

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
FEBRUARY 24, 2014
7:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1); Kady-Ann Davy (District 2); Mitchell Colvin (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr.(District 5); William J. L. Crisp (District 6); Lawrence O. Wright, Sr.,(District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Karen McDonald, City Attorney
Lisa Smith, Chief Financial Officer
Scott Shuford, Development Services Director
Lee Jernigan, Traffic Engineer
Bart Swanson, Housing and Code Enforcement Manager
Steven K. Blanchard, PWC CEO/General Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Robertson called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Sean Harris of Berean Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 APPROVAL OF AGENDA

MOTION: Council Member McDougald moved to approve the agenda, with the addition of Item 10.02 – Closed Session.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

5.0 RECOGNITION

There were no recognitions.

6.0 REPORTS FROM BOARDS AND COMMISSIONS

6.01 Ethics Commission Annual Report

Mr. Renny Deese, Ethics Commission Chair, provided the Ethics Commission Annual Report 2013.

6.02 Board of Appeals on Dwellings and Buildings Annual Report

Mr. Bart Swanson, Housing and Code Enforcement Manager, Liaison to the Board of Appeals on Dwellings and Buildings, provided the Board of Appeals on Dwellings and Buildings Annual Report 2013.

7.0 CONSENT

MOTION: Council Member Mohn moved to approve the consent agenda; with the exception of item 7.01; PWC Budget Guidelines

SECOND: Council Member Arp

VOTE: UNANIMOUS (10-0)

7.1 PWC Budget Guidelines

This item was removed from consent by Council Member Mohn

7.2 Meeting Minutes:

111813 Discussion of Agenda Items

012214 Agenda Briefing

012713 Regular

020314 Work Session

021014 Regular

7.3 Award Contract for the Purchase of Fifteen (15) Compact Trucks to Rick Kendrick Toyota/Scion, Fayetteville, North Carolina in the amount of \$274,253.70

Bids were received from the following two (2) bidders:

Rick Hendrick Toyota/Scion, Fayetteville,

NC.....\$274,253.70

Fred Anderson Toyota/Scion, Raleigh,

NC.....\$275,910.00

7.4 Approval of a Municipal Agreement with NCDOT for landscaping and irrigation along Bragg Boulevard

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE INSTALLATION OF LANDSCAPING AND IRRIGATION ALONG BRAGG BOULEVARD (NC24/87)RESOLUTION NO R2014-005

7.5 Addition of Certain Streets to the City of Fayetteville System of Streets

Council officially accepted the dedication of streets for maintenance and addition to the City of Fayetteville system of streets. The list included twelve residential paved streets adding up to a total of 1.56 miles.

7.6 Adopt Resolution to Accept a Report of Unpaid Taxes for 2013 and Direct the Advertisement of Tax Liens

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE ACCEPTING THE REPORT OF UNPAID TAXES AND DIRECTING THE ADVERTISEMENT OF TAX LIENDS. RESOLUTION NO. R2014-006

7.1 PWC Budget Guidelines

MOTION: Council Member Mohn moved to table this item to the March 3, 2014 Work Session and to also place the item on the March 24, 2014 Regular meeting agenda for a formal vote.

SECOND: Council Member Arp

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member McDougald)

8.0 PUBLIC HEARINGS

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

MOTION: Council Member Arp moved to table this item to the second regular meeting in April, 2014.

SECOND: Council Member Colvin

VOTE: UNANIMOUS (10-0)

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

Mr. Scott Shuford, Development Services Director, Mr. Scott Shuford, Development Services Director, presented this item and stated the Unified Development Ordinance became effective August 1, 2011. Standards for swimming pools have been corrected since then, to correct for references that didn't link to standards. More recently, staff recognized that the standards were written primarily for commercial pools, and the setbacks for pumps and the swimming pools were greater than is often warranted. The building code has provisions relating the setback for a pool to the depth of the pool and distance from a structure (3 feet for every foot of depth).

These standards are intended to protect the stability of the nearby structure. They also assume larger pumps, often in 'pump houses' where the chemicals and water pumps are located. The ability to have smaller setbacks recognizes that, in residential districts, the pumps for single

family pools are typically no louder than the heating/cooling equipment allowed within three feet of a property line, and the pool depth is seldom a full ten feet. The changes also allow a smaller setback when all other codes are met. Analysis under the seven criteria for evaluating text amendments is attached. The Planning Commission held its public hearing Tuesday, February 18, 2014.

Council Member Crisp asked if those that are not in compliance would be “grandfathered”. Mr. Shuford responded that the ordinance makes the requirements less stringent.

This is the advertised public hearing set for this date and time. The public hearing was opened.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTER 30 UNIFIED DEVELOPMENT ORDINANCE. ORDINANCE NO 2014-008

MOTION: Council Member McDougald moved to adopt the ordinance

SECOND: Mayor Pro Tem Davy

VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.01 Uninhabitable Structures Demolition Recommendations

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint presentation and multiple photographs of the properties. He stated staff recommends adoption of the ordinances authorizing the demolition of the structures. He reviewed the following demolition recommendations:

506 Edwinstowe Avenue

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

2203 Progress Street

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

2224 Progress Street

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

**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 (506
Edinwstowe Avenue, PIN 0531-42-6657) ORDINANCE NO. NS2014-004**

**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 (2224
Progress Avenue, PIN 0426-92-8574) ORDINANCE NO. NS2014-005**

**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 (2203
Progress Avenue, PIN 0436-02-0928 ORDINANCE NO. 2014-006**

**MOTION: mayor Pro Tem Davy moved to adopt the ordinances authorizing demolition
of the structures**

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0).

10.0 ADMINISTRATIVE REPORTS

10.1 Monthly Statement of Taxes - January 2014

This item was for information only

10.2 Monthly Statement of Taxes – January 2014

2013 Taxes.....	\$9,595,597.37
2013 Vehicle.....	176,404.18
2013 Taxes Revit.....	34,747.46
2013 Vehicle Revit.....	82.97
2013 FVT.....	19,594.50
2013 FTT.....	19,594.51
2013 Storm Water.....	306,430.50
2013 Fay Storm Water.....	612,861.16
2013 Fay Solid Waste Fee.....	212,636.10
2013 Annex.....	0.00
2012 Taxes.....	19,299.67
2012 Vehicle.....	47,833.47
2012 Taxes Revit.....	2,122.41
2012 Vehicle Revit.....	14.51
2012 FVT.....	6,421.99
2012 FTT.....	6,421.98
2012 Storm Water.....	906.95
2012 Fay Storm Water.....	1,817.39
2012 Fay Recycle Fee.....	573.86
2012 Annex.....	0.00
2011 Taxes.....	12,843.17
2011 Vehicle.....	1,074.68
2011 Taxes Revit.....	2,299.11
2011 Vehicle Revit.....	0.00
2011 FVT.....	262.25
2011 FTT.....	262.25
2011 Storm Water.....	637.41
2011 Fay Storm Water.....	1,274.82
2011 Fay Recycle Fee.....	156.46
2011 Annex.....	0.00

2010 Taxes.....	761.25
2010 Vehicle.....	45.89
2010 Taxes Revit.....	0.00
2010 Vehicle Revit.....	0.00
2010 FVT.....	85.40
2010 FTT.....	85.39
2010 Storm Water.....	19.18
2010 Fay Storm Water.....	38.35
2010 Fay Recycle.....	50.84
2010 Annex.....	0.00
2009 and Prior Taxes.....	437.86
2009 and Prior Vehicle.....	1,581.36
2009 and Prior Taxes Revit.....	0.00
2009 and Prior Vehicle Revit.....	0.00
2009 and Prior FVT.....	335.23
2009 and Prior FTT.....	102.35
2009 and Prior Storm Water.....	72.00
2009 and Prior Fay Storm Water.....	48.00
2009 and Prior Fay Recycle Fee.....	80.00
2009 and Prior Annex.....	15.57
Interest.....	38,635.99
Revit Interest.....	261.91
Storm Water Interest.....	800.90
Fay Storm Water Interest.....	1,521.84
Annex Interest.....	0.85
Fay Recycle Interest.....	1,017.30
Fay Transit Interest.....	1,610.14
Total Tax and Interest.....	\$11,129,778.73

10.02 CLOSED SESSION

MOTION: Council Member Mohn moved to go into closed session for consultation with the City Attorney for an attorney-client privileged matter.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

The regular session recessed at 7:23 p.m. The regular session reconvened at 8:05 p.m.

MOTION: Council Member Arp moved to go into open session.

SECOND: Council Member Mohn

VOTE: UNANIMOUS (10-0)

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:06 p.m.