

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
DECEMBER 10, 2012
7:00 P.M.**

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

Others Present:

Ted Voorhees, City Manager
Kristoff Bauer, Assistant City Manager
Karen McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
Craig Harmon, Planner II
David Nash, Planner II
Craig Hampton, Special Project Director
Patricia Bradley, Police Attorney
Michelle Thompson, Cherry, Bekaert & Holland
Ralph Huff, Developer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Arp.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member Massey moved to approve the agenda.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

5.0 PUBLIC FORUM

Mr. Amir Eronomy Mohammed Smith, 2700 Murchison Road, Fayetteville, NC 28301, stated the Broadell area of the City needed to have leaf pick-up earlier than February 2013 and expressed concern that many areas of the City needed to be cleaned up.

Bishop Larry Wright, 414 Hall Street, Fayetteville, NC 28301, invited all to attend the forthcoming Martin Luther King breakfast event which was a day of service to bring the community together. Bishop Wright presented the Mayor and City Council with a community ribbon.

6.0 CONSENT

MOTION: Council Member Hurst moved to approve the consent agenda.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

6.1 Community Development - Amendment to agreement with Fayetteville Area Operation Inasmuch.

The amendment to the agreement for the 2012-2013 program year appropriated an additional \$3,000.00 for the purchase of equipment to make identification cards for homeless individuals.

6.2 Authorize the City Manager to execute a contract with Cherry, Bekaert and Holland to audit accounts for Fiscal Year 2012-2013.

6.3 Award contract for the purchase of two prefabricated bridges for Linear Park Trail at Grove Street to Wheeler Lumber, LLC, Bloomington, MN, lowest responsible bidder, in the amount of \$93,200.00.

Bids were received as follows:

Wheeler Lumber, LLC (Bloomington, MN)..... \$93,200.00
Anderson Bridges, LLC (Colfax, WI)..... \$94,000.00
Comtech Engineered Solutions (Ft. Payne, AL)..... \$131,104.00
Echo Bridge, Inc. (Pine City, NY)..... \$139,978.00

6.4 Capital Project Ordinance Amendment 2013-22 for the western area neighborhood park at New Century Middle School.

The amendment appropriated \$56,756.00 of accumulated fees in lieu of dedicated open space/parkland to fund construction of a concession stand and restrooms at the new park under construction at New Century Middle School.

6.5 Case No. P12-54F. Initial zoning from AR Agricultural Residential to OI Office and Institutional District, for property located at US 401 South – South Raeford Road.

Containing 5.38 acres more or less and being the property of Gray and Ruby Murphy.

6.6 Consideration of assigning 12 recent annexation areas to election districts.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NC, ASSIGNING 12 NEW ANNEXATIONS TO THE 2011 ELECTION DISTRICTS AND REASSIGNING 18 PRE-CLEARED ANNEXATIONS TO THE 2011 ELECTION DISTRICTS. RESOLUTION NO. R2012-047.

6.7 Special Revenue Fund Project Ordinance Closeouts 2013-1 - 2013-6 and Capital Project Fund Ordinance Closeouts and Partial Closeouts 2013-1 - 2013-8.

Annually the City closes out completed projects in previous fiscal years and no longer active. The closeouts or partial closeouts were for various projects including street resurfacing, municipal transportation agreements, police, and airport projects. The projects were completed in a previous fiscal year and the revenues and expenditures related to the projects were audited.

7.0 PUBLIC HEARINGS

7.1 Case No. P12-50F. Request for rezoning from SF-6 Single-Family Residential to LC/CZ Conditional Limited Commercial or to a more restrictive district on property located at 102 Kirkland Drive. Containing 0.29 acres more or less and being the property of Drew and Kathrene Boxwell (Appeal of a Zoning Commission Denial).

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He reported the Zoning Commission denied the rezoning and therefore the applicant filed an appeal on November 15, 2012. He explained rezoning the property to commercial or office use could be considered illegal spot zoning, however, there was a large medical facility adjacent to the property to the south across Cochran Avenue and there was an elementary school to the west across Ramsey Street. He further explained the campus-like setting and separation from the neighborhood of the existing commercial development was distinctly different than rezoning a house on a small lot at the entrance to the neighborhood. He stated the owner offered the conditions of (1) office use only and (2) exterior being compatible to surrounding area. He advised the Zoning Commission and staff recommended denial based on (1) the property being surrounded by single-family residential zoning, (2) rezoning the property to commercial affecting two residential streets of Cochran Avenue and Kirkland Drive, (3) both the City's Land Use Plan and Ramsey Street Corridor Plan calling for residential development on the property, (4) sufficient land already existing to accommodate the future nonresidential growth of Ramsey Street according to the Ramsey Street Corridor Plan, and (5) nibbling away existing residential discouraging redevelopment of already zoned commercial property thereby disrupting neighborhoods and affecting the traffic handling capacity of the streets. He further advised the Zoning Commission and staff recommend denying the appeal for rezoning to LC/CZ Conditional Limited Commercial.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Randy Scott, 1610 Fort Bragg Road, Fayetteville, NC, speaking on behalf of his mother residing on Kirkland Drive, appeared in opposition and stated his family had lived in the neighborhood for over 40 years and referred to this type of rezoning as "spot zoning".

Mr. Robert Royal, 106 Kirkland Drive, Fayetteville, NC, appeared in opposition and stated he had been a resident of Kirkland Drive since 1960s. He stated he had circulated the protest petition and filed it with the City Clerk.

Mr. Drew Boxwell, 102 Kirkland Drive, Fayetteville, NC, appeared in favor and stated he and his wife were the applicants and were requesting conditional use for office space zoning.

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

A discussion period ensued.

MOTION: Council Member Davy moved to deny the request for rezoning from SF-6 Single Family to LC/CZ Conditional Limited Commercial.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

7.2 Case No. P12-55F. Request for Special Use Permit to construct a Child Daycare Facility in an SF-10 district on property located on the northwest side of Lakewood Drive across from Meadowmont Lane. Containing a portion of a 48.6 acre tract and being the property of Hairr Family LLC.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was across from a new development that included a new Harris Teeter grocery store in the County's jurisdiction. He stated the property was zoned SF-10 and mostly surrounded by residential. He stated while the Land Use Plan called for low-density residential, a child daycare center would be an appropriate use if it met all the use specific standards for child care centers. He advised the Zoning Commission and staff recommended approval of the Special Use Permit for a child care center as presented by staff and based on the use standards and the following findings:

- 1.The special use would comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- 2.The special use would be compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- 3.The special use would avoid significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- 4.The special use would be configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- 5.The special use would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- 6.The special use would maintain safe ingress and egress onto the site and safe road conditions around the site;
- 7.The special use would allow for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- 8.The special use would comply with all other relevant City, State, and Federal laws and regulations.

This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Vincent Adderly, 2935 Spring Moss Lane, Fayetteville, NC 28306, appeared in opposition and requested the Council deny the Special Use Permit.

Mr. Matt Kirkpatrick, Developer for the applicant, 3715 Brighton Park Drive, Raleigh, NC 27612, appeared in favor and stated the facility would be extremely secure and highly regulated and would be approximately 10,800 square feet with a 7,000 to 8,000 square foot outdoor play area. He further stated the facility would be staffed by 15 employees and would be an excellent facility.

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

Council Member Applewhite expressed concerns regarding the retention pond in the vicinity. A discussion period ensued regarding the retention pond and corresponding state requirements. Ms. Karen McDonald, City Attorney, stated as Council had concerns and unanswered questions pertaining to the retention pond, an option could be to table the item to allow for further information to be gathered and allow time to request both the City Engineer and the Developer's Engineer to be present at the next Council meeting.

MOTION: Council Member Crisp moved to continue the public hearing through the next regular City Council meeting to be held on January 14, 2013, to allow staff time to garner more evidence and provide for testimony from the engineers.

SECOND: Mayor Pro Tem Arp

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Bates and Fowler)

7.3 Case No. P12-56F. Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial located at 5130 Raeford Road. Containing 2.66 acres more or less and being the property of DPGP Investments, LLC.

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the property was vacant and SF-10 district area was mainly undeveloped. He stated general auto repair was allowed by right in the CC, but heavy repairs, including body work, painting, engine and transmission repairs, would require a Special Use Permit. He stated the owner of the property would like to change one condition on the Special Use Permit and modify another. He stated in August of 2012 the City Council approved this Special Use Permit with the following conditions:

1. Property must meet the minimum requirements of the Development Code, such as parking and landscaping to name a few.
2. Type D buffer along Morris Street.
3. 12 caliper inches of trees and 36-inch high shrubs with a 10-foot buffer.
4. Chain link fence to remain.
5. Join the street maintenance association.
6. Hours of operation from 7:00 a.m. to 6:00 p.m. Monday to Friday and then 7:00 a.m. to 5:00 p.m. on Saturdays.
7. Bring Moore Street up to City standards to the property entrance.

Mr. Harmon stated the owners of the property were requesting conditions 6 and 7 be changed to read as follows:

6. No restriction on hours of operation.

7. Sidewalk installed along Moore Street and repairs to any damage done to City standards.

Mr. Harmon stated the Zoning Commission and staff recommended approval of the amendments to the conditions for this Special Use Permit based on (1) the property being currently zoned CC for heavy commercial, (2) a large car lot and other commercial uses surrounding the property, (3) the Special Use Permit allowing additional conditions be placed on the property, and (4) facilitating reuse of an existing vacant property consistent with the immediate area. He stated the Zoning Commission and staff recommended approval of the Special Use Permit for heavy auto repair, as presented by staff, based on the following findings and conditions:

Findings

1. The special use would comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
2. The special use was compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
3. The special use would avoid significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

4. The special use was configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
5. The special use would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
6. The special use would maintain safe ingress and egress onto the site and safe road conditions around the site;
7. The special use would allow for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
8. The special use would comply with all other relevant City, State, and Federal laws and regulations.

Conditions

1. Property must meet the minimum requirements of the UDO, such as parking and landscaping to name a few.
 2. Type D buffer along Morris Street.
 3. 12 inch trees and 36-inch high shrubs with a 10-foot buffer.
 4. Chain link fence to remain.
 5. Join the street maintenance association.
 6. No restriction on hours of operation.
 7. Sidewalk installed along Moore Street and repairs to any damage done to City standards.
- This is the advertised public hearing set for this date and time. The public hearing was opened. Mr. Ben Lail, Engineer for the project, 409 Chicago Drive, Fayetteville, NC 28306, appeared in favor and requested Council approve the request for the Special Use Permit. There being no one further to speak, the public hearing was closed. A brief discussion period ensued.

MOTION: Mayor Pro Tem Arp moved to approve the request for a Special Use Permit for heavy auto repair on property located at 5130 Raeford Road based on the eight findings and seven conditions.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

8.0 OTHER ITEMS OF BUSINESS

8.1 Presentation of the Audited FY 2011-2012 Comprehensive Annual Financial Report.

Ms. Lisa Smith, Chief Financial Officer, introduced Ms. Michelle Thompson, a partner with Cherry, Bekaert & Holland.

Ms. Thompson stated the completed audit of the City's 2011-2012 financial report was provided to the City Council on December 3, 2012. She thanked the Finance Department staff for their role in completing a successful audit process in preparation of the Comprehensive Annual Financial Report. She respectfully requested the City Council accept the FY 2011-2012 Comprehensive Annual Financial Report.

MOTION: Mayor Pro Tem Arp moved to accept the audited FY 2011-2012 Comprehensive Financial Report.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

8.2 Sale and redevelopment of 301 Bragg Boulevard.

Mr. Craig Hampton, Special Projects Director, stated at the November 13, 2012, City Council meeting, Council approved the publication of a notice of upset bid for the property. He stated on November 28, 2012, receipt of bids was closed and no offers were received by the City Clerk as required by the advertisement. He reported construction would begin shortly after the beginning of 2013 and would take approximately one year to complete. He stated the project would create a positive impact to the Veterans Park budget due to the sale of land and to the general fund budget due to the increase in property taxes paid in the downtown area. He explained a tax value of \$9.1 million in the downtown tax district at the current combined City/Downtown tax rate of .556 per \$100.00 value would generate \$50,596.00 in annual general and central business district tax revenues. He introduced Mr. Ralph Huff, Developer for "Park View of Fayetteville",

LLC.

Mr. Huff provided Council with a power point presentation and announced the site and floor plans were completed and he along with his partners have worked closely with City staff to ensure that the site work and building design met or exceed all UDO requirements. He stated the Park View team was ready to move forward with the sale of 14 manor units at 2,379 square feet, 6 townhome units at 2,927 square feet, and 27 loft units at 1,557 square feet. He advised prices would range from \$240,000.00 to \$350,000.00 depending on fit and finish. He stated Parkview was going to be a breathtaking addition to Fayetteville and thanked the Mayor and Council for their confidence in the Park View team.

Council Member Applewhite inquired how much the City had originally purchased the land for, and the amount the City subsequently sold it for. Mr. Ted Voorhees, City Manager, responded he would get that information and provide it to the Council.

Mr. Hampton advised staff recommended that Council adopt the resolution authorizing acceptance of offer to purchase and develop City-owned property commonly known as 301 Bragg Boulevard and authorize sale pursuant to N.C.G.S. § 160-269.

RESOLUTION AUTHORIZING ACCEPTANCE OF OFFER TO PURCHASE AND DEVELOP CITY-OWNED PROPERTY COMMONLY KNOWN AS 301 BRAGG BOULEVARD AND AUTHORIZE SALE PURSUANT TO N.C.G.S. § 160-269. RESOLUTION NO. R2012-048.

MOTION: Council Member Davy moved to adopt the resolution authorizing acceptance of offer to purchase and develop City-owned property commonly known as 301 Bragg Boulevard and authorize sale pursuant to N.C.G.S. § 160-269.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.3 Recommendations of appointments to the Public Works Commission.

Council Member Hurst, Appointment Committee Chair, presented this item and stated the Appointment Committee met on November 27, 2012, to narrow the list of 21 applicants to fill two unexpired terms on the Public Works Commission. He reported the Committee by consensus narrowed the list to five candidates which were Mr. Glenn Adams, Ms. Lynne Greene, Mr. Karl Legatski, Mr. Wick Smith, and Dr. Assad Tavakoli. He stated it was then recommended that the PWC President/CEO and City Manager speak with each of the five finalists and phone interviews were conducted on November 30 and December 3, 2012. He advised after receiving feedback from the PWC President/CEO and City Manager, Council Member Crisp made a motion to nominate Mr. Wick Smith and Ms. Lynne Greene which received unanimous consent.

MOTION: Council Member Hurst moved to accept the unanimous recommendation from the Appointment Committee for Mr. Wick Smith to fill the unexpired term of Ms. Terri Union through August 2014.

SECOND: Council Member Bates

Council Member Haire inquired of the City Manager if there was a list of questions for the phone interviews. Mr. Ted Voorhees, City Manager, responded Mr. Steven Blanchard, PWC President/CEO, had a series of questions. He further responded that he had chosen a different approach whereby he had a structured conversation with each of the candidates with the intent of covering a series of topics related to the same point but had no specific questions.

Council Member Haire referred to Question No. 10 on the boards and commissions application and expressed concerns regarding Mr. Smith's response as to the web design services he provided for the City of Fayetteville and Council Members Chavonne and Hurst's respective businesses as this could be perceived as unethical in putting him on the Commission. Council Member Hurst explained that Mr. Smith had indicated on his application that he had no outstanding contractual relationships and therefore there was no issue with him being nominated.

Council Member Bates stated Mr. Smith was a successful business owner and the Public Works Commission needed members that were successful to help run the utility.

Council Member Applewhite stated she had inquired at the Appointment Committee meeting as to whether the questions would be written and if the same questions would be provided to each

candidate and the response was in the affirmative. She explained the responses in addition to the resumes could be used to understand the City Manager's decision on the two candidates. She inquired of the City Manager if there were written responses to the questions that could be shared with Council to support the nominations. Mr. Voorhees responded that Mr. Blanchard had written questions and some notes. He further responded he had no written questions but attempted to lead the five candidates through the same conversations. Mr. Voorhees explained neither one of them had complete packages of both the written questions and documentations of their responses in such a manner that they could provide those in writing to Council.

Council Member Applewhite inquired of Council Member Hurst if there was a summary of the findings that could be shared with Council so that they could support the nomination with the same understanding. Council Member Hurst responded at the December 3, 2012, Committee meeting it was reported that the phone interviews were completed by Mr. Blanchard and Mr. Voorhees and they only provided their impressions and thoughts of the candidates at the December 4, 2012, Committee meeting.

A discussion period ensued regarding questions and responses not being provided to Council and the new process of allowing the PWC President/CEO and City Manager to conduct phone interviews. Council Member Hurst explained it was his idea and it was presented at the November 5, 2012, work session and the Council approved the process as it was not a reappointment and it was felt the process needed to be more extensive.

Council Member Fowler stated that Mr. Smith should not be perceived as unethical for operating a successful local business and dealing with local customers. He stated Mr. Smith was a truly ethical man and would do a terrific job.

Council Member Crisp stated since the December 4, 2012, Committee meeting, he had become concerned regarding Mr. Smith's business relationships and could no longer endorse Mr. Smith. Mayor Chavonne expressed concern for the scrutiny on Mr. Smith as being unfair and apologized to all citizens who had an interest in serving on boards and commission for this behavior.

Mayor Chavonne opened the floor for nominations to fill Ms. Terri Union's term expiring August 2014.

RESTATED MOTION: Council Member Hurst moved to accept the unanimous recommendation from the Appointment Committee for Mr. Wick Smith to fill the unexpired term of Ms. Terri Union through August 2014.

SECOND: Council Member Bates

Council Member Haire nominated Mr. Mitchell Colvin, seconded by Council Member Applewhite. Council Member Crisp nominated Ms. Sheryl Lewis, seconded by Council Member Applewhite. The votes were taken and Mayor Chavonne announced that Mr. Wick Smith, by a vote of six, was appointed to serve the term January 1, 2013, through August 31, 2014, on the Public Works Commission.

Mayor Chavonne opened the floor for nominations for Mr. Luis Olivera's term expiring August 2015.

MOTION: Council Member Hurst moved to accept the unanimous recommendation from the Appointment Committee for Ms. Lynne Greene to fill the unexpired term of Mr. Luis Olivera through August 2015.

SECOND: Council Member Bates

Council Member Crisp nominated Ms. Sheryl Lewis, seconded by Council Member Haire.

Council Member Applewhite nominated Mr. Mitchell Colvin with no second.

Council Member Massey nominated Mr. Donald LaHuffman with no second.

The vote was taken and Mayor Chavonne announced that Ms. Lynne Greene, by a vote of 7, was appointed to serve the term January 1, 2013, through August 31, 2015, on the Public Works Commission.

8.4 Uninhabitable Structures Demolition Recommendations

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation and photographs of the properties. He stated staff recommended adoption of

the ordinances authorizing demolition of the structures. He reviewed the following demolition recommendations:

1201 North Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in May 2002. He further noted within the past 24 months there had been 1 call for 911 service and 3 code violations with a pending assessment of \$147.10 for lot cleaning. He advised the low bid for demolition was \$1,445.00.

1920 Powell Street

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in August 2010. He further noted within the past 24 months there had been 59 calls for 911 service and 7 code violations with pending assessments of \$3,111.75 for lot cleaning and securing of the structure. He advised the low bid for demolition was \$1,400.00.

1086 Strickland Bridge Road

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in March 2011. He further noted within the past 24 months there had been 19 calls for 911 service and 4 code violations with a pending assessment of \$387.88 for lot cleaning. He advised the low bid for demolition was \$3,200.00.

237 S. Windsor Drive

Mr. Shuford stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in March 2008. He further noted within the past 24 months there had been 13 calls for 911 service and 4 code violations with pending assessments of \$1,517.43 for lot cleanings. He advised the low bid for demolition was \$1,500.00.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1201 NORTH STREET, PIN 0438-61-9375). ORDINANCE NO. NS2012-045.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1920 POWELL STREET, PIN 0436-13-0691). ORDINANCE NO. NS2012-046.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (1086 STRICKLAND BRIDGE ROAD, PIN 0406-07-6834). ORDINANCE NO. NS2012-047.

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA, REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY (237 S.

WINDSOR DRIVE, PIN 0438-31-6260). ORDINANCE NO. NS2012-048.

MOTION: Council Member Davy moved to adopt the ordinances authorizing demolition of the structures.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.5 Rental Action Management Program (RAMP)

Ms. Patricia Bradley, Police Attorney, presented this item with the aid of a power point presentation and stated the current RAMP ordinance was adopted by Council on February 27, 2012, and took effect on July 1, 2012. She stated Mr. Bauer met with staff members in November to discuss RAMP implementation which was progressing consistent with the implementation plan shared with Council in February. She stated the code enforcement qualification process was well underway. She stated Police staff had identified a few refinements to the ordinance to be brought forth to Council this evening. She stated during the implementation period, staff identified crimes which should be amended to more accurately reflect the type of crimes that RAMP was designed to address. She stated the proposed changes were to delete crimes where the tenant was the "true" victim, for example, burglaries, motor vehicle theft, and sexual assault. Also, she stated crimes that the tenant committed or could prevent others from committing on the property that they have control of such as various drug offenses need to be added.

Council Member Applewhite inquired what transpired after tenants moved out and new tenants moved in with regards to the crime statistics. Ms. Bradley responded that the statistics remained with the residence, not the tenant.

A brief discussion period ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 14, HOUSING, DWELLING, AND BUILDINGS, ARTICLE V, RENTAL ACTION MANAGEMENT PROGRAM, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2012-028.

MOTION: Council Member Davy moved to adopt the ordinance amendment with an effective date of December 10, 2012.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (10-0)

9.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:22 p.m.