

**8. Consider actions related to appeal and collection of civil citations:**

**A. Appeal of civil penalties.**

City Attorney Karen McDonald presented this item. Ms. McDonald explained that in 2001 the Council had created an appeals process for citations issued for solid waste and inspection violations, which included a hearing before an administrative officer who was not a City employee. She explained that this process had worked well and in order to ensure consistency throughout the City Code, she was recommending all civil citations be placed under the same appeals process and the ordinance be amended to reflect the change. Mrs. McDonald reviewed the appeals process in its entirety.

A discussion was held regarding the neutrality of the hearing officers.

Council Member Worthy requested a synopsis of the ordinance violations to include the results of the appeals to the hearing officers. He stated that if the mediator had sided with the City, it would show up and that information was needed.

Council Member Massey inquired if the Environmental Court Program would aid or be detrimental to the process.

Ms. McDonald stated the Environmental Court Program would be aimed at orders of abatement and would not interfere with the appeals process.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 1-9, APPEAL OF CIVIL PENALTIES, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2003-006.

**MOTION: Council Member Gonzalez moved to adopt the ordinance amendment.**

**SECOND: Council Member Worthy**

**VOTE: UNANIMOUS (10-0)**

**B. Collection of civil penalties.**

Ms. Lisa Smith, Chief Financial Officer, presented this item. Ms. Smith explained in the past the Finance Department's Collection Division had enforced and collected various code violations by filing claims in Small Claims court with all court costs being paid after collection from the defendant. She stated that now all court costs must be paid irrespective of whether the cost was collected from the defendant and because this was cost prohibitive, she was recommending an alternative method of collection for delinquent violations which consisted of

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forwarding severely delinquent citations and miscellaneous accounts receivable to a collection agency.

Ms. Smith reviewed the procedure and stated there was no cost to the City for the services because the agency received a percentage of the debt when collected, depending on the age of the debt.

A discussion was held regarding the number of repeat offenders, the need to increase the penalty for repeat offenders, and the need for a time limit for a severely delinquent fee.

**MOTION: Mayor Pro Tem Kendrick moved to follow the recommendations with a severely delinquent date of 60 days or more.**

**SECOND: Council Member Haire**

**VOTE: UNANIMOUS (10-0)**