

FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
HUMAN RESOURCES DEVELOPMENT TRAINING ROOM
MARCH 1, 2010
5:00 P.M.

Present: Mayor Anthony G. Chavonne
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Janet Smith, Assistant City Attorney
Rob Anderson, Chief Development Officer
Michael Gibson, Parks & Recreation Director
Jeffery Brown, Engineering & Infrastructure Director
Steven K. Blanchard, PWC CEO/General Manager
Bruce Daws, Historical Properties Manager
Jackie Tuckey, Public Information Officer
Mike Bailey, Hope Mills Planning
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Haire.

3.0 APPROVAL OF AGENDA

MOTION:Mayor Chavonne moved to approve the agenda with a stipulation to rearrange the order of the agenda items to accommodate the citizens in attendance with an interest.

SECOND: Mayor Pro Tem Haire

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

The items were presented in the order listed below:

4.7 City Manager’s Office - Residential Rental Property Program Update.

Mr. Doug Hewett, Assistant City Manager, provided background information on the item. He provided updates on the Rental Registration Program and Probationary Rental Occupancy Permit (PROP) as follows:

Rental Registration	
Program Purpose	Designed to identify all rental properties throughout the City. Enables staff and the public to see where rentals are located and provides avenues for quick distribution of information to owners.
Responsible Party	All residential property owners are required to register residential rental property annually.

Key Components	<ul style="list-style-type: none">- Rental residential property is a business.- All such business property must be registered annually.- 30 days after acquiring property or placing the property up for lease, the owner must register the property or change the registration.- Owners must designate a local agent within 25 miles to be able to respond in place of owner in case of violations.- Utility service shall not be provided to vacant residential rental properties that are not registered.- Violations or failure to register can result in civil penalties.- Appeals will likely be handled through Inspections, Board of Appeals on Dwellings and Buildings, and Superior Court.- Program will be paid for by the imposition of fees to all residential rental property owners.- Envision that it would be a fee per unit for 1-10 units, with owners of 10 or contiguous units being charged lesser rate per unit.
-----------------------	---

A question and answer period ensued regarding the use of the proceeds from this program. Mr. Hewett stated the fees would be used to implement the program and for educational purposes. He informed Council that the registration program would provide an efficient way to monitor rental properties and would be monitored by the City with the cost of staff being funded from the proceeds.

A brief discussed ensued after which Mr. Hewett explained the Probationary Rental Occupancy Permit (PROP).

Probationary Rental Occupancy Permit (PROP)	
Program Purpose	Designed to address residential rental properties that repeatedly break City codes or state law.
Responsible Party	Only residential property owners who have rental units that repeatedly violate City codes would be included.

Key Components

- Rental residential property is a business.
- Entry into PROP follows repeated violations of City codes or serious criminal activity leading to convictions at residential rental property within a 2-year period.
- Once a property is in the PROP program, it must remain so for a minimum of 2 years.
- PROP follows the property and not the property ownership.
- PROP requires inspection of unit for livability.
- PROP requires owners to develop a management plan for the rental operation of their property and to take a property management course.
- PROP requires the owners to notify tenants and neighbors of their property's PROP status.
- Violations or failure to register can result in civil penalties and the revocation of Rental Registration Certificate for 2 years, during which time the property could not be used as a residential rental unit.
- Envision that the program will be paid for entirely by annual fees.

Mayor Pro Tem Haire requested clarification as to whether this program would address repeated violations. Mr. Hewett responded in the affirmative and when violations were within a certain timeframe.

Council Member Massey inquired whether PROP would initiate investigations into neighbors' complaints regarding violations, and when violations were proven the violators would be placed on the list. Mr. Hewett responded by confirming Council Member Massey's statement. Council Member Davy inquired whether this program would be in conjunction with Crime Prevention. Mr. Hewett responded in the affirmative.

Mr. Hewett also informed Council of the following:

- Staff would proceed in developing these programs to be fully funded through the imposition of fees on residential rental property owners.
- Staff had initiated conversations with residential rental property owners and their agents to present these programs.
- Actual costs for the programs would be determined upon Staff's identification of a possible technology solution to allow for automated registration of residential rental properties and any staffing/resource needs to implement the programs.
- Staff had met with community watch leaders and rental property owners/managers to solicit their feedback.

Consensus of Council was for staff to move forward.

4.2 Information Technology -Update on the Fiber-to-the-Home (FTTH) Concept Exploration

Mr. Stanley Victrum, Chief Information Officer, provided a brief overview. Mr. Victrum introduced Mr. Jerry Karson, Director of Business Development, and Mr. Charlie Welsh, Senior Analyst at Hodges Associates, Inc, who presented a summary of the Fiber-to-the-Home (FTTH) study results.

Following a brief discussion, consensus of Council was to proceed with the efforts to expand the community's broadband access by (1) updating the legal assessment to confirm the City's/PWC's statutory ability to provide these types of broadband services, (2) determining the feasibility of using the FTTH strategy, (3) identifying any viable funding sources for this effort, (4) identifying any viable public-private partnerships for this effort, and (5) providing the City Council with another update at the Council work session in September 2010.

4.1 Police – Presentation of proposed ordinance revisions to Article VII, Wrecker and Tow Ordinance.

Sgt. Matthew Dow, Police Department, addressed inquiries generated by the Council members from the January 25, 2010, City Council meeting.

Council Member Applewhite inquired on the existence of multiple businesses on the same lot using various wrecker names which would allow them to receive multiple calls. Sgt. Dow informed Council there were only 13 unique addresses for the 29 wrecker services presently on the wrecker rotation list.

Mr. Dale Iman, City Manager, stated this had been the major reason for the need for this revision.

Sgt. Dow informed Council that wrecker services would have a 12-month period to get into compliance and multiple businesses on the same lot would be required to move to separate lots and would not be allowed to share equipment.

Council Member Applewhite expressed concerns on there being a need for wrecker services on the western side of Fayetteville. Sgt. Dow stated that the rotation list was random and the location of wrecker services had no bearing on which service was called. Council Member Haire requested clarification of Section 24-277 regarding felony convictions. Sgt. Dow and Ms. Karen McDonald, City Attorney, explained the basis for this provision.

Consensus of Council was to direct staff to remove the cap on the number of wrecker services allowed on the rotation list and to present the revised ordinance at the March 8, 2010, City Council meeting.

4.3 Community Development - Update on the Murchison Road Redevelopment Plan.

Mr. Victor Sharpe, Community Development Director, presented this item. Mr. Sharpe stated the success of the proposed plan was contingent upon receiving the approval of the HUD Section 108 Loan Guarantee and the funding plan concept approved on September 28, 2009, recommended funding from the City's general fund beginning in the year of 2013 through 2023. He stated the total amount needed from the general fund was \$2,591,067.00. He stated this amount would need to be included in the City's Capital Improvement Plan, but no funding had been currently identified. He informed Council of other City funds which included the HUD Section 108 Loan Guarantee funds in the amount of \$2,750,000.00, which would be repaid from future Community Development Block Grant allocations and \$2,256,000.00 of HOME funds received in future years. He stated the City's total investment would be \$7,957,067.00. Following a discussion period, consensus of Council was to move forward.

4.4 City Attorney - Update on Ethics Commission.

Ms. Karen McDonald, City Attorney, briefed Council regarding this item. She stated as part of the Fayetteville Forward Plan and consistent with the City's strategic plan, the City Council made a commitment to implement an Ethics Commission along with requisite appointments and training for commission members and directed staff to move forward with the creation of an Ethics Commission. She stated on September 28, 2009, City Council adopted an ordinance creating the Ethics Commission, and since that time, staff had been working toward implementation of this ordinance. She announced that former City Attorney Bob Cogswell had agreed to serve as the attorney for the Commission.

She informed Council that the City had a conflict of interest ordinance for many years and it may need to be updated to ensure it was consistent with state law regarding conflicts of interest and the new ethics law. She advised Council that Staff would continue implementation. Consensus of Council was to move forward.

4.5 City Manager’s Office – Annexation Policy Follow-Up: Donut Holes.

Mr. Kristoff Bauer, Assistant City Manager, presented the following information on this item:

§ Annexation Policy

§ Council Target for Action

§ Donut Holes

<p>Areas #1-#4</p> <ul style="list-style-type: none">• Along Ramsey• Methodist University may request annexation• Largely vacant• Not subject to City-initiated annexation <p>Area #5</p> <ul style="list-style-type: none">• City has ownership interest• City can petition for annexation <p>Area #6</p> <ul style="list-style-type: none">• Less than 1 acre• Not subject to City-initiated annexation <p>Areas #7-#8</p> <ul style="list-style-type: none">• Area #7 is eligible for involuntary annexation, but the value is \$0• Area #8 has one residence – 295 not currently developed as shown <p>Area #9</p> <ul style="list-style-type: none">• Shaw Heights is eligible• Estimate \$264,000 in annual revenue• Estimate \$461,000 in annual costs• Estimate \$864,000 in one-time costs• Assumptions	<p>Area #10</p> <ul style="list-style-type: none">• A single large residence• Eligible for City-initiated annexation <p>Areas #11-#13</p> <ul style="list-style-type: none">• Vacant land near Cross Creek Mall• Not eligible• #12 subject of agreement to annex 60 days priors to building permits <p>Area #14</p> <ul style="list-style-type: none">• Right-of-way has been annexed surrounding property• Is eligible for City-initiated annexation <p>Area #15</p> <ul style="list-style-type: none">• Cumberland County School Districtbus barn• Some bus parking but largely undeveloped• Eligible <p>Area #16</p> <ul style="list-style-type: none">• Adjacent to airport• Partially owned by City• (annexation in process)
---	--

§ Policy Groups

§ Next Steps

4.6 City Manager’s Office – Economic Development Program.

Mr. Kristoff Bauer, Assistant City Manager, presented the following information on this item:

§ Economic Development Program

§ Council Target for Action

§ Hotel Incentive Program Update

§ What Problem?

§ Proposed Program

§ New Program

§ FCCCC & County Feedback

§ Options

A discussion period ensued.

4.8 Council Member Request (Council Member Mohn) - City Council resolution requesting additional County jail capacity.

Council Member Mohn presented this item and requested that Council send a formal request, by Council resolution, to the Cumberland County Commissioners to expand the County’s jail capacity to reduce crime in the City of Fayetteville and entire County as well as help City and County law enforcement agencies keep criminals off the street while awaiting trail and attempt to reduce criminal recidivism.

Following a discussion period the below motion was presented.

MOTION: Council Member Mohn moved to send a formal request, by a Council resolution.

VOTE: FAILED by a vote of 5 in favor (Council Members Mohn, Applewhite, Crisp, Davy, and Haire) to 5 in opposition (Council Members Chavonne, Bates, Hurst, Meredith,

and Massey)

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:54 p.m.