

Fayetteville City Council
Work Session - non voting meeting
February 6, 2012

Report: Angie Hedgepeth
Governmental Affairs Consultant FRAR/HBAF

Absent: Councilman Massey

What Happened:

Doug Hewitt (Assistant City Manager) gave a presentation to Council on the proposed Rental Action Management Program(RAMP). Hewitt said that staff and Council have recently engaged stakeholders at a public hearing on December 12. At the January 9 presentation to Council, more research was suggested to address stakeholder and Council concerns. The new RAMP modifications are below.

Decision: The Council did unanimously approve to move RAMP to a formal meeting. RAMP will be placed on the February 27 City Council Agenda for a final vote. This will not be a public hearing. If RAMP is passed this month, RAMP will go into effect July 1, 2012.

RAMP Modifications

- Add a definition for Apartments Sec. 14-64
- Changed the definition of "Residential Rental Property" to include single family homes, duplexes and triplexes, but specifically exempt apartments, Sec. 14-64
- **Added Sec. 14-78 which gives Council the ability to add problem apartments complexes by ordinance.**
- Changed the appellate process to allow for appeals of the Police Official's decision to require the property to register as well as any decision to revoke registrations, Sec. 14-81.

RAMP Triggers

Criminal Activity

- Too 10% of crime incidents using a weighted criteria, as compared to similarly sized rental properties
- Requires development of action plan to reduce crime

Code Violations

- 3+ code violations in a 12 month period
- Code Violation - abandoned car, trash or debris, damage to home or surrounding property

Once Your Property is in the RAMP Program

- Property is in RAMP for 6 months to 1 year for crime
 - 1 year for Code Violations
 - Further violations may prevent owner from renting for 1 year
 - \$1,,000 dollar fine - not deposited for 10 days
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What Was Said:

Doug Hewitt - "We have changed how to get into RAMP. The proposal is for City Council to hear cases as public hearings at a meeting. Council will decide if they go into the program. The registration fee is not deposited for 10 days until a decision has been made."

Councilman Arp - "Can Council nominate apartments?"

Hewitt - "You can make recommendations."

Mayor Chavonne - "The threat of a public hearing may motivate them. This is just another tool."

Councilman Crisp - "What if a house is for sale in RAMP?"

Hewitt - "The new owner could petition to be removed from RAMP"

Other Business:

Kristoff Bauer (Assistant City Manager) gave a presentation on revisions to annexation requirements in exchange for Public Works Commission services. Revisions to policies and implementation practices to address issues are below.

Decision - The decision was unanimous to move this agenda item for a vote either February 13 or 27.

(From City Memo)

BACKGROUND:

On December 14th of 2009, the Council adopted a revised PWC Policy 150.2 "Provision of Water and Sewer to Municipal Influence Area." This revised policy established the requirement that property owners within the City's growth area seeking PWC water or sewer service must file a petition for voluntary annexation before that service will be provided.

PWC policy at that time allowed developers to get water and sewer availability permits without petitioning for annexation as required by the policy. The policy was enforced at the time when water meters were requested. At that point, the development could be very close to completion. In addition, case law established the standard that petitions for annexation, in order to be valid, must contain the signatures of all property owners at the time of Council consideration instead of the time of petition.

This combination of factors created two challenges to the successful implementation of Policy 150.2: 1) it allowed development to proceed to completion under County standards, and 2) it created the opportunity for the annexation petition to be invalidated through sale of lots, pre-sale of homes, or sale of completed homes during the period after the petition for annexation was filed. Subsequent to that action there was an incident when a property owner filed a petition for annexation and then took actions that invalidated that petition before the City Council was able to act thereon.

ISSUES:

Staff has worked with PWC and representatives of the development community to develop an implementation strategy designed to address the issues above without negatively impacting the development process. Key elements of this strategy include:

- 1 - A clarified Policy 150.2 (Attached)
- 2 - Adding language to water and sewer availability permits as well as the PWC service agreement
- 3 - Expediting the annexation review process to allow it to run parallel with the initial zoning process, and

4 - Revision to Policy 165.1 - Initial Zoning After Annexation (Attached) - to address an order concern and give the Council additional flexibility in establishing the initial zoning.

PROPOSED REVISED ORDINANCE TEXT CHANGES BELOW ↓

SUBJECT – PUBLIC WORKS COMMISSION

**Provision of Water and Sewer to
Municipal Influence Area**

Number

150.2

Revised

Effective

Date

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Unless specifically exempted by action of the City Council, all property within the City of Fayetteville’s Municipal Influence Area¹ (“MIA”) that meet the statutory requirements for annexation must be annexed into the City of Fayetteville before water or sewer service will be provided or expanded. Further, all property to be served by PWC water and/or sewer service must be developed consistent with the City’s development regulations in place at the time service is requested. The requirement for annexation does not apply to a single-family residential homeowner requesting service from an existing water and/or sanitary sewer main when their lot is not contiguous to a corporate boundary of the City of Fayetteville.

SUBJECT - ZONING

Initial Zoning After Annexation

Number

165.1

Revised

Effective

Date

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The policy of the City Council on the initial zoning of property under consideration for annexation after it has been annexed into the City is as follows:

1. The City Planning Department shall notify the property owners by letter that the initial municipal zoning proceedings are beginning. The letter shall state the existing County zoning of the property, if zoned, and the proposed municipal zoning. The initial zoning proposal and any requests for changes shall be heard by the City Planning Commission prior to recommending the zoning map to the City Council.
2. For voluntary annexation requests, the City Clerk shall schedule the initial zoning public hearing before the City Council immediately prior to the annexation public hearing. Council’s action on that zoning will be preliminary as the property in question has not yet been annexed and, therefore, is not within the City’s authority to zone.
3. The annexation petitioner may request to withdraw their petition to

annex after the preliminary initial zoning action and prior to action on that petition. If such a request is timely made by all petitioners, the Council will table action on the annexation petition indefinitely.

4. The final initial zoning action will be included in the motion to approve the petition for annexation.

What Was Said:

Kristoff Bauer - "The only leverage they had was PWC. They can build septic if they want."

Bauer - "The process will be 2 public hearings.

1. Zoning - The Council will vote on a statement of intent

2. Petition for Annexation - Immediately after the zoning vote, a vote will be taken for annexation.

If the developer/builder does not like the vote from City Council, they can withdrawal their case for 30 days."

Councilman Bates - "So if a developer wants SF6 and we say NO we will give you a SF10....1/2 acre to an acre. What happens?"

Bauer - "They can put the petition on hold for 30 days to look at their numbers."

Bauer - "Another challenge is the PWC policy..they only require agreement when there is a line extension. There is a disconnect with what they are doing."

Mayor Chavonne - "We're getting ready to fix that."

Other Business:

The Council unanimously made a decision to adopt revisions to Chapter 23, Article III of the Stormwater Management Ordinance. The City Council will officially vote on these revisions at the February 13 meeting.

BACKGROUND: (From City Memo)

The Stormwater Management Ordinance, also referred to as Chapter 23, Article III, Stormwater Control, initially became effective January 1, 2009, and at Council's urging, established minimum requirements and procedures for new development to control the adverse effects of increased stormwater quantity and runoff quality.

The ordinance also included State-mandated Phase II stormwater requirements developed directly from language as contained in the State's Stormwater Phase II Model Ordinance.

A local Stakeholders Group, the Stormwater Advisory Board, and City staff originally developed the Stormwater Control Ordinance in 2008, and that same group has recently been working for several months to craft and review these proposed ordinance changes. As part of that effort, a new Stormwater Administrative Manual, an internal, user-friendly working document that will help all users apply the ordinance to their specific needs has also been developed.

What's Next:

City Council Regular Meeting - February 13th @7:00

Public Works Strategic Planning Meeting - February 9th @ 12:00 (PWC Board Room) Public can attend