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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL, 433 HAY STREET
APRIL 25, 2022
7:00 P.M.**

Present: Council Members Katherine K. Jensen (District 1); Antonio Jones (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8) (via telephone); Yvonne Kinston (District 9)

Absent: Mayor Mitch Colvin; Council Member Shakeyla Ingram (District 2)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Rebecca Jackson, Chief of Staff
Gina Hawkins, Police Chief
Jodi Phelps, Corporate Communications Director
Lisa Harper, Assistant City Attorney
Jennifer Baptiste, Planning and Zoning Manager
Craig Harmon, Senior Planner
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Jensen called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Davis.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor Pro Tem and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mr. LaVar Wright, Committee Promotions Chair, E.E. Smith High School Alumni Sports Hall of Fame, presented information on the Alumni Reunion taking place on May 29, 2022, at the Ramada Hotel at 6:00 p.m.

5.0 CITY MANAGER REPORT

Mr. Hewett congratulated Dr. Toney Coleman, Airport Director, for receiving the "2022 Willard G. Plentl Aviation Professional of the Year Award".

6.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (8-0)

7.0 CONSENT AGENDA

MOTION: Council Member Davis moved to approve the consent agenda.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

7.01 Approval of Meeting Minutes:

April 11, 2022 - Discussion of Agenda Items

April 11, 2022 - Regular

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- 7.02 P22-06. Conditional rezoning from Single-Family 6 (SF-6) to Mixed-Residential 5 Conditional (MR-5/CZ), to build a 159 lot residential development, located at 8506 Olted Road (REID #s 9487339006000, 9487337848000, and 9487343260000), containing 42.35 acres ± and being the property of K & G Developers, LLC.
- 7.03 P22-07. Rezoning from Office and Institutional (OI) and Single-Family 10 (SF-10) to Community Commercial (CC), located at 4938 Lake Valley Drive (REID #s 0418383783000, 0418050934000, and 0408956428000), containing 7.88 acres ± and being the property of Arthur C. Jenkins, III.
- 7.04 Adoption of Capital Project Ordinance 2022-21 to Appropriate State Direct Grant Funds for Various Pedestrian Safety Improvements and the Planning and Design of the Blanton Road Extension

Capital Project Ordinance 2022-21 to appropriate \$4,319,350.00 of State Direct Grant funding from the North Carolina Office of State Budget and Management for various pedestrian safety improvements and for the planning and design of the Blanton Road extension.

- 7.05 Adoption of a Resolution to Accept American Rescue Plan Funding from the North Carolina Department of Environmental Quality, Division of Water Infrastructure and Capital Project Ordinance 2022-20 to Appropriate the State Direct Grant Funds.

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO ACCEPT AMERICAN RESCUE PLAN (ARP) FUNDING FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY. RESOLUTION NO. R2022-013

- 7.06 Resolution Authorizing the Acquisition and Acceptance of a Permanent Easement for Construction and Maintenance of a Concrete Dumpster Pad and Enclosure

A RESOLUTION AUTHORIZING THE ACQUISITION AND ACCEPTANCE OF A PERMANENT EASEMENT TO THE CITY OF FAYETTEVILLE FOR CONSTRUCTION AND MAINTENANCE OF A CONCRETE DUMPSTER PAD AND ENCLOSURE. RESOLUTION NO. R2022-014

- 7.07 Uninhabitable Structures Demolition Recommendations
318 Pinecrest Drive - District 5
407 Durant Drive - District 5
947 Louise Circle - District 7

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY COUNCIL. 318 Pinecrest Drive, PIN 0427-44-7807. ORDINANCE NO. NS2022-011

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY COUNCIL. 407 Durant Drive, PIN 0406-88-9676. ORDINANCE NO. NS2022-012

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY COUNCIL. 947 Louise Circle, PIN 0407-52-8934. ORDINANCE NO. NS2022-013

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7.08 Rescind Demolition Ordinance 633 Robeson Street - District 2

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2022-002. RESOLUTION NO.
R2022-015

7.09 Adopt Resolution Accepting High Bid for Property Located at 1431 Marlborough Road

A RESOLUTION ACCEPTING HIGH BID FOR PROPERTY LOCATED AT 1431
MARLBOROUGH ROAD. RESOLUTION NO. R2022-016

7.010 Bid Recommendation - Annual Materials Contract for Construction Operations to McDonald Materials, Inc., Fayetteville, NC, the lowest responsive, responsible bidder, in the total amount of \$435,738.00

Patriot Hauling, LLC, Hope Mills, NC\$401,508.00
McDonald Materials, Inc., Fayetteville, NC\$435,738.00
Filler Er Up Truckn, LLC, Tar Heel, NC\$463,469.00
Fayetteville Landscaping & Lawn Care, Inc., NC\$667,166.75
L & E Management Services, LLC, Pembroke, NC\$815,175.10

7.011 Bid Recommendation - Wood Pole Contract Wood Pole Contract to Koppers Utility and Industrial Products, Eutawville, SC, the lowest responsive, responsible bidder, in the total amount of \$484,140.00

Koppers Utility, Eutawville, SC\$484,140.00
Stella-Jones, Whitmire, SC\$516,835.75

8.0 EVIDENTIARY HEARINGS

8.01 SUP22-03. Special Use Permit for the expansion of a veterinary clinic to allow dog kennels in a Limited Commercial (LC) zoning district, to be located at 2921 Ramsey Street (REID # 0439604923000), totaling 0.84 acres ± and being the property of Dale Brown, JBDB Investments LLC.

Mr. Craig Harmon, Planner II, presented this item and stated the existing building on the site is a Veterinary Clinic capable of boarding approximately 100 dogs and cats overnight. As an accessory use, the clinic also offers grooming and boarding. The owner is building a separate new veterinary clinic on an adjacent property, 2965 Ramsey Street. The new building will be set up for medical services only with twelve (12) kennels for dogs that need overnight medical attention. The owner wishes to demolish the current clinic located at 2921 Ramsey Street and replace it with this proposed pet resort that will offer grooming, doggy day care and overnight boarding as an indoor kennel. The building is proposed to accommodate 70 dogs overnight. In the City's Unified Development Ordinance (UDO), Kennel, Indoor is defined as "a facility where dogs, cats, or other domestic animals over six months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed." The facility shall be entirely indoors.

The Special Use Permit must meet the following findings of facts:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

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- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

This is the advertised public hearing set forth for this date and time. The public hearing was opened.

Ms. Julieanne Carolson, 109 Gillespie Street, Fayetteville, NC, appeared in favor and stated she is representing the applicant/property owner. Ms. Carolson provided testimony to support the Special Use Permit does meet all eight findings of fact.

There being no one further to speak, the public hearing was closed.

Discussion ensued.

MOTION: Council Member Jones moved to approve the Special Use Permit (SUP) to allow the construction of a kennel, indoor, subject to the conditions identified and the submitted site plans and conforming to the current Unified Development Ordinance standards as depicted on the site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because (1) the development is located in a Limited Commercial (LC) zoning district, (2) the City Council grants a reduction in the required setback as shown on the submitted site plan and this use complies with all of the other findings listed, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective with the approval of the Order of Findings by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (8-0)

9.0 ADMINISTRATIVE REPORTS

9.01 Airport - Update on Peer-City Comparisons of Key Performance Indicators

MOTION: Council Member Davis moved to direct staff to move this item to the May 2, 2022, City Council work session.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

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10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:33 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
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MITCH COLVIN
Mayor