

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE CONFERENCE ROOM, CITY HALL
OCTOBER 2, 2023
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5) (arrived at 5:07 p.m.); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8) (via zoom); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, Interim City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Sheila Thomas-Ambat, Public Services Director
Jerry Clipp, Human Resources Development Director
Michael Gibson, Parks, Recreation and Maintenance Director
Jody Picarella, Chief Financial Officer
Loren Bymer, Marketing & Communications Director
Daniel Edwards, Assistant Public Services Director
Lisa Harper, Senior Assistant City Attorney
Code Enforcement Staff
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:02 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Hondros.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Colvin and City Council.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Benavente moved to approve the agenda; moving Items 4.09 and 4.10 after Item 4.05.

SECOND: Council Member Hondros

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member McNair)

4.0 OTHER ITEMS OF BUSINESS

4.01 American Rescue Plan Act (ARPA) Portfolio Impact Update

Mr. Brook Redding, Special Projects Manager, presented this item with the aid of a PowerPoint presentation and stated in response to the unprecedented challenges posed by the COVID-19 pandemic, the City of Fayetteville has taken significant strides in deploying the \$40.4 million American Rescue Plan Act (ARPA) funds to alleviate its impact on our community. Grounded in the strategic vision of the Mayor and City Council, close inter-departmental collaboration and active community participation, these funds have been diligently channeled into initiatives that prioritize public health and safety, provide vital resources and fortify our City's infrastructure.

Our ARPA portfolio encompasses an array of projects and programs that not only address immediate community needs but also lay the groundwork for a resilient future. With unwavering dedication to evidence-based practices, we ensure that ARPA funds are utilized effectively and efficiently for maximum community benefit.

This comprehensive report offers an overview of the projects and programs funded thus far, shedding light on future endeavors. The City of Fayetteville remains unwavering in its commitment to leveraging ARPA funds to meet the community's needs, foster equitable outcomes, and construct a resilient, thriving future.

The American Rescue Plan Act (ARPA) was signed into law on March 11, 2021, providing a once-in-a-generation investment opportunity for the City of Fayetteville to address the disproportionate impact of the COVID-19 pandemic on our community. The City was awarded the funds through the U.S. Treasury's State and Local Fiscal Recovery Fund (ARP-SLFRF), which must be spent by September 30, 2026. In November and December 2021, the Mayor and City Council developed a strategy for allocating the funds, with input from the community, recommendations from studies, and inter-departmental collaborations. This strategy was used to identify critical priorities for using the funds, resulting in an extensive portfolio of projects and programs.

The City's portfolio includes initiatives to support business and economic vitality, housing and community livability, and infrastructure and community investments. With a focus on equity, the portfolio aims to address the disparate impact of the pandemic on marginalized communities. Evidence-based practices are used to inform the City's decisions to ensure the efficient and effective use of ARPA funds.

Mr. Redding provided a project inventory and summary, and an overview of the various projects and programs in the City of Fayetteville's ARPA portfolio. Mr. Redding stated this section aims to provide a mid-level picture of the City's progress in obligating and executing the ARPA portfolio, as well as to facilitate transparency and accountability in using these critical funds.

Discussion ensued.

Mayor Colvin thanked Mr. Redding for his presentation.

4.02 Proposed 2024 City Council Meeting Dates Calendar

Mr. Douglas Hewett, City Manager, presented this item and stated staff has provided a proposed 2024 City Council Meeting Dates Calendar. The calendar also identifies Council retreats, budget work sessions, and conferences for elected officials.

The proposed calendar shows the Monday, March 11, 2024, regular City Council meeting moved to Thursday, March 14, 2024, to accommodate the attendance of Council members at the NLC Conference in Washington, D.C.

Discussion ensued.

Consensus of Council was to change the Budget Work Sessions, May 16, 23, and 30, start time from 5:00 p.m. to 10:00 a.m., and to bring this item back to a regular meeting for official action.

4.03 Reducing Compliance Times - Code Enforcement Actions, Dangerous Building Demolition Strategies, Nuisance Property Management

Dr. Gerald Newton, Development Services Director, presented this item and stated during the August 7, 2023, work session, City Council directed staff to research options for shortening Code Enforcement Compliance Times. Code Enforcement was also tasked to prepare a

report covering Dangerous Building Demolition Strategies. Included with the Administrative Report were two power point presentations previously shared with the City Council during the October 4, 2021, and March 6, 2023, City Council meetings. At the September 25, 2023, City Council meeting, the information was reviewed and set to be brought back to the following City Council work session.

Over the past five years, Code Enforcement has managed an average of 13,470 cases each year of which 68 percent were proactive or Officer Initiated.

Since 2015, Code Enforcement has managed 978 Dangerous/Blighted building cases. Each year, Code Enforcement initiates and manages roughly 140 new Dangerous building cases with 150 to 170 open at any one time. An average of 23 properties are brought to City Council each year for a demolition ordinance. An average of 15 buildings per year are demolished by the City using those ordinances (balance are repaired or demolished by owner prior to City action).

The Nuisance Property code has been in place since 2019 and has generated 231 cases where warning notices were issued and 17 cases where the property was found to be a nuisance property and issued a civil penalty.

For the majority of Code Enforcement cases, the current required compliance time is set at ten business days from the date of the Notice of Violation. A look at FY23 data shows that 94 percent of the 13,754 Code Enforcement cases were closed. Solid Waste cases represent the majority of Code Enforcement cases and they were closed in an average of 19.3 days. Overall average for all case types was 31.2 days. By comparison, the City of Wilmington managed only 3,088 cases, closed only 85 percent from FY23 and their average time to close was 54.1 days or 70 percent longer than Fayetteville.

The current Dangerous Building case process includes 47 steps (50+ if an appeal of the Hearing Order is made). Of those steps, many take place outside of the control of the Code Enforcement Division. Examples of those external steps include Title Searches, Asbestos Testing, Bidding, Bid Tabulation, Contracting, Contract Routing, Creation of Purchase Orders, Permit Authorizations from required vendors/organizations, and Site work at the demolition location. Some steps completions or durations depend on day of the month, month of the year, and/or City Council meeting schedules.

In 2019, City Council amended the code of ordinances to add a section to Chapter 14 to establish accountability for property owners with repeated violations. Chapter 14-131 states a Nuisance Property means with the exception of un-developed lots as defined in Chapter 22, Section 22-3, any property that has been found with more than three verified violations (for specific Chapter 22, Solid Waste, or Chapter 16, Vehicles, violations) in the previous 12-month period, whether those violations have been resolved by corrective action or not. A nuisance property is no longer a nuisance property when there have been no verified violations within 12 months of the last verified violation.

Each month a scan of all qualifying case types is conducted to determine if any properties have reached three violations in the previous 12-month period. If found, a case is opened and a warning notice is issued. If a fourth violation is verified in the 12-month period, a Finding of Nuisance Property Notice is issued. If the Findings Notice is not appealed, then a civil penalty is issued per the code.

Dr. Newton introduced several staff members of the Code Enforcement Department.

Discussion ensued.

Consensus of Council was to direct staff to provide more strenuous timelines, research the causes of non-compliance, Mayor Colvin to set up an Ad Hoc Committee, and expand the demolition process, and to accept the proposed strategies:

- Reduce time from discovery to action
- Length of hearing orders beyond minimum required by state law
- Automatic advertising of all hearing notices
- Elimination of extensions specifically after Council has approved ordinance
- Taking action notwithstanding issued permits or ongoing work
- Council accepting consent items at more meetings
- Lis Pendens filed on all properties upon discovery
- Dedicated inspector, administrative staff and hearing officer

4.04 Litter and Illegal Dumping Management Process

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item and stated the purpose of this report is to address and discuss the requests received by City Council regarding the concerns of right-of-way mowing, litter, and illegal dumping within the City of Fayetteville.

Request 1: Council Member Jensen asked staff to define the litter problem.

Request 2: Mayor Colvin asked staff to conduct research regarding litter, illegal dumping, and mowing on our main corridors and high traffic areas, and respond to Council with options to enhance these services.

The primary responsibility for the overall appearance and cleanliness of our City lies with the people that live in and visit the City. The City supports these efforts by encouraging and, where necessary, correcting the uncleanliness and if possible holding those responsible accountable.

Litter and illegal dumping are ongoing issues addressed on a regular basis by the City of Fayetteville. To define the litter problem, it is important to distinguish the City's efforts to encourage and correct across three categories:

1. Thoroughfare Litter
2. Right-of-Way Violations/Illegal Dumping
3. Private Property Code Violations

There is a litter and illegal dumping management process that is currently being utilized by the City of Fayetteville. The current process is designed to remove litter and illegal dumping and improve the City's overall appearance. Parks and Recreation, Solid Waste, and Code Enforcement work collectively to ensure that the issues of litter and illegal dumping are addressed on a regular basis and in a timely manner.

Litter and illegal dumping continues to be an issue on the City's main corridors and high traffic areas. Litter has been cited as a major issue by many residents and businesses in Fayetteville. Currently, litter crews collect more than two tons of litter each week from public areas and roadways. Also, in the most recent budget, Council authorized additional RAPID or Solid Waste code enforcement resources that will enhance right-of-way/illegal dumping solid waste violation enforcement. If enhanced services are desired to address the litter concerns on our main corridors and high traffic areas through January of 2024, an additional \$185,000.00 will cover the litter crew expenses. This could be a pilot to see if its impact merits future funding consideration.

We do not recommend enhanced mowing during this same pilot as the growing season is winding down.

The PowerPoint presentation covers how we respond to the three areas. It also shows the services the City provides from the street, gutter, curb, grass, to sidewalk. These services include Spraying, Street Sweeping, Edging, Litter, Rapid, Mowing, Pot Holes and Catch Basins. We also show the corresponding ordinances that we use as guidelines for providing these services. We believe there is an opportunity to revise the language in these ordinances so that they better align with current practices. Any associated increase in services will necessitate additional costs and resources not currently budgeted.

The City of Fayetteville deploys several different services to collect waste, remove litter and illegal dumping, and maintain its overall cleanliness. Litter and illegal dumping has been an ongoing issue that is addressed on a regular basis by the City of Fayetteville. Parks and Recreation, Solid Waste, and Code Enforcement work together collectively to ensure that the issues of litter and illegal dumping are addressed on a regular basis and in a timely manner.

Parks and Recreation completes litter pick up in all of the major and minor thoroughfares and has a schedule that groups the major and minor thoroughfares within the City in a particular zone. Litter is collected in each zone on a biweekly basis.

The Solid Waste Knuckle Boom (KB) team collects curbside compliant piles of limbs and bulky waste every other week. In cases where items are not compliant, they are tagged by the KB crews, documented, and submitted to the RAPID (Removing and Preventing Illegal Dumping) team. RAPID follows a specific process that handles any litter and illegal dumping violations.

Code Enforcement handles litter and illegal dumping violations that occur on private properties. Code Enforcement works to protect residents and visitors in our City by enforcing codes and standards. Code Enforcement will issue notices to property owners/violators giving them time to gain compliance. Failure to comply will result in civil penalties and in some cases criminal charges.

Discussion ensued.

Consensus of Council was to direct staff to bring back options; increasing service levels, Council will make the budgetary decisions and to send out the Requests for Proposals (RFP).

4.05 Council Member Agenda Item Request - Nuisance Businesses - Mayor Colvin

Mayor Colvin presented this item and stated there have been numerous calls for service regarding nuisance businesses; establishments that have frequent drug overdose cases, and other disturbances that negatively impact the quality of life for the residents that live in or close to those areas.

Discussion ensued.

Consensus of Council was to direct the Legal Department to conduct research to determine what constitutes a nuisance and bring back options to address this in an Administrative Report.

4.09 Council Member Agenda Item Request - Youth De-Escalation Programming - Council Member Benavente

Council Member Benavente presented this item and stated he is seeking Council support to direct staff to budget for increased programming at our recreation centers in partnership with Worship

Centers, focusing these additional programs at Smith, Cliffdale and Massey Hill Recreation Centers (most likely to have issues of gun violence).

Discussion ensued.

Consensus of Council was to invest in our youth; direct staff to explore this initiative further and report back with findings.

4.010 Council Member Agenda Item Request - Pipeline to City Employment - Council Member Benavente

Council Member Benavente presented this item and stated he is seeking Council support on expanding what the City presently offers as grants to those seeking to secure trade licenses.

Discussion ensued.

Consensus of Council was to move this item forward to the Next Advisory Commission to work on this initiative.

4.06 Council Member Agenda Item Request - City Council Internship - Council Member Benavente

Council Member Benavente presented this item and stated he is seeking Council support to develop an Internship Program with the City in conjunction with Fayetteville State University, Fayetteville Technical Community College and others; programming for motivated young people in Fayetteville, in order for them to gain experience in municipal government.

Discussion ensued.

Consensus of Council was to move this item forward as a project for the Next Advisory Commission to work on.

4.07 City Council Agenda Item Request - Co-Op Grocery Store - Council Member Benavente

Council Member Benavente presented this item and stated he is seeking Council support to direct staff to research and explore how we can establish a Co-Op grocery store in the Murchison Corridor.

Discussion ensued.

Consensus of Council was to direct staff to explore and research how we can work with Fayetteville State University to develop a Co-Op grocery store and report back to Council with findings.

4.08 Council Member Agenda Item Request - Officer Tavarez-Rodriguez Shooting - Council Member Benavente

Council Member Benavente stated in light of the comments made earlier by the City Manager; I am withdrawing this item.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:58 p.m.