

Dunn City Council
Regular Meeting
Tuesday, June 25, 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 Gaulden, Billy N. Tart, Alan Hargis, and Dr. David L. Bradham.

Also present: City Manager Steven Neuschafer, Assistant City Manager Billy R. Godwin, Finance Director Cary McNallan, Chief of Police Cary Jackson, Acting Planning Director Haley Hogg, Parks and Recreation Director Brian McNeill, 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 Rev Zack Rowe, Youth and Outreach Pastor at Gospel Tabernacle Church gave the invocation. Afterwards, Mayor Pro Tem Sills led in the Pledge of Allegiance.

AGENDA ADJUSTMENT AND APPROVAL

Motion by Mayor Pro Tem Sills and second by Council Member Gaulden to adopt the June 25, 2024 meeting agenda as presented. **Motion unanimously approved.**

PRESENTATIONS

Officer Recognition – Zachary Jacobs

Chief Jackson recognized Sgt. Jacobs for obtaining his Advanced Law Enforcement Certification and for completing the Leadership Certificate Program.

PUBLIC COMMENT PERIOD

The Public Comment Period was opened by Mayor Elmore at 6:37 p.m. Having no comments, the Public Comment period was closed.

CONSENT ITEMS

- Minutes of the April 23, 2024 City Council Meeting.
- Minutes of the May 14, 2024 Work Session
- Minutes of the May 28, 2024 City Council Meeting.
- Destruction of Public Records – Parks and Recreation, Finance and Administration
- Temporary Blocking of Streets – B-Healthy Outdoor Zumba
- Temporary Blocking of Streets – Kristen Run against Domestic Violence
- Temporary Blocking of Streets – Christmas Extravaganza
- Temporary Blocking of Streets – White Family Learning Center
- Viper Equipment Lease – *A copy of the agreement has been filed with the City Clerk.*
- Budget Amendment – Park to Park Trail - *A copy of Budget Amendment (BA2024-22) is incorporated into these minutes as Attachment #1.*
- Budget Amendment – Operating Accounts - *A copy of Budget Amendment (BA2024-23) is incorporated into these minutes as Attachment #2.*

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

ITEMS FOR DISCUSSION AND/OR DECISION

Adoption of FY25 Budget

Finance Director McNallan reviewed the various ordinances and resolutions as a part of the budget. With no additional comments, the Public Hearing was closed. The following documents were adopted as a part of the Budget.

Budget Ordinance 2024-13
 Designation of Fund Balance Resolution 2024-23
 Contract Services for City Attorney Resolution 2024-24
 City Employee Position Classification and Pay Grade Resolution 2024-25
 Salary and Wage Adjustment Resolution 2024-26
 Miscellaneous Fees and Charges Schedule Resolution 2024-27
 Capital Project Ordinance for FY24 Vehicle and Equipment Purchases Ordinance 2024-14

After discussion, Motion by Mayor Pro Tem Sills and second by Council Member Gaulden to adopt Budget Ordinance, Capital Project Ordinance and Resolutions related to the FY24 fiscal year. **Motion approved with Council Member McNeil opposed.** *Attachment #3 is incorporated as a part of these minutes and includes the following: Budget Ordinance (O2024-13) and Ordinance (O2024-14) Resolutions (R2024-23), (R2024-24), (R2024-25), (R2024-26) and (R2024-27)*

CZ-04-24 – Conditional Rezone – 112 S Fayetteville Ave

Mayor Elmore opened the Public Hearing at 6:40 p.m. Acting Planning Director Haley Hogg presented a request to rezone 112 South Fayetteville Street, PIN 1516-57-6465.000 from C-3, Highway Commercial District to C-1,

Central Commercial District: to permit only multi-family, restaurant, banquet/event space; bar/tavern/microbrewery, and general commercial. The brick structure, built in 1947, has been vacant for several years.

The owner, Robert Camille, contacted staff on Monday May 6 and requested that the case be tabled until June due to a family emergency. The Planning Board tabled the case until their regular June 4 meeting. The Planning Board voted 4 in favor and 1 opposed to recommend approval of this conditional zoning request as presented.

Comments were made by Robert Camille in reference to his plan for the proposed project. With no additional comments, the Public Hearing was closed.

After discussion, motion by Mayor Pro Tem Sills and second by Council Member Hargis to approve with conditions that the one parcel totaling .52 acres +/- located at 112 South Fayetteville Avenue with PIN 1516-57-6465.000 be rezoned from C-3, Highway Commercial District to C-1, Conditional Zoning District (CZD) to allow only Multi-family, Restaurant, Banquet Hall/Event Venue; Bar/Tavern/Microbrewery; and General Commercial. **Motion unanimously approved.**

CZ-05-24 – Conditional Rezone – Jernigan Rd/US 301N

Mayor Elmore opened the Public Hearing at 6:50 p.m. Planning Director Hogg presented a request to rezone three parcels located at the intersection of Jernigan Road and US 301 North. PINs 1527-04-3969.000; 1527-05-4136.000; 1527-05-6219.000 from R-20, Residential District to C-3, Highway Commercial District Conditional Zoning District: to permit only Self-Storage. The Planning Board voted 3 in favor and 2 opposed to recommend approval of this conditional zoning request to permit only Self-Storage with Type A buffer, removal of entrance onto Jernigan Road from site plan, and the addition of a 6 ft. privacy fence in buffer yard.

A presentation was made by the applicant, Robert Barefoot, about the project and he also shared that they were willing to be voluntarily annexed into the city limits. With no additional comments, the Public Hearing was closed.

After discussion reference adding the annexation as a condition, motion by Council Member Hargis and second by Council Member Bradham to approve with conditions that the three parcels totaling 2.23 acres +/- located at Jernigan Road/Hwy 301 North with PINs 1527-04-3969.000; 1527-05-4136.000; 1527-05-6219.000 be rezoned from R-20, Residential District to C-3, Highway Commercial District Conditional Zoning District (CZD) with the following conditions:

1. The use of the properties shall be limited to Self-Storage Facility.
2. A Type A buffer shall be provided between the parcel and adjacent zoning districts.
3. No access shall be permitted on Jernigan Road;
4. A 6' tall privacy fence shall be required in the Type A buffer; and
5. Property to be annexed into the city. **Motion unanimously approved.**

CZ-06-24 – Conditional Rezone – N Powell/W Cumberland

Motion by Mayor Pro Tem Sills and second by Council Member Gaulden to table case number CZ-06-24 to the July 23, 2024 City Council meeting. **Motion unanimously approved.**

SUP-02-24 – Special Use – Susan Tart Development

Mayor Elmore turned the evidentiary hearing over to City Attorney Pope to facilitate. *City Attorney Pope's comments in this matter are all in italics.*

Thank you, Mr. Mayor, this next matter is case #SUP-02-24, a request by Susan Tart Development, LLC for a special use permit to allow the use of townhomes, 35 units on approximately 3.81 acres of the subject parcel PIN being 1516-06-0454.000 located off Susan Tart Rd. The property is zoned MXU-CZ mixed-use conditional district. The meeting on this matter is judicial in nature and will be conducted in accordance with special due process safeguards. All persons wishing to testify in this case, please approach the podium at this time to be sworn or to give your affirmation. After your swearing in, you may return to your seat.

Place your left hand on the Bible and raise your right hand. Do you 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? Acting Planning Director Haley Hogg and Applicant Ben Stout were both sworn in. Thank you very much.

A brief explanation of the proceeding, as Council is familiar, for the benefit of the public and those that will be participating. A special use permit must be reviewed in accordance with the findings of facts that are listed in the Uniform Development Ordinance for the City of Dunn. The Council must determine that all findings have been met in order to approve the request. The council will hear testimony from staff, the applicant, their expert witnesses, and any opponents of the proposal. The evidence presented in this testimony must be used to make the determination of whether each finding has been met. Anyone speaking against the application must have standing in accordance with the general statutes. And if that's an issue, we'll address that at that time. When the council makes a motion, they will specify the findings of facts that are not met in the motion.

In this meeting, we will first hear from Planning Director Haley Hogg with the Mid Carolina Regional, 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 any witness wants the Council to see written evidence such as reports, maps, exhibits, etcetera. The witness who is most familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. We cannot accept reports from anyone who is not here to testify and be given the opportunity for cross examination. I don't believe that there are any attorneys that are scheduled to speak this evening, so we'll skip on to that. And at this time, I will open the meeting on case number SUP-02-24, special use permit application and ask for testimony from the planning director.

Hogg: So, this application again is CZ-02-24. It is for a parcel located off Susan Tart Rd. The parcel in total is 5.74 acres, but the applicant is only including 3.81 acres in the special use request. The applicant is requesting a special use permit to allow the use of town homes per UDO requirements. They are proposing up to 35 townhome units on the parcel. Some background on this property. Earlier this year, I believe it was March of this year, a rezoning, conditional rezoning was approved for the site to allow the use of townhomes. But per the UDO, the applicant is still required to obtain special use approval even after the conditional zoning. So that is why they are here tonight.

The parcel was rezoned to mixed-use conditional zoning district. They did submit a site plan. It was a special use permit master plan. That is in your agenda packet. The applicant is showing their 35 townhome units proposed and the layout matches what was shown on the master plan for the conditional zoning. If approved tonight, that would require additional review at preliminary plat phase at which time we would get a landscaping plan and review more in depth. But just a summary of the site plan that they do have before you tonight. They are again proposing 35 units. They are proposing a male CBU with two parking spaces designated for that CBU, one handicap and one standard. They're also proposing a dumpster unit to serve the residents of the site. They're proposing 2 parking spaces per unit, one of which will be a garage space, the other will be a driveway space. They are not proposing any guest parking, but none is required by the UDO at this time. And the applicant is proposing to adhere to all landscaping requirements in terms of street trees and buffers for adjacent properties.

In terms of consistency, the application is consistent with the use that was proposed in the conditional zoning master plan. It is also consistent with the surrounding development pattern, which includes office uses, childcare and also multifamily across the street. And the parcel is designated as hospital district in the future land use map, which includes a variety of uses such as offices, housing, and neighborhood scale commercial. So, if approved tonight again, the applicant would be required to still come forth with a preliminary plat and go through that process as well. And they will also be required to obtain a wastewater allocation request for this development. And with that, if you have any questions, I can answer them, and the applicant can speak as well to the project.

Would you like to introduce the application and agenda materials that were presented to the Council as evidence?
Hogg: Yes

So received at this time. Does anybody from the Council have any questions for Halley? Does anyone with standing have any questions for Ms. Hogg?

Mayor Pro Tem Sills: I do have a question. Will the town homes have an HOA?

Hogg: I would assume, but I would defer to the applicant to answer that and look at the HOA. Typically, whenever you have, common area, like common space area like they're proposing and CDU's, usually there's an HOA, but I'll defer to them to give their plans for that. Any other questions?

Any other questions? Alright, thank you. We will now hear from the applicant and other proponents. Sir, please state your name for the record, even though we're familiar.

Thank you, Ben Stout at 222 Maiden Lane in Fayetteville is my office address. So, man it's been a long journey to getting this point. I think I looked, and this is the tenth month of getting to this point. So sometimes nothing happens overnight per se but appreciate the chance to get to this point. And I think along the way of with George and the staff and Haley and her team, you know? Kind of on the way, there's a little bit of trust that was put into us that we present to you, kind of what we said we're gonna do the whole time and following the UDO and working through some of the steps that were new to kind of all of us. So, what you see in front of you is really what we were trying to get to this point, just be able to show you this so. As it states in the staff report that that we received, as well as you know, everything is UDO compliant. I mean, this thing is as dialed in as it can be. Check every single box that was needed to be checked. So, there's been a lot of back and forth, even when Mr. George stepped away, there were a couple little tweaks that were made. So, what's in front of you is essentially what's gonna get built. And to answer the question, yes, there will be an HOA involved in this to maintain the grass open space landscaping that type stuff. If somebody hits a mailbox, kiosk, somebody has to be responsible for it and that's what the HOA would be responsible for. I guess beyond that, I don't feel the need to maybe rehearse what is in the five findings of facts that the staff has put together. I think they've done an excellent job with that. So certainly if there's any questions that need to be asked of me, I'm more than happy to address those and answering the best way I know.

Any questions for Mr. Stout from Council?. Anyone else here with standing have any questions for the applicant? Thank you, Sir.

Next, we will hear from people opposing the request. Is there anyone here to speak in opposition to the request? Alright, we will now entertain any further questions from City Council members for the applicant proponents and we've not heard from any opponents. Once evidentiary hearing is closed, the only questions posed to the applicant for proponents or opponents shall be for clarification only. No new evidence can be introduced after the close of the evidentiary hearing. In the event the Council desires to place any conditions on its approval, those must be agreed to by the applicant. Now would be the time to ask the applicant if you have any conditions that you wish for him to consider on approval. He must agree to those as a part of this hearing. So does the Council have any other questions of the applicant or any conditions that you wish to ask him to consider for your approval?

Sills: Tilghman, does the HOA need to be specified in the motion to approve or is that a default with the ordinance.

I do not believe that it is an ordinance requirement. So, if you wish for that to be a condition on approval, you may ask the applicant now if he's willing to accept that as a condition. So, since he's now in the back, let the record reflect that the applicant has agreed as a condition of approval to have a property owners association responsible for maintenance of common areas in the development. Are there any other questions of the applicant or any other conditions that the Council would like to ask the applicant to consider?

At this time, it would be appropriate to entertain a motion to close the public hearing.

Motion by Mayor Pro Tem Sills and second by Council Member Bradham to close the public hearing. **Motion unanimously approved.**

The evidentiary quasi-judicial hearing is closed.

Motion by Council Member Hargis and second by Council Member Bradham to approve Special Use Permit SUP02-24 based on all six standards having been satisfied as presented in the staff report, with the condition that a property owners association will govern the townhomes. **Motion unanimously approved.** *Evidence has been filed with the City Clerk.*

Annexation ANX-02-2024 Fairground Rd

Mayor Elmore opened the Public Hearing at 7:15 p.m. City Manager Neuschafer proposed ordinance to extend the corporate limits for voluntary annexation Petition ANX-02-24 on Fairground Road. The resolution fixing a date for the public hearing was approved at the last meeting and the notice was published on June 14 in The Daily Record and posted on the principal bulletin board as required. With no additional comments, the Public Hearing was closed.

Motion by Mayor Pro Tem Sills and second by Council Member McNeil to adopt the ordinance to extend the corporate limits of the City of Dunn as requested and to assign property to ward one effective June 25, 2024. **Motion unanimously approved.** *A copy of the Ordinance (O2024-15) is incorporated into these minutes as Attachment #4.*

Advisory Board Appointments

Mayor Elmore appointed Dunn Housing Authority members with all terms ending on June 30 as follows: Lois Dail Term ending 2029; Angela Inman Term ending 2027; and Sharon Gant with Term ending 2025.

Motion by Council Member Gaulden and second by Mayor Pro Tem Sills to appoint advisory board members as follows with all terms ending on June 30:

For the Planning Board

Douglas Godwin Jr. and Benjamin Ellmers term ending 2027, Vincent Pressley term ending 2026 and for ETJ Representative Brice Woodell term ending 2027.

For Dunn ABC Board

Jerry Smith for term ending 2027 and to appoint Marc Phillips as Chairman

For Parks and Recreation Advisory Board

Dennis Goldston for term ending 2027

For Community Appearance Advisory Board

Cornelia Malloy, Linda Monds, Edith Elmore, Kathy Pope, and Stacey Renee Sanders with term ending 2026 and to appoint Cornelia Malloy as the Chair. **Motion unanimously approved.**

Wastewater Allocation Request

City Manager Neuschafer presented a request for a wastewater (sewer) allocation for an industrial development allocation 29,400 of gallons per day with scores are above the minimum required. The current available balance of the wastewater allocation is 265,660 gallons. The City Manager is not authorized to award over 10,000 gallons of a non-residential allocation. The parcel is located at 453 Room To Go Way 1526-77-5334.000.

Motion by Council Member Bradham and second by Council Member Gaulden to approve the Wastewater Allocation of 29,400 to the parcel at 453 Rooms To Go Way PIN Number 1526-77-5334.000 as presented. **Motion unanimously approved.**

MOU - DUMA and Harnett County

Assistant City Manager Godwin presented proposed MOU between the City, Harnett County, and the Dunn United Ministerial Association (DUMA).

In September 2012, Harnett County donated to the City the real property adjacent to Tyler Park where the County Health Center Building is located which facilitated the City's expansion of Tyler Park. In consideration of the donation, the County was allowed continued use of two rooms in the building for the Women, Infants, and Children (WIC) program. If they ever needed the entire building, the City agreed to provide comparable space for the County unless the WIC program ceased to operate in the building for 90 consecutive days. These terms were memorialized, and the County no longer operates the WIC program in the City of Dunn.

DUMA is renovating and expanding its facility at 301 E Broad Street. As part of its expansion, DUMA has agreed to provide the County, free of charge, with sufficient space to renew operation of the WIC program in Dunn. The City has agreed to contribute \$30,000 toward WIC space renovation costs. Upon completion of the renovation, the County has agreed to renew operating the WIC program in Dunn and to release the City from any obligations arising out of the September 2012 MOU. The County and DUMA have already executed the MOU and it awaits approval of the City Council. The \$30,000 renovation costs will come from a State-funded County grant to the City.

Motion by Council Member Gaulden and second by Council Member Hargis to approve the MOU between the City, County, and DUMA, including the \$30,000 contribution for renovation of the property at 301 E. Broad Street, Dunn, NC, to be used by the County WIC program, and to authorize the Mayor, or his designee, to execute the MOU on

behalf of the City of Dunn. **Motion unanimously approved.** *A copy of the MOU is incorporated into these minutes as Attachment #5.*

Capital Project Ordinance E Bay St

After explanation from Finance Director McNallan, motion by Council Member Hargis and second by Council Member Tart to approve the E Bay St and S Wilson Ave Stormwater Improvements Capital Ordinance, related budget amendment, and project reimbursement resolution. **Motion unanimously approved.** *A copy of the Ordinance (O2024-16), Resolution (R2024-28) and Budget Amendment (BA2024-24) are incorporated into these minutes as Attachment #6.*

E Bay St Property Purchase

Assistant City Manager Godwin proposed offer to purchase two parcels of land located at 100 and 106 East Bay Street, Dunn to be utilized for stormwater management purposes. On March 14, 2024, the City Council authorized the City Manager to enter negotiations with Martin & Stone Storage, LLC, for the purchase of two undeveloped parcels located at 100 and 106 East Bay Street, Dunn. The offer to purchase has already been executed by the seller and contains the following principal terms: Purchase price \$118,000 including an earnest money deposit of \$1000 now being held by the City Attorney; 20 Day Due Diligence Period beginning on the date the City signs the contract; Closing Date of 10 days after expiration of Due Diligence Period.

The property currently contains two 48" storm drainage culverts and upon acquisition, would be used for installation of additional stormwater best management practices to mitigate flooding and further alleviate stormwater drainage throughout the City's east side.

Motion by Council Member Tart and second by Council Member Hargis to approve the City's purchase for \$118,000 from Martin & Stone Storage, LLC, the two parcels of land located at 100 and 106 East Bay Street, and further identified as Harnett County PIN # 1516-55-3618 and PIN # 1516-55-2271 and to authorize the Mayor or City Manager to execute the Offer to Purchase and other documents necessary to effect the closing. **Motion unanimously approved.**

CloudPermit Planning & Zoning Software Contract

Assistant City Manager Godwin presented a request to consider purchase of CloudPermit software for planning & zoning, building permitting, and Code enforcement. Currently, the Planning & Inspections Department uses three different software programs. CloudPermit software consolidates the function of three programs into one unified software program enabling the zoning, development permitting, building permitting, and Code enforcement for a parcel to be addressed in one cloud-based software program.

The annual \$12,000 subscription fee includes unlimited licenses for staff, unlimited data storage, online portals for public users, and support and maintenance. The initial software agreement term is for one-year with an option to renew for an additional two-year term. In addition to the annual subscription fee, there is a one-time additional fee of \$5,000 to cover implementation, document & form creation/conversion, staff training, and data importation.

Motion by Council Member McNeil and second by Council Member Gauden to approve the CloudPermit software agreement and to authorize the City Manager, or his designee, to execute the agreement on behalf of the City of Dunn. **Motion unanimously approved.**

Administrative Reports

City Manager Neuschafer presented updated goals.

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

- The City has \$10,191,742 cash and investments, compared to \$11,240,158 last year. The decrease is primarily due to unreimbursed grant/loan proceeds for capital water and sewer projects.
- Property Taxes collected for April are \$80,909, compared to \$94,667 last year. Total to-date \$5,649,573.
- Sales Tax receipts were \$271,969 for February, \$58,391 more than same period last year, with total collected to-date of \$2,342,422 or 75.7% of budget.
- Building Permit Fees collected total \$243,591 or 153.5% of budget compared to total collected last year of \$137,160.
- General Fund expenditures for month are \$1,176,320, with total expensed to-date at \$12,403,811 or 88.1% of Budget, compared to \$12,493,965 in 2023. Revenues to-date are \$12,473,804 or 88.6% of budget.
- Water and Sewer fund expenditures for the month are \$1,245,000, with total expensed to-date at \$8,452,258, or 78.3% of budget, compared to \$6,949,050 last year. Revenues to-date are \$8,306,549 or 76.9% of budget.
- Stormwater fund expenditures for the month were \$65,471, with total expenses to-date of \$269,979, or 63.4% of budget. Revenues to-date are \$402,567 or 94.5% of budget.
- The benchmark for this period is 91.7% of budget.

Reports were also received as follows: Planning and Inspections Report, Public Works Report, Public Utilities Report, Parks and Recreation Report and Police Report.

Parks and Recreation Director McNeil gave an update on the upcoming State Tournament to be held at Tart Park.

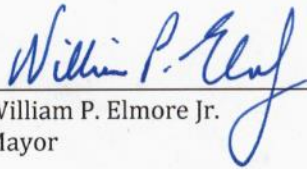
Announcements/Information

Mayor Elmore announced upcoming events and activities.

He further announced, Council will have a Special Called meeting on July 9 at 6:30 p.m. here in Council Chambers for the purpose to have a presentation from the North Carolina Council of Governments on the procedures of hiring a city manager.

Council Member McNeil thanked the city for all their support and help for the first Juneteenth Celebration.

With no further business to discuss, Mayor Elmore adjourned the meeting at 7:45 p.m. with no objections.



William P. Elmore Jr.
Mayor

Attest:

Tammy Williams, CMC, NCCMC
City Clerk