



City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final City Council Work Session

Tuesday, January 2, 2024

5:00 PM

Lafayette Conference Room

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

3.0 APPROVAL OF AGENDA

4.0 OTHER ITEMS OF BUSINESS

4.01 Proposed Text Amendments to Chapter 30 - Unified Development Ordinance (UDO).

4.02 Solid Waste - Yard Waste - Acceptable Containers

4.03 Unaccompanied Minors in City Facilities

4.04 Consideration of Changing Council Meeting Start Times

4.05 City Council Agenda Item Request - Vape Shops - Council Member Haire

4.06 City Council Agenda Item Request - Censure of Mayor Colvin and Council Member Benavente - Council Member Banks-McLaughlin

5.0 ADJOURNMENT

CLOSING REMARKS

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Human Relations at yamilenazar@fayettevillenc.gov, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

COUNCIL WORK SESSION WILL BE AIRED
January 2, 2024 - 5:00 p.m.
Cable Channel 7 and streamed "LIVE" at FayTV.net



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 23-3559

Agenda Date: 1/2/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.01

TO: Mayor and Members of City Council

THRU: Kelly Olivera - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director

FROM: Will Deaton, AICP - Planning & Zoning Division Manager
Craig M. Harmon, CZO - Senior Planner

DATE: January 2, 2024

RE:

Proposed Text Amendments to Chapter 30 - Unified Development Ordinance
(UDO).

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 2: Responsible City Government Supporting a Diverse and Viable Economy

Objective 2.4 - Sustain a favorable development climate to encourage
business growth

Goal 3: City Investment in Today and Tomorrow

Objective 3.2 - Manage the City's future growth and strategic land use

Executive Summary:

Below are eight (8) proposed areas of the City Code for text amendments. These suggested updates are to the Unified Development Ordinance (UDO - Chapter 30), as proposed by the City's Professional Planning Staff of the Development Services Department.

Upon City Council's direction, these items will proceed to the Planning Commission for

legislative hearings and recommendations by the Commission. Following the Planning Commission's meeting, their proposed text amendments will be presented again to the City Council, this time for a legislative hearing, review, and decision.

Background:

Generally, twice per year, the Development Services Department proposes a batch of text amendments to adjust the UDO and other City Codes. The aim of these amendments is to ensure that the City's regulations reflect modern development standards and community preferences. These suggested amendments are the result of issues identified through ordinance cleanup, the development community's suggestions, and case law implications. The reason to limit the potential amendments is a combination of staff and City Council time spent on the items to fully vet items for consideration.

Issues/Analysis:

The first step in bringing a proposed amendment before City Council is to have it reviewed, modified and recommended by the City's Planning Commission, following City policies and State Statutes as shown below. The Commission is an integral part of any text amendment process.

According to section 160D-301 of the North Carolina General Statutes:

(a) Composition. - A local government may by ordinance provide for the appointment and compensation of a planning board or may designate one or more boards or commissions to perform the duties of a planning board. A planning board established pursuant to this section may include, but shall not be limited to, one or more of the following:

(b) Duties. - A planning board may be assigned the following powers and duties:

(3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

Development Services Staff proposes 8 code areas to be amended:

1. Reduce the parking calculations for Adaptive Reuse sites.
2. Reduce the parking calculations for Infill Projects.
3. Further define the office-warehouse use by amending which districts they are allowed in and what the minimum ratio of office to warehouse space is appropriate.
4. Amend the definitions and standards to better differentiate between standard gas stations and truck stop gas stations.
5. Resolve the ordinance conflicts between general canopy height and canopies for gas stations.
6. Reduce the off-street parking standards for Industrial Uses. Currently warehouse space requires more parking than office uses.
7. Reintroduce sign height and setback standards for signs in residential districts

- these standards were lost during the adoption of the UDO.

8. Amend UDO to allow for backing into streets for two-to-four family dwellings and townhomes, which is already allowed for single family residential uses.

Budget Impact:

None at this time

Options:

- 1) Direct Staff to present all or some of the proposed text amendments to the Planning Commission for their review, modification and recommendation. (Recommended);
- 2) Remand some or all of the proposed text amendments back to Staff for further consideration.

Recommended Action:

The Professional Planning Staff recommends Option (1) Direct Staff to present all of the proposed text amendments to the Planning Commission for their review, modification, and recommendation.

Attachments:

PowerPoint

CITY COUNCIL



Text Amendments

January 2, 2024



UDO (Chapter 30) Text Amendments

- The aim is to ensure that our regulations reflect modern development standards and community preferences.
- 2024
 - Cleanup – to clarify and simplify some areas of the code.
 - Developers & Community – items asked for by developers or the community
 - Policy – how do we as a city move forward



Step 1. Introduction to City Council Work Session – Jan.

Step 2. Planning Commission – Jan.

Per State Statute, the Commission's duties are to develop and recommend policies, ordinances, development regulations, and administrative procedures

Step 3. City Council – Feb.

Discuss and adopt



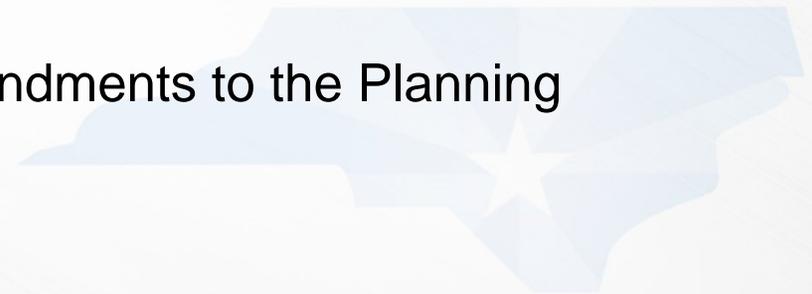
1. Reduce the parking calculations for Adaptive Reuse sites.
2. Reduce the parking calculations for Infill Projects.
3. Further define the office-warehouse use by amending which districts they are allowed in and what the minimum ratio of office to warehouse space is appropriate.
4. Amend the definitions and standards to better differentiate between standard gas stations and truck stop gas stations.
5. Resolve the ordinance conflicts between general canopy height and canopies for gas stations.
6. Reduce the off-street parking standards for Industrial Uses. Currently, warehouse space requires more parking than office uses.
7. Reintroduce sign height and setback standards for signs in residential districts. These standards were lost during the adoption of the UDO.
8. Amend UDO to allow for backing into streets for two-to-four family dwellings and townhomes, which is already allowed for single family residential uses.

Options:

- Direct Staff to present all or some of the proposed text amendments to the Planning Commission for their review, modification and recommendation. (Recommended);
- Remand some or all of the proposed text amendments back to Staff for further consideration.

Recommended Action:

- Direct Staff to present all proposed amendments to the Planning Commission





 **FAYETTEVILLE** ^N_C
AMERICA'S CAN DO CITY

FayettevilleNC.gov



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 23-3654

Agenda Date: 1/2/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of Business

Agenda Number: 4.02

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA-CM, City Manager

FROM: Daniel Edwards, Assistant Director of Public Services
Sheila Thomas-Ambat, PE, Director of Public Services

DATE: January 2, 2023

RE:

Solid Waste - Yard Waste - Acceptable Containers

..end

COUNCIL DISTRICT(S):

All

..b

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

The City Council adopted the amended Solid Waste (SW) Ordinance on January 27, 2023, which went into effect on July 1, 2023. In response to a recent Council request due to concerns some residents raised regarding acceptable containers for yard waste, staff are prepared to discuss the feasibility of accepting non-standardized containers for yard waste. Staff recommend continuing with the present process, for the City of Fayetteville to better maintain consistency, predictability, and enforceability of the SW services.

Background:

During a presentation to the Council in January, staff presented proposed revisions to the operations ordinance. The main objective of the proposed new ordinance was to address service limits, correct ordinance ambiguity, update definitions, and update the operation language (specifically Sec 22-10). There were no recommendations or discussions regarding changing the acceptable yard waste containers or any of the other containers for SW services other than the general statement regarding tighter enforcement of the whole ordinance moving forward.

Please refer below for the list of approved containers for yard waste in the previous Solid Waste Ordinance: Sec. 22-5, a

2. Nonautomated collection system. All households and businesses not part of the automated rollout collection system shall provide approved containers for all solid waste for removal by the city. Wet and dry garbage containers shall have a capacity of no more than 32 gallons. The following provisions shall be complied with:

- a. Containers shall be cans made substantially of metal or plastic. Cans shall have tight-fitting covers and strong handles, and the covers shall be kept on at all times except when cans are being filled or emptied. Plastic bags may be used as approved containers for household solid waste collection by city forces and shall be properly secured at the bag opening with a twist tie or other secure means to eliminate any spillage of contents.
- b. Plastic bags to be used to containerize household materials shall be constructed from film made from high quality polyethylene or similar product. Bags shall withstand normal service handling when filled to a maximum weight of 50 pounds when securely closed.

Sec. 22-10, (8)

(8) Yard waste containerization requirements and collection services Yard waste collection shall be provided only to single-family residential units as approved by the solid waste director or designee.

1. Yard wastes shall be separated from all other refuse prior to collection. Collection forces shall collect yard waste that is customarily and reasonably associated with the residential unit served so long as it is properly prepared or containerized and in compliance with these regulations.
2. Grass clippings, small shrubbery clippings, leaves, and other small lawn debris shall be collected at the curbside provided that they are placed in plastic bags or other approved containers for collection. If plastic bags are used, such bags shall be in good condition, and of such size and weight that, when full, do not weigh more than 50 pounds each and are such that one individual can pick up each bag, one at a time, for disposal. Plastic bags shall be secured at the top when placed at curbside for collection.
3. City-approved/issued rollout refuse containers may be used for yard trash containerization when doing so does not inhibit proper disposal of household trash. Other approved containers used for yard waste shall have tight-fitting lids, equipped with strong handles, and shall not exceed 32 gallons in size or 50 pounds in weight when filled. All other yard waste containers shall be furnished by the owner or occupant and be made of metal or plastic for the purpose of solid waste disposal.

Please refer below for the list of approved containers for yard waste in the current Solid Waste Ordinance: Section 22-5

3. Yard Waste Non-Automated Collection System, All Residential Units and Single Business Units that have not purchased a City-issued Yard Waste Rollout Cart shall provide an alternative City-approved can for all Yard Waste for removal by the City. The can shall have a capacity of no more than 32 gallons. The following provisions apply:

- a. Cans shall be made substantially of metal or plastic. Cans shall have tight-fitting covers and strong handles, and the covers shall be kept on at all times except when cans are being filled or emptied.
- b. Plastic bags used to containerize Yard Waste shall be constructed from film made from high quality polyethylene or a similar product. Bags shall withstand normal service handling when filled to a maximum weight of 50 pounds when securely closed.
- c. Cans provided by the user for Yard Waste shall not weigh more than 50 pounds.

Section 22-10

J. Yard Waste containerization requirements and Collection. 1. Yard Waste Collection shall be provided only to Units as approved by the City Manager or designee. 2. Yard Waste shall be separated from all other Waste prior to Collection. The City shall collect Yard Waste that is customarily and reasonably associated with the Unit served so long as it is properly prepared or containerized and in compliance with these regulations. Yard Waste shall be placed within four (4) feet of the Curbside for Collection by the City.

- a. Grass clippings, small shrubbery clippings, leaves, and other small lawn and Yard Waste debris shall be collected at the Curbside provided that they are placed in plastic bags, an approved can for Collection, or a Rollout Cart that is purchased from or provided by the City. If plastic bags are used, such bags shall be in good condition, and of such size and weight that, when full, do not weigh more than 50 pounds each, and are such that one individual can pick up each bag one at a time for disposal. The plastic bags shall be secured at the top when placed at Curbside for Collection. For each Collection day, a maximum combination of ten (10) Rollout Carts, plastic bags, and approved cans in total can be set out at the Curbside for weekly Collection.

b. Loose Yard Waste comprised of branches and twigs are to be tied into bundles weighing no more than 50 pounds, be no longer than three (3) feet in length, three (3) feet in width, and the branches must not be larger than three (3) inches in diameter.

Other approved cans used for Yard Waste that are provided by the user shall be made of metal or plastic, have tight-fitting lids, be made for Waste disposal, equipped with strong handles, and shall not exceed 32 gallons in size or 50 pounds in weight when lifted by one person.

Issues/Analysis:

Solid Waste services around 64,000 residents and have tagged approximately 2852 tags since July 1, 2023. Staff tagged around 302 unapproved containers for yard waste. On the other hand, there were more tags for residents attempting to use their recycling cart, approximately 745, than tags for unapproved containers. Overall, 99% put their yard waste out right the first time and nearly 100% get it right after we have tagged them.

Residents who prefer using alternative methods for yard waste collection are encouraged to purchase brown carts. These carts can be used for both yard waste and household waste. They come with a ten-year warranty, unlike reusable bags, which may need to be replaced within three years. In case of any defects or damages, the City will replace or repair the brown carts for ten years. However, if reusable bags are ripped or destroyed while being emptied into the truck by the staff, the City will not bear the cost of replacing them. There are various types of reusable bags, boxes, and containers that residents can use to dispose of their yard waste during collection. Furthermore, providing such inconsistent collection compromises the safety and health of staff because of the unpredictability of collections. Although the plastic bags must be lifted in the hopper of the truck, they are cut within the hopper, and the plastic bag is disposed of by the crew without issues. Some residents desire to use biodegradable bags. Bio-bags are not accepted at the Wilkes Road Facility. It would be a challenge to regulate the variety of options available for yard waste collection use. Brown carts are the best option for the collection of yard waste. It's important to note that introducing alternative methods of containerizing yard waste might lead to requests for additional alternative methods, which could result in inconsistent, unpredictable, and unenforceable services from SW.

Below the Peer City Comparison for Containers shows that Fayetteville meets or exceeds collections methods.

Peer City Comparison Containers

Budget Impact:

No Budget Impact

Options:

1. Continue using the accepted containerized methods for yard waste collections in the SW Ordinance.
2. Amend the SW Ordinance to include other containerized methods for yard waste collections or give direction

Recommended Action:

Staff recommends that Council:

1. Continue using the accepted containerized methods for yard waste collection in the SW Ordinance.

Attachments:

SW Yard Acceptable Containers PPT

Solid Waste

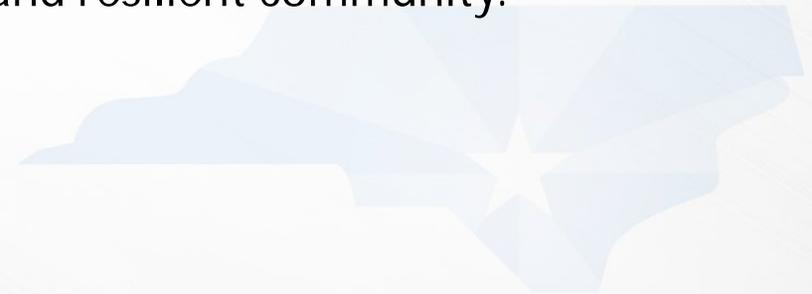


Yard Waste -Approved Containers

January 2, 2023



- Purpose: To discuss, recommend, and receive direction from CMO on SW Approved Yard Waste Containers:
 - Option 1 – Continue using the accepted containerized methods for Yard Waste Collection in the current SW Ordinance.
 - Option 2 – Amend the SW Ordinance to incorporate additional containerized methods for Yard Waste Collection.
- Goal: To provide consistent, predictable, and financially responsible Solid Waste services that promote a safe, healthy, affordable, and resilient community.



Approved Service Level Limits

Item	Previous Ordinance Limits	New Ordinance Limits Per Fee Schedule
Household Carts	Not Consistent in ordinance	2 carts
Recycling Carts	Not included	1* cart (*some residents have two ~4000)
Yard Waste	Not Included	Combination of 10 containerized items
Limbs	20 CY	10 CY 8'x12'x4'
Private Streets	Not included	The determination of whether a private street or driveway creates a safety and operational hazard will be made by the Solid Waste Division

Household Tags/Carts Data

Fix charts so they match

April - June 23	Improper Cart Placement	Bags or Loose Garbage	Unable To Reach Cart	Unapproved Container	Prohibited Materials	Overfilled	Collected only Dumped 2	Total	Residents	Ratio
April	72		1	5	7	2	16	103	63000	0%
May	228	10	16	48	50	14	15	381	63000	1%
June	482	7	10	21	32	11	8	571	63000	1%

July – Nov 23	More than 2 carts	Bags or Loose Garbage	Unapproved Container	Improper Cart Placement	Overfilled Cart	Prohibited Material	Total	Residents	Ratio
July	90	20	53	384	30	38	615	64000	1%
August	43	14	57	318	16	35	483	64000	1%
September	36	3	29	186	21	35	310	64000	0%
October	34	12	24	206	30	44	350	64000	1%
November	48	12	38	327	47	60	532	64000	1%

Yard Waste Tags/Carts Data

Fix charts so they match

March-June 23	Incorrect Carts	Blue Carts	Unapproved Containers	Mixed YW	Over 15 items	Overweight	Not Curbside	Total	Residents	Ratio
March	317	306	60					683	63000	1%
April	522	247	228	67	33	14	13	1124	63000	1%
May	342	279	82	254	99	115	36	1207	63000	1%
June	34	111		253	42	130	34	604	63000	1%

July – Nov 23	Contractors	Blue Carts	Unapproved Containers	Mixed YW	Over 10 items	Overweight	Not Curbside	Total	Residents	Ratio
July	6	160	37	274	66	103	16	662	64000	1%
August	8	188	80	376	69	113	16	850	64000	1%
September	7	138	86	217	27	38	10	523	64000	1%
October	11	141	81	240	69	45	5	592	64000	1%
November	1	118	18	67		19	2	225	64000	0%

Peer City Comparison Containers

	Fayetteville	Winston-Salem	Greenboro	Durham	Raleigh
Household Waste	Two (2) Green or Brown 96-gallon City issued Rollout carts	One (1) 90-gallon trash, and up to three (3) carts per residence	One (1) 96-gallon, and up to two (2) carts per residence	One (1) 95-gallon cart, and up to four (4) per residence	One (1) 95-gallon cart, and up to two (2) carts per residence
Yard Waste	<p>Weekly</p> <p>Up to a maximum of ten (10) of the following:</p> <ol style="list-style-type: none"> Green or Brown 96-gallon Rollout cart; 32-gallon metal or plastic cans with lids; Plastic bags; and Twig or trimmings tied or bundled. 	<p>(Subscription Service Weekly)</p> <ol style="list-style-type: none"> Up to three (3) 96-gallon rollout carts <ol style="list-style-type: none"> This is the only yard waste collection method for Winston-Salem The total cost for CART and STICKER is \$130. The cost of an annual sticker is \$65. (Stickers expire June 30) 	<p>Weekly</p> <ol style="list-style-type: none"> No more than 10 bags (heavy duty clear plastic bags only), bundles and/or cans. <ol style="list-style-type: none"> Using black plastic bags or green recycling bags will result in non-collection. 	<p>(Subscription Service weekly)</p> <ol style="list-style-type: none"> One (1) brown 95-gallon cart and or you may request additional carts for a fee Up to addition 10 biodegradable bags per residence 	<p>Biweekly</p> <ol style="list-style-type: none"> (Only) 95-gallon City-issued carts (Limit of 2 Carts) Biodegradable paper bags. Limit of 15 bags per collection, with a weight limit of 25 pounds per bag. (Black or clear plastic bags containing yard waste will not be collected.) Bundles of sticks tied with rope or twine. Limit of 5 bundles per collection, with a weight limit of 50 pounds per bundle.
Recycling	One (1) Blue 96-gallon Rollout Cart (Two carts for residents who purchased carts prior to July 2021)	One (1) 90-gallon recycling cart issued by the city.	One (1) 96-gallon cart, and up to two (2) carts per residence	One (1) 95-gallon cart, and up to 4 carts per residence	One (1) 95-gallon cart, and up to two (2) carts per residence

Previous Sec. 22-5 Non-automated Collection System. All households and businesses **not part of the automated rollout collection system shall provide approved containers for all solid waste for removal by the city.** Wet and dry garbage containers shall have a capacity of no more than **32 gallons**. The following provisions shall be complied with:

- a. Containers shall **be cans made substantially of metal or plastic.** Cans shall have tight-fitting covers and strong handles, and the covers shall be kept on at all times except when cans are being filled or emptied. **Plastic bags may be used as approved containers** for household solid waste collection by city forces and shall be properly secured at the bag opening with a twist tie or other secure means to eliminate any spillage of contents.
- b. Plastic bags to be used to containerize household materials shall be constructed from film made from high quality polyethylene or similar product. Bags shall withstand normal service handling when filled to a maximum weight of 50 pounds when securely closed.

New Sec. 22-5 Yard Waste Non-Automated Collection System, All **Residential Units and Single Business Units that have not purchased a City-issued Yard Waste Rollout Cart shall provide an alternative City-approved can for all Yard Waste for removal by the City.** The can shall have a capacity of no more than **32 gallons**. The following provisions apply:

- a. **Cans shall be made substantially of metal or plastic.** Cans shall have tight-fitting covers and strong handles, and the covers shall be kept on at all times except when cans are being filled or emptied.
- b. **Plastic bags used to containerize Yard Waste shall be constructed from film made from high quality polyethylene or a similar product.** Bags shall withstand normal service handling when filled to a maximum weight of 50 pounds when securely closed.
- c. Cans provided by the user for Yard Waste shall not weigh more than 50 pounds.

Previous Sec. 22-10 *Yard waste containerization requirements and collection services.*

- a. Yard waste collection shall be provided only to single-family residential units as approved by the solid waste director or designee.
- b. Yard wastes shall be separated from all other refuse prior to collection. Collection forces shall collect yard waste that is customarily and reasonably associated with the residential unit served so long as it is properly prepared or containerized and in compliance with these regulations.
 1. Grass clippings, small shrubbery clippings, leaves, and other small lawn debris shall be collected at the curbside provided that they are placed in **plastic bags** or other approved containers for collection. If plastic bags are used, such bags shall be in good condition, and of such size and weight that, when full, do not weigh more than 50 pounds each and are such that one individual can pick up each bag, one at a time, for disposal. Plastic bags shall be secured at the top when placed at curbside for collection.
 2. **City-approved/issued rollout refuse containers** may be used for yard trash containerization when doing so does not inhibit proper disposal of household trash. **Other approved containers used for yard waste shall have tight-fitting lids, equipped with strong handles, and shall not exceed 32 gallons in size or 50 pounds in weight when filled. All other yard waste containers shall be furnished by the owner or occupant and be made of metal or plastic for the purpose of solid waste disposal.**
 3. Limbs and large shrubbery to be collected by the city on the regularly scheduled yard waste collection day shall be no longer than three feet in length, three inches in diameter, and placed in an orderly manner at the curb.

New Sec. 22-10 *Yard Waste containerization requirements and Collection.*

1. Yard Waste Collection shall be provided only to Units as approved by the City Manager or designee.
2. Yard Waste shall be separated from all other Waste prior to Collection. The City shall collect Yard Waste that is customarily and reasonably associated with the Unit served so long as it is properly prepared or containerized and in compliance with these regulations. Yard Waste shall be placed within four (4) feet of the Curbside for Collection by the City.
 - a. Grass clippings, small shrubbery clippings, leaves, and other small lawn and **Yard Waste debris shall be collected at the Curbside provided that they are placed in plastic bags, an approved can for Collection, or a Rollout Cart that is purchased from or provided by the City.** If plastic bags are used, such bags shall be in good condition, and of such size and weight that, when full, **do not weigh more than 50 pounds each**, and are such that one individual can pick up each bag one at a time for disposal. **The plastic bags shall be secured at the top when placed at Curbside for Collection.** For each Collection day, **a maximum combination of ten (10) Rollout Carts, plastic bags, and approved cans** in total can be set out at the Curbside for weekly Collection.
 - b. Loose Yard Waste comprised of **branches and twigs are to be tied into bundles** weighing no more than 50 pounds, be no longer than three (3) feet in length, three (3) feet in width, and the branches must not be larger than three (3) inches in diameter.
 - c. Other approved **cans used for Yard Waste that are provided by the user shall be made of metal or plastic, have tight-fitting lids, be made for Waste disposal, equipped with strong handles, and shall not exceed 32 gallons in size or 50 pounds in weight when lifted by one person.**

- Yard waste shall be placed four (4) feet from the curb for collection in (a green or brown) 96-gallon Rollout Cart that is purchased or provided by the City, 32-gallon metal or plastic cans with a tight-fitting lid and strong handles, durable plastic bags, and twigs/trimmings that are tied into bundles.
- All 32-gallon metal or plastic cans with a tight-fitting lid, durable plastic bags, and bundled and tied twigs/trimmings must not exceed 50 pounds.
- Twigs and trimmings must not exceed three (3) feet in length, three (3) inches in diameter, and must weigh less than 50 lbs.



Non-Compliant Containers



Clothes baskets



Reusable bags



Swimming pools



Wheel barrels



Recycling Carts



Plastic crates



Broken Cans



Planters



50 Gallon Drums



Bio bags



Oversize loads in carts/Tub

Reusable Bag Variety



Approved
containers were
unchanged

Reported issues
low for
unapproved
Rollout Carts

Nearly 100%
compliant for Yard
Waste Collections

- Option 1 – Continue using the accepted containerized methods for Yard Waste Collection in the current SW Ordinance.
- Option 2 – Amend the SW Ordinance to incorporate additional containerized methods for Yard Waste Collection.

Goal: To provide consistent, predictable, and financially responsible Solid Waste services that promote a safe, healthy, affordable, and resilient community.

Thank you



FayettevilleNC.gov



Peer City Comparison Frequency

	Fayetteville	Winston-Salem	Greenboro	Durham	Raleigh
Household Waste	Weekly	Weekly	Weekly	Weekly	Weekly
Yard Waste	Weekly	\$60 Yearly Fee/Weekly	Weekly	\$90 Yearly Fee/Weekly	Biweekly
Recycling	Biweekly	Biweekly	Biweekly	Biweekly	Biweekly
Bulky	Scheduled	Once a year	Biweekly	Scheduled weekly	Scheduled – 1 per quarter
Limbs	Scheduled	By Quadrants once a year	Scheduled/Fee	Scheduled (if YW subscriber)	Scheduled/Fee



Peer City Comparison Quantity

	Fayetteville	Winston-Salem	Greenboro	Durham	Raleigh
Household Waste	1 st Cart Free, collect up to 2 – no fee for cart collections	1 Free cart, up to 2 addition carts \$40 per cart/year	2 Carts no additional fees	1 st cart free. Additional carts are \$18 per year or \$1.50 per month. Will collect up to 4 carts	1 cart for free – collect up to 2 – no fee for cart collections
Yard Waste	No YW limits in ordinance	Up to 3 carts per residence - \$60 Yearly Fee	10 bags, bundles and/or cans	1 cart with monthly fee, additional carts for fee	Up to 15 YW items
Recycling	No recycling Info in ordinance	1 free cart, 2 nd 30 per year	2 Carts no additional fees	1 cart given but will give up to 4 for free	1 cart for free – collect up to 2 – no fee for cart collections
Bulky	5 Pieces per collection	Annual neighborhood area cleanups	No cost, no limit, collected biweekly with RL. For move outs must call ahead for KB	3 items free – Charged for items over three	Up to 4 CY - equivalent to the bed of a standard-sized pickup truck
Limbs	Up to 20 CY	Up to 10 CY	Paid collection Minimum \$100	2 free bulky brush pickups per year (IF YW SUBSCRIBER) Non-YW subscribers pay for YW collection	Paid YW collection Minimum \$50



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 23-3546

Agenda Date: 1/2/2024

Version: 2

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of Business

Agenda Number: 4.03

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

FROM: Michael Gibson, Parks and Recreation Director
James McMillan, Parks and Recreation Assistant Director

DATE: January 2, 2024

RE:

Unaccompanied Minors in City Facilities

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal IV: Desirable Place to Live, Work and Recreate

Executive Summary:

The purpose of this report is to address and discuss the request received from Council Member Jensen to research and provide a proposed policy regarding unaccompanied minors in City facilities.

North Carolina General Statute 14-318 remains the primary guidance acknowledged by the majority of organizations polled during research.

§ 14-318. Exposing children to fire. If any person shall leave any child under the age of eight years locked or otherwise confined in any dwelling, building or enclosure, and go away from such dwelling, building or enclosure without leaving some person of the age of discretion in charge of the same, so as to expose the child to danger by fire, the person so offending shall be guilty of a Class 1 misdemeanor. (1893, c. 12; Rev., s. 3795; C.S., s. 4443; 1983, c. 175, s. 9, 10, c. 720, s. 4; 1993, c. 539, s. 221; 1994, Ex. Sess., c. 24, s. 14(c).)

Most agencies surveyed do not have a standard policy or a specific training program that can be cited, to address unaccompanied children. Most responses received were consistent in leaning on parental discretion.

Background:

Summary of Research:

FCPR contacted the following agencies or groups.

- Seven (7) parks and recreation agencies within the State of North Carolina
- Three (3) additional parks and recreation agencies within the US of varying populations but similar amenities
- Cumberland County Schools
- Cumberland County Department of Social Services
- Cumberland County Child Advocacy Center
- Air, rail and automotive travel groups

FCPR Policy:

FCPR is operating at or above comparable department standards. Staff is empowered with the responsibility of site based management. This includes becoming familiar with the local community and exercising reasonable judgement.

Staff practices the “JDLR” method as defined by the City of Fayetteville Police (poc-Detective S. Conrad). When something “Just Doesn’t Look Right” staff take precautionary action. Staff also take precautionary measures as acknowledged by City of Fayetteville Fire (poc- Deputy Chief. Hieu N. Sifford) and Cumberland County Department of Social Services (poc- CPS Intake SW II, Erica Booher) citing North Carolina General Statute 14-318. FCPR does not allow school age children in the recreation centers without guardianship during school operating hours.

As stated in the FCPR Code of Conduct, “it is the department’s obligation to maintain a controlled, safe and healthy atmosphere for everyone.” When, in staff’s discretion, safety or health is compromised, they are authorized and expected to exercise prudent judgement. Staff is tasked with the responsibility of making every effort to achieve this goal as well as maintaining fairness and consistency across the board.

Even though FCPR’s facilities have scheduled, structured and paid programming, facilities provide free programs as well. Facilities are open to the general public and are considered to be safe havens where any citizen may gather/loiter/hang-out and take advantage of amenities such as air conditioning, heat, water, restrooms, etc... The City of Fayetteville and County of Cumberland consistently send out PSA’s to that effect.

In unfortunate circumstances, FCPR recreation centers are the best and safest places for unaccompanied minors to be.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

City Council receives report

City Council receives report and provides additional guidance to staff

Recommended Action:

City Council receives report and provides additional guidance if needed.

Attachments:

N/A



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-3739

Agenda Date: 1/2/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.04

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA- CM, City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: January 2, 2024

RE:

Consideration of Changing Council Meeting Start Times

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Type here

Executive Summary:

On December 13, 2023, the Council Policies Review Committee met and discussed changing the start times of City Council meetings.

Background:

Council Meeting Start Time

Discussion ensued pertaining to the start time for Council Meetings, Work Sessions, Announcements and Recognitions, and Closed Sessions. The Committee were in consensus to recommend starting the meetings earlier. Council Member Haire stated the announcements and recognitions are too long and would like to see a better way to present. Ms. Jodi Phelps, Chief of Staff recommended possibly filming the announcements and recognitions throughout the week and then playing in the Chamber and FayTV7 before the meeting. Marketing and Communications will provide options for announcements and recognitions.

MOTION: Council Member Haire moved to recommend adding to the January 8, 2024, Council Agenda: Work Sessions begin at 2:00 p.m., Discussion of Agenda Items (Dinner Meeting) to begin at 5:30 p.m. and Regular Meetings to begin at 6:30 p.m.; remove Announcements and Recognitions, replacing with Council Comments; and make Closed Sessions Special Meetings; not to be held during dinner meetings.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (3-0)

Issues/Analysis:
N/A

Budget Impact:
N/A

Options:
Adopt the meeting start times as stated.
Do not adopt the meeting start times stated and provide further directions to staff.

Recommended Action:
N/A

Attachments:
None.



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-3733

Agenda Date: 1/2/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.05

TO: Mayor and Members of City Council

THRU:

FROM: Council Member D.J. Haire

DATE: January 2, 2024

RE:

City Council Agenda Item Request - Vape Shops - Council Member Haire

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

Council Member Agenda Item Request

City Council Agenda Item Request

Date of Request: 12-13-2023 Requester: DJ/Haire

Agenda Item Title: The Distance For Vape Shops, Zoning, etc.

Estimated Cost: _____ Anticipated Funding Source: _____

City Department(s) Support Requested: _____

Estimated Staff Time Required: _____

Anticipated Date for Future Council Work Session Discussion: _____

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

Core Values, Safe & Secure Community.

What do you envision accomplishing with this agenda item request?

The distance vape shops can be placed. Not placed in or close to residential neighborhoods

Additional Comments:

Review what the County is doing with their Vape Shop plan.



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 24-3757

Agenda Date: 1/2/2024

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.06

TO: Mayor and Members of City Council

THRU:

FROM: Council Member Courtney Banks-McLaughlin

DATE: January 2, 2024

RE:

City Council Agenda Item Request - Censure of Mayor Colvin and Council
Member Benavente - Council Member Banks-McLaughlin

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

Council Member Agenda Item Request Form

City Council Agenda Item Request

Date of Request: 12/22/2023 **Requester:** Courtney Banks-McLaughlin

Agenda Item Title: Censure of District 3 Council Member Mario Benavente and Mayor Mitch Colvin

Estimated Cost: None **Anticipated Funding Source:** N/A

City Department(s) Support Requested: Clerk

Estimated Staff Time Required: One hour

Anticipated Date for Future Council Work Session Discussion: 01/02/2024

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

GOAL VI: The City of Fayetteville will continue to have a collaborative citizen and business engagement base.

What do you envision accomplishing with this agenda item request?

I envision this agenda item will accomplish the goals of reassuring the public that the Council takes seriously disrespectful and discourteous treatment of staff and other Council members and hold the specific Council members accountable for their actions. This will also ensure trust and confidence in City government through transparency and high quality customer service.

Additional Comments:

None