



FAYETTEVILLE CITY COUNCIL  
AGENDA  
AUGUST 1, 2011  
5:00 P.M.  
LAFAYETTE ROOM

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 APPROVAL OF AGENDA**

**4.0 OTHER ITEMS OF BUSINESS**

4.1 Classification & Compensation Study Update

Presented By: John Kuhls, Human Resource Development Director &  
Elliot Susseles, CCP, Senior Vice President - The Segal Company

4.2 Legislative Update on Senate Bill 683 and Its Impact on PROP

Presented By: Brian Meyer, Assistant City Attorney

4.3 Update on Site Solutions Proposal for Assisting with Parks & Recreation  
Bond Package

Presented By: Michael Gibson, Parks and Recreation Director

4.4 City-initiated rezoning and UDO Process Update

Presented By: Karen S. Hilton, AICP, Manager, Planning and Zoning  
Division

4.5 City Council Request(s): (In order of receipt date)

(a) Council Member Bates - Ramsey Street Corridor Plan Update

(b) Council Member Bates - Stub Out Street Closure

(c) Mayor Chavonne - Sister City Request

(d) Mayor Chavonne - Request to Review Previously Reduced Expenses

**5.0 ADJOURNMENT**

## **CLOSING REMARKS**

### **POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

### **POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in the Executive Offices, Second Floor, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 p.m. and 7:00 p.m.

### **POLICY REGARDING CITY COUNCIL MEETING PROCEDURES SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

***Notice Under the Americans with Disabilities Act (ADA):*** The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at [rmcelrath@ci.fay.nc.us](mailto:rmcelrath@ci.fay.nc.us), (910) 433-1696, or the office of the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), (910) 433-1989, as soon as possible but no later than 72 hours before the scheduled event.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** John Kuhls, Human Resource Development Director  
**DATE:** August 1, 2011  
**RE:** **Classification & Compensation Study Update**

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**THE QUESTION:**

This is an informational item to kick off the City's comprehensive compensation and classification study. We will introduce Elliot Susseles of The Segal Company, who is the selected Consultant that will be conducting the study. Mr. Susseles will review the project methodology and timeframe with Council.

**RELATIONSHIP TO STRATEGIC PLAN:**

This study is a Priority Policy Agenda item in the City's FY12 Strategic Plan. The project also Relates to Goal 3 - More Efficient City Government - Cost-Effective Service Delivery and supporting opportunities for recruiting and retaining a top quality workforce.

**BACKGROUND:**

Human Resources Development (HRD) works with City Departments to ensure we have competitive compensation levels that fairly reward staff for the work they perform. After an extensive Request for Proposal and response evaluation process with on site presentations, The Segal Company was selected by our cross functional City Management evaluation team.

This effort is aimed to ensure we conduct appropriate salary surveys on behalf of the City, while formulating fair and equitable pay structures, recommendations, and actions that enable achievement of successfully attracting, recruiting, and retaining talent for City employment.

**ISSUES:**

None at this time.

**BUDGET IMPACT:**

Funding for this study was approved by City Council as part of the FY 12 Budget.

Implementation costs of study recommendations will be determined after considering the conclusions reached at the completion of the study. We anticipate proposed actions would be presented using a phased implementation approach, with prioritization of addressing those actions with the greatest positive impacts that achieve desired outcomes. Specifics will be developed as a result of findings collected through benchmark surveys and data collection as part of the comprehensive study.

**OPTIONS:**

Not Applicable

**RECOMMENDED ACTION:**

Simply to receive this information as an update regarding project status and kickoff, while providing any feedback that is felt to be critical towards ensuring a successful study.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Brian M. Meyer, Assistant City Attorney  
**DATE:** August 1, 2011  
**RE:** **Legislative Update on Senate Bill 683 and Its Impact on PROP**

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**THE QUESTION:**

Whether PROP can still function as Council intended following the adoption of Senate Bill 683?

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

On April 26, 2011, the City Council adopted a Probationary Rental Occupancy Permit (PROP) program. This program is designed to allow the City to more closely monitor and regulate rental properties that are the site of repeated or severe code violations or that are the site of certain criminal acts. The program would require those rental property owners whose property is the site of such violations or crimes to be placed into PROP and as a condition for renting the offending property again, the owner would be required to obtain a permit from the City. This would allow the City greater oversight of problem rental properties. The program was to be implemented July 1, 2011.

On June 18, 2011, Senate Bill 683 was ratified by the Legislature. The purpose of this Bill was to limit the level of local regulation of rental properties as well as limit the use of periodic inspections. Specifically, it prohibits cities from enforcing an ordinance that requires permitting of rental properties unless the property is the site of more than three violations in a 12-month period or is identified as being in the top 10 percent of properties with crime or disorder problems as set forth in a local ordinance. The language regarding the top 10 percent of properties with crime or disorder problems is based on a program currently utilized in Charlotte. This Bill has a direct impact on the functionality and substance of the PROP program.

**ISSUES:**

Does the Senate Bill 683's impact on PROP prevent the ordinance from addressing Council's interest.

**BUDGET IMPACT:**

In order to help offset program costs, permit fees were to be required by those rental property owners whose properties were entered into PROP. Senate Bill 683 limits the City's ability to levy such fees.

**OPTIONS:**

1. Direct staff to revise the PROP ordinance to eliminate those provisions that are inconsistent with Senate Bill 683 and proceed with implementation of the program.
2. Rescind the PROP ordinance and direct staff to develop a program consistent with Senate Bill 683.
3. Provide additional direction to staff.

**RECOMMENDED ACTION:**

Based on Council's interest, rescind the current PROP ordinance and direct staff to develop an ordinance consistent with Senate Bill 683.

**ATTACHMENTS:**

PROP Ordinance

Charlotte Remedial Action Program Ordinance

Senate Bill 683

## ARTICLE V. PROBATIONARY RENTAL OCCUPANCY PERMIT

- Sec. 14-95. Findings and declaration of necessity.
- Sec. 14-96. Definitions.
- Sec. 14-97. Permitting of probationary rental residential dwellings.
- Sec. 14-98. Standards.
- Sec. 14-99. Compliance with provisions.
- Sec. 14-100. Enforcement.
- Sec. 14-101. Appeal.
- Sec. 14-102. Administrative fee and arbitration fee.
- Sec. 14-103. Methods of service.
- Sec. 14-104. Relation to other laws.
- Secs. 14-105—14-130. Reserved.

### **Sec. 14-95. Findings and declaration of necessity.**

(a) *Findings.* Housing in the city consists of owner-occupied and tenant-occupied properties and the two types of housing are in general parity. The substantial majority of complaints about and violations of the Code provisions adopted to assure minimum adequate housing arise from tenant-occupied property. State law and this Code impose the responsibility to provide minimally adequate housing for tenants on the property owner. Existing remedial measures in the Code are insufficient to achieve prompt Code compliance resulting in significant adverse impacts on the public health, safety and welfare of the city including the quality of life for tenants, affected neighborhoods, and the city to expedite compliance with the Code at such properties and thereby assure better quality housing for tenants and the neighborhood, the city council finds it necessary to adopt additional remedial measures for more effective compliance with the Code at such properties.

(b) *Declaration of necessity.* It is deemed necessary in order to promote public health, welfare, good order and safety of the city and its residents that persons renting residential properties where there exist certain unsafe building, minimum housing, zoning or nuisance code violations should be subject to a permitting system. Permitting will:

- (1) Reduce the likelihood that these residential housing accommodations will become public nuisances in violation of G.S. 19-1(b).
- (2) Promote responsible management of these housing accommodations.
- (3) Assist in providing a safe habitat for residents and neighbors of these facilities.
- (4) Safeguard property values.
- (5) Reduce the likelihood that housing accommodations where such problems most frequently have arisen and which are unfit for human habitation, dangerous, or injurious to the public will exist or be occupied.
- (6) Expedite repair of residential housing accommodations where such problems arise.

(Ord. No. S2011-005, § 1, 4-26-2011)

**Sec. 14-96. Definitions.**

Unless the context clearly indicates otherwise, the following words and phrases as used in this article shall have the following meanings:

- (a) *Business affiliate.* A person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, the owner of a probationary residential rental dwelling of any property. Solely for purposes of this definition, the terms "owns", "is owned", and "ownership" mean ownership of an equity interest, or the equivalent thereof, of ten percent or more.
- (b) *Dwelling.* A dwelling unit used for residential purposes other than a dwelling unit in a bed and breakfast inn, hotel or motel, guest house, rest home, rooming house, boarding house, lodging house, or tourist home.
- (c) *Dwelling unit.* One or more rooms physically arranged as to create an independent housekeeping establishment with separate facilities for cooking, sleeping and toilet. A dwelling unit can be occupied by only one family. A dwelling unit can also contain a utility apartment or rented rooms in accordance with the Fayetteville City Code.
- (d) *Fifth degree of kinship.* Collateral kin within five degrees of kinship removed from the owner with the degree of kinship to be computed as provided in G.S. 104A-1.
- (e) *Housing code.* The provisions of the Fayetteville City Code, chapter 14
- (f) *Development services department.* The Development Services Department of the City of Fayetteville.
- (g) *Licensed rental agency.* A rental agency holding a current privilege license issued by the State of North Carolina pursuant to G.S. 10541(a)(8) or (9).
- (h) *Notice of violation.* A city issued list of failures to comply with the City Code at the dwelling included in the notice sent to the owner(s) pursuant to G.S. 160A-428 and 160A-429 and chapters 14, 16, 22, and 30 of the Fayetteville City Code.
- (i) *Owner.* Any person who alone, or jointly, or severally with others:
  - (1) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
  - (2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if the person were the owner; or
  - (3) For violations of the housing code, shall be a mortgagee of record.

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- (j) *Person.* Associations, corporations, limited liability companies, company, firm, partnerships, joint ventures, public or private institutions, corporations, trusts, estates, utilities, cooperatives, commissions, boards, condominiums, interstate bodies and bodies politic and corporate as well as to individuals or other legal entities.
- (k) *Probationary rental occupancy permit.* A permit issued to the owner of a probationary rental residential dwelling pursuant to this article.
- (l) *Probationary rental residential dwelling.* A dwelling unit, other than a utility apartment, including the premises of the dwelling unit which is the site of:
  - (1) A violation of Fayetteville City Code by re-occupancy of a dwelling previously found unsafe;
  - (2) A violation of Fayetteville City Code by re-occupancy before certification of compliance with the housing code by the development services department;
  - (3) Activities resulting in: (a) a third conviction for violation of sections 17-7 through 17-16 of the Fayetteville City Code, noises ordinances, within the 24-month period following notice of the first conviction; or (b) a third civil penalty for violation of sections 17-7 through 17-16, within the 24-month period following notice from the police department of the first notice of violation;
  - (4) A violation of chapter 14 of the Fayetteville City Code by the failure to repair, vacate, or demolish within the time provided for compliance with the Code in the order issued by the development services department pursuant to G.S. 160A-429;
  - (5) A violation of the Fayetteville City Code section 14-31 by housing more inhabitants than permitted in the dwelling;
  - (6) A zoning vehicle violation by the failure to comply in a timely manner with an order issued by development services department due to the unlawful storage of unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles on the premises;
  - (7) A second nuisance abatement pursuant to the Fayetteville City Code within a 24-month period;
  - (8) A second citation for violation of sections 6-226 through 6-230 or sections 6-241 through 6-243 of the Fayetteville City Code within a 24-month period;
  - (9) A fourth notice of violation within a 24-month period, when the prior notices of violations were resolved by corrective action and without issuance of any order or mandate for corrective action, of any of the following chapters or sections: chapter 14, section 16-311, sections 16-354 through 16-356, and sections 22-11 through 22-18 of the Fayetteville City Code and upon implementation of the Fayetteville Unified Development Ordinance, article 30-4, section D, subsections 3(h) and 3(s) of the Fayetteville Unified Development Ordinance; and



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- (10) Activities resulting in a third arrest for a criminal activity on the premises of the dwelling following notice from the police department within the 24-month period following notice from the first arrest for a criminal activity on the premises of the dwelling.
  
- (m) *Public nuisance violation.* A determination by a code enforcement official that any of the nuisances listed in section 22-16 exist at a property which determination is included in a notice sent to the property owner pursuant to section 22-17
  
- (n) *Violation.* A determination by a code enforcement official or a judge, after a notice of violation of the City Code and an opportunity for response to the noticed alleged failures, that an order or other mandate should issue to the owner or any other person imposing a sanction or requiring further actions to comply with the City Code, including without any limitation the payment of civil penalties or administrative fees, implementation of corrective measures, or cessation of activities which are not authorized by the City Code, or conviction of a criminal code offense for failure to comply with the Code provisions listed in subsection (l) of this section.
  
- (o) *Zoning vehicle violation.* A determination that unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles are present on the premises in violation of the zoning code including the provisions at sections 16-354 through 16-356
  
- (p) *Criminal activity.* Means arrest of a tenant or tenant guest for conduct on the premises of the dwelling under any of the following:
  - (1) G.S. 14-204;
  - (2) G.S. 14-71.1 on the premises;
  - (3) G.S. 18B-300;
  - (4) G.S. 14-409 or G.S. 14-415.1;
  - (5) G.S. 14-292;
  - (6) G.S. 14-288.2; or
  - (7) G.S. 90-95.

(Ord. No. S2011-005, § 1, 4-26-2011)

**Sec. 14-97. Permitting of probationary rental residential dwellings.**

(a) Unless compliance with this article is deemed pursuant to section 14-99, it shall be unlawful for an owner to rent, to receive rental income from, or to offer for rent, any probationary rental residential dwelling required to be permitted under this part without first obtaining a permit for the dwelling under this part or when the permit issued under this part is revoked. The owner of a probationary rental residential dwelling shall hold a permit under this part for each probationary rental residential dwelling and shall abide by the standards in section 14-98 in order to be eligible to retain the

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permit. Each probationary rental residential dwelling is a separate dwelling for fee purposes and for the requirement to be permitted. When an apartment house consisting of multiple dwelling units is required to have a probationary rental occupancy permit as a result of a violation which applies to the building as a whole, a single permit will be required for the building as a whole which permit will be issued to the owner of the building, however each dwelling unit within the building which separately qualifies as a probationary rental residential dwelling shall be subject to separate permit fees and the requirement to be permitted. The development services department shall assign violations in common areas of an apartment complex to the apartment house nearest to the common area where the violation occurred.

(b) Every application for the probationary rental occupancy permit prescribed herein, or a permit amendment to add another probationary rental residential dwelling to the permit, shall be upon a form approved by the director of the development services department or his designee and shall be filed with the development services department. Every application shall be made under oath and shall contain the information required to show the owner is eligible for a permit under this article and sufficient information to enable the development services department to determine that the standards of section 14-98 are being, or will be, met at any probationary rental residential dwelling to be permitted. Within 30 days of receipt of a complete application and a nonrefundable application fee of \$200.00, the development services department shall review each application and determine whether the application should be approved. The development services department shall deny any application which does not satisfy the minimum requirements of this article and any application submitted by an owner during a period of permit revocation.

(c) The permit fee shall be \$300.00 for the first year of the permit. The annual fee for subsequent years shall be \$500.00. Such fee shall be due and payable when the permit issues with annual fees for subsequent years due and payable annually.

(d) Any person required to have a probationary rental occupancy permit shall be permitted for two years. If a violation of the permit occurs, the permit requirement is extended for the probationary rental residential dwelling covered by the permit for two years following the date of the violation. To be released from the requirement for a probationary rental occupancy permit, the owner must have had no violation of any of the Code provisions listed in subsection 14-96(1) and the standards in section 14-98 for the two-year period immediately before the permit period ends and the dwelling must be approved as compliant with the Code in a final inspection. Final inspections will be conducted only upon the request of the owner. When the owner fails to request an inspection within 90 days after the date the permit requirement was due to expire, the development services department, after written notice to the owner and tenant, shall inspect the permitted dwelling for compliance with the Code provisions listed in subsection 14-96(l) and the standards in section 14-98

(e) Any person taking title to a permitted probationary rental residential dwelling shall be the holder of the probationary rental occupancy permit. Any person taking title to a probationary rental residential dwelling not previously holding a permit shall apply for a probationary rental occupancy permit. The new owner of the dwelling unit, who is not a prior owner or related by marriage or within the fifth degree of kinship to the seller, may request that the director of the development services department or his designee remove the requirement that the dwelling have a probationary rental occupancy permit. For the request to be eligible for consideration, the new owner must:

- (1) Have paid all outstanding fees and civil penalties for the dwelling;
- (2) Have no violations or pending violations of this article issued to the new owner;

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- (3) Obtain from the development services department a determination that the dwelling complies with the standards in section 14-98; and
- (4) Submit an affidavit which shows proof of title transfer, that the new owner is not a prior owner, not related by marriage or within the fifth degree of kinship to the seller, is not a business affiliate of the prior owner, and that the lease for the dwelling includes a provision making violations of the City Code by the tenant grounds for eviction.

(f) A temporary permit shall be issued by the development services department if the final decision on a complete application is not made at the end of the 30-day review period. The temporary permit will expire 30 days following an inspection which finds the dwelling to be ineligible to hold a permit under this article; upon issuance of the probationary rental occupancy permit for the dwelling; or upon denial of the application for a probationary rental occupancy permit. The development services department shall not charge a fee for a temporary permit.

(g) An application shall be accompanied by a notarized statement from a competent person agreeing to an appointment with a process service agent for receipt of a notice of violation or order from the city for all violations at the dwelling unless each notice of violation or order previously sent from the city to the owner of the dwelling was delivered and no such notices of violation or orders returned to the city. The refusal of service by the process service agent of a notice of violation or order, or a notice of violation or orders returned undelivered, shall be grounds to revoke the permit. When a notice or order under this article is returned undelivered, the development services department may require the appointment of a process service agent as a condition for continuing to hold the permit. Failure by the owner to maintain a duly appointed process service agent, or to appoint a process service agent within 30 days of being so ordered, shall be grounds to revoke the probationary rental occupancy permit.

(h) The development services department shall maintain a list of all dwellings and dwelling units which are probationary rental residential dwellings and subject to the permit requirements of this article. The development services department shall send a copy of the list of probationary rental residential dwellings, which shows whether each listed dwelling is permitted, to the office of the city clerk, for public inspection, at least once every 30 days. The development services department shall use other reasonable means to make the list publicly available including the information systems for public access to city information.

(i) The city council, by ordinance, may add the dwelling to the probationary rental occupancy permit program upon finding that existing remedial provisions have been inadequate to abate the detrimental impact on the tenants, the adjacent properties, the dwelling and the neighborhood.

(Ord. No. S2011-005, § 1, 4-26-2011)

**Sec. 14-98. Standards.**

(a) The permittee shall respond to the department making contact, either in person or by telephone within two business days after being contacted at the telephone number provided in the application, to the police department, the fire department, or the development services department. The permittee shall submit to the department making the contact, within three days of the response, written documentation of the response. The permittee may designate a licensed rental agency as the person responsible for responding to calls for assistance from the police department, the fire department, or

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the development services department. The designated agency must have at least one agent located in the city or within 50 miles of the city's planning jurisdiction who is authorized by it to respond to calls. The designation shall be effective only after a notarized statement is submitted to the development services department in which the responsible employee is identified and agrees to accept the duty.

(b) The permittee shall maintain the dwelling so that it does not violate any applicable provision of the zoning code, minimum housing code, or other code provisions listed in the definition of probationary rental residential dwelling at section 14-96

(c) The permittee shall maintain a current list of occupants. Upon request, by city inspectors, police, and fire and emergency response personnel investigating violations or potential violations of this article, the permittee shall present the list of occupants to the investigating personnel.

(d) The permittee shall obtain a section 7-33 certificate of housing code compliance before a vacant probationary rental residential dwelling with an unresolved notice of violation of the housing code is occupied by another tenant.

(e) The permittee shall comply with the requirements of this article.

(f) The public works commission shall not provide water service to a vacant probationary rental residential dwelling which is in violation of the housing code until a certificate of housing code compliance has been issued for the dwelling pursuant to section 7-33, unless the director of the public utilities department determines such service is necessary for public health reasons and will not be used by occupants of the dwelling for residential purposes.

(g) Within 30 days of the designation of a dwelling as probationary residential rental dwelling, the owner shall deliver a written notification, using the form approved by the development services department, to each tenant that the dwelling is a probationary rental residential dwelling. Prior to entering into a rental agreement, whether oral or written, the permittee shall provide written notification, using the form approved by the development services department, to each prospective tenant that the dwelling is a probationary rental residential dwelling. In the notification, the permittee shall explain the possible enforcement actions which can be applied for violations of the probationary rental occupancy permit. The permittee shall provide proof of the delivery to the development services department along with a copy of the notification within ten days of receipt of proof of delivery.

(h) Within 30 days of the designation of a dwelling as probationary residential rental dwelling, the owner of a condominium or a dwelling in a townhouse development, shall deliver a written notification, using the form approved by the development services department, to the association or governing body which controls the property commonly owned and associated with the dwelling, that the dwelling is a probationary rental residential dwelling. In the notification, the permittee shall explain the possible enforcement actions which can be applied for violations of the probationary rental occupancy permit on the common property of the association. The permittee shall provide proof of the delivery to the development services department along with a copy of the notification within ten days of receipt of proof of delivery.

(i) Within 30 days of the designation of an apartment house as probationary residential rental dwelling and when the persons owning the apartment house and the apartment complex are not the same person, the owner of an apartment house shall deliver a written notification, using the form approved by the development services department, to the owner of the apartment project which

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controls the property commonly owned and associated with the apartment house, that the apartment house is a probationary rental residential dwelling. In the notification, the permittee shall explain the possible enforcement actions which can be applied for violations of the probationary rental occupancy permit on the common property of the apartment complex. The permittee shall provide proof of the delivery to the development services department along with a copy of the notification within ten days of receipt of proof of delivery.

(Ord. No. S2011-005, § 1, 4-26-2011)

**Sec. 14-99. Compliance with provisions.**

(a) Any person required by this article to have a permit for a probationary rental residential dwelling who files a complete application for any required permit within ten days following notice from the development services department that this article applies to, the dwelling shall be deemed compliant with this article unless and until the application is denied.

(b) It shall be unlawful to rent, to receive rental income from, or to offer for rent a dwelling subject to the permit requirements of this article beginning ten days after service of notice by the development services department that a permit is required under this part unless a complete application for a subsection 14-97(a) permit has been submitted for the dwelling.

(c) Any person who holds a G.S. 105-41(a)(8) or (9) privilege license as a rental agency, and is not the record owner of the probationary rental residential dwelling, shall be deemed compliant with this article upon filing with the development services department an affidavit or other notarized statement that the agency relationship has been terminated and that the failure to comply with the noticed violations was caused by the record owner's refusal to comply with the article.

(d) Any person who has been designated as a process service agent and is not the record owner of the probationary rental residential dwelling shall be deemed compliant with this article upon promptly notifying the development services department that the notice or order delivered for service cannot be delivered to the owner and upon filing with the development services department an affidavit or other notarized statement that the agency relationship has been terminated and that all prior notices and orders were delivered to the owner.

(e) If the activities, violations or abatements which individually or cumulatively could cause a property or dwelling to be deemed a probationary rental residential dwelling are the result of tenant behavior or actions, an owner shall be entitled to relief from any such violation(s) (i.e., the violation(s) shall not be counted as a strike against the owner) by evicting or removing the tenant, so long as the owner can show that the tenant behavior or action is the basis of the eviction or removal of the tenant. No owner may obtain relief for more than two violations in any three-year period per dwelling under this subsection. Any owner who evicted or removed the tenant as a result of the tenant causing such violation(s), whether such removal is the result of a tenant voluntarily vacating the dwelling or as a result of court action, shall be deemed compliant with this article upon filing with the development services department an affidavit or other notarized statement stating that: (1) the tenant cited for the violation no longer resides at the dwelling; or (2) the attached complaint was filed to evict the tenant and listing the actions showing diligence in effecting the eviction and attaching a copy of the signed lease with the required right to evict. An owner shall also be entitled to relief from any subsequent violation(s) that occur while the action to evict the tenant is pending upon a similar showing to the development services department.

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- (1) If the court has denied the owner's diligent pursuit to evict the tenant, it shall be sufficient if the owner does not renew the tenant's lease at the end of the then-current term and instead terminates the lease.
- (2) When an owner shows an inability to access the dwelling for purposes of effecting remedial activity as ordered by the development services department pursuant to chapter 14 due to a court order in an eviction proceeding, the failure to complete the required remedial activity as previously ordered by the development services department is not a violation for purposes of determining whether the dwelling is a probationary rental residential dwelling until 30 days after the expiration of the court order barring access or within such additional time for compliance as is provided by the development services department.

(f) Any mortgagee of record, not otherwise defined as an owner, shall be deemed compliant with this article unless and until the other owners of the probationary rental residential dwelling fail to comply with notices of violations or orders, including for the payment of civil penalties. A mortgagee of record, not otherwise defined as an owner, shall not be liable for civil penalties or administrative fees in excess of the liability of the other owners.

(Ord. No. S2011-005, § 1, 4-26-2011)

**Sec. 14-100. Enforcement.**

Enforcement may be by any one or a combination of the following methods, and the institution of an action under any of these methods shall not relieve any party from any civil proceeding prescribed for violations of this article. When a violation continues from day to day without interruption, a new and separate violation occurs when the violation continues after service of the notice or order of the immediately preceding violation for the unlawful activity.

- (1) *Civil penalties.*
  - a. Any person who shall rent, or offer for rent, a probationary rental residential dwelling without first applying for and obtaining a permit as required in section 14-97 or who shall rent, or offer for rent, a probationary rental residential dwelling permitted under this article in violation of this article shall be subject to a civil penalty as follows:
    1. Fifty dollars for a first violation, and each continuing day of noncompliance following written notice thereof shall result in the assessment of an additional civil penalty of \$50.00 per day;
    2. Two hundred fifty dollars for a second violation, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of \$100.00 per day;
    3. Two hundred fifty dollars for a third violation, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of \$250.00 per day;

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4. Five hundred dollars for a violation during a period of revocation, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of \$500.00 per day;
  5. Five hundred dollars against the owner of common property in a condominium or townhouse development for each violation occurring on the common area of a dwelling subject to this article, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of \$250.00 per day; and
  6. Five hundred dollars against the owner of an apartment project with common property used by an apartment house for each violation occurring on the common area of an apartment house subject to this article, and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of \$250.00 per day.
- b. Any duly appointed licensed rental agency employee who, after receiving written notice of a violation by the city, fails to contact the city as stated in the standards found in subsection 14-98(a) shall be subject to a civil penalty of \$100.00. Thereafter, each and every subsequent single violation occurring on the same probationary rental residential dwelling shall be assessed a civil penalty of \$250.00 and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of \$100.00 per day.
- c. Any duly appointed process service agent who, after receiving written notice of a violation or an order from the city, refuses to accept service of process or delivery of notices of violation or orders from the city in accordance with the agent's notarized statement attached to the application submitted for the dwelling shall be subject to a civil penalty of \$100.00. Thereafter, each and every subsequent single violation occurring on the same probationary rental residential dwelling shall be assessed a civil penalty of \$250.00 and each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty of \$100.00 per day.
- (2) *Equitable remedies, including injunctions.* As authorized by the city council, the city may apply to the courts for any appropriate equitable remedy to enforce the provisions of this article, including mandatory or prohibitory injunctions commanding the party to correct the unlawful condition or cease the unlawful use of the business.
- (3) *Revocation of permit.*
- a. For each dwelling where a second violation of this article occurs within 24 months of the most recent violation of this article, the development services department shall issue an order revoking the residential rental occupancy permit for a period of two years, or when no permit had been issued the dwelling, making the probationary residential rental dwelling ineligible for a permit for a period of two years.

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- b. For each dwelling where a third violation of this article occurs within 24 months of the most recent violation of this article, the development services department shall issue an order revoking every probationary rental occupancy permit issued to, or held in the name of the owner of the dwelling where the violation occurred, for a period of two years, and making the owner ineligible to hold a probationary rental occupancy permit for a period of two years.
  - c. Ten days following the service on the permittee of a written recommendation by the director of the development services department or his designee which describes the nature of any violation, the director of the development services department or his designee may revoke a permit issued pursuant to section 14-97 if it is determined that the permittee has violated any provision of this article and other means of enforcement have failed to deter the permittee from operating in violation of this article.
- (4) *Probationary status.* Following a determination that a permittee under this article has violated the provisions of this article, the permittee shall be sent a notice that the permit is on a probationary status and will be revoked for a period of 24 months if the permittee commits a second violation during the 24-month period following the first violation. Following a determination that a permittee under this article has violated the provisions of this article a second time within any 24-month period, the permittee shall be sent a notice that the permit is on a probationary status and if the permittee commits a third violation during the 24-month period following the first violation, every probationary rental occupancy permit issued to, or held in the name of the owner where the violation occurred, will be revoked for a period of 24 months.
- (5) *Cancellation of revocation orders.* The director of the development services department or his designee shall cancel an order revoking a probationary rental occupancy permit when the owner requesting cancellation of the revocation order has paid all outstanding fees and civil penalties for the dwelling and the owner has no pending appeals of any notices or orders and:
- a. Within five working days of the service of the order, the owner obtains approval from the development services department of a management plan for the dwelling to achieve full compliance with the standards in section 14-98 within the time otherwise provided by the Fayetteville City Code, or such time as the development services department finds reasonable; and
  - b. The owner by power of attorney appoints a licensed rental agency to manage the property for the two-year period following the approval; or
  - c. Within 15 days of the service of the order, the new owner of the dwelling unit, who is not a prior owner, not related by marriage or within the fifth degree of kinship to the seller, is not a business affiliate of the prior owner, submits an affidavit so attesting along with proof of title transfer, pays all outstanding fees and civil penalties, and shows the development services department that the dwelling complies with the standards in section 14-98

(Ord. No. S2011-005, § 1, 4-26-2011)



**Sec. 14-101. Appeal.**

Any permittee, owner or other person served with notice or an order under the provisions of this article, including denial of a request pursuant to subsection 14-97(e), may appeal the notice or order in the following manner:

- (1) An appeal must be filed in writing with the director of the development services department or his designee within 30 days after service of the written notice or order of the director of the development services department or his designee on the petitioner. The written appeal shall identify the application of the article at issue and provide the reasons the petitioner contends that it was wrongly applied and any supporting documentation. An appeal challenging a notice that a dwelling is qualified as a "probationary rental residential dwelling" pursuant to subsection 14-96(l)(9) may include an appeal of the basis for the citations resulting in the determination that the dwelling is qualified as a "probationary rental residential dwelling" pursuant to subsection 14-96(l)(9).
- (2) Unless the director of development services or his designee decides to allow the requested relief based on the appeal request, the director of the development services department or his designee, which shall send each appeal request to the board of appeals on dwellings and buildings, shall consider both the applicable code provisions and equitable factors in resolving the appeal. If the person who files an appeal of a notice that a dwelling is qualified as a "probationary rental residential dwelling" pursuant to subsection 14-96(l)(9) shows that the owner did not cause and, with the use of reasonable measures, could not have prevented the actions or activities leading to the citations which qualified the dwelling as a "probationary rental residential dwelling" pursuant to subsection 14-96(l)(9) the board of appeals on dwellings and buildings may reverse the order.
- (3) An appeal may be taken from any decision of the board of appeals on dwellings and buildings to arbitration by giving notice of appeal to the city council within 30 days after service of the written decision of the board of appeals on dwellings and buildings. Notice of appeal shall be given by delivery of a written statement to the city clerk stating the grounds for the appeal and providing the city clerk with a copy of the written decision of the board of appeals on dwellings and buildings. The written appeal shall identify the application of the article at issue and provide the reasons the petitioner contends that it was wrongly applied. The director of the development services department or his designee and the appealing party shall select an arbitrator from the Cumberland County District Court list of arbitrators. The arbitration shall be conducted, to the extent practicable, in accordance with the supreme court rules for court-ordered arbitration in North Carolina. The arbitrator shall be paid a fee equal to the maximum fee specified in such rules. The arbitrator shall consider both the applicable code provisions and equitable factors in resolving the appeal if the person who files an appeal of a notice that a dwelling is qualified as a "probationary rental residential dwelling" pursuant to subsection 14-96(l)(9) shows that the owner did not cause and, with the use of reasonable measures, could not have prevented the actions or activities leading to the citations which qualified the dwelling as a "probationary rental residential dwelling" pursuant to subsection 14-96(l)(9), the arbitrator may reverse the order.

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- (4) All decisions of the director of the development services department or his designee, the board of appeals of housing and dwellings and the arbitrator shall be served on the petitioner.
- (5) The enforcement of an order issued by the development services department which includes the revocation of a residential rental occupancy permit shall be stayed upon the filing of an appeal and until a final order is issued by the director of the development services department or his designee or the arbitrator.

(Ord. No. S2011-005, § 1, 4-26-2011)

**Sec. 14-102. Administrative fee and arbitration fee.**

(a) *Fee for each violation.* Any person who violates this article shall pay an administrative fee of \$200.00 per violation and the costs to the city of service of orders and notices.

(b) *Fee for arbitration.* Any person who files an appeal shall pay an administrative fee of \$145.00 to the city at the time the appeal request is made. Failure to pay the administrative fee shall cause the appeal to be denied. The person who filed the appeal shall be responsible for paying one-half of the costs of the arbitration fee. If the person who appeals is the prevailing party, the administrative fee and the portion of the arbitration fee shall be reimbursed.

(Ord. No. S2011-005, § 1, 4-26-2011)

**Sec. 14-103. Methods of service.**

(a) Unless otherwise provided, notices, orders or other documents issued pursuant to this article shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the notices, orders or other documents may also be sent by regular mail service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(b) If the identities of any owners or whereabouts of persons are unknown and the same cannot be ascertained by the development services department or the probationary rental occupancy permit team of the police department in the exercise of reasonable diligence, or if the owners are known but have refused to accept service by registered or certified mail, and the development services department shall make an affidavit to that effect, stating the steps taken to determine and locate the persons in interest, then the serving of such complaint or order upon such owners or persons may be made by publication in a newspaper having general circulation in the city at least once no later than time at which personal service would be required under this article. Where such service is by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(c) In order to assist the development services department and the police department with the service of notices, orders and other documents pursuant to this article, an owner who submits an affidavit showing a failure to receive a notice of violation and who affirms in the affidavit submitted to the development services department or the probationary rental occupancy permit team of the police department that the address listed in the Cumberland County tax records has been changed to the

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correct address at which the owner can receive further notices, shall have the prior violation removed from consideration for the probationary rental residential dwelling determination so long as the owner continues to maintain a correct address with the Cumberland County tax records and does not refuse to accept service of any notice at the address listed with the Cumberland County tax records.

(d) In order to assist owners who desire to better monitor activities at their properties, the police department shall notify an owner as provided in subsection (a) of this section within ten business days of an activity at the property by a tenant or a guest of a tenant that can or will cause the property to be qualified as a probationary rental residential dwelling. In addition and to the extent practicable, a notice to the owner shall be provided in the most expeditious manner available, including notice sent by electronic mail or facsimile to the locations provided in the rental registration. Failure to send or deliver the more expeditious notice shall not impede the enforcement of the probationary rental occupancy permit program against the owner.

(Ord. No. S2011-005, § 1, 4-26-2011)

**Sec. 14-104. Relation to other laws.**

Nothing in this article shall authorize or condone any violation of federal, state, and city fair housing laws and state landlord and tenant laws. This article shall not diminish any private right of action of any person.

(Ord. No. S2011-005, § 1, 4-26-2011)

**Secs. 14-105—14-130. Reserved.**

## ARTICLE XII. RESIDENTIAL RENTAL REMEDIAL ACTION PROGRAM

- Sec. 6-580. Purpose.
- Sec. 6-581. Definitions.
- Sec. 6-582. Registration of residential rental property.
- Sec. 6-583. Disorder risk threshold and disorder activity count.
- Sec. 6-584. Notification of mandatory meeting.
- Sec. 6-585. Mandatory initial meeting.
- Sec. 6-586. Remedial action plan and review.
- Sec. 6-587. Additional grounds for revocation of rental registration.
- Sec. 6-588. Notice of revocation.
- Sec. 6-589. Transition plan and notification of tenants.
- Sec. 6-590. Residential rental property review board.
- Sec. 6-591. Duties and responsibilities of the residential rental property review board.
- Sec. 6-592. Notice of appeal of revocation.
- Sec. 6-593. Hearing procedure and appeal of board's findings.
- Sec. 6-594. INRA designation binding on subsequent owner.
- Sec. 6-595. Enforcement, remedies and penalties.
- Sec. 6-596. Adoption of remedial action plan manual.

### **Sec. 6-580. Purpose.**

The purpose of this article is to establish a requirement that owners of residential rental property whose property is within the disorder risk threshold as established by this article must register with the city sufficient identification information so that the city may expeditiously identify and contact the owner when excessive levels of disorder activity have occurred on or in the property. In addition, the city desires to establish a method to hold owners of residential rental property accountable for failing to use effective methods to reduce disorder activity on their property. It is not the intent of this article to determine the rights and liabilities of persons under agreements to which the city is not a party. This article shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article. Additionally, a violation of this article shall not in and of itself create a negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.

(Ord. No. 4307, § 1, 11-9-2009)

### **Sec. 6-581. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Disorder activity* means activity occurring on or in a residential rental property categorized as either reported violent crimes, reported property crimes, and certain types of disorder-related, person-initiated requests for police service only as listed in the appendix of the ordinance from which this article derives entitled "Appendix A—Disorder Activity." A domestic violence call for service is not a disorder activity.

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*Disorder activity count* means a number assigned to a residential rental property that represents the amount of disorder activity occurring within a specified time period in or on the property. For purposes of determining a disorder activity count, the number of violent crimes is multiplied by 1, the number of property crimes is multiplied by 0.25, and the number of disorder calls for service is multiplied by 0.10.

*Disorder risk threshold* means, for each residential rental property category, the disorder activity count for the residential rental property that is at the 96th percentile of residential rental properties within the residential rental property category.

*In need of remedial action (INRA)* means a designation by the police official that a residential rental property has been identified for enforcement action under this article.

*Manager* means the person, persons or legal entity appointed or hired by the owner to be responsible for the daily operation of the residential rental property.

*Owner* means the person, persons or legal entity that holds legal title to a residential rental property.

*Police official* means a person designated by the chief of police who is primarily responsible for the administration of this article.

*Registered agent* means the person identified by the owner of the residential rental property in the registration filed pursuant to this article who is authorized to receive legal process and/or notice required or provided for in this article.

*Remedial action plan* means a written plan agreed upon and signed by both the police official and owner whereby the owner agrees to implement remedial measures on a residential rental property whose disorder activity count exceeds the disorder risk threshold for its residential rental property category.

*Remedial measures* means mandatory and voluntary measures as stated within the remedial action plan manual, a copy of which is on file at the city clerk's office.

*Residential rental property* means property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants including but not limited to the following: mobile homes, mobile home spaces, townhomes, and condominium unit(s).

*Residential rental property category.* Residential rental properties will be categorized by the number of residential units contained in the property as follows:

- Category 1 - One unit
- Category 2 - Two to nine units
- Category 3 - Ten to 49 units
- Category 4 - 50 to 99 units
- Category 5 - 100 to 149 units
- Category 6 - 150 to 199 units
- Category 7 - 200 to 249 units
- Category 8 - 250 to 299 units
- Category 9 - 300 or more units

*Residential rental property review board* means the board created pursuant to this article.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-582. Registration of residential rental property.**

(a) Each owner of residential rental property that falls at or above the disorder risk threshold for its residential rental property category shall register by providing the following information at the initial mandatory meeting:

- (1) The address(s) for the residential rental property which shall include the street name(s), number(s) and zip code;
- (2) The name(s), business or personal address, telephone number, and email address of the owner;
  - a. If the property is owned by multiple natural persons, then the required information shall be that of one person who has legal authority to act on behalf of the other owners.
  - b. If the property is owned by a corporation, whether foreign or domestic, then the required information shall be that of a registered agent and of an officer who has authority to act on behalf of the corporation.
  - c. If the property is owned by a partnership, then the required information shall be that of the managing partner and one alternate who have legal authority to act on behalf of the partnership.
  - d. If the property is owned by an unincorporated association or any other legal entity not mentioned above, then the required information shall be that of a person who has legal authority to act on behalf of that association or entity.

(3) The number of units located on the residential property.

(b) The address(s) required in subsection (a)(2) shall not be a public or private post office box or other similar address.

(c) An owner that is required to register under this article who sells the property shall notify the police official of all purchaser information within 30 days from the date of change of ownership. Purchaser information shall include the name, address, phone number and e-mail address for the purchaser.

(d) An owner that is required to register under this article shall post proof of registration as provided by the city in the business office of the property or in a common area or other conspicuous place accessible at all times to the tenant(s).

(e) Each residential rental property parcel shall be registered separately.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-583. Disorder risk threshold and disorder activity count.**

By June 1 of each year, the police official shall determine the disorder activity count for each residential rental property and the disorder risk threshold for each residential rental property category. These determinations shall be made using disorder activity during the previous calendar year for each year.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-584. Notification of mandatory meeting.**

(a) The owner of residential rental property that falls at or above the disorder risk threshold shall be sent a notice by certified mail to the name and address listed with the Mecklenburg County's Office of Tax Assessor.

- (b) The notice shall include the following information:
  - (1) The date, time and location for the mandatory initial meeting between the police official and the owner;
  - (2) The disorder activity count for the residential rental property;
  - (3) A statement that the owner may provide additional evidence at the initial mandatory meeting to be considered by the police official; and
  - (4) A detailed summary of the disorder activity that has occurred on or in the property.
  - (5) The amount of the registration fee.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-585. - Mandatory initial meeting.**

(a) Unless otherwise agreed to by the owner and police official, within 30 days after notice has been provided to the owner that a property falls at or above the disorder risk threshold, a mandatory initial meeting shall be held between the owner and the police official. The initial meeting may be held in person or by telephone. In the event there are multiple property owners, the owner attending the initial meeting must have power of attorney to execute the remedial action plan on behalf of the other owners.

(b) At the mandatory initial meeting, the police official and the owner shall, at a minimum, review the following:

- (1) The data that established the disorder activity count for that property; and
- (2) Any relevant evidence provided by the owner that may establish that the property does not fall at or above the disorder risk threshold.

(c) After reviewing all the evidence, any previously identified disorder activity that is found to either not have occurred on or in the property or does not clearly meet the definition of a disorder

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activity shall be discounted and an adjusted disorder activity count shall be determined. In the event that the adjusted disorder activity count for the property falls at or above the disorder risk threshold, then the owner and police official shall develop and sign a remedial action plan and the property will be set for a six-month review date pursuant to section 6-586. In the event the adjusted disorder activity count is below the disorder risk threshold, then no further action shall be taken by the police official.

(d) In the event the owner fails to attend the initial meeting without just cause, the police official shall review all the evidence concerning the property pursuant to subsections (b) and (c). Upon a finding that the adjusted disorder activity count for the property is at or above the disorder risk threshold, the police official shall refer the property to the city attorney's office for determination of whether a public nuisance action or any other legal or equitable remedy is warranted.

(e) The owner of residential rental property that is required to register under this article shall pay a registration fee on or before the mandatory meeting in the amount established pursuant to section 2-1

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-586. Remedial action plan and review.**

(a) At the first six-month review, the owner and police official shall review the disorder activity in or on the property since the date of the remedial action plan and determine the disorder activity count for the property during that time period. If the disorder activity count is no longer at or above the disorder risk threshold, then no further action will be taken. If the disorder activity count continues to fall at or above the disorder risk threshold, then the property will be designated in need of remedial action (INRA) and the police official and the owner shall amend and sign the remedial action plan and a second six-month review date will be set.

(b) At the second six-month review, the owner and police official shall review the disorder activity in or on the property since the date of the amended remedial action plan and determine the disorder activity count for the property during that time period. If the disorder activity count is no longer at or above the disorder risk threshold, then no further action will be taken. If the disorder activity count continues to fall at or above the disorder risk threshold, then the property will be designated in need of remedial action (INRA) and the police official and the owner shall amend and sign the remedial action plan and a third six-month review date will be set.

(c) At the third six-month review, the owner and police official shall review the disorder activity in or on the property since the date of the amended remedial action plan and determine the disorder activity count for the property during that time period. If the disorder activity count is not longer at or above the disorder risk threshold, then no further action will be taken. If the disorder activity count continues to fall at or above the disorder risk threshold, then the police official shall revoke the rental registration for the property unless it is determined that the owner has complied in good faith with the remedial action plans.

- (1) In determining whether the owner has acted in good faith, the police official shall weight the following factors:
- a. Whether the owner has regularly met with the police official; and



- b. Whether the owner has exhausted all resources reasonably available to the owner in order to comply with the terms of the remedial action plans; and
  - c. Whether the owner has intentionally ignored a term of a remedial action plan; and
  - d. Whether the disorder activity on the property constitutes a public nuisance.
- (2) If the owner has been found to have acted in good faith, then the police official may remove the designation of INRA and continue to work with the owner. A property that continues to fall at or above the disorder risk threshold for a second year will be referred to the city attorney's office for determination as to whether a public nuisance action or any other legal or equitable remedy is warranted.

(d) All remedial action plans will be based on the procedures and practices set forth in the CMPD Remedial Action Plan Manual; A Guide to Managing Rental Properties to Prevent Crime.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-587. Additional grounds for revocation of rental registration.**

In addition to the grounds stated in subsection 6-586(c), the police official may revoke the owner's rental registration based on a determination that:

- (1) The owner provided materially false or misleading information during the registration process.
- (2) The owner refused to meet with the police official and/or develop a remedial action plan as required under section 6-586 without just cause.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-588. Notice of revocation.**

A notice of revocation shall be sent by certified mail or delivered in person to the address listed on the rental registration.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-589. Transition plan and notification of tenants.**

Upon revoking a rental registration, the police official shall develop a transition plan for the owner's lawful disengagement from the operation and management of the rental property. The transition plan may include a referral to the city attorney for the evaluation of the property as a public nuisance or for any other legal or equitable remedy available under law necessary to fairly assist in the disengagement process. Upon revocation and issuance of a transition plan, the police official shall take reasonable steps to notify the residents of the property.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-590. Residential rental property review board.**

(a) A residential rental property review board (hereinafter "board") is hereby established, to be composed of seven members: four members to be appointed by the city council, two members to be appointed by the mayor and one to be appointed by the city manager. The appointing authorities shall ensure that the members of the board are representative of the residential rental, tenant and homeowner community.

(b) One member from the Charlotte-Mecklenburg Police Department who has obtained the rank of captain or above and one employee of the city's neighborhood and business services department who has the authority to investigate code violations will sit on the board as advisors only.

(c) Individuals with a felony conviction within the last ten years shall not be eligible to serve on the board. Further, conviction of or a plea of nolo contendere to a felony during the term of office shall automatically terminate membership on the board, irrespective of any appeals. Board members charged with a felony during a term of office shall be automatically suspended until disposition of the charge, and a quorum shall be established from the remaining membership.

(d) Board members shall keep all information about criminal investigations confidential.

(e) The board shall elect a chairperson and vice-chairperson from its membership.

(f) All members of the board serve without compensation.

(g) The terms of office shall be for three years with no member serving more than two consecutive full terms. The terms of one-third of the board shall expire each year. If a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.

(h) Five voting members shall constitute a quorum. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the city council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filed as provided in this section.

(i) Members shall be subject to removal from the board with or without cause by the appointing authority.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-591. Duties and responsibilities of the residential rental property review board.**

The board shall hear appeals from an owner of residential rental property whose registration has been revoked.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-592. Notice of appeal of revocation.**

A residential rental property owner may appeal a notice of revocation of rental registration to the board. All revocation appeals to the board must be filed in writing with the city clerk's office within ten

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calendar days of the date the notice of revocation is served on the owner. The owner shall provide a valid current address for the purpose of all notifications required to be made pursuant to this article. The request must state the reason for the appeal.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-593. Hearing procedure and appeal of board's findings.**

(a) The city clerk shall forward an appeal of revocation of rental registration to the police official and to the chair of the board. The police official shall prepare a summary of the case, including all relevant data. The summary shall be provided to the board and the owner at least five working days before the hearing.

(b) Unless a quorum cannot be obtained or as otherwise agreed to by the owner and police official, the board shall hold a hearing within 30 calendar days of the date the appeal is received by the city clerk. Should the owner or the police official desire a hearing date other than that set by the board, the owner or the police official shall submit a written request for a change of the hearing date, stating the reason for the request. The chair shall approve or disapprove such request, provided that such request is received by the Board at least seven calendar days prior to the date of the hearing. For good cause, the chair may continue the hearing from time to time. The hearing shall be conducted with at least five voting members of the board present.

(c) The owner shall appear at the hearing in person and shall have the right to representation by a person of his or her choice. The North Carolina Rules of Evidence, G.S. ch. 8C, shall not strictly apply to the hearing, but all parties shall have an opportunity to offer evidence, cross-examine witnesses, and inspect documents. Only sworn testimony shall be accepted. The chair of the board, as well as any board member designated by the chair, shall have the authority to administer the oath as set forth for witnesses in a civil matter by G.S. § 11-11. All hearings before the board shall be de novo and recorded. The board has the authority to develop rules and regulations consistent with this article to facilitate the hearing process.

(d) The city shall have the burden of proof and must establish by the preponderance of the evidence that the owner's property is in need of remedial action and the owner has failed to act in good faith to comply with the remedial action plan. After reviewing the evidence and hearing testimony from the witnesses, the board shall issue findings of fact and conclusions of law and issue an order either affirming or reversing the decision of the police official.

(e) An owner has the right to appeal the board's decision to the city council by filing a notice of appeal with the city clerk within ten days after the board issues its written decision. When feasible, the matter will be set for review by the city council at the next regularly scheduled business meeting. The city council shall make its decision based on the record below, and no additional evidence will be considered. A majority vote by the city council in favor of the board's decision is required to uphold the board's decision to revoke the owner's registration. An appeal to city council will stay the proceedings until it completes its review.

(f) If the city council upholds the board's decision, the owner shall have the right to seek judicial review of the board's decision in a proceeding in the nature of certiorari instituted in the Superior Court of the county within 30 days after the city council votes to uphold the board's decision. Judicial review shall not automatically stay the revocation.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-594. INRA designation binding on subsequent owner.**

The designation of a property as INRA and the application of the procedures set forth in this article shall be binding upon all subsequent owners or other transferees of an ownership interest in the rental residential property. However, the revocation may be stayed during the implementation of a transition plan.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-595. Enforcement, remedies and penalties.**

(a) The remedies provided herein are not exclusive and may be exercised singly, simultaneously, or cumulatively. In addition, the remedies provided herein may be combined with any other remedies authorized by law and exercised in any order. This article may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(b) It shall be a civil violation of this article for any owner of residential rental property or person or entity on behalf of that owner to commit any of the following acts:

- (1) Lease or rent residential rental property to another person or entity when the rental registration for that property has been revoked except pursuant to a transition plan as set forth in section 6-589
- (2) Lease or rent residential rental property to another person or entity after the owner has been served with notice of the mandatory meeting and fails to attend the meeting without just cause as set forth in section 6-585

(c) Notwithstanding that the owner's property registration has been revoked or the owner has failed to attend the mandatory meeting as set forth in section 6-585, the owner shall not commit the following acts:

- (1) Refuse or fail to comply with any order of the city to repair a dwelling pursuant to section 11-38 of the housing code, or
- (2) Terminate the utility services of any occupants or otherwise violate the rights of residential tenants under G.S. ch. 42, arts. 2A, 5, or 6.

(d) Notwithstanding that the owner's property registration has been revoked, the owner's compliance with its obligations in subsection (c)(1) and (2) hereinabove shall not be deemed as offenses under subsection (e).

PART II - CODE OF ORDINANCES  
Chapter 6 - BUSINESSES AND TRADES  
ARTICLE XII. - RESIDENTIAL RENTAL REMEDIAL ACTION PROGRAM

(e) Failure to comply with the provisions of this section shall subject the offender to a civil penalty of \$50.00 a day for the first 30 days, \$100.00 a day for the next 30 days, and \$500.00 a day for each subsequent day.

(f) A civil penalty that is assessed under this article may be recovered by the city in a civil action in the nature of a debt if the owner does not pay the penalty fee within 30 days after a notice of the penalty is issued by the police official.

(Ord. No. 4307, § 1, 11-9-2009)

**Sec. 6-596. Adoption of remedial action plan manual.**

The remedial action plan manual, a copy of which is on file in the office of the city clerk, is hereby adopted. The city council hereby finds and determines the remediation strategies set out therein to be reasonable and appropriate to address the public health, safety and welfare issues addressed by this article entitled the "Remedial Action Plan Manual; A Guide to Managing Rental Properties to Prevent Crime." The chief of police or his designee is hereby authorized to amend the remedial action plan manual.

(Ord. No. 4307, § 1, 11-9-2009)

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

SENATE BILL 683  
RATIFIED BILL

AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE  
BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-364 reads as rewritten:

**"§ 153A-364. Periodic inspections for hazardous or unlawful conditions.**

(a) The inspection department ~~shall~~may make periodic inspections, subject to the board of commissioners' directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. For purposes of this section, the term 'reasonable cause' means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period; (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected; (iii) the inspection department has actual knowledge of an unsafe condition within the building; or (iv) violations of the local ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings. In addition, it shall make any necessary inspections when it has reason to believe that such conditions may exist in a particular building. In exercising these powers, each member of the inspection department has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(b) A county may require periodic inspections as part of a targeted effort within a geographic area that has been designated by the county commissioners. The county shall not discriminate in its selection of areas or housing types to be targeted and shall (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a public hearing regarding the plan; (ii) hold a public hearing regarding the plan; and (iii) establish a plan to address the ability of low-income residential property owners to comply with minimum housing code standards.

(c) In no event may a county do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the county to lease or rent residential real property, except for those rental units that have more than three verified violations of housing ordinances or codes in a 12-month period or upon the property being identified within the top 10% of properties with crime or disorder problems as set forth in a local ordinance; (ii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy; or (iii) except as provided in subsection (d) of this section, levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties.

(d) A county may levy a fee for residential rental property registration under subsection (c) of this section for those rental units which have been found with more than two verified violations of housing ordinances or codes within the previous 12 months or upon the property being identified within the top 10% of properties with crime or disorder problems as set forth in a local ordinance. The fee shall be an amount that covers the cost of operating a residential



registration program and shall not be used to supplant revenue in other areas. Counties using registration programs that charge registration fees for all residential rental properties as of June 1, 2011, may continue levying a fee on all residential rental properties as follows:

- (1) For properties with 20 or more residential rental units, the fee shall be no more than fifty dollars (\$50.00) per year.
- (2) For properties with fewer than 20 but more than three residential rental units, the fee shall be no more than twenty-five dollars (\$25.00) per year.
- (3) For properties with three or fewer residential rental units, the fee shall be no more than fifteen dollars (\$15.00) per year."

**SECTION 2.** G.S. 160A-424 reads as rewritten:

**"§ 160A-424. Periodic inspections.**

(a) The inspection department ~~shall~~ may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within its territorial jurisdiction. Except as provided in subsection (b) of this section, the inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. For purposes of this section, the term 'reasonable cause' means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period; (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected; (iii) the inspection department has actual knowledge of an unsafe condition within the building; or (iv) violations of the local ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings. In addition, it shall make inspections when it has reason to believe that such conditions may exist in a particular structure. In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(b) A city may require periodic inspections as part of a targeted effort within a geographic area that has been designated by the city council. The municipality shall not discriminate in its selection of areas or housing types to be targeted and shall (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a public hearing regarding the plan; (ii) hold a public hearing regarding the plan; and (iii) establish a plan to address the ability of low-income residential property owners to comply with minimum housing code standards.

(c) In no event may a city do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the city to lease or rent residential real property, except for those properties that have more than three verified violations in a 12-month period or upon the property being identified within the top 10% of properties with crime or disorder problems as set forth in a local ordinance; (ii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy; or (iii) except as provided in subsection (d) of this section, levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties.

(d) A city may levy a fee for residential rental property registration under subsection (c) of this section for those rental units which have been found with more than two verified violations of local ordinances within the previous 12 months or upon the property being identified within the top 10% of properties with crime or disorder problems as set forth in a local ordinance. The fee shall be an amount that covers the cost of operating a residential registration program and shall not be used to supplant revenue in other areas. Cities using registration programs that charge registration fees for all residential rental properties as of June 1, 2011, may continue levying a fee on all residential rental properties as follows:

- (1) For properties with 20 or more residential rental units, the fee shall be no more than fifty dollars (\$50.00) per year.

(2) For properties with fewer than 20 but more than three residential rental units, the fee shall be no more than twenty-five dollars (\$25.00) per year.

(3) For properties with three or fewer residential rental units, the fee shall be no more than fifteen dollars (\$15.00) per year."

**SECTION 3.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18<sup>th</sup> day of June, 2011.

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Philip E. Berger  
President Pro Tempore of the Senate

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Thom Tillis  
Speaker of the House of Representatives

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Beverly E. Perdue  
Governor

Approved \_\_\_\_\_ .m. this \_\_\_\_\_ day of \_\_\_\_\_, 2011



**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Michael Gibson, Parks and Recreation Director  
**DATE:** August 1, 2011  
**RE:** **Update on Site Solutions Proposal for Assisting with Parks & Recreation Bond Package**

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**THE QUESTION:**

What is the status on the Fayetteville-Cumberland Bond Proposal?

**RELATIONSHIP TO STRATEGIC PLAN:**

Listed as a Policy Agenda - Parks & Recreation Master Plan Bond Referendum Planning. This target for action is linked to City goal #2 - Growing City, Livable Neighborhoods - A Great Place to Live.

**BACKGROUND:**

- The department desires to present an informative bond package that will promote the park expansion and improvements identified in the 2006 Parks and Recreation Master Plan.
- The proposed consultant, Site Solutions, assisted the City in the development of the 2006 Master Plan. They were selected after an open and competitive RFQ process. Staff is proposing to go directly to this firm in this case based on their previous work. That work is the basis for the bond projects proposed and this firm has access to the data generated during the Master Plan process which will make their work here uniquely efficient.
- There are 15 projects identified in the draft bond package. Each project will address 12 elements (operational objectives, user demographics, operational costs, initial fee assumptions, other revenue, operational cost, construction cost, service areas, vicinity maps, prototype plan, staffing and Council districts).

**ISSUES:**

Updating Council on structural plan for bond package recommendation.

**BUDGET IMPACT:**

NA

**OPTIONS:**

NA

**RECOMMENDED ACTION:**

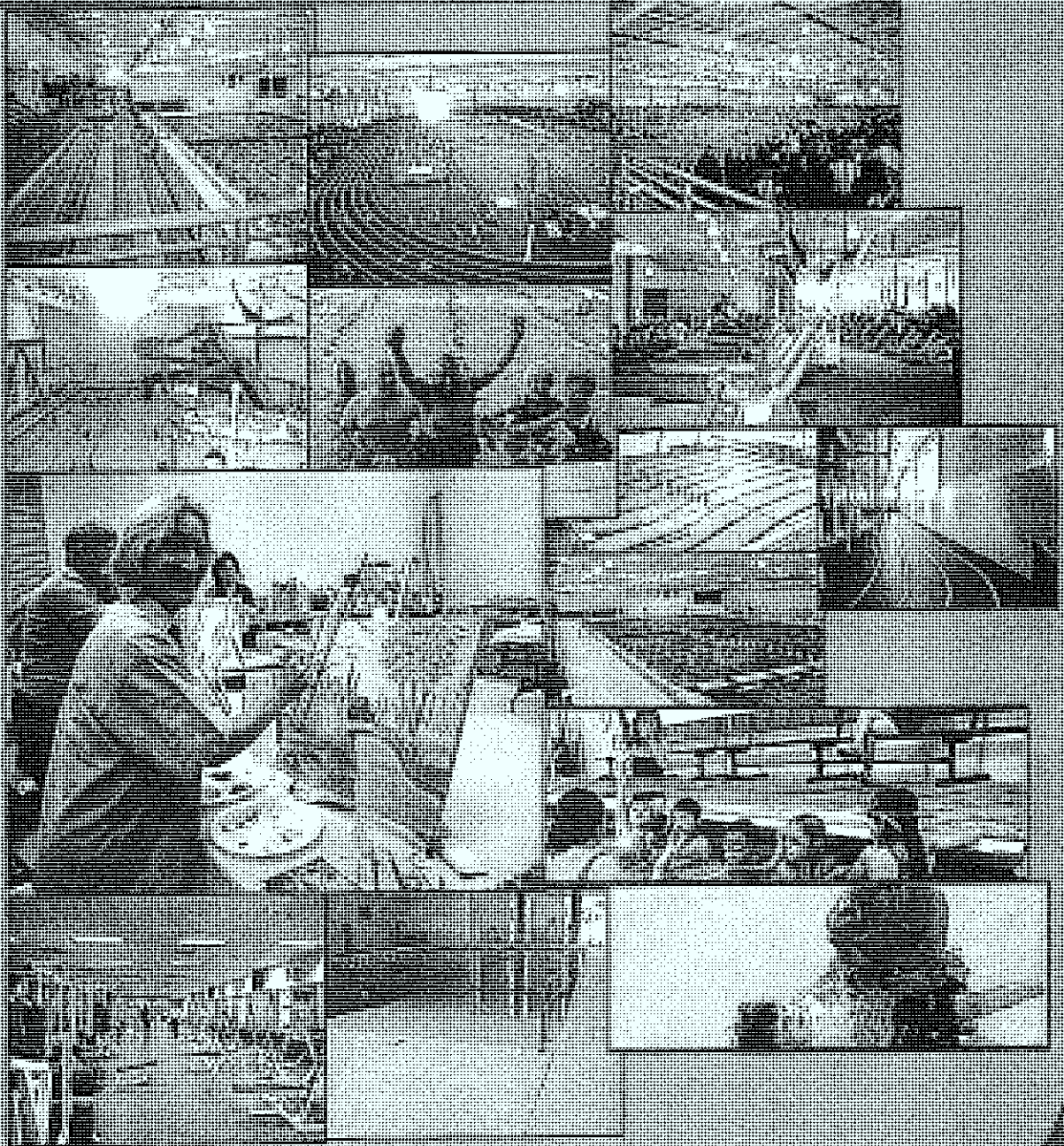
NA

**ATTACHMENTS:**

Bond Projects

Fayetteville ⊕ Cumberland  
PARKS & RECREATION

MULTIPURPOSE AQUATIC AND SENIOR CENTER





## MULTIPURPOSE AQUATIC FACILITY WITH SENIOR CENTER

Construct an approximate 120,000 - 140,000 sq ft facility that will consist of a Senior Center, Aquatic Center, Fitness Center, Fieldhouse with an Indoor Track and Community Spaces

- Senior Center

Will provide approximately 18,000 sq ft to house current FCPR senior staff and all current programming to include:

- A lobby with reception desk
- Office space for staff
- Restrooms
- Library/computer room
- Conference room
- Game room
- Art room
- Dance studio
- Health education, preventative and nutritional services
- Video/theatre room
- Indoor cafe

- Aquatic Center

Will house approximately 35,000 sq ft for aquatic spaces such as:

- An 8 lane lap pool with 0 entry depth
- Recreation pool with play structures
- Spectator seating

- Fitness Room

Will provide approximately 5,000 sq ft fully outfitted with exercise equipment

- Fieldhouse

Will provide approximately 58,000 sq ft 200 meter, 6-lane indoor Running track multipurpose floor for tennis/indoor soccer Spectator seating

- Community Spaces

Approximately 28,500 sq ft of space to include

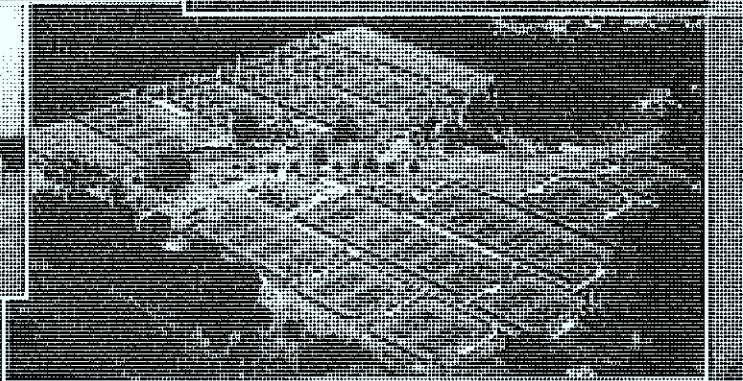
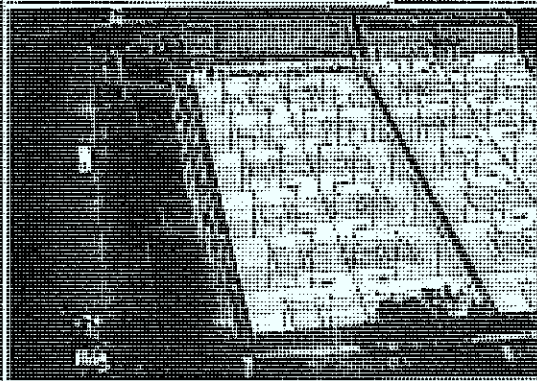
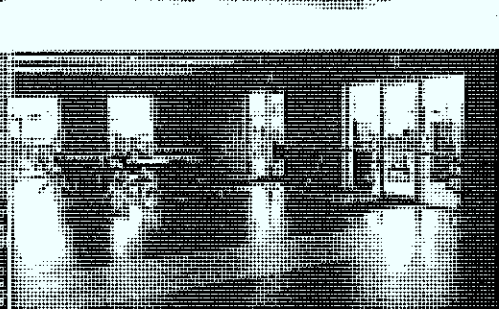
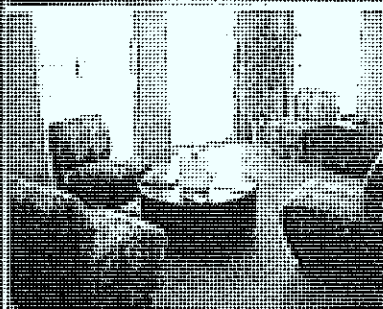
- Lobby
- Caterer's kitchen
- Special events area / meeting room / banquet hall
- Indoor café
- Studio space
- Wellness center

- Revenue potential

Rentals / Local, regional, state Track & Swim Meets /  
Swim Lessons & Classes / Memberships & Entrance Fees  
Vendor Leases - Food/Drink, Concessions, Apparel, Catering (commercial kitchen) /  
Corporate sponsorships / Locker rentals / Fitness Training

Fayetteville ⊕ Cumberland  
PARKS & RECREATION

TENNIS CENTER COMPLEX



# **TENNIS CENTER**

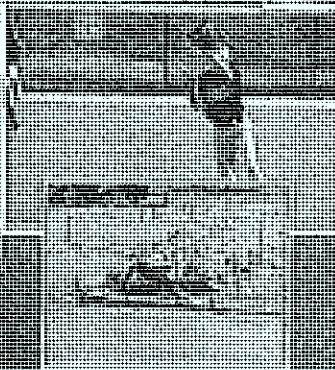
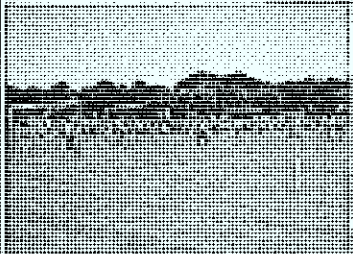
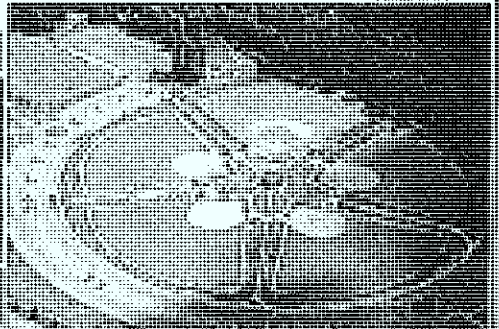
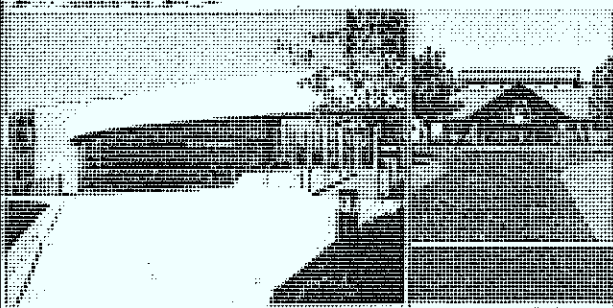
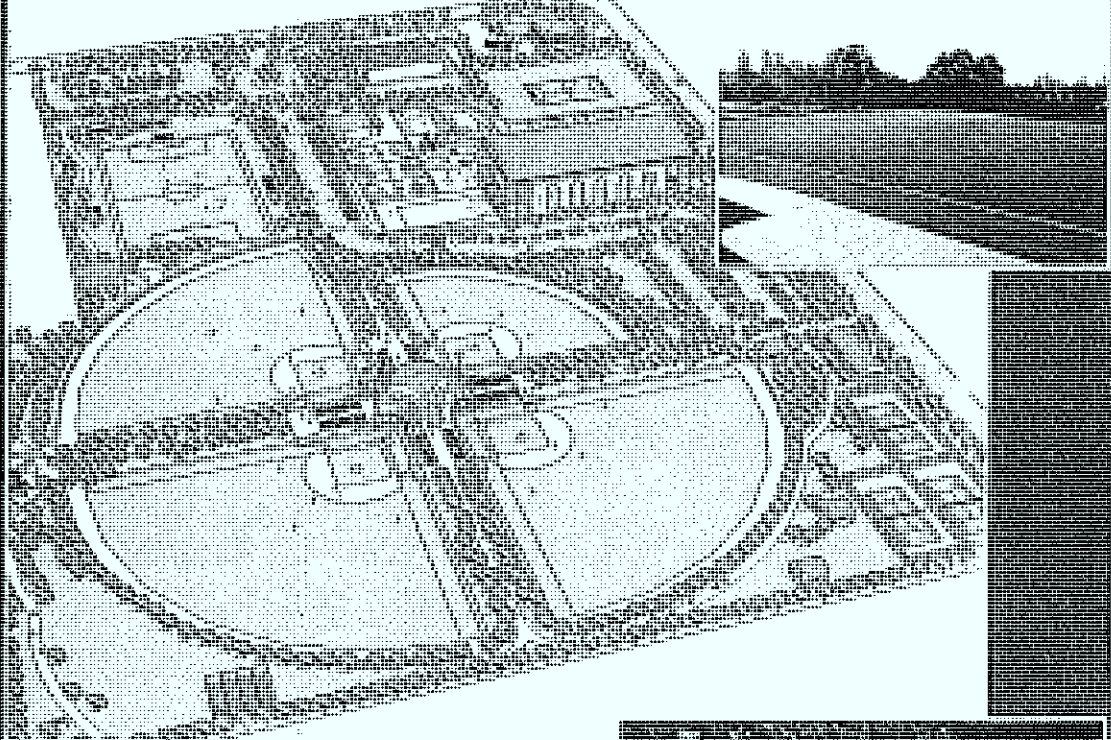
**Develop a comprehensive tennis center**

- **Location TBD**
  
- **Tennis Center will consist of**
  - Four (4) clay courts
  - Four (4) grass courts
  - Thirteen (13) hard courts
  - Covered changeover stations
  - One (1) Championship Court with 1,500 spectator seats
  
- **15,000 sq ft pro shop to include**
  - Restringing & regripping
  - Tennis Apparel
  - Locker Room / Showers
  - Meeting Rooms
  
- **Revenue potential**
  - Rentals
    - Local, regional, state youth and adult tournaments
    - Tennis lessons & classes
    - Memberships & entrance fees
    - Vendor leases & concessions
    - Pro shop sales
    - Corporate sponsorships
    - Locker rentals



# Fayetteville ⊕ Cumberland PARKS & RECREATION

## SPORTS COMPLEX



# FIELDS ROAD SPORTS COMPLEX

Develop a 50 acre sports park

- **Location:**

City-owned property on Fields Road

- **Sports Complex will consist of**

Four (4) 225' Youth lighted Softball/Baseball Fields

Four (4) 325' lighted Adult Softball/Baseball Fields

Seven (7) 225/360 Soccer/Football Fields

- **15,000 sq ft Clubhouse to include**

Concessions

Catering Service

Banquet Facility

Meeting Rooms

Lounge

- **Amenities such as**

Three (3) 35x45 picnic shelters with BBQ areas

Two (2) Children's Playgrounds

800 Meter Walking Trail

- **Revenue potential**

Ballfield and Picnic Shelter Rentals

USSSA, AAU, local, regional, state tournaments

Entrance Fees

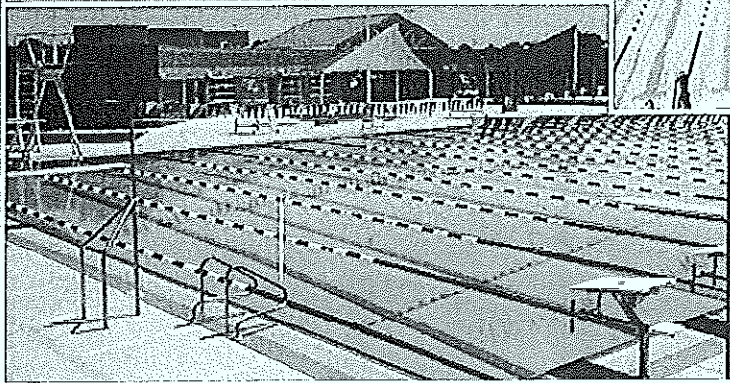
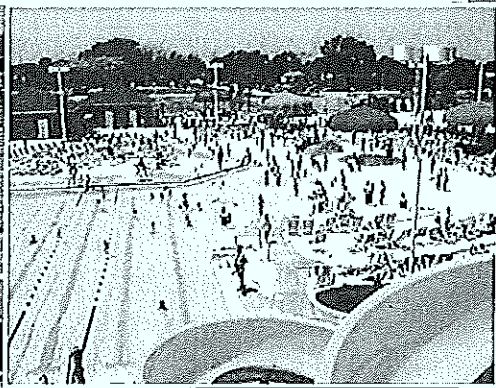
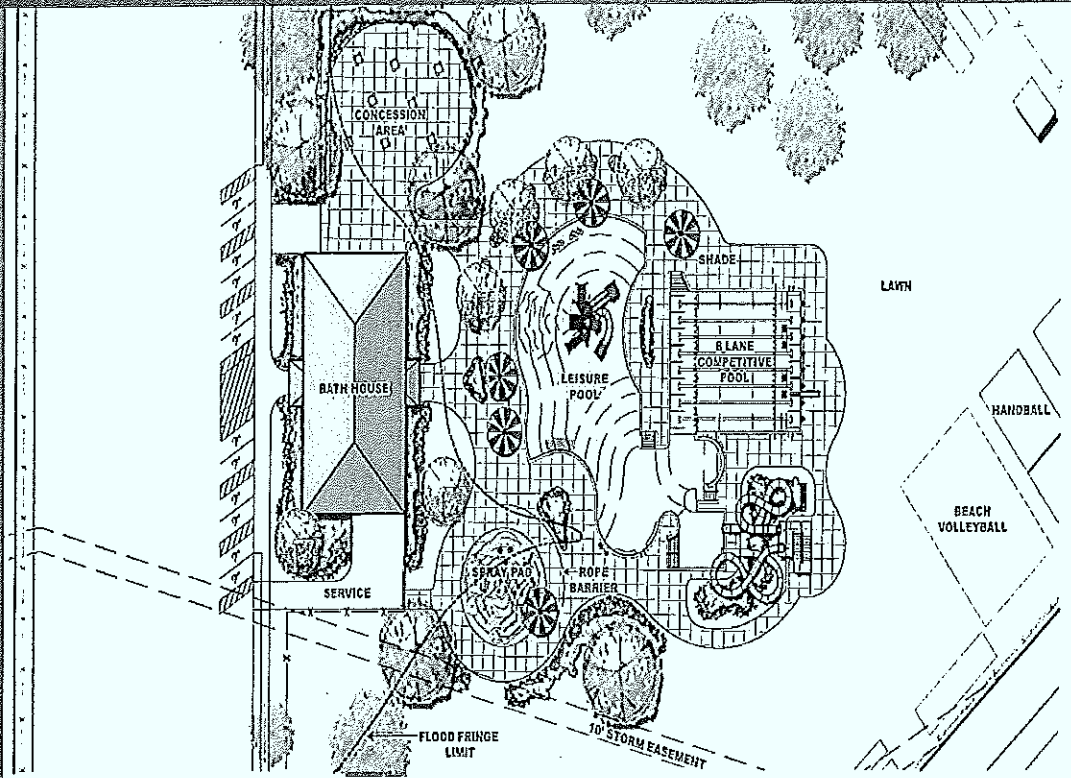
Vendor Leases & Concessions

Corporate sponsorships



# Fayetteville Cumberland PARKS & RECREATION

## COMMUNITY AQUATIC CENTER





# **Community Aquatic Center**

Develop a large outdoor pool located in the unincorporated area of Cumberland County

- **Location TBD**

- **Aquatic Center will consist of**

- One (1) 12,300 sq ft pool with 8 lanes

- One (1) 13,300 sq ft leisure pool

- One (1) 2,000 sq ft tot/spray pool with a slide  
15' deck

- A group pavilion

- 12 shade structures

- Bathhouse

- Snack Bar

- Two (2) family changing rooms with locker rooms

- **Revenue potential**

- Rentals

- Local, regional, state swim meets

- Swim lessons & classes

- Memberships & entrance fees

- Vendor leases & concessions

- Corporate sponsorships

- Locker rentals

Fayetteville ⊕ Cumberland  
PARKS & RECREATION

NEIGHBORHOOD AQUATIC CENTER



## NEIGHBORHOOD FAMILY AQUATIC CENTERS

Develop three (3) outdoor pools inside the City limits & one (1) pool, half located in the unincorporated area of Cumberland County & half located inside the City limits

- **Proposed locations**

College Lakes Recreation Center area

Westover Recreation Center area

Stoney Point Recreation Center area

Crystal Spring Recreation Center area ( $\frac{1}{2}$  city &  $\frac{1}{2}$  county)

- **Each center will consist of:**

One (1) 4425 sq ft pool with 8 lanes

One (1) 9,200 sq ft leisure pool with zero beach entry

One (1) 700 sq ft pool with slide & play features

15' deck

8 shade structures

Bathhouse

Snack bar

Two (2) family changing rooms with locker rooms

- **Revenue potential**

Rentals / Local, regional, state Swim Meets

Swim Lessons & Classes / Memberships & Entrance Fees

Vendor Leases & Concessions / Corporate sponsorships

Locker rentals

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Karen S. Hilton, AICP, Manager, Planning and Zoning Division  
**DATE:** August 1, 2011  
**RE:** **City-initiated rezoning and UDO Process Update**

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**THE QUESTION:**

What are the processes and timetables proposed in conjunction with the city-initiated rezoning and UDO implementation in response to City Council actions Monday, July 25?

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

On Monday, July 25, 2011, the City Council approved the recommended new UDO Official Zoning Map with the changes represented in the green and yellow highlighting on two handouts, and asked staff to initiate rezoning considerations for the other properties on those lists, plus three additional property owners. The Council asked that these rezonings be processed as quickly as possible.

**ISSUES:**

Staff will review the legal requirements and associated timetables, to help the City Council identify one or more special meeting dates to hear these cases. Staff may, for some of the properties, describe alternative approaches being considered and ask for direction. Staff is making every effort to continue with the thirteen cases which have been awaiting adoption of the UDO, and to schedule these approximately 22 cases during August or September.

**BUDGET IMPACT:**

Staff will provide an estimate of the cost of advertisement and other costs associated with these rezonings.

**OPTIONS:**

Guidance will be requested regarding dates for public hearings and, where different approaches might be equally effective, a preference for the approach.

**RECOMMENDED ACTION:**

Provide guidance regarding schedule and approaches as may be requested by staff.



**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Applicable City Council Member(s)  
**DATE:** August 1, 2011  
**RE:** **City Council Request(s): (In order of receipt date)**  
**(a) Council Member Bates - Ramsey Street Corridor Plan Update**  
**(b) Council Member Bates - Stub Out Street Closure**  
**(c) Mayor Chavonne - Sister City Request**  
**(d) Mayor Chavonne - Request to Review Previously Reduced Expenses**

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**THE QUESTION:**

As stated on attached City Council Agenda Item Request Form(s)

**RELATIONSHIP TO STRATEGIC PLAN:**

As stated on attached City Council Agenda Item Request Form(s)

**BACKGROUND:**

N/A

**ISSUES:**

N/A

**BUDGET IMPACT:**

N/A

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

As stated on attached City Council Agenda Item Request Form(s)

**ATTACHMENTS:**

Council Member Bates' Agenda Item Request  
Council Member Bates Agenda Item Request\_0002  
Mayor Chavonne's Agenda Item Request  
Mayor Chavonne's Agenda Item Request \_0002



## City Council Agenda Item Request

**Date of Request:** 15 JUNE 2011

**Name of Requester:** Bates, Keith A.

**Agenda Item Title:** Ramsey Street Corridor Plan Update

**What do you want to accomplish with this item?**

More attractive city  
Clean and Safe Community  
Quality neighborhood infrastructure

**How does this item connect to the City's Strategic Plan?**

Principle A, B,D and, F

**Comments:**

I would like an update on the Ramsey Street Corridor Plan and next steps to implement the plan.



City Council Agenda  
Item Request

Date of Request: 6 JULY 2011

Name of Requester: BATES, KEITH

Agenda Item Title: STUB OUT STREET CLOSURE

What do you want to accomplish with this item?

REQUEST INFORMATION, PROCESS AND STEPS REQUIRED TO CLOSE OFF STUB OUT STREETS, IN PARTICULAR THE NEW SUBDIVISION CONNECTING TO SHAWCROFT.

How does this item connect to the City's Strategic Plan?

PRINCIPLE B MEANS 1, 2, 9

PRINCIPLE C MEANS 1

GOAL 2 OBJECTIVE 2, 3, 4

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## City Council Agenda Item Request

**Date of Request:** July 19, 2011

**Name of Requester:** Mayor Tony Chavonne

**Agenda Item Title:** Sister City Process Discussion

**What do you want to accomplish with this item?**

To get input from the City Council on the processes and standard operating procedures they would like to see implemented to consider the establishment of formal Sister City relationships with other cities in the world.

**How does this item connect to the City's Strategic Plan?**

Our City is a partnership of citizens with a diverse culture and rich heritage.

**Comments:**

This action will allow the Council to work with Faces in the Community, a well-established local non-profit that focuses on strengthening cultural awareness and understanding, to develop policies and procedures to consider Sister City relationships with cities from other countries who have representatives in our community.





## City Council Agenda Item Request

**Date of Request:** July 20, 2011

**Name of Requester:** Mayor Tony Chavonne

**Agenda Item Title:** Request to Review Previously Reduced Expenses

**What do you want to accomplish with this item?**

We have received in excess of \$500,000 in unbudgeted revenue arising from new fees. This request is for staff to prepare a list of those services provided to citizens that have been reduced over the past several budget cycles. This information will give Council the opportunity to review, to consider additional needs of the city and then make a more informed decision on the allocation of the additional revenue.

**How does this item connect to the City's Strategic Plan?**

Fiscal management.

**Comments:**