

Dunn City Council
Work Session
 Tuesday, March 12, 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, Planning Director George Adler, 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 shared that Council Member Tart was out sick. Council Member Bradham gave the invocation and Mayor Pro Tem Sills led in the Pledge of Allegiance.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Council Member Bradham and second by Council Member Gauden to adopt the March 12, 2024 meeting agenda as presented. **Motion unanimously approved.**

ITEMS FOR DISCUSSION AND/OR DECISION

PUBLIC HEARING – FY16/20 CDBG-I Sewer Rehabilitation/Replacement Project Amendment

Mayor Elmore opened the Public Hearing at 6:32 p.m. and introduced Project Manager Monica Chevalier with WithersRavenel for the public hearing.

Monica Chevalier spoke about the FY2016/2020 Community Development Block Grant – Infrastructure (CDBG-I) grant amendment. The purpose of the public hearing is to explain proposed scope changes, with discussion afterwards.

In summary, the City was awarded \$1,999,129 million in CDBG-I funds from the North Carolina Department of Environmental Quality (DEQ) Division of Water Infrastructure (DWI) to rehabilitate/replace approximately 13,625 LF of aged/deteriorated sewer line. After four rounds of advertising for construction bids for 8,806 LF, the project scope was negotiated with the lowest responsive responsible bidder. Due to bid prices received, the Amendment project construction scope will be reduced down to rehabilitation of approx. 2,717 LF of 6-12" diameter sewer line, rehabilitation of approx. 36 manholes, replacement of approx. 43 sewer service reconnections and approx. 1,515 4" sewer laterals, addressing segments by ranked percent serving low- and moderate-income (LMI) residential areas. Specifically, the project area includes portions of W Barrington, E Johnson, E Harnett, McNeil, and Culbreth streets, including all manholes presented in the base bid. Much of the area served is near the public housing authority. The project will continue to benefit at least 51% LMI households, and therefore, 100% of the CDBG funds will be used to benefit LMI persons.

Chevalier read aloud the memorandum from the Grant Administrator as follows:

"The purpose of this Memo is to summarize the CDBG-I Program Amendment for the City's FY16/20 Community Development Block Grant Infrastructure (CDBG-I) Program, being presented for adoption at the City Council meeting. The purpose of the public hearing is to clarify the project area for the project and allow residents an opportunity to express their views for the CDBG-I Grant # 20-I-3606; Sewer Rehab/Replacement.

In April 2021, the City was awarded a total of \$1,999,129 in U.S. Department of Housing and Urban Development (HUD) CDBG-I funds (100% of total project costs) from NC Department of Environmental Quality (DEQ) Division of Water Infrastructure (DWI). The Original approved project scope included CCTV investigation and subsequent rehabilitation/replacement of approximately 13,625 linear feet of aged/deteriorated sewer line and manholes in the areas of W Barrington, N Fayetteville, N King, N Layton, N McKay, N Railroad, N Wilson, Burke, E Carr, Caswell, E Cleveland, N Clinton, Dubois, E Granville, E Johnston, Moore, Lincoln, N Magnolia, E Townsend, E Broad, E Edgerton, E Harnett, Clayton, E Surlles, N Lee, N Sampson, W Washington, W Wilmington, McNeil, and Culbreth streets. Construction base bidding included rehabilitation/replacement of approx. 8,806 LF of 6-12" diameter gravity sewer line and approximately 37 manholes, replacement of approx. 147 sewer service reconnections, and replacement of approx. 5,154 LF of 4" sewer service laterals, with 13 bid alternates within the original project area.

After four rounds of advertising for construction bids, the project scope was negotiated with the lowest responsive responsible bidder. Due to bid prices received, the Amendment project construction scope will be reduced down to rehabilitation of approx. 2,717 LF of 6-12" diameter sewer line (311 LF of 6", 2,075 LF of 8", and 331 LF of 12"), rehabilitation of approx. 36 manholes, and replacement of approx. 43 sewer service reconnections and approx. 1,505 LF of 4" sewer laterals, addressing segments by ranked percent serving low- and moderate-income (LMI) residential areas.

The project occurs in the following areas: 308 W Barrington St, 1008-1102 N Fayetteville Ave, 1009-1010 N King Ave, 209-410 Burke St, 310-601 E Carr St, 105-112 Caswell St, 507-603 N Clinton Ave, 402-670 E Johnson St, 700 Lincoln St, 504-700 N Magnolia Ave, 310-605 E Townsend St, 510-1007 E Harnett St, Clayton St, E Surlles St, 213 N Lee Ave, N Sampson Ave, 210 N Washington Ave, 213 N Wilmington Ave, 301-404 McNeil Cir, 1000-1019 Culbreth St. Specifically, linework is occurring on portions of W Barrington St (between N Fayetteville St and N

Railroad St), E Johnson St (between N Magnolia Ave and E Townsend St), E Harnett St (between N Sampson Ave and McNeil Cir), and McNeil Cir and Culbreth streets (including the public housing authority). All manholes from the base bid remain in the project for rehabilitation.

The base bids and alternate bids received were more than the available CDBG budget. To reduce the construction scope, first all the alternate bids were removed from consideration. Then, project area segments to be addressed were selected by ranking the estimated low-moderate income (LMI) percentage per sewer line segment. The ranking is based on street view of LMI households, the same methodology used for the grant application during the height of COVID-19 to be eligible for area-wide LMI benefit. The project must benefit as many LMI households as possible to meet national CDBG requirements. All sewer segments serving non-LMI/non-residential areas were removed from the scope. The segments with the lowest estimated LMI percentage benefit were removed from the project scope until the CDBG budget was met. The project's area-wide percentage of 52.52% LMI remains the same. The project area has a population that is at least 51% LMI, and therefore, 100% of the CDBG funds will be used to benefit LMI persons. The attached maps show the alternate bid area, the base bid area, and the final reduced construction scope.

The total project budget remains unchanged at \$1,999,129. The original determination of no adverse impact to the environment is retained. This project will be like-for-like replacement of lines with no increase in capacity.

The City does not discriminate based on race, color, religion, sex, national origin, handicap, age, familial status, in the admission, access to, treatment or employment in the CDBG program and activities. Efforts will be made to minimize displacement during project implementation and applicable utility easements, and displacement assistance as necessary will be available. Persons with disabilities, limited English proficiency, or who otherwise require special accommodations should contact the City at 910-230-3500, TDD: 800-735-2962 (Relay Service at 711).

Comments were to be postmarked no later than Friday, March 15, 2024, with a written response made within 10 business days. The project amendment package will be submitted to DWI within approx. two weeks after all required CDBG forms are executed. Public grant documents are available at City Hall upon request, between the hours of 9:00 AM and 4:00 PM. All City Hall visitors are to comply with federal, state, and local coronavirus guidelines. For additional information or to submit written comments, please contact:

Steve Neuschafer, City Manager; sneuschafer@dunn-nc.org

Tammy Williams, City Clerk; twilliams@dunn-nc.org

(Mailing) PO Box 1065 Dunn, NC 28335

(Physical) 401 E Broad Street, Dunn, NC 28334

PH: 910-230-3500 / TDD: 800-735-2962 (Relay Service 711)

This information is available in Spanish or any other language upon request.

Mayor Elmore opened the meeting for discussion. With no discussion from Council or the public, Mayor Elmore closed the Public Hearing, with no objections.

RZ-01-24, Rooms To Go Rezoning Request, NC55E

Mayor Elmore opened the Public Hearing at 6:42 p.m. Planning Director Adler presented a request to rezone one parcel 19.76 acres +/- adjacent to the rear of the Rooms To Go Distribution Center, with access to NC 55 East. The property is currently zoned RA-40, Residential-Agricultural District and is proposed to be rezoned to I-100, Industrial Zoning District. This parcel is adjacent to the rear of the Rooms To Go Distribution Center on Rooms To Go Way. The Parcel has been owned by RTG since the Distribution Center was built in 2014. The parcel is requested to be rezoned to I-100, the same zoning of the Distribution Center, for the purposes of expanding the Distribution Center. The current structure is 1.4 million square feet. The expansion will add 336,000 square feet of warehousing space.

RTG notified adjacent property owners of a neighborhood meeting and held the meeting in the RTG training Center on November 19. Several property owners were in attendance. Several of the same property owners shared that RTG was a very good neighbor, but concerns were expressed about additional stormwater that could exacerbate flooding during major rain events. The RTG land planning consultant said that RTG would go beyond what the state legally required to handle stormwater runoff.

The Planning Board, at their regular meeting on February 27, heard presentations from staff and RTG. After much discussion, the Planning Board voted unanimously to recommend approval of this rezoning request.

1 - The amendment, if small scale, is reasonable based upon surrounding conditions: Based on the location and surrounding conditions, rezoning the parcel from RA-40, Residential/Agricultural District to I-100 Industrial District would be reasonable. It would provide the opportunity for an important employment center to expand and add more jobs. The impact on the adjoining sparsely populated properties will be mitigated as best as possible by setbacks and buffering.

2 - The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of rezoning outweigh any potential inconvenience or harm to the community: The impact of this rezoning will create some inconvenience for adjoining homeowners during construction. Best practices during construction will be followed to limit that inconvenience. Landscaping, buffering, and required setbacks will mitigate longer term impacts. The benefits to the community of rezoning will outweigh the potential temporary or longer-term inconveniences to immediate property owners.

3 - The amendment is warranted due to changed or changing conditions in the area: Rezoning this parcel to I-100 would permit expansion and job creation of an important employment center in an area that the Future Land Use Plan identifies for that purpose. The amendment is warranted due to the changing conditions in the

area. NC Department of Environmental Quality (DEQ) approvals are required for erosion control and stormwater management plans. NC Department of Transportation (DOT) approval is required for any change to the access to the site from NC 55, a state road.

4 - The amendment achieves the purpose and is consistent with the Land Use Plan: The Future Land Use Map includes this parcel in the Office & Industry Character Area, which encourages office, industrial, and economic development opportunities. The rezoning would allow an existing distribution center facing a highly traveled interstate highway to expand. The road access from the rear of the complex will be used primarily during construction, after which it will be gated. Setbacks and various forms of buffering will separate the expansion from residential neighboring properties. This rezoning would be consistent with the Future Land Use Plan and Map.

Staff concludes that rezoning this parcel to I-100 would achieve the purpose and be consistent with the Future Land Use Plan.

Brandon Moore with The Site Group shared that they have been working on stormwater solutions. He added that a large part of this issue is not related to RTG but I95 and drain off to McLamb's pond due to other growth. Most of the problems are due to many years of neglect of the stream. He shared that they have reached out to gather information and study on how the stream can be repaired. DOT culvert at NC55 has not had any repairs or upgrades since the 1930's and DOT feels it is working properly. This needs to be added to the 5-year plan if it is a priority for the Council. There is not a significant amount of this drainage from RTG. He felt the ponds were adequate and that it was the stream and culvert that needed to be repaired.

Bryce Woodell spoke about his concerns with the stormwater runoff affecting his property and eventually causing flooding of his property.

Peter Wiezner from RTG said they did not know about the neighbors until recently. He said they cannot commit to any further investigation. Experts say that RTG is not a major contributor to the flooding issue. Without the rezoning tonight, the expansion probably will not happen at all due to incentive/grant in place. With no further discussion, the Public Hearing was closed.

After much discussion, motion by Council Member Bradham and second by Council Member Gauden to approve RZ-01-24, to rezone one parcel, PIN being 1526-45-4121.000, at NC 55 East, from RA-40, Residential—Agricultural District to I-100, Industrial District, as presented. **Motion approved with Mayor Pro Tem Sills opposed.**

CZ-01-24, 1105 Erwin Rd, DeAngelo Jackson, Walk by Faith Conditional Zoning Request

Mayor Elmore opened the Public Hearing at 7:29 p.m. Planning Director Adler presented a request to rezone one parcel 0.9-acres +/- at 1105 Erwin Road. The property is currently zoned O&I, Office & Institutional District and is proposed to be rezoned to MXU CZD, Mixed-Use Conditional Zoning District to permit only the following uses: Family Care Home (6 or fewer residents); Outside Sales; Personal Care Services; and Temporary Shelter (emergencies).

This parcel is adjacent to 1107 Erwin Road, where Walk By Faith operates an adult day care for elderly or disabled persons. This service provides respite for their care givers. The request for the conditional rezoning at 1105 Erwin Road will allow Walk By Faith to expand their services and provide 24/7 care for up to six elderly/disabled residents. A live-in care giver will reside at the address. The other uses requested in this Conditional Zoning application are uses that support the primary use of a Family Care Home for six or fewer residents.

The Planning Board, at their regular meeting on February 27, heard presentations from staff and DeAngelo Jackson, Walk By Faith business owner. The Planning Board voted unanimously to recommend approval of this conditional zoning request.

1 - The amendment, if small scale, is reasonable based upon surrounding conditions: Rezoning from O&I, Office & Institutional to MXU, Mixed Use Conditional Zoning District (CZD) proposed for this parcel will limit the number of permitted uses in Mixed-use as one of the conditions proposed by the owner. The rezoning will permit a family care home (6 or fewer residents) in a pre-existing residential structure with a paved driveway already in place. The only immediate change to the parcel will be the installation of three parking spaces at the back of the house. This amendment will be small scale and reasonable based on surrounding conditions.

2 - The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of rezoning outweigh any potential inconvenience or harm to the community: The impact on the surrounding property owners would be reasonable. The applicant runs an adult daycare out of the adjacent property to the west, and this is an extension of his business. The subject property had been used as a residence previously, so there should be limited impact on neighbors. The benefits of the conditional zoning proposed are expected to outweigh any inconveniences the rezoning may cause.

3 - The amendment is warranted due to changed or changing conditions in the area: The amendment is warranted due to growth. The conditional zoning application shows the site plan proposed and the only uses that will be permitted in the future: the proposed family care home (6 or fewer residents), Outside Sales, Personal Care Services, and Temporary Shelter (emergencies). These limitations allow commercial activity while limiting its impact on the residential neighborhood of which it is a part.

4 - The amendment achieves the purpose and is consistent with the Land Use Plan: The Future Land Use Map identifies this site as a Hospital District. Converting a residential structure into a commercial use, while limiting the number of permitted future uses, conforms to this character area.

Staff concludes that this Conditional Rezoning to MXU Conditional Zoning District (CZD) at this location on Erwin Road conforms and is consistent with the Future Land Use Plan.

D'Angelo Jackson, owner of the business, spoke on behalf of the business in favor of the rezoning. He confirmed their facility is inspected by the county and the state. He stated that temporary housing was not required, just something that he thought would be a nice addition. He confirmed that the property owner is aware of the rezoning and his signature is on the application. He also shared that he chose outside sales thinking about the residents having yards sales and that personal care was so if someone wanted to have someone stay with their family member while staying there.

After much discussion with concerns on the temporary housing and outside sales, along with concerns about the property owner's agreement, motion by Council Member Hargis and second by Mayor Pro Tem Sills to table until the Regular April Meeting with the modified statement from the property owner. **Motion unanimously approved.**

CZ-02-24, 2050 Cumberland, Four W's Incl. Conditional Zoning Request

Mayor Elmore opened the Public Hearing at 7:58 p.m. Planning Director Ader presented a request to Conditionally Rezone four parcels totaling 5.6-acres +/- at 2050 West Cumberland Street. Three of the parcels are currently zoned I-10, Industrial District and one parcel is zoned C-3, Highway Commercial District. The request is to conditionally rezone all four parcels to C-3 CZD, Highway Commercial Conditional Zoning District, to permit only the following uses: (1) restaurant, (2) professional office, (3) bank/financial institution, (4) drive-thru/drive-in facility (principle or accessory), and (5) general commercial.

The four parcels the applicant is requesting to rezone are located on West Cumberland between North Powell Avenue and the Belk's Shopping Center. The requested rezoning will unify the zoning of the four parcels and limit the number of probable future uses. One of the parcels (2050 W. Cumberland) has a concept site plan but all future developments will use the same driveway from West Cumberland that currently exists. Access is also available from the private access easement along the north and west side of the parcels.

The Planning Board, at their regular meeting on February 27, heard presentations from staff and Attorney Dwight Snow, representing the owner. The Planning Board voted unanimously to recommend approval of this conditional zoning request, with the additional conditions: to permit only one driveway access from West Cumberland Street, no new driveway access from North Powell Avenue, and to design all four parcels as a single development.

1 - The amendment, if small scale, is reasonable based upon surrounding conditions: Rezoning these four parcels, totaling approximately 5.61-acres, from a mix of I-10, industrial and C-3, highway commercial to C-3 CZD limiting use to only five of the 50+ uses allowed in C-3, would be reasonable based on surrounding conditions.

2 - The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of rezoning outweigh any potential inconvenience or harm to the community: The impact of the rezoning on adjacent property owners and businesses will be reasonable. It will bring the zoning and future use of these parcels more in conformity with the surroundings. The benefits to the community of the rezoning will outweigh any inconvenience that results from it, such as increased traffic.

3 - The amendment is warranted due to changed or changing conditions in the area: The amendment is warranted because the existing zoning is a holdover from previous times and the proposed zoning would better fit the conditions of the area.

4 - The amendment achieves the purpose and is consistent with the Land Use Plan: The Future Land Use Map identifies this area as a Highway Commercial Character Area. Changing the industrial zoning to C-3 Highway Commercial CZD would unify the zoning of the different parcels consistent with the Future Land Use Map. This amendment achieves the purpose and is consistent with both the Land Use Map and the Future Land Use Plan's Recommendation for General Land Use, Policy 2.3: "Strengthen Dunn's identity and enhance its character by encouraging high-quality design throughout the City." This rezoning also reinforces the Imagine Dunn Strategic Vision Plan Planning for Growth strategy.

Based on the reasoning and facts referenced above, staff concludes that the zoning amendment requested would conform and be consistent with the Future Land Use Plan and Map and the Imagine Dunn Strategic Vision Plan by encouraging business growth and well-designed commercial development in an area identified for such development.

Dwight Snow, Attorney representing the Four W's spoke in favor of the request. Lauren Wellons confirmed that there will be stormwater remediation.

Motion by Mayor Pro Tem Sills and second by Council Member Bradham to approve CZ-02-24, to rezone four parcels, PINs being 1507-91-4820.000; 1507-91-6743.000; 1507-91-7858.000; and 1507-91-7577.000 from I-10, Industrial and C-3 Highway Commercial to C-3 CZD, Highway Commercial Conditional Zoning District, to permit only the following uses: restaurant, professional office, bank/financial institution, drive-thru/drive-in facility (principle or accessory), and general commercial, with conditions to permit only one driveway access from West Cumberland Street, no new driveway access from North Powell Avenue, and to design all four parcels as a single development, as presented. **Motion unanimously approved.**

Voluntary Annexation Petition ANX-01-24, Rooms To Go Distribution Company LLC

City Manager Neuschafer presented a resolution fixing the date for a Public Hearing to consider the voluntary non-contiguous annexation petition ANX-01-24. The Council adopted a Resolution Directing the Clerk to Investigate the Voluntary Annexation at the February Council meeting and the Certificate of Sufficiency is completed.

Motion by Council Member Bradham and second by Council Member Hargis to adopt the Resolution Fixing the Date of the Public Hearing as March 26, 2024, at 6:30 p.m. for the Voluntary Non-Contiguous Annexation Petition ANX-01-24. **Motion unanimously approved.** A copy of the Resolution (R2024-11) is incorporated into these minutes as Attachment #1.

NC DOT 5-year Mowing Agreement 2024

City Manager Neuschafer presented a 5-year agreement with NC DOT for routine maintenance mowing. The City and NC DOT have had an agreement for this routine mowing for many years. This agreement allows the City to be reimbursed to perform maintenance of the right of ways in the City designated as State maintained routes. The maximum annual reimbursement is \$20,266.12. Last year's reimbursement was \$19,154.00.

Motion by Council Member Gaulden and second by Council Member McNeil to approve and authorize the City Manager to enter into an agreement on behalf of the City of Dunn with the North Carolina Department of Transportation for the 2024 5-year Municipal Agreement for mowing of designated state right-of-ways. **Motion unanimously approved.** A copy of the agreement has been filed with the City Clerk.

Mayor Elmore recessed the meeting. The meeting was reconvened at 8:20 p.m.

ITEMS FOR DISCUSSION

FY2024-2025 Budget Summary and Updated Goals

The City Manager presented proposed Goals and Priorities as established at the Budget Planning Retreat. The agreed upon Goals and Priorities will continue to be reported each month at the Council Meeting. These reports will replace the recent Goals and Objectives Reports beginning at the April Council meeting.

After discussion on the berms that need to be removed from cemeteries, Council requested a timeline and a proposed estimated budget for each goal.

Announcements/Information

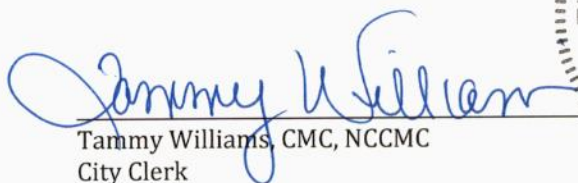
Mayor Elmore announced upcoming events and activities. Mayor Elmore shared that the Town of Four Oaks held a Groundbreaking for the I95/140 Alliance workforce building and the facility in Dunn should start construction soon.

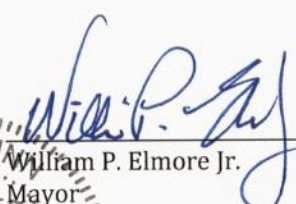
Consensus for City Manager Neuschafer to write a letter to NC DOT to add the culvert on NC55 to the 5-year plan.

Motion by Council Member Bradham and second by Council Member Gaulden to enter a closed session for the purpose of discussing a personnel matter. **Motion unanimously approved.**

The meeting was reconvened and with no further business to discuss, Mayor Elmore adjourned the meeting at 8:50 p.m., with no objections.

Attest:


Tammy Williams, CMC, NCCMC
City Clerk


William P. Elmore Jr.
Mayor
