

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
NOVEMBER 7, 2011
5:00 P.M.**

Present: Mayor Anthony G. Chavonne (departed at 6:40 p.m.)
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:06 p.m.); Robert A. Massey, Jr. (District 3) (departed at 6:40 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (departed at 6:25 p.m.); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Tom Bergamine, Chief of Police
Patricia Bradley, Police Attorney
Darry Whitaker, Police Lieutenant
Karen Hilton, Planning and Zoning Division Manager
Bart Swanson, Housing and Code Enforcement Division Manager
Rick Moorefield, County Attorney
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order at 5:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Hurst.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Bates moved to approve the agenda.

SECOND: Council Member Massey

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Amending Chapter 6, Animals and Fowl

Ms. Karen McDonald, City Attorney, presented this item and introduced Mr. Rick Moorefield, Cumberland County Attorney. She explained Mr. Moorefield had been working on the proposed changes to the Cumberland County's Animal Control Ordinance, which were presented to the Policy Committee of the Cumberland County Board of Commissioners at their October 6, 2011, meeting. She stated the City and the County had expressed an interest in the City adopting the County's entire Animal Control Ordinance within the municipal limits of Fayetteville to remove enforcement issues for the Animal Control Department within the City.

Mr. Rick Moorefield, County Attorney, stated there had been a lot of confusion over some of the violations, especially the issue of barking dogs. He stated there had also been a lot of amendments to the ordinance that accommodated a small number of individuals. He stated the proposed ordinance was simplified and the goal was to have a basic ordinance that both entities were comfortable with. He stated he had also consulted with many veterinarians.

Council Member Bates inquired if a pot bellied pig would be considered an exotic animal.

Mr. Moorefield responded it was probably not considered a wild animal as pot bellied pigs were normally kept as pets.

Council Member Bates stated the limit of seven dogs and/or cats per household were too many. Mayor Chavonne inquired if the City could have its own standard on the issue of the number of pets. Ms. McDonald stated they were attempting to develop one ordinance that would not have differing standards between the County and City.

Mayor Chavonne inquired if the differences could be presented prior to adoption of the ordinance.

Consensus of Council was to direct Mr. Moorefield to include the list of differences between the City and County in the ordinance and the proposed ordinance would be presented to the Cumberland County Commissioners at their first meeting in December.

4.2 Police – Teen Crime

Mr. Tom Bergamine, Chief of Police, presented this item and provided a power point presentation on the issue of teen crime. He stated statistics had been compiled from 2007 to 2010. He referenced the statistics that illustrated how the crimes of teenagers were becoming more serious with the increase of age.

Mr. Darry Whitaker, Police Lieutenant, provided an overview of the youth services program and the partnership with Communi-Care. He stated some of the issues addressed were gang activity, runaways, and child abuse. He stated the objective of the program was to intervene and assist before the youth had an arrest record.

Chief Bergamine stated the Fayetteville Police Department was also a partner in the state initiative of making North Carolina a Child First State. He invited the Council to ride along with patrol officers in order for them to view first hand the problems officers encounter with teen crime. He stated the Department would be conducting further research on the value of a curfew ordinance.

Council Member Applewhite stated she was working toward creating a task force that would be made up of members from the community, to include parents, school members, health practitioners, etc.

Chief Bergamine stated he would welcome assistance from the community.

Council Member Applewhite requested support from the Council members for this endeavor.

4.3 RAMP – Rental Action Management Program

Mr. Doug Hewett, Assistant City Manager, presented this item. He provided background information on the Probationary Rental Occupancy Permit (PROP) program and Senate Bill 683. He stated the purpose of the bill was to prohibit cities from enforcing an ordinance that would require permitting of rental properties unless the property was the site of more than three violations in a 12-month period or was identified as being in the top 10 percent of properties with crime or disorder problems as set forth in the local ordinance. He stated the language regarding the top 10 percent of properties with crime or disorder problems was based on a program currently utilized in Charlotte. He stated due to the direct impact the bill had on the functionality and substance of the PROP program and given the substantial changes needed to make the PROP program compliant with state law, Council approved repeal of the PROP ordinance on August 8, 2011, and directed staff to revise the program consistent with state law and bring back program alternatives as soon as possible. He stated staff provided an update on October 3, 2011, with a draft ordinance for PROP II which was now titled RAMP (Rental Action Management Plan). He stated in developing the draft ordinance and program overview, staff met with representatives from Charlotte regarding their program to determine how it could be replicated in Fayetteville. He stated staff also conducted stakeholder meetings to explain RAMP and solicit feedback. He provided a brief overview of the RAMP program and stated the two avenues by which properties could gain entry into the program were (1) three plus code violations within a 12-month period and/or (2) crime and social disorders in the top 10 percent in a 6-month period. He briefly reviewed the crime and code violation occurrences that would be covered under RAMP. He stated the issues with RAMP included differing levels of complexity for crime/social disorder versus code violations, possible unintended consequences such as the reduction in calls for service and more properties than they would have the capacity to monitor, the program being costly and likely not covered through fee recovery, and opposition by some stakeholders. He stated the work remaining included completing program design to include resource/staffing needs, program budget, and fee recommendations and finalizing ordinance for presentation to Council with a recommended public hearing on December 12, 2011.

Consensus of Council was to conduct a public hearing on December 12, 2011.

4.5 City Council Agenda Item Request

Council Member Bates inquired if staff could research the possibility of providing backdoor containerized yard waste collection service for disabled citizens and the cost of this type of program.

Consensus of Council was to direct staff to research the cost of providing a backdoor containerized yard waste collection service for disabled citizens.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:43 p.m.