if it comes to us that you guys say that this is a triplex and that we have to do all these things, we may have to take legal action against the person that sold us the house because they, they and their realtor knowingly sold the house in the condition it is.

Hargis: I understand. I get it.

*Now, once we close the public hearing, there can be no further evidence. There can be no further questions except for clarification. You can't ask for conditions. Are there any conditions that George has already appropriately pointed out, which we can talk about when we close the public hearing, is this hearing is only about the use and it's not about the building code or the fire code or things of that nature? Any development is going to have to require about whatever the law requires as it relates to those items? So are there any conditions that you wanna ask the applicant to consider as a part of granting the permit if you grant it.*

Sills: So, is this where we would say we want a dumpster, and we want the dumpster wrapped in decorative lattice?

*I suppose you could do that. your planning director is of the opinion that the UDO already requires of that whether you make it a condition or not. But I suppose you could make that an explicit condition if you wanted to ask the applicant that.*



Mayor: I would say that that by law, this letter was written by the chief code official in Harnett County to George Adler, our Planning Director, and it clearly states that the structure located at 309 N Wilson, formerly occupied as a single family dwelling, would require the following under the North Carolina Building Code. And it goes on to state that if you convert it to a two-family dwelling that it would have to have fire separation between each one. And it clearly says that the law says that if you do a triplex that it would have to not only have fire separation, but fire extinguishers would have to be installed. So, I don't think it's a question of whether or not it would have to be. I think the law clearly says that and I think that that would be one of the conditions is that it would have to be done to the North Carolina building codes. Is that correct?

*Well, it's gonna happen.*

Mayor: How do you change that?

*It's gonna have to be done to the North Carolina building code whether you make it a condition or not. If you want to make it an explicit condition on your consideration of approving the permit, you can. But they're going to have to comply with the building code, whatever it requires, whether you make it a condition or not. And the fire code and the fire code and the minimum housing code and any other codes that are applicable. This is about the use and all of that or other regulatory areas which they will have to comply with. So, are there any conditions that the council wishes to ask the applicant to consider as a part of your deliberation and considering the special use permit?*

Sills: I want a dumpster with decorative lattice that protects the beauty and the entirety of the neighborhood so that you can't tell that it's a dumpster.

*OK, so what he's asking you is, will you agree in the event they grant your special use permit, that a dumpster will be required that will be enclosed in decorative lattice? Is that what?*

Sills: Yes sure.

*Will you agree to that as a condition in the event they grant your permit? I'm sorry, is that yes?*

Dolan: We can agree we have to figure how to do that, but we can agree.

*Are there any other conditions that the Council wishes to ask the applicants to consider as a part of your deliberation on the special use permit?*

Hargis: I'm, I'm going to reiterate what this is, what William said a while ago and what I've been asking earlier about the, the chief code official for Harnett County for inspector that these conditions be put in there so that everybody understands that's what, that's what they got to do. I know that they're building code, but they're.

*So, so are you asking them to agree to a condition that they have to comply with the building code?*

Hargis: Yes. And one of those and one of that is laid out in this letter about the firewalls and that kind of thing and that's for the safety of the people there.

Dolan: We agree to any fire codes, we agree to that.

*So, so they're asking if you will agree to a condition that as a part of granting the special use permit that the redevelopment of the property will comply with all building fire, or other regulatory codes. Will you agree to that condition?*

Dolan: Yes

Hargis: So, fire sprinklers?

Dolan: If that's what the code requires.

*Are there any other conditions that the Council wishes to ask the applicants to consider? Hearing none at this time, I'll entertain a motion to close the hearing*

*Motion by Bradham, second by Gaulden. Is there any discussion? Those in favor signify by saying aye. Any opposed? Motion carries.*

*We're out of the hearing and you're now an item for decision under tab 15.*

Bradham: Tilghman, I'm just curious, is this, is this the same setup where you ask us a series of questions, yes or no? Or is this different?

*Yes. So, if you turn to the third page of your agenda, tab 15, you will see that there are six criteria that the UDO requires that you must determine are satisfied. If any one of those six are not satisfied, then the permit is denied. If all six are satisfied and we're going to have an individual vote on each one of them. Then the permit is approved, but we will have a wrap up motion that you will be able to include your conditions as a part of granting the permit. OK.*



Bradham: So, explain to me because this is a little tricky in my opinion. So, this first one that they use will not materially endanger the public health or safety if located where it proposed so. If, the answer to that question is yes. Then that means that we it's OK or am I backwards?

*Yeah, if use will not materially endanger the public health or safety. Now that is the proposed use, that's not the condition that the property is in now. So, if you determine that it will not materially endanger the public health or safety as a triplex, then you vote that that condition has been satisfied. If you think it will endanger the public health or safety if located where proposed, you would vote against that.*

Bradham: Yes or no. OK.

*So, we're gonna start with that one. So, is there a motion for or against whether or not the criteria #1 is satisfied. And state as a part of the motion why it will not materially endanger the public health or safety or why it would materially endanger the public health or safety.*

*And if your motion is it will not materially endanger the public health or safety and you just wish to adopt the reasoning stated in the package, you could do that as well, because that's been received in evidence. And as part of the record.*

Mayor: Hey I'm the Mayor and Tilghman's running the meeting. But yeah, I mean you guys got to make a decision. I mean we've got six of these to decide on.

Hargis: So individually get started.

*Yeah, one at a time.*

Sills: So, I think I don't want to speak for anyone else but in conversations, it feels like if this was a gold plated, 21st century, modern build, good to go situation, then the use of the land is what we're. So, we need to take away the, the, I mean, let's face it, dilapidated property structure and just look at the use of the land?

*Well, no, because if, as Mr. Adler pointed out, if it was, if it was just dirt and they wanted to put a triplex there, it would require rezoning and a different special use permit. This is specific to redeveloping a single-family residence into a triplex. So, there's the proposed use to take a single-family residence and turn it into a triplex.*

Sills: That particular wooden structure?

*Yes, that particular family residence on that particular lot.*

Sills: Look, I'm no contractor or building inspector, but I'm also no the idiot and this thing just looks bad and I would not want to live in it, and I would not want my family living in. So, I'm gonna vote. I'm gonna move that we deny #1 because it is not up to code. Bradham second.

*With motion and a second, is there any discussion on the motion? Does everybody understand the motion? All those in favor of the motion signify by saying aye. Motion carries so criteria number one has not been satisfied.*

*Criteria #2, that the use meets all required standards of this ordinance. Is there a motion that criteria #2 has been satisfied?*

Sills: I would say that this does meet for this particular number too. So, move to approve #2 as stated in the packet. *Have a motion? Is there a second?* McNeil second. *Have a motion and a second. Is there any discussion? All those in favor signify by saying aye. Criteria #2 is satisfied.*

*Number 3, that the use will not substantially injure the value of adjoining or abutting property. Is there a motion that criteria either is or is not satisfied?*

Sills: Again, I'm no realtor builder, but just driving down the street and looking around and just feel like this is this is not the property, at this point. This is not the property that I would again want for this part of town or my family to live in. So, I'm gonna say that this will substantially injure the value of adjoining or abutting properties. *Is that in the form of a motion?* So moved, that's the motion. *Is there a second?* Hargis second.

Bradham: And I'll just say it seems to me like from our discussions a lot of ambiguity about what's been met was not met and there's no reports I mean. So, I would agree with that.

*We have a motion and a second that criteria #3 that the use will substantially injure the value of adjoining or abutting property. Is there any discussion on the motion? All those in favor signify by saying aye, aye. Any opposed motion carries.*

*Criteria #4. Adequate utilities, access, roads, drainage, sanitation, and other facilities have been or are being provided. Is there a motion that criteria for is satisfied?*

Hargis: I make a motion that that is adequate.

*I have a motion. Is there a second on the motion?*



Hargis: So, you have adequate sewage drainage and all that. They don't. I may I make the motion that they do they I mean they got trash pick up there and they got utilities are provided and they got access to roads and all that. I make a motion that that is OK.

*There's a motion that criteria #4 has been satisfied. Is there a second? McNeil seconded. Discussion? Yes, Sir.*

Mayor: To just bring up the question that. Are there really adequate utilities provided there if there's one water meter and the city is getting paid for three separate residents to live at one house? With one water and sewer bill.

Hargis: I didn't realize they were.

*Well, no. I think this criteria simply means that you have water and sewer available to the property. Whether it's properly being billed and metered and all of that is not a special use consideration. It's just, does it have power. Does it have water? Does it have sewer? Which it does. So, there's a motion and a second that criteria #4 has been satisfied. Is there any further discussion? Motion carries with Sills and Bradham opposed.*

*Item number 5. Criteria is the establishment of the proposed use will not impede the orderly development and improvement of surrounding property. Is there a motion that that criteria has either been satisfied or not satisfied?*

McNeil: Motion that it has not been satisfied #5. Bradham second. *Any further discussion on the motion is that the establishment of the proposed use will impede the orderly development and improvement of surrounding property. Any further discussion on that motion? All those in favor signify by saying aye. Any opposed motion carries.*

*The final criteria is the requested use will be in conformity with the city's adopted comprehensive plans. Is there a motion about criteria number six has been satisfied?*

Sills: So, for clarification point of order is 3 to 2. Three no 2 yeses. So, did the nos carry? So, would that make number six a no?

*Number six is a separate criteria. When we. I'm sorry, I might, maybe I don't understand the question.*

Sills: So, is number six a summation of what all we're just doing?

*No number six is just whether or not the proposed use is in conformity with the comprehensive plans of the city. That does not mean that one through 5 have been satisfied.*

Sills: So, is a triplex in conformity with the comprehensive plan?

*The land use plan? Yes.*

Sills: Well, I think, I mean, I would say I move that it does conform even though I don't really like.

*There was a motion, that criteria number six has been satisfied that the use does conform with the city's adopted comprehensive plans. Is there a second? Motion dies for lack of a second. Is there a motion that the requested use will not be in conformity with the city's adopted comprehensive plans?*

Hargis: Well, I make a motion that it doesn't, because it isn't part of the gateway, that's part of the, I mean it's as a gateway, that's what this says. Certainly, is not the first thing that I would want a visitor from Dunn to see when they came here.

*So, motion that the use is not in conformity with the city's adopted comprehensive plans. Is there a second? McNeil second. Motion and second. Is there any discussion? All those in favor of the motion signify by saying aye, any opposed? Sills opposed. OK, passes 4 to one.*

*OK, so you've been through the six criteria, and you have determined that four out of the six have not been satisfied. So, at this time it would be appropriate to entertain a motion to deny SUP-01-24 as a special use on parcel pin 1516-78-0032.000 as presented based on four of the six criteria having not been satisfied. Sills motion and second by Gaulden. Motion and second. Is there any further discussion? All those in favor signify by saying aye, any opposed? Motion carries.*

**Evidence has been filed with the City Clerk.**

Mayor asked for a quick report on the minimum housing standards on this property.

#### **CZ-03-23 Mixed Use Conditional Zoning for parcel on Susan Tart Road**

The applicant, Ben Stout, is out of the Country on a scheduled vacation and has asked to continue until the March meeting so if you have any request or questions for him.

Motion by Mayor Pro Tem Sills and second by Council Member Hargis to table until the March Regular meeting. **Motion unanimously approved.**



### **Acceptance of Juniper Creek Stormwater Planning Frant SRP-SW-ARP-0098**

City Manager Neuschafer presented Offer and Acceptance from the NC Department of Environmental Quality Division of Water Infrastructure for LASII ARPA funds designated for the Juniper Creek Stormwater Planning Grant. Project SRP-SW-ARP-0098 for Pearsall St.

The ARPA grant funding will cover 100% of eligible stormwater study, design, or plan costs from the SL 2021-180 appropriation. The City has been approved for a funding award of \$400,000.

Motion by Mayor Pro Tem Sills and second by Council Member Gaulden to adopt the resolution making the applicable assurances contained therein and accepting the LASII ARPA Funding offer of \$400,000 for Juniper Creek Stormwater Planning. **Motion unanimously approved.** *A copy of the Resolution (R2024-08) is incorporated into these minutes as Attachment #9.*

### **Highway 301S Elevated Tank Engineering Services Proposal**

City Manager Neuschafer presented an engineering service agreement to update the prior design, plans, permits, and specifications needed to rebid the 500,000-gallon elevated water storage tank project for construction. The timeline of the project is 12 to 16 months to completion. The land (Arrowhead Rd near the railroad tracks) is already under the ownership of the City of Dunn. The project was designed and bid in 2013, the City chose not to proceed with the project. This agreement will update information on work that was already done for this location. The cost is \$30,300 to update to current standards and prepare bid documents.

Motion by Mayor Pro Tem Sills and second by Council Member Bradham to authorize City Manager Neuschafer to enter an engineering agreement with Davis Martin Powell for updates for US301 S Elevated Tank design and bid documents. **Motion unanimously approved.**

### **Annexation Petition – Non-Contiguous NC 55E – Rooms To Go Distribution Company LLC**

City Manager Neuschafer presented a petition requesting the voluntary non-contiguous annexation of property located at NC 55 E, PIN #1526-45-4121.000, already owned by Rooms To Go for expansion. This petition was received under Part 4 of Article 4A of Chapter 160A of the General Statutes.

Motion by Council Member Hargis and second by Mayor Pro Tem Sills to adopt the Resolution Directing the City Clerk to Investigate the Voluntary Annexation Petition ANX-01-24 as presented. **Motion unanimously approved.** *A copy of the Resolution (R2024-09) is incorporated into these minutes as Attachment #10.*

### **Adopt Revised Schedule of 2024 Council Meetings**

City Manager Neuschafer shared that the revised schedule is being presented as Council discussed at the retreat to incorporate work sessions.

Motion by Council Member Bradham and second by Council Member Gaulden to adopt the Revised 2024 Regular Meeting Schedule for the Dunn City Council as presented. **Motion unanimously approved.** *A copy of the Resolution (R2024-10) is incorporated into these minutes as attachment #11.*

### **Administrative Reports**

City Manager Neuschafer shared information from retreat and that staff will develop proposed goals by the next meeting.

Finance Director McNallan provided the following financial report for the period ending January 31, 2024:

- The City has \$11,839,455 cash, compared to \$14,260,125 last year. The decrease is primarily due to unreimbursed grant/loan proceeds for capital water and sewer projects.
- Water and Sewer Revenues for the month were \$620,007 with total collected year to-date at \$4,166,852 or 52.1% of budget, compared to \$3,984,195 in 2023.
- Property Taxes collected for December are \$1,739,071, compared to \$1,670,567 last year.
- Sales Tax receipts were \$293,433, \$46,960 more than last year, with total collected to-date of \$1,174,671 or 38% of budget.
- Utilities Sales Taxes received for the year are \$194,989, compared to \$185,812 last year.
- Building Permit Fees collected total \$93,780 or 59% of budget compared to total collected last year of \$82,363.
- General Fund expenditures for month are \$826,119, with total expensed to-date at \$7,332,575 or 53.4% of Budget, compared to \$6,924,853 in 2023. Revenues to-date are \$7,614,429 or 55.5% of budget.
- Water and Sewer fund expenditures for the month are \$523,970, with total expenses to-date at \$3,610,178, or 33.4% of budget, compared to \$3,547,834 last year. Revenues to-date are \$4,432,389 or 41.1% of budget.
- Stormwater fund expenditures for the month were \$1,510, with total expenses to-date of \$222,437, or 52.2% of budget. Revenues to-date are \$288,027 or 67.6% of the budget.
- The benchmark for this period is 58.3% of the budget.
- McNallan 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, Mayor Elmore adjourned the meeting at 8:55 p.m. with no objections.

*William P. Elmore Jr.*

William P. Elmore Jr.  
Mayor

Attest:

*Tammy Williams*

Tammy Williams, CMC, NCCMC  
City Clerk

