

**FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
LAFAYETTE ROOM  
FEBRUARY 19, 2014  
4:30 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3)(arrived at 3:25 p.m.); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5) (Departed at 6:45 p.m.); William J. L. Crisp (District 6)(Departed at 6:15 p.m.); Lawrence O. Wright, Sr.(District 7); Theodore Mohn (District 8); Council Member Jim Arp (District 9)(arrived at 5:40 p.m.)

Others Present:

Ted Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Karen McDonald, City Attorney  
Scott Shuford, Development Services Director  
Rusty Thompson, Engineering and Infrastructure Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Planner II  
Tracie Davis, Corporate Communications Director  
Michael Gibson, Parks, Recreation and Maintenance Director  
Pamela Megill, City Clerk  
Members of the Press

Mayor Robertson called the meeting to order at 4:30 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's February 24, 2014 agenda:

**PUBLIC HEARINGS**

**Amendment to Code Chapter 30-4.E Temporary Uses to modify regulation of portable shipping containers and related**

Ms. Karen Hilton, Planning and Zoning Manager, introduced this item and stated the item would need to be deferred until the March 24, 2014 regular City Council meeting.

**Amendment to City Code Chapter 30-4 to modify setback standards associated with swimming pools**

Ms. Karen Hilton, Planning and Zoning Manager, introduced this item and stated the Unified Development Ordinance became effective August 1, 2011. Standards for swimming pools have been corrected since then, to correct for references that didn't link to standards. More recently, staff recognized that the standards were written primarily for commercial pools, and the setbacks for pumps and the swimming pools were greater than is often warranted. The building code has provisions relating the setback for a pool to the depth of the pool and distance from a structure (3 feet for every foot of depth). These standards are intended to protect the stability of the nearby structure. They also assume larger pumps, often in 'pump houses' where the chemicals and water pumps are located. The ability to have smaller setbacks recognizes that, in residential districts, the pumps for single family pools are typically no louder than the heating/cooling equipment allowed within three feet of a property line, and the pool depth is seldom a full ten feet. The changes also allow a smaller setback when all other codes are met. Analysis under the seven criteria for evaluating text amendments is included in the Council packet. The Planning Commission held its public hearing Tuesday, February 18.

**Uninhabitable Structures Demolition Recommendations**

Mr. Scott Shuford, Development Services Director, introduced this item and briefed the Council on the following properties:

### **506 Edwinstowe Avenue**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was the subject of tornado damage on April 16, 2011. As a result of the tornado damage the structure was inspected and condemned as a dangerous structure on May 6, 2013. A hearing on the condition of the property was conducted on May 16, 2013, in which the owner did not attend. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on May 17, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since April 2011. In the past 24 months there have been 10 calls for 911 services to the property. There have been no code violation cases with no pending assessments. The low bid for demolition is \$3,300.00.

### **2203 Progress Street**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential structure that was inspected and condemned as a blighted structure on September 3, 2013. A hearing on the condition of the property was conducted on September 18, 2013, in which one of the owners attended. A subsequent Hearing Order to repair or demolish the structure within 120 days was issued and mailed to the owners on September 20, 2013. The structure was also the subject of fire damage in October 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since December 2012. In the past 24 months there have been 227 calls for 911 services to the property. There have been 9 code violation cases with pending assessments of \$806.35 for lot cleanings. The low bid for demolition is \$2,295.00.

### **2224 Progress Street**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a blighted structure on September 3, 2013. A hearing on the condition of the property was conducted on September 18, 2013, in which one of the owners attended. A subsequent Hearing Order to repair or demolish the structure within 120 days was issued and mailed to the owners on September 20, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since January 2011. In the past 24 months there have been 145 calls for 911 services to the property. There have been 14 code violation cases with pending assessments of \$546.25 for lot cleanings. The low bid for demolition is \$1,400.00.

All subject properties are sub-standard and detrimental to the surrounding neighborhood and promote nuisances and blight, contrary to the City's Strategic Plan.

The demolition of these structures will be \$6,995.00; there will be additional costs for asbestos testing and abatement if needed.

### **Loose Leaf Pick-Up**

Michael Gibson, Parks, Recreation and Maintenance Director, provided an overview of how the Loose Leaf Pick-Up program operates. Brief discussion ensued.

### **PWC – Annexation Survey and Schedule Changes**

**Consensus of Council was to receive a presentation from PWC representatives on Monday, February 24, 2014 @ 6:00 p.m. in the Lafayette conference room.**

**MOTION: Council Member Crisp moved to go into a closed session to discuss an economic development matter**

**SECOND: Council Member Hurst**

**VOTE: UNANIMOUS (9-0)**

The regular session recessed at 5:25 p.m. The regular session reconvened at 6:55 p.m.

**MOTION: Mayor Robertson moved to go into open session**

**SECOND: Council Member Colvin**

**VOTE: UNANIMOUS (8-0)**

There being no further business, the meeting adjourned at 6:56 p.m.