

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
CITY HALL COUNCIL CHAMBER  
MAY 26, 2015  
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Lisa Smith, Chief Financial Officer  
Scott Shuford, Development Services Director  
Kevin Arata, Corporate Communications Director  
Randy Hume, Transit Director  
Victor Sharpe, Community Development Director  
Karen Hilton, Planning and Zoning Manager  
Craig Harmon, Senior Planner  
David Nash, Planner  
Jerry Dietzen, Environmental Services Director  
Jacques Howard, Economic Development Director  
Senator Wesley Meredith  
Senator Ben Clark  
Representative Elmer Floyd  
Dwight Miller, PWC Chief Financial Officer  
David Trego, PWC Chief Operations Officer  
Mark Brown, PWC Customer Service Director  
Pamela Megill, City Clerk  
Members of the Press

#### **1.0 CALL TO ORDER**

Mayor Robertson called the meeting to order.

#### **2.0 INVOCATION**

The invocation was offered by Paul Taylor of the Tabernacle of Faith.

#### **3.0 PLEDGE OF ALLEGIANCE**

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

#### **4.0 ANNOUNCEMENTS AND RECOGNITION**

Council Member Wright presented a proclamation to Mr. Victor Sharpe, Community Development Director, proclaiming May 28, 2015, Project Homeless Connect, an event designed to offer vital assistance and services to persons experiencing homelessness.

Council Member Jensen presented a Certificate of Excellence to the Fayetteville-Cumberland Youth Council. Ms. Jordan Burstion, Vice Chair, Fayetteville-Cumberland Youth Council, and Ms. Jenna Nabors provided an update on the Fayetteville-Cumberland Youth Council activities and events.

Council Member Hurst announced a Community Café Conversation event would take place on June 4, 2015, at the Westover Recreation facility.

#### **5.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Arp moved to approve the agenda.

**SECOND:** Council Member Wright

**VOTE:** UNANIMOUS (10-0)

## **6.0 CONSENT**

**MOTION:** Council Member Arp moved to approve the consent agenda with the exception of Items 6.05, 6.08, and 6.15, each pulled for discussion and separate vote.

**SECOND:** Council Member Colvin

**VOTE:** UNANIMOUS (10-0)

### **6.01 Approval of Meeting Minutes**

**April 27, 2015**

**6.02 P14-46F.** The initial zoning of a property, to be annexed, from C3 Commercial District (County) to LI Light Industrial Zoning District, or to a more restrictive district, located at 3603 Clinton Road, and being the property of Hudson & Hudson Investments (AKA Morty Pride).

**6.03 P15-06F.** The rezoning of property from SF-6 Single-Family Residential District to LC/CZ Limited Commercial Conditional Zoning District, or to a more restrictive district, for property located at 718 and 720 Cedar Creek Road and 1700-1708 Troy Drive, and being the property of Larry Heath.

### **6.04 Capital Project Ordinance 2015-25 (Tree Fund)**

This capital project ordinance will appropriate \$159,826.00 of revenues, collected over three fiscal years, from payments in lieu of specimen tree preservation. The authorized project, known as the City's Tree Fund, is for tree planting in public areas, such as along trails, in parks, and along public street rights-of-way.

**6.05 Pulled for discussion and separate vote by Council Member Arp.**

### **6.06 Capital Project Ordinance Amendment 2015-29 (FY 2015 Street Resurfacing)**

This capital project ordinance amendment will re-appropriate \$76,212.00 remaining in the FY 2014 street resurfacing project for the FY 2015 street resurfacing project.

### **6.07 Capital Project Ordinance Clean Fuel Advanced Technology Grant Capital Project Fund, PWC ORD 2015-1 / City of Fayetteville ORD 2015-24**

The Fayetteville Public Works Commission during their meeting of May 13, 2015, approved the Capital Project Ordinance Clean Fuel Advanced Technology Grant Capital Project Fund, PWC ORD 2015-1. The Commission previously approved accepting a Federal Grant for the purpose of purchasing and installing four electric vehicle charging stations. In addition to the Federal Grant of \$37,884.00, PWC Electric Fund is to contribute \$14,472.00 of that cost. The total project cost is \$52,356.00.

**6.08 Pulled for discussion and separate vote by Council Member Arp.**

### **6.09 Budget Ordinance Amendment 2015-13 for Fiscal Year-End Projections**

Annually, a year-end budget ordinance amendment is submitted for Council consideration to adjust operating fund budgets based upon projections developed with the budget process and to ensure sufficient budget is available should unexpected expenditures arise before the end of the fiscal year. Council is asked to approve Budget Ordinance Amendment 2015-13 which will increase the total General Fund appropriation by \$3,521,000.00, the Transit Fund appropriation by \$176,250.00, and the Risk Management Fund appropriation by \$2,186,481.00. While the total appropriations for the Parking Fund and Environmental Services Fund are not being increased, the sources of funding are being amended.

### **6.10 Resolution Appointing a Deputy Tax Collector**

**RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO APPOINT A DEPUTY TAX COLLECTOR (Linda Daquil). RESOLUTION NO. R2015-032**

**6.11 Resolution Authorizing the Execution and Delivery of an Equipment Installment Financing Agreement and Related Documents in Connection with the Financing of Various Vehicles and Equipment for the City of Fayetteville, North Carolina**

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT INSTALLMENT FINANCING AGREEMENT AND RELATED DOCUMENTS IN CONNECTION**

**WITH THE FINANCING OF VARIOUS VEHICLES AND EQUIPMENT FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2015-033**

**6.12 Approve the Purchase of Waste Collection Onboard Communication Systems for Environmental Services**

Approval of the purchase of waste collection onboard communication systems for eighteen (18) environmental services trucks pursuant to the "sole source" bidding exception allowed by N.C.G.S. 143-129(e)(6).

**6.13 Adopt Resolution Authorizing the Sale of Personal Property by Public Auction  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AUTHORIZING THE SALE OF PERSONAL PROPERTY BY PUBLIC AUCTION. RESOLUTION NO. R2015-034**

**6.14 Request for Legal Representation of City Employees**

Authorization to provide legal representation for City employees Harold Medlock and Denton Little in the matter of Tracie Knight, Administratrix for the Estate of Lawrence Graham v. City of Fayetteville, et al. The employees were acting within the scope and course of their employment with the City when the alleged incident occurred.

**6.15 Pulled for discussion and separate vote by Council Member Arp.**

**6.16 Cancellation of Demolition Ordinances**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2015-001 (133 Hunter Circle). RESOLUTION NO. R2015-035**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2015-003 (1505 Pierce Street). RESOLUTION NO. R2015-036**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2015-012 (536 North Street). RESOLUTION NO. R2015-037**

**6.05 Capital Project Ordinance 2015-26 (FY 15 Transit Capital Grant NC-90-X567) and Capital Project Ordinance Amendment 2015-28 (MMTC Downtown Bus Facility)**

Council Member Arp pulled this item for discussion and separate vote. He asked staff to provide an overview of this item. Ms. Tracey Broyles, Budget and Evaluation Director, stated Capital Project Ordinance 2015-26 will appropriate \$105,000.00 for Transit Capital Grant NC-90-X567 for the purchase of bus shelters, buses and related equipment. The grant provides \$86,100.00 of federal funds with a required local match of \$18,900.00. Additionally, Capital Project Ordinance Amendment 2015-28 will update the funding source for the Multi-Modal Transportation Center (MMTC) to show the application of \$1,705,000.00 in grant proceeds from Transit Capital Grant NC-90-X567 in place of anticipated grant proceeds. The \$426,250.00 local match for the MMTC funding has already been provided for the project.

**MOTION: Council Member Arp moved to approve.**

**SECOND: Council Member McDougald**

**VOTE: UNANIMOUS (10-0)**

**6.08 Budget Ordinance Amendment 2015-12.**

Council Member Arp pulled this item for discussion and separate vote by Council Member Arp. He asked staff to provide an overview of this item. Mr. Dwight Miller, PWC Chief Financial Officer, stated the Fleet Maintenance Internal Service Fund Budget (FMISF) Budget requires an amendment to complete the 2015 fiscal year. An additional \$650,000.00 is needed in the Equipment and Repair Parts increasing this cost type to \$3,650,000.00. Cost type 702, Administrative Fleet Overhead, will increase by \$52,000.00, totaling \$536,700.00. The proposed modifications will increase the overall FMISF by \$702,000.00 for a total FY 2015 budget of \$9,816,300.00. Services to the City fleet are the main reason an increase is needed.

The service ratios for the first nine months of the fiscal year are approximately 75 percent City and 25 percent PWC. Therefore, we are projecting the total billings to the City of \$6,300,825.00 and PWC of \$2,100,275.00. For the same period, Revenues exceed Expenses by \$879,700.00.

Mayor Pro Tem Davy asked what had contributed to the overrun of costs. Mr. Miller responded PWC had not anticipated the repair and refurbish of the additional police cars.

Council Member Colvin stated the billing is proportional and asked the total size of the fleet. Mr. Voorhees responded it is approximately 1,200 for the City and 600 for PWC, and stated an exact count will be provided by staff.

Council Member Mohn referenced a memorandum to Mr. Blanchard from Mr. Miller, stating the sentence "For the same period, Revenues exceed Expenses by \$879,700.00" and once you move the \$702,000.00, the money that is left over at the end of the fiscal year will be split back to the City and PWC. Mr. Miller confirmed that is correct, and will be based on the billing allocation of 75 percent to the City and 25 percent to PWC.

Council Member Wright asked how many police vehicles have been refurbished. Mr. Miller said he did not know what the number is.

**MOTION: Council Member Arp moved to table this item to the June 1, 2015, work session and place the item on the June 8, 2015, regular meeting agenda for a formal vote.**

**SECOND: Council Member Wright**

**VOTE: UNANIMOUS (10-0)**

#### **6.15 Uninhabitable Structures Demolition Recommendations**

**202 Gray Street District 2**

**512 Link Street District 2**

**605 North Street District 2**

Council Member Arp pulled this item for discussion and separate vote.

**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 (202 Gray Street, PIN # 0437-77-2381). ORDINANCE NO. NS2015-017**

**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 (512 Link Street, PIN # 0437-93-7678). ORDINANCE NO. NS2015-018**

**MOTION: Council Member Arp moved to approve the adoption of the demolition ordinances with the exception of the property located at 605 North Street as requested by staff.**

**SECOND: Mayor Pro Tem Davy**

**VOTE: UNANIMOUS (10-0)**

#### **7.0 PUBLIC HEARINGS**

##### **7.01 Public Hearing Regarding House Bill 392 Revising the City's Charter as it Relates to Utility Operations**

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

Ms. Val Applewhite, 5813 Mondavi Place, Fayetteville, NC 28314, appeared in opposition and stated she is a former City Council member.

Mr. Wade Fowler, 2242 Jenna Shane Drive, Fayetteville, NC 28306, appeared in favor and stated he is a former City Council member and a current member of the Public Works Commission.

Mr. Darsweil Rogers, 111 Person Street, Fayetteville, NC 28301, appeared in favor and stated he is a current member of the Public Works Commission.

Mr. Jerry Reinoehl, 516 Deerpath Drive, Fayetteville, NC 28301, appeared in opposition and stated profits should be returned to the rate payers.

Ms. Terri Union, 115 Hartfield Road, Fayetteville, NC 28305, appeared in favor and stated she is a former member of the Public Works Commission.

Mr. Sam Stryker, 684 Fairfield Road, Fayetteville, NC 28303, appeared in favor and stated he has spent over 44 years in management positions in the electric and utility industry.

Mr. John Malzone, 106 Hay Street, Fayetteville, NC 28301, appeared in favor and stated he is worried PWC will be sold, and stated PWC provides excellent quality of services and is one of the best run businesses in Cumberland County.

Mr. Chris North, 902 Penwall Court, Fayetteville, NC 28303, appeared in opposition and stated he could not understand how the Council has allowed two or three politicians and a couple of businessmen go to Raleigh and threaten our City Charter.

Mr. Steven Blanchard, 8768 Coats Road, Linden, NC 28356, appeared in favor and stated he is the CEO/General Manager of PWC and has worked for PWC for 42 years. Mr. Blanchard stated the City Council has consistently appointed well respected leaders in the community to the Commission.

Mr. Bill Crisp, 3804 Sunchase Drive, Fayetteville, NC 28306, appeared in opposition and stated he is a City Council member and further stated House Bill 392 is an attack on home rule, and cuts the heart out of democracy in this community.

Ms. Mary Owens, 2390 Vara Drive, Fayetteville, NC 28304, appeared in opposition and stated in the essence of saving the heart of our City we must preserve the charter, and further stated we need oversight and accountability.

Ms. Kerri Dickson, 5812B Chason Drive, Fayetteville, NC 28304, appeared in opposition and expressed concerns regarding PWC overspending and further stated they do need oversight.

Mr. Dave Wilson, 6326 Morganton Road, Fayetteville, NC 28314, appeared in opposition and stated House Bill 392 probably ranks as one of the worst pieces of legislation that ever went through the house, and noted the author of the bill is not present.

Mr. Jose' Cardona, 223 Addison Street, Fayetteville, NC 28314, appeared in opposition and stated the City Council is elected and they need to provide the oversight of PWC, and further stated the PWC is holding too much money.

Mr. Daniel Clark, 1108 Ronald Reagan Drive, Fayetteville, NC 28311, appeared in opposition and stated his complaint is to the legislatures and stated House Bill 392 is certainly not in the best interest of this City.

Ms. Juanita Gonzalez, 222 Wickford Court, Fayetteville, NC 28304, appeared in opposition and stated House Bill 392 needs to die in house, and further stated the PWC Board is the problem, the City owns PWC.

Mr. David Nimocks, 201 Steadman street, Fayetteville, NC 28305, appeared in opposition and stated PWC must not like the City because they filed a lawsuit against the City, and further stated Senator Meredith and Senator Clark can let this bill die.

Mr. Nero B. Coleman, 352 # 5, Bubble Creek Court, Fayetteville, NC 28311, appeared in opposition and stated PWC belongs to the City and House Bill 392 needs to die, and further stated we elected the Council to do your job.

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

Mayor Robertson recessed the meeting at 8:36 p.m. The Mayor reconvened the meeting at 8:48 p.m.

## **7.02 Public Hearing on the Proposed Fiscal Year 2015-2016 Annual Operating Budget**

Mr. Theodore Voorhees, City Manager, presented this item with the aid of a PowerPoint presentation and stated this public hearing has been set to receive comments from residents regarding the annual operating budgets proposed for the City and its Public Works Commission for FY 2015-2016. The notice advertising the public hearing was published in the Fayetteville Observer on Thursday, May 14, 2015. The proposed budgets were presented to City Council on May 11, 2015, and are available for public inspection in the office of the City Clerk. The documents are also available on the City's website.

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

Mr. Iman Eronomy Mohammed, 2700 Murchison Road, Fayetteville, NC 28311, did not speak on the proposed FY 2015-16 Annual Operating Budget, he spoke on other unrelated

matters.

Mr. Jose' Cardona, 233 Addison Street, Fayetteville, NC 28314, appeared in opposition and stated the budget is in need of additional tweaking.

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

This item was for information only, no action was taken.

### **7.03 Annexation of the Morty Pride Property**

Mr. David Nash, Planner, presented this item with the aid of a PowerPoint presentation and stated the Morty Pride meat processing plant is located in the Fayetteville Municipal Influence Area (MIA), at 3603 Clinton Road in the Vander community. The Vander community, which is located along Clinton Road, east of I-95 and south of NC 24, already includes two satellite areas of the City of Fayetteville. The Morty Pride plant is owned by Hudson & Hudson Investments, LLC. According to Mr. Mickey Hudson, one of the managers/owners, the Morty Pride plant has been served by PWC water for about 15 years. According to PWC records, the water line was installed in 1995, and PWC paid the entire cost of the line. It has not been possible to retrieve records showing the cost of the water line. Sewage from the plant has historically been treated by a septic tank. In order to expand the plant, PWC sewer was needed. Cumberland County secured a grant from the Golden LEAF Foundation to help extend sewer to Morty Pride. PWC sewer has now been extended to the area, at a total cost of \$1,685,939.00. PWC's contribution was \$1,092,212.00. The Golden Leaf grant was \$469,218.00. The County's contribution was \$124,509.00. The sewer project is complete and the owners have already connected. Because the property is in the Fayetteville MIA, and because PWC sewer was extended to the property, the owners are required to have the property annexed, pursuant to City Council Policy No. 150.2. The petition was submitted on October 28, 2014, requesting a satellite annexation of one parcel consisting of 2.83 acres. On December 9, 2014, the Zoning Commission held an initial zoning public hearing for this area. The annexation public hearing and the initial zoning case were on the City Council's January 26, 2015, agenda. However, on January 26, 2015, the City Council tabled the public hearing to a meeting in May 2015, and the Council removed the initial zoning case from the consent agenda.

Mr. David Trego, PWC Chief Operations Officer, stated that because of unavailable right-of-way owned by the railroad, they could not put in a straight line.

Council Member Colvin asked if Morty Pride was moving from septic to sewer in order to increase production and jobs.

Council Member Wright asked how come residents in the area have to pay a \$5,000.00 connection fee and yet this is a \$1.6 million connect to one company, with no connect fee. Mr. Mark Brown, PWC Customer Service Director, responded the no connect fee was a decision collectively made by the interested parties.

Council Member McDougald questioned if the agreement was to retain employees or increase employees.

Council Member Crisp asked if some of those monies were used for gaining right-of-way, and stated he does not see that Morty Pride paid anything. Mr. Brown stated that was in the agreement to not charge Morty Pride any fees as part of Economic Development.

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

Mr. Mickey Hudson, 1010 Clarendon Street, Fayetteville, NC 28305, appeared in opposition and read a prepared statement and said he is one of the owners of Morty Pride, and said the City requiring annexation in return for providing sewer is a form of extortion.

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

Council Member Mohn asked Mr. Nash asked how much profit this company makes in a year. Mr. Nash replied he did not have that information.

Mr. Mickey Hudson asked the City Council if annexing the Morty Pride property is a good deal, and if they do think it is a good deal, then so be it, and said the original cost of the project was \$469,000.00, when the route got changed to service more businesses, that is when the price went up. The project was for a Fire Department in Vander and a Civic Park that opted out

when the annexation issue was brought up.

Council Member Jensen asked how many employees are working at Morty Pride. Mr. Hudson responded there are 48.

Council Member Colvin stated he is looking at a petition Mr. Hudson along with others signed for voluntary annexation, and asked his reluctance to be a part of the City of Fayetteville. Mr. Hudson stated he is not reluctant to be a part of the City, and said he is just trying to save face with his neighbors.

Council Member Wright asked the origin of the Gold LEAF Foundation grant. Mr. Hudson responded it is state money.

Council Member Wright asked if this was a good investment. Mr. Brown responded that any business along the route of the sewer line will have the opportunity for connection along with annexation as Council policy directs.

Mayor Robertson asked the rate for water and sewer if located outside of the City. Mr. Brown responded it is 1.6 times the inside City rate.

Council Member Crisp apologized to Mr. Hudson for his misunderstanding of the sewer line costs.

Council Member McDougald called for an end to the debate.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. MORTY PRIDE PROPERTY, PIN 0466-16-6998. ANNEXATION ORDINANCE NO. 2015-05-561**

**MOTION:** Mayor Pro Tem Davy moved to adopt the Annexation Ordinance with an effective date of June 30, 2015, and include approval of the final zoning action consistent with prior action on the zoning.

**SECOND:** Council Member Colvin

**VOTE:** PASSED by a vote of 9 in favor to 1 in opposition (Council Member Jensen)

**7.04 P15-11F. The issuing of a Special Use Permit to allow for an Indoor Kennel to be located at 2107 Ramsey Street, and being the property of Wilton C. Jones.**

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the applicant wishes to locate a dog daycare/kennel on two properties along Ramsey Street. One property is zoned CC and would not require a Special Use Permit (SUP) for a kennel. The other property has an existing building that would be used to house the dogs. This property is zoned LC, which requires a SUP. This application must meet all of the Use Specific Standards listed below for an indoor dog kennel in the Unified Development Ordinance (UDO). The only outdoor activity will be a play area meeting the required 50 square feet per dog as required by the UDO. For the purposes of this discussion, play areas, pens and runs located outdoors are treated as the same use. The following are Use-Specific Standards as listed in the City's UDO.

**b. Animal Care Uses**

Animal shelters, kennels (indoor and outdoor), and veterinary clinics shall comply with the following standards:

1. Animal care uses providing boarding services for dogs shall provide a fenced and screened outdoor area of at least 50 square feet per dog. *(22 dogs = 1,100 square feet of screened and fenced outdoor area. As a point of reference, the existing building on this site is just a little more than 1500 square feet.)*
2. The animal care use shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
3. Any open runs or pens used to house animals shall be located at least 75 feet from any lot line. (This is an indoor kennel and there will be no open pens or runs)
4. Accessory uses to an indoor kennel may include retail sales and grooming services, as long as the accessory uses do not occupy more than 25 percent of the total gross floor area.
5. Any incinerators included as an accessory use to an animal shelter shall be permitted only in accordance with a Special Use Permit.

The following conditions of approval were offered by the owner:

1. Business will be open Monday through Friday from 6:30 a.m. to 6:30 p.m. Weekend hours are for staff only. (Dogs will be kept over the weekend, but there will be no pickups or drop-offs.)
2. No weekend pickup or drop-off.
3. Removal of all razor/barbed wire.
4. Landscaping and streetscaping to meet UDO standards where practical.
5. Outside lighting to meet UDO standards.

The following additional conditions were requested by the Zoning Commission and staff:

1. Outdoor play areas, runs or pens should be located no closer than 75 feet from any residentially zoned or used property.

On April 14, 2015, the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and five in opposition. Those in opposition spoke to their concerns about the possible increase in noise and odor, the effect on property values and the possible danger of a kennel being located near a residential area. The Zoning Commission voted 3 to 2 in favor of recommending approval. The Zoning Commission and City staff recommended approval of the SUP based on the following:

1. Indoor kennels are allowed on one of these properties currently as a permitted use.
2. The kennel and play area would all be located at least 180 feet from any single-family residential structure if condition number 1 listed under additional conditions is added as a requirement.
3. The hours of operation for customer pickup and drop-off would be limited to daytime working hours during the week only and no weekends. (Dogs will be kept over the weekend, but there will be no pickups or drop offs.)

Mr. Harmon stated the Special Use Permit must meet the following findings of fact:

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 district(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;
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 for this date and time. The public hearing was opened.

Ms. Crystal O'Keefe, 205 Pine Crest Drive, Fayetteville, NC 28301, appeared in favor and stated she is the applicant and intends to create four jobs and work with rescue animals.

Ms. Kristine McCool-Meck, 302 Kernstown Drive, Raeford, NC, appeared in favor and stated she will be the co-owner of the business, there will be a maximum of 22 dogs on the property at any one time.

Mr. Greg Spears, 2829 Briar Creek Place, Fayetteville, NC 28304, appeared in favor, and stated he is representing the property owner, and stated Ms. O'Keefe and Ms. McCool-Meck have an excellent professional business plan.

Ms. Adrienne Thorpe, 2062 Osceola Drive, Fayetteville, NC 28311, appeared in opposition and stated the proposed kennel would be located too close in proximity to residential areas. Ms. Thorpe submitted a petition to draw attention to the City Council opposition to allow for a dog



kennel to operate at 2107 Ramsey Street, Fayetteville, NC.

Ms. Angela Bagley, 2051 Osceola Drive, Fayetteville, NC 28311, appeared in opposition and stated the proposed kennel would be too close to the adjacent apartment complex.

Mr. William Brown, 2084 Osceola Drive, Fayetteville, NC 28311, appeared in opposition and stated his concerns regarding fleas and other parasites.

Mr. Dan Dent, 4230 Cypress Church Road, Cameron, NC 28326, appeared in opposition and stated he is the owner of the Ramsey Street Apartments, and further stated he was representing the rights of his tenants.

Representative Elmer Floyd, 16 West Jones Street, Raleigh, NC, appeared in opposition and stated this is not the right location for a dog kennel, and expressed concerns regarding animal waste, and noise.

Ms. Betty Smith, 2076 Osceola Drive, Fayetteville, NC 28311, appeared in opposition and stated if a kennel locates on the proposed site, she will not be able to open her windows or go outside due to the bad odors.

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

Council Member Jensen noted the current zoning would allow a nightclub or a bar, and asked Mr. Dent if he would prefer a nightclub/bar or a dog kennel located on the property.

Council Member Crisp stated of the two dog kennels located in his district, he has never received a complaint and there was no opposition to the kennels' locations.

**MOTION: Mayor Pro Tem Davy moved to deny the issuing of a Special Use Permit.**

**SECOND: Council Member Crisp**

**VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Hurst)**

**8.0 ADMINISTRATIVE REPORTS**

**8.01 Monthly Statement of Taxes - April 2015**

2014 Taxes.....	348,815.95
2014 Vehicle.....	49.02
2014 Taxes Revit.....	1,113.15
2014 Vehicle Revit.....	0.00
2014 FVT.....	5.00
2014 FTT.....	5.00
2014 Storm Water.....	12,119.86
2014 Fay Storm Water.....	21,815.72
2014 Fay Solid Waste Fee.....	16,620.12
2014 Annex.....	0.00
2013 Taxes.....	8,543.68
2013 Vehicle.....	6,522.72
2013 Taxes Revit.....	00.92
2013 Vehicle Revit.....	00.00
2013 FVT.....	819.05
2013 FTT.....	819.05
2013 Storm Water.....	221.71
2013 Fay Storm Water.....	443.39
2013 Fay Recycle Fee.....	598.25
2013 Annex.....	0.00
2012 Taxes.....	4,092.72
2012 Vehicle.....	1,610.62
2012 Taxes Revit.....	0.00
2012 Vehicle Revit.....	0.00
2012 FVT.....	297.19
2012 FTT.....	297.17
2012 Storm Water.....	110.14
2012 Fay Storm Water.....	220.31
2012 Fay Recycle Fee.....	310.83

2012 Annex.....	0.00
2011 Taxes.....	1350.57
2011 Vehicle.....	529.58
2011 Taxes Revit.....	0.00
2011 Vehicle Revit.....	0.00
2011 FVT.....	120.96
2011 FTT.....	120.96
2011 Storm Water.....	31.54
2011 Fay Storm Water.....	63.08
2011 Fay Recycle.....	97.60
2011 Annex.....	0.00
2010 and Prior Taxes.....	1,595.94
2010 and Prior Vehicle.....	1,723.87
2010 and Prior Taxes Revit.....	0.00
2010 and Prior Vehicle Revit.....	0.00
2010 and Prior FVT.....	336.95
2010 and Prior FTT.....	215.30
2010 and Prior Storm Water.....	25.78
2010 and Prior Fay Storm Water.....	25.78
2010 and Prior Fay Recycle Fee.....	45.75
2010 and Prior Annex.....	0.00
Interest.....	19,406.36
Revit Interest.....	48.22
Storm Water Interest.....	561.07
Fay Storm Water Interest.....	1,006.94
Annex Interest.....	0.00
Fay Recycle Interest.....	894.11
Fay Transit Interest.....	362.83
Total Tax and Interest.....	\$454,016.56

## 9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:46 p.m.