



City of Fayetteville

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

Meeting Agenda - Final City Council Work Session

Monday, June 5, 2023

5:00 PM

Lafayette Conference Room

REVISED

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 [23-3336](#) Fayetteville's Downtown Social District Progress Report

Attachments:

[Social District Street Map](#)

[Social District PPT, CCWS, 6-5-2023](#)

4.02 [23-3371](#) TA23-019: Boarded Structures- Proposed Text Amendment to Chapter 14 of the City Code of Ordinances (City Council Request)

Attachments:

[Draft Ordinance - TA23-019](#)

[Chapter 14 Text Amendment - Boarded Buildings](#)

4.03 [23-3405](#) Discussion on the Recommended Fiscal Year 2023-24 Annual Operating Budget

Attachments:

[FY 2024 Budget Process.City Managers Recommended.05252023](#)

4.04 [23-3382](#) City Council Agenda Item Request - Staff to Research and Provide a Proposed Policy Regarding Unaccompanied Minors in City Facilities - Council Members Jensen, Haire and Thompson

Attachments:

[Unaccompanied Minors at City Facilities 060523](#)

4.05 [23-3389](#) City Council Agenda Item Request - Request for Consideration of Legal Representation - Council Member Jensen

Attachments:

[City Council Agenda Item Request - Legal Representation - Jensen.pdf](#)

- 4.06 [23-3391](#) City Council Agenda Item Request - Homeless Impact Reduction Program Review - Council Member Benavente

Attachments: [CM Benavente 1. Homeless Impact Reduction Review 060523](#)

- 4.07 [23-3392](#) City Council Agenda Item Request - Phoenix Center Support for Domestic Violence Victims

Attachments: [CM Benavente 2. Phoneix Center 060523](#)
[2.1 Deanne G. Email](#)

- 4.08 [23-3393](#) City Council Agenda Item Request - City and State Owned Properties to be Returned to the Tax Roll - Mayor Colvin

Attachments: [Mayor Colvin - Properties to Tax Roll 060523](#)

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

June 5, 2023 - 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: 23-3336

Agenda Date: 6/5/2023

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

FROM: Christopher Cauley, Economic & Community Development Director
Taurus Freeman, Assistant Economic & Community Development
Director

DATE: June 5, 2023

RE:

Fayetteville's Downtown Social District Progress Report

COUNCIL DISTRICT(S):

District 2

Relationship To Strategic Plan:

Goal II: The City of Fayetteville will have a Responsive City Government supporting a diverse and viable economy.

- Objective 2.2: To invest in community places to ensure revitalization and increase the quality of life

Goal IV: Desirable Place to Live, Work and Recreate

- Objective 4.2: To enhance diverse recreation, leisure, and cultural opportunities

Executive Summary:

On November 14, 2022, at a Regular meeting, the City Council approved the creation of a temporary Downtown Social District for 12 months to operate Monday through Saturday from 12 p.m. to 10 p.m. and Sunday from 10 a.m. to 10 p.m. The District was effective on December 1, 2022.

Cool Spring Downtown District, Inc. (CSDD) will present a progress report on the impacts on both downtown businesses and City's Departments. In addition, the City Council will direct Staff to rescind the pilot, continue until December 31st, or create an ordinance amendment for a permanent Social District.

Background:

The Board of the CSDD requested City Council's consideration to establish a social district as authorized by legislation enacted by the North Carolina General Assembly in 2021. This was recommended as an Action Item in the Downtown Urban Design Plan adopted by City Council on February 24, 2020, which called for adopting an Entertainment Ordinance to better regulate open containers, amplified sound, retail sidewalk sales, etc., within the Municipal Service District.

Social districts have been implemented in various towns and cities across the state since legislation was enacted, allowing municipalities to designate areas where alcoholic beverages can be purchased from a licensed ABC permittee and then taken outdoors. A social district is a defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee. This term does not include the ABC permittee's licensed premises or an extended area allowed under G.S. 18B-904(h). A city may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.4. A social district must be maintained in a manner that protects the health and safety of the general public (G.S. 18B-904.1(c)(2)).

Issues/Analysis:

Per General Statute, a city designating a social district is required to establish management and maintenance plans for the social district and post these plans, along with a drawing of the boundaries and the applicable days and hours of the social district, on the city's website.

Social District Requirements

The social district must meet the following requirements under North Carolina law:

- An alcoholic beverage purchased for consumption in the social district must:
 - be consumed in the social district.
 - be disposed of before exiting the social district unless entering a business within the social district that allows alcoholic beverages to be brought inside the business.

ABC Permittee Requirements

A permittee located and selling alcoholic beverages within the social district must meet the following requirements under North Carolina law:

- The permittee must:
 - only sell and serve alcoholic beverages on its licensed premises.
 - only sell alcoholic beverages for consumption in a container that meets all of the following requirements:
 - The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
 - The container is not comprised of glass.
 - The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
 - The container shall not hold more than 16 fluid ounces.

Patron Requirements

The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements of North Carolina law:

- Only alcoholic beverages purchased from a permittee located in the social district may be possessed and consumed.
- Alcoholic beverages must:
 - only be in designated social district containers.
 - only be possessed and consumed during the days and hours set by the City:
- A single patron cannot be sold or delivered alcoholic beverage drinks in excess of:
 - Not more than two alcoholic beverage drinks at one time if any of the following:
 - A malt beverage, unfortified wine, fortified wine.
 - Not more than one alcoholic beverage at one time if an alcoholic beverage drink is a mixed beverage or contains spirituous liquor.
- A person must dispose of any alcoholic beverage before exiting the social district unless entering a business within the social district that allows alcoholic beverages to be brought inside the business.

Budget Impact:

The impact to the City's budget has been negligible as Solid Waste, Parks, Recreation and Maintenance, and the Fayetteville Police Department have reported little to no discernable impact from the Social District.

Options:

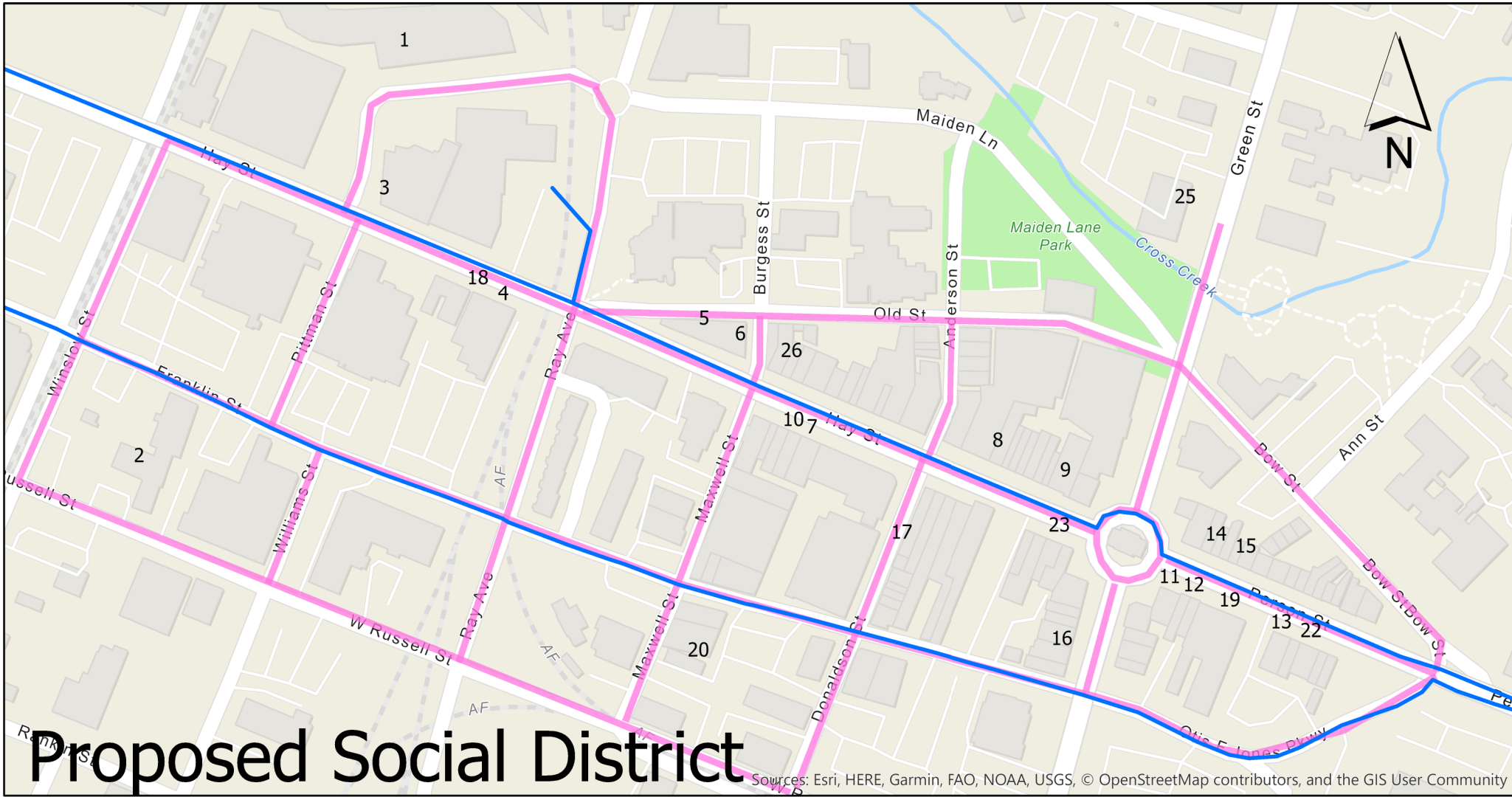
1. Continue the Social District pilot until December 31st;
2. Direct staff to create an ordinance amendment for a permanent Social District; or
3. Direct staff to rescind the Social District pilot at a Regular Meeting in August.

Recommended Action:

Staff recommends that City Council move for consensus allowing for the continuation of the Social District pilot program to December 31st, 2023.




Attachments:

- Social District Map
- Social District Update Presentation



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Legend

-  Social District Streets
-  District Trolley Stops
-  District Trolley Route

Number	Address	Establishment Name
1	460 Hay Street	Segra Stadium
2	444 W Russell Street	Bright Light Brewing Company
3	450 Hay Street	The Coffee Scene
4	405 Hay Street	Huske Hardware
5	310 Hay Street	Blue Moon Cafe
6	300 Hay Street	Antonella's Italian Ristorante
7	217 Hay Street	Pierros Italian Bistro
8	124 Hay Street	Gaston Brewing Company
9	106 Hay Street	Sip Room
10	225 Hay Street	Cameo Art House Theatre
11	102 Person Street	Charley's Pub
12	108 Person Street	Circa 1800
13	126 Person Street	Bruce's Sportsbloc and Lounge

Number	Address	Establishment Name
14	107 Person Street	Agora Mediterranean Restaurant
15	113 Person Street	Archway Burgers, Dogs, And Beer
16	116 Gillespie Street	Walker's Hookah Cafe
17	113 Donaldson Street	Wine & Design
18	411 Hay Street	The Taphouse at Huske
01	116 Person Street	Taste of West Africa
20	147 Maxwell Street	The Livery Cigar Emporium
21	106 Person Street	Caruso's
22	132 Person Street	The Fried Turkey Shop
23	105 Hay Street	Pan Sandwiches
24	108 Hay Street	Vagabond Cafe
25	333 Green Street	The Friends Table
26	238 Hay Street	Winterbloom



Social District Six Month Update

June 5, 2023



- April – December 2020: Council positioned policies to support expanded outdoor dining and merchandising during COVID.
- September – November 2021: HB 890 passes, Cool Spring Downtown District's (CSDD) Board of Directors receives an overview presentation. Board agrees to explore further.
- March 2022: CSDD hosts ZOOM meeting with State-wide professional associations. More than 60 businesses and residents attended the event.
- July 2022: CSDD and the Economic and Community Development Department meet to develop proposed boundaries for Council consideration.
- August 2022: CSDD releases a survey to downtown stakeholders and the public at large
- September 2022: CSDD attends City Council Work Session, Council directs staff to proceed
- November 14 and 28, 2022: City Council conducts Public Hearings to implement
- December 1, 2022: City and CSDD implement Social District policies and branding
- June 5, 2023: Council requested update at the 6 month mark

Social District Basics

What is a Social District?

A defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee. This term does not include the ABC permittee's licensed premises, or an extended area allowed under G.S. 18B-904(h).



What can you do in a Social District?

- Purchase your alcohol beverages from one of the participating restaurants/breweries located within the Cool Sprint Downtown District.
- You will be given a specially designed cup that can be used only in the social district's boundary lines (see our Social District map).
- Experience the Vibe of the Social District as you shop our downtown merchant community.
- Dispose of your designated social district cup into any of the trash cans located in Downtown Fayetteville.

District Boundaries

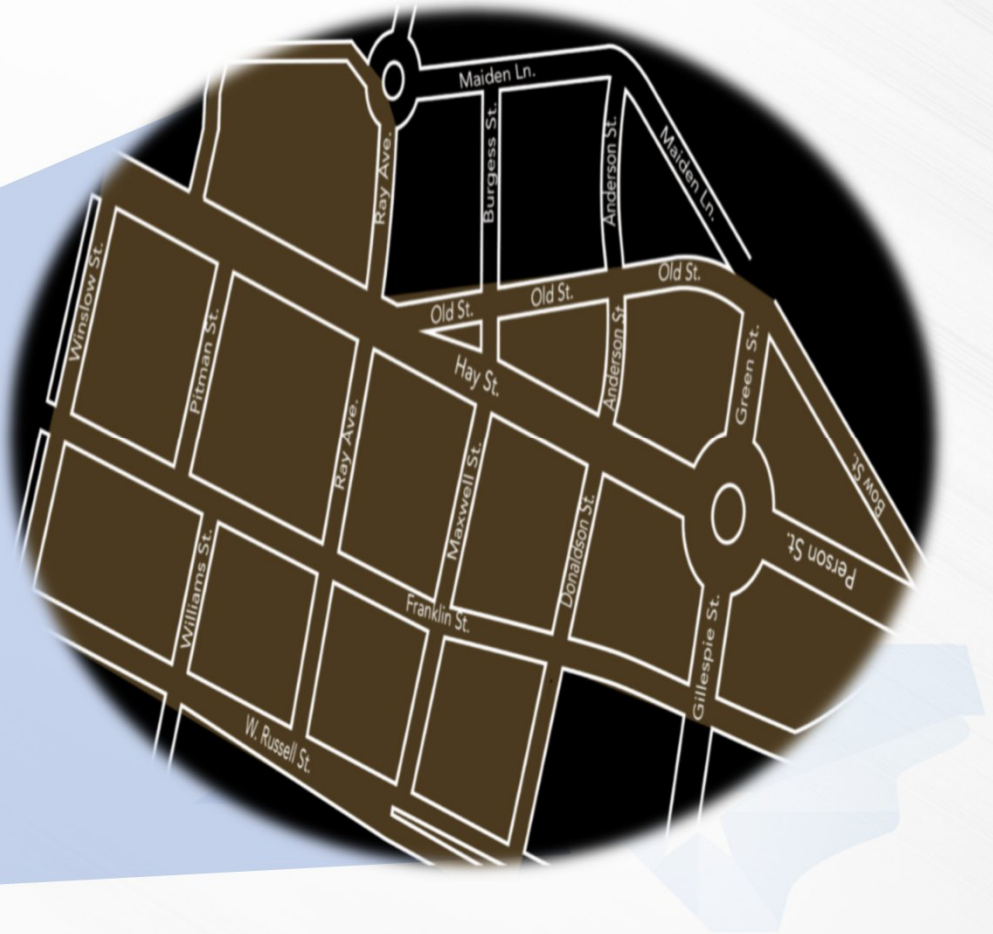


 **DOWNTOWN
FAYETTEVILLE^{NC}
SOCIAL DISTRICT**

HOURS OF OPERATION	LOCAL ALE DIVISION	LOCAL LAW ENFORCEMENT
MON - SAT: 12PM-10PM SUN: 10AM-10PM	910-486-1262	911

Alcoholic beverages purchased for consumption in a Social District shall only be consumed in the Social District. Beverages must be disposed of before the person in possession of the alcoholic beverage exits the Social District unless the person is reentering the licensed premise where the beverage was originally purchased.

SOCIAL DISTRICT MAP

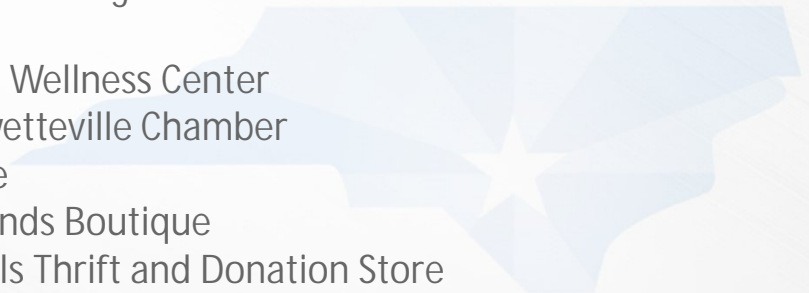


District & Participants

- Winterbloom
- The Sip Room
- Blue Moon Cafe
- Taphouse at Huske
- Pierro's Italian Bistro
- Cameo Art House Theatre
- Gaston Brewing Company
- The Livery Cigar Emporium
- Huske Hardware Restaurant
- Bright Light Brewing Company
- Hay Street Kitchen and Rooftop
- Bruce's Sportsblock and Lounge
- Archway Burgers, Dogs, and Beer
- Coffee Scene at the Prince Charles



- Ravens Nest Tattoo and Cranium Company
- Reverie Goods & Gifts
- American Barbershop
- Garnet Skull
- Hummingbird Candle Co
- The Sweet Palette
- PRESSED
- City Center Gallery & Books
- Stevies
- A Bit of Carolina
- Momma's Village of Fayetteville
- Washington Apparel Company
- Arts Council of Fayetteville/Cumberland County
- Malzone Marketing Inc
- Cursive
- Fayetteville Wellness Center
- Greater Fayetteville Chamber
- Turner Lane
- Fabulous Finds Boutique
- Bails for Tails Thrift and Donation Store



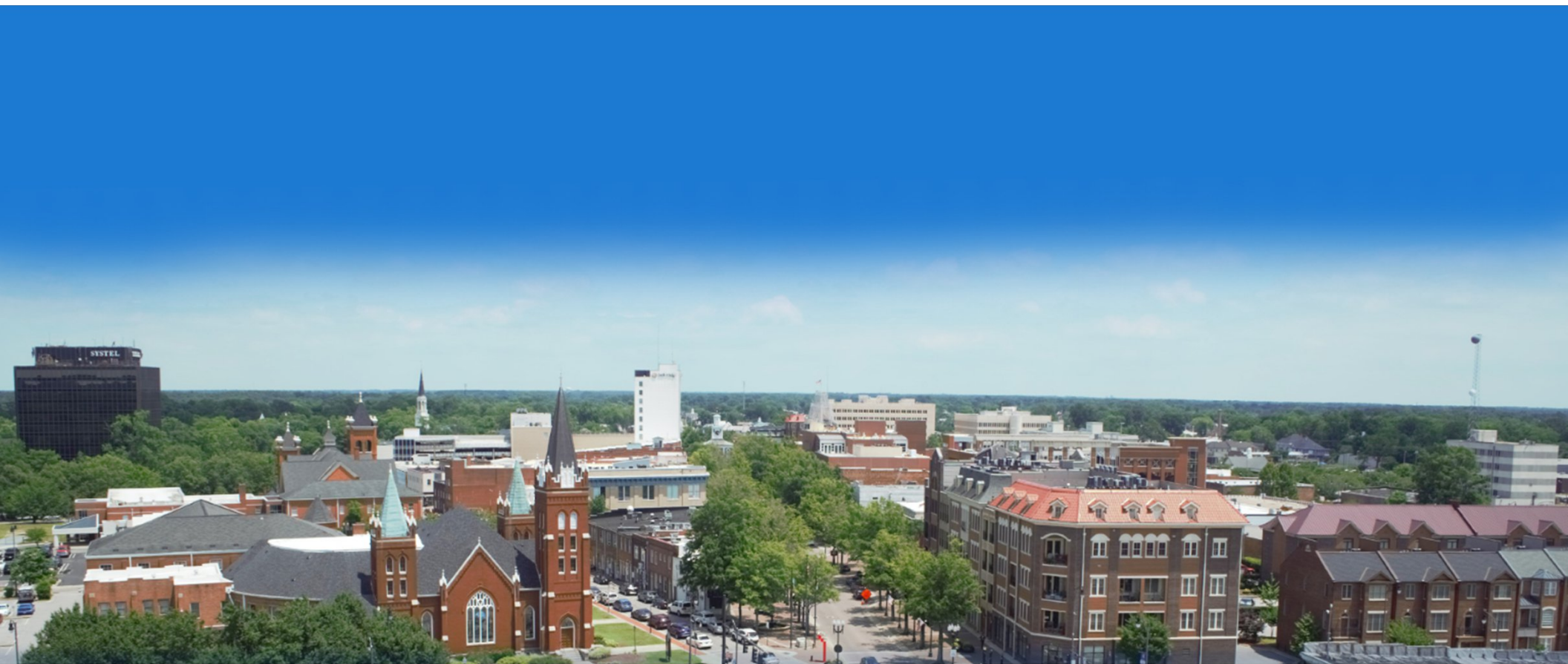
- Launched with 27 businesses participating
- Added three additional selling locations and few more "allowing" consumption within stores.
- Today, district has a total of 34 participating businesses
- Distributed 15,000 free cups to businesses that sell into the district
- Recruited a Corporate partner to purchase 10,000 cups (Smith, Dickey, Dempster, PA)
- Awarded a grant for 12 new waste bins downtown (bins have been purchased, arrived, and will be disbursed in near future)



- Continue the Social District pilot until December 31st
- Direct staff to create an ordinance amendment for a permanent Social District
- Direct staff to rescind the Social District pilot at a Regular Meeting in August

Recommended Action:

- Staff recommends that City Council move for consensus allowing for the continuation of the Social District pilot program to December 31st, 2023.



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City Council Action Memo

File Number: 23-3371

Agenda Date: 6/5/2023

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: Kelly Olivera - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
Planning Commission
David Steinmetz - Assistant Development Services Director

FROM: Chester Green - Senior Planner
James Rutherford - Housing & Code Enforcement Division
Manager

DATE: June 5, 2023

RE:

**TA23-019: Boarded Structures- Proposed Text Amendment to Chapter 14 of the
City Code of Ordinances (City Council Request)**

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:

The proposed text amendment below represents a suggested update to the City's Code of Ordinances, Chapter 14, as proposed by the City Council and recommended by the City's Planning Commission.

On February 21, 2023, the Planning Commission held a Legislative Public Hearing regarding this text amendment. The Commission voted to recommend approval. On March 23, 2023, this text amendment was placed on the agenda for consideration by the City Council. The City Council asked that it return for their discussion at a Work Session. .

Background:

This amendment was requested by the City Council at their Work Session on February 6, 2023. While the Planning Staff was presenting its list of Seasonal Text Amendments, members of the Council brought up their concerns regarding the boarding of commercial buildings in Fayetteville. At their request, staff has put together a proposed code amendment to handle the boarding of commercial buildings in the same manner as residential structures.

Current city code addresses only residential buildings. Since 2015, Code Enforcement has managed 535 Boarded Building cases of which 39 remain open. Code Enforcement has identified 32 boarded commercial buildings in the city at this time.

Peer cities and Cumberland County were asked for information regarding registration of boarded buildings. Of the eleven peers, only two require registration of residential buildings and those two only permit the boarding to be in place for six months. A third peer city requires Code Administrator approval prior to boarding any building.

Issues/Analysis:

Proposed code amendment:

TA23-019: Boarding of Commercial Buildings, This amendment is to amend chapter 14, Article VI. by adding regulations governing the registration of residential and commercial boarded-up structures in order to prevent their detrimental effects in the city's neighborhoods.

The Code is proposed to be amended by changing the term "Residential Structure" to "Structure" throughout this section of the code. As well as amending the definition of Residential Structure to Structure in Article VI of Chapter 14. The new ordinance would regulate all structures as defined below:

"Structure - anything constructed or erected, the use of which requires location on the land, or attachment to or something having a permanent location on the land. The term "structure" shall be construed as if followed by the words, "or part thereof".

The attached ordinance gives the recommended specific language changes.

Budget Impact:

N/A

Options:

- 1) Direct Staff to move the proposed amendment through the process and present to City Council for approval. (Recommended);
- 2) Direct Staff to take no further action on the proposed amendment;
- 3) Remand the proposed text amendment to Staff for some specific policy issue to review and specific changes;

Recommended Action:

Professional Planning Staff recommend Option (1) Direct Staff to move the proposed amendment through the process and present to City Council for approval.

Attachments:

1. Draft Ordinance - TA23-019: Boarding of Commercial Buildings
2. Power Point Presentation

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE VI, REGULATION OF BOARDED UP RESIDENTIAL STRUCTURES, OF CHAPTER 14, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Article VI, regulation of boarded up residential structures, of chapter 14, is amended by deleting the same in its entirety and substituting the following:

Article VI. - Regulation of Boarded Up Structures

Sec. 14-121. Purpose and Authority.

- a. It is the purpose of this article to promote the health, safety and welfare of the citizens and preserve the dignity and peace of the city by establishing regulations governing boarded up structures in order to prevent their detrimental effects in the city's neighborhoods.
- b. The department shall be responsible for the administration and enforcement of the provisions of this article and shall have the following authority:
 1. To inspect the properties;
 2. To obtain administrative search and inspection warrants, if necessary, as provided in G.S. 15-27.2; and
 3. To issue notices of violation and impose civil penalties.

(Ord. No. S2012-014, § 1, 8-27-2012)

Sec. 14-122. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Board Up means the boarding up of any means of egress and ingress, including, without limitation, windows and doors that are clearly visible from the public right-of-way, to an unoccupied structure.

Department means the development services department, housing and code enforcement division. With respect to the department, the development services director may delegate any of the functions or powers of the department under this article to such officers and agents as he may designate.

Owner means the holder of title in fee simple and includes the owner's duly authorized agent or attorney.

Structure means anything constructed or erected, the use of which requires location on the land, or attachment to or something having a permanent location on the land. The term "structure" shall be construed as if followed by the words, "or part thereof"

Unoccupied means a structure that is not occupied or that is occupied by unauthorized persons. In the case of a multi-unit residential structure, unoccupied means when any one unit is unoccupied or occupied by unauthorized persons.

Section Footnote(s)

([*Ord. No. S2012-014, § 1, 8-27-2012*](#); Ord. No. S2015-011, [*§ 1, 8-24-2015*](#))

Sec. 14-123. Registration.

- a. No owner shall board up a structure without registering the structure with the department no later than 48 hours after boarding it up. Failure to register the structure within 48 hours after boarding it up will subject the owner to civil penalty as set forth in section [14-127](#) of this article.
- b. The owner of the boarded up structure must submit an application for registration to the department on a form prescribed by the department within 48 hours of boarding it up. The completed registration form shall contain the following information:
 1. The full name and mailing address of the owner;
 2. The full address and tax parcel number of the structure to be boarded;
 3. An accurate telephone number where the owner may be reached;
 4. If the owner is a partnership or corporation, the owner shall designate one of its general partners or officers to act as its agent and provide the present residence and business addresses and telephone numbers for the agent;
 5. The owner's plan for the occupancy, repair or demolition of the structure;
 6. The owner's plan for regular maintenance during the period the structure is boarded up; and
 7. Such other information as the department shall from time to time deem necessary.
- c. The owner, under this section, shall have a continuing duty to promptly supplement registration information required by this section in the event that said information changes in any way from what is stated on the original registration.
- d. Registration of a boarded up structure does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, without limitation, including [Chapter 14](#). By accepting an owner's registration, the department has not determined that the structure being registered is in compliance with any applicable local or state regulation or law.

([*Ord. No. S2012-014, § 1, 8-27-2012*](#))

Sec. 14-124. Time Limit.

- a. An owner who registers a boarded up structure pursuant to section [14-123](#) of this article shall comply with section [14-39\(i\)](#) of the Fayetteville Code of Ordinances and any

guidelines for boarding up structures as shall be established by the department from time to time.

- b. An owner's registration of a boarded up structure shall expire three years from the date of registration with the department. Upon notification from the department of expiration of registration an owner shall, within 60 days of such notification, remove all boarding from doors and windows. Doors and windows may be covered with at least one-half inch thick transparent shatter-proof acrylic material, in compliance with section 14-39(j). Doors and windows shall be free of any defects prior to covering.

([Ord. No. S2012-014, § 1, 8-27-2012](#); Ord. No. S2015-011, 8-24-2015)

Sec. 14-125. Compliance Period for Existing Structures.

An owner who owns a boarded up structure prior to the effective date of this article shall register the structure with the department in compliance with section [14-123](#) of this article within 30 days of the effective date of this article. The registration shall be effective for three years following the date of registration. An owner who fails to register the structure within 30 days of the effective date of this article shall be in violation of this article and shall be subject to civil penalty as described in section [14-127](#) of this article.

([Ord. No. S2012-014, § 1, 8-27-2012](#))

Sec. 14-126. Reserved.

([Ord. No. S2012-014, § 1, 8-27-2012](#); deleted by Ord. No. S2015-011, § 1, 8-24-2015)

Sec. 14-127. Notice of Violation; Penalties.

Except as otherwise specified in this article, the department shall notify the owner of a boarded up structure of a violation of this article and the owner shall have ten business days from the date of the notice of violation to abate the violation. Failure to abate the violation shall subject the owner to a civil penalty in accordance with the fee and penalty schedule as approved by city council until the violation is abated. The civil penalty may be recovered in the nature of a debt in accordance with North Carolina law.

([Ord. No. S2012-014, § 1, 8-27-2012](#))

Sec. 14-128. Notices.

Any notice required to be given by the department under this article to the owner shall be given either by personal delivery to the owner or by first class United States mail to the most current address listed in the registration that has been received by the department. In the event an owner has failed to register with the department any required notice may be sent to the address listed for the responsible person in the county property tax records. Notices shall be deemed given upon their deposit in the United States mail and shall be deemed to have been received on the third regular postal delivery day thereafter.

([Ord. No. S2012-014, § 1, 8-27-2012](#))

Sec. 14-129. Appeal of Civil Penalties.

An owner who has been assessed a civil penalty for a violation of this article may request an appeal hearing in accordance with section [1-9](#) of the Fayetteville Code of Ordinances.

(Ord. No. S2012-014, § 1, 8-27-2012)

Article Footnote(s)

--- (6) ---

Editor's note— [Ord. No. S2012-014, § 1, adopted August 27, 2012](#), amended the Code by adding provisions designated as Art. VI, §§ 14-101—14-109. Inasmuch as current Art. V contains provisions through § 14-117, the provision of [Ord. No. S2012-014](#) have been included herein as §§ 14-121—14-129. See also the Code Comparative Table.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2023.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

City Council



TA23-019: Council Initiated Text Amendment

June 5, 2023



Council Requested Text Amendment

- A requested update to the City's Code of Ordinances, Chapter 14, as proposed by the City Council and recommended by the City's Planning Commission.
- On February 6, 2023, City Council requested staff to bring a text amendment adding Commercial Buildings to the Boarded Building Registration standards.
- On February 21, 2023, Planning Commission held a Legislative Public Hearing regarding this text amendment. The Commission voted to recommend approval.
- On March 23, 2023, text amendment was placed on agenda for action. City Council decided to send their item to a Work Session.

Directive of February 6, 2023: Offer to City Council a way to apply the Residential Boarded Building Registration Standards to Non-Residential Structures.

Recommendation: Amend Chapter 14 Article 6 to address the boarding of residential and commercial structures.

Purpose: Prevent the potential detrimental affects of boarded buildings throughout the City.



- Standards only enforced on Residential Structures.
- Requires Registration of boarded structure within forty eight hours of being boarded.
- Limits time structure can be boarded to a maximum of three years.
- After three years, owner must remove boards within sixty days of notification.
- Failure to register or comply with removal of boards would result in the issuance of a civil penalty.
- Boarded building registrations do not prevent city from taking actions for dangerous conditions, blighted conditions or sub-standard conditions.

Current Boarded Building Registration Data-

- Number of cases since 2015: 535
- Number of open cases: 39

Potential New Structures Per Windshield Survey-

- Number of boarded commercial buildings: 32









- Fayetteville – Residential Only (three year max)
- Charlotte – Residential Only (six month max)
- Salisbury – Residential Only (six month max)
- Durham – Requires approval of Administrator (max time varies)
- Hope Mills - None
- Raleigh – None
- Wilmington – None
- Cumberland County – None
- Greenville – None
- Greensboro – None
- Asheville – None
- Winston-Salem – None



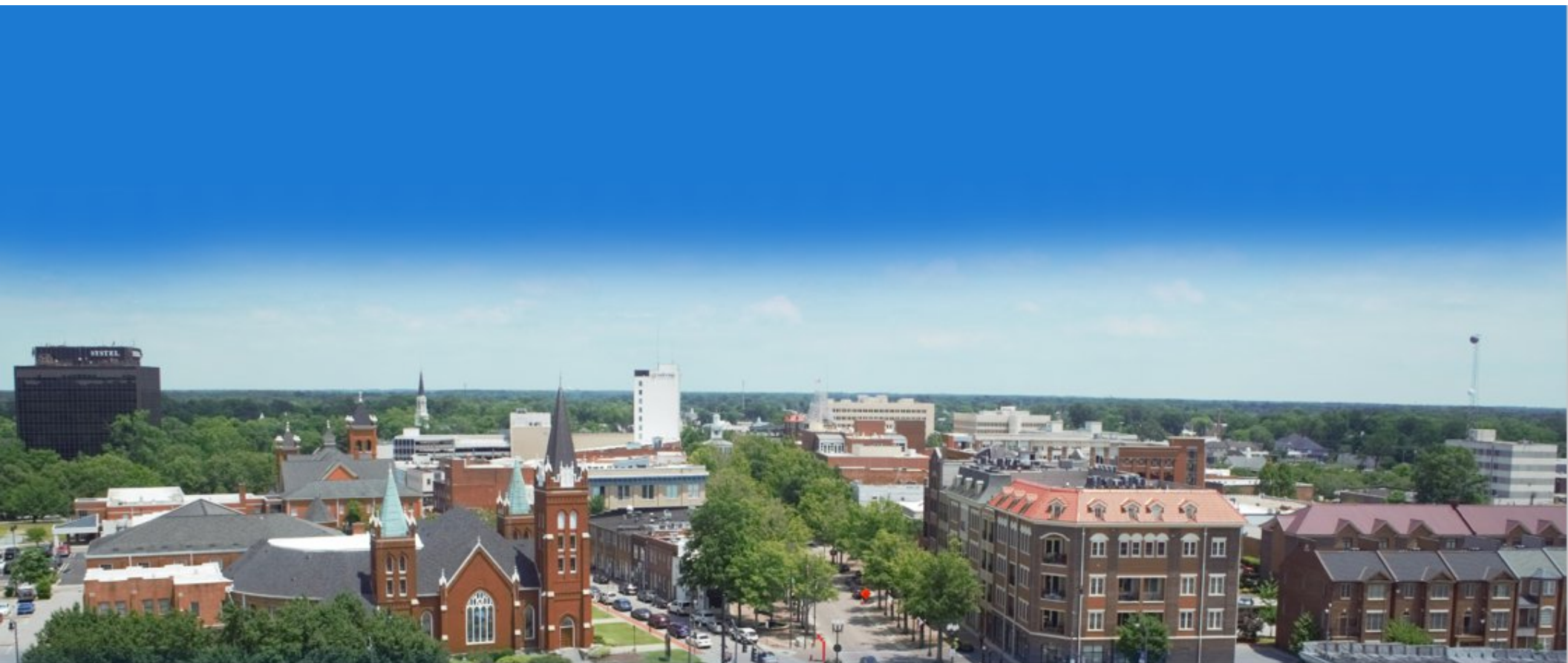
Options:

- 1-Direct Staff to move the proposed amendment through the process and present to City Council for approval.(Recommended);
- 2-Direct Staff to take no further action on the proposed amendment;
- 3-Remand the proposed text amendment to Staff for some specific policy issue to review and specific changes.

Recommended Action:

Direct Staff to move the proposed amendment through the process and present to City Council for approval.

A faint, light blue map of the state of North Carolina is visible in the background on the right side of the slide.



FayettevilleNC.gov



City of Fayetteville

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

City Council Action Memo

File Number: 23-3405

Agenda Date: 6/5/2023

Version: 1

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: Jeffrey Yates, Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: June 5, 2023

RE:

Discussion on the Recommended Fiscal Year 2023-24 Annual Operating Budget

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Goal V - Financially Sound City Providing Exemplary City Services.

Executive Summary:

The City Council held a Special Meeting on June 1, 2023. At that meeting the City Manager presented the Recommended Fiscal Year 2023-24 Annual Operating Budget. During the meeting City Council approved holding a Public Hearing on the recommended FY 2023-24 budget on June 12, 2023.

Council also agreed to have further discussion on the recommended FY 2023-24 budget during the June 5, 2023, Work Session.

Background:

The Local Government Budget and Fiscal Control Act (LGBFCA) requires submission of a balanced, recommended budget for the upcoming fiscal year to the governing board not later than June 1st each year.

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Discussion of the Recommended FY 2023-24 Annual Operating Budget.

Attachments:

None.



City Manager's Recommended FY 2024 Operating and Capital Budget

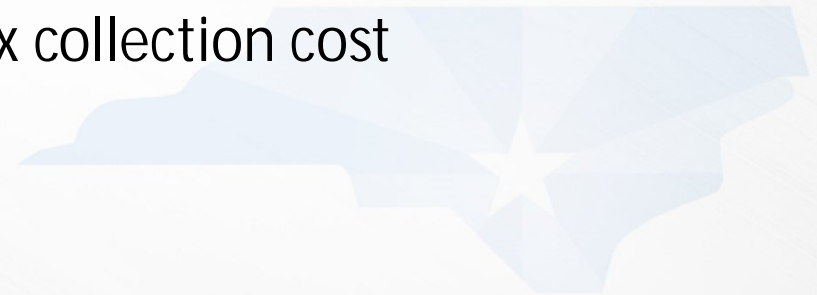
City Council Work Session
June 1, 2023



- Strategic Focus
 - Focus on continuing operations and projects
 - Focus on Employer of Choice – Recruitment and Retention
 - 4.00% Compensation Increases
 - 1.00% Increase to 401K Contribution
 - \$500,000 for Continued Market Adjustments
 - Fund Police Steps at 1.25x
 - Fund Fire Steps at 1.25x
 - Focus on the Serving the Community
 - \$250,000 for Mental Health Coordinator
 - \$250,000 for annual commitment to Cape Fear Regional Theatre
 - \$300,000 for operations at the Day Resource Center

- Strategic Focus

- Focus on Fulfilling the City Council's Prior Commitments
 - Continues the Investment in the City's infrastructure through the CIP Program
 - \$2 million for MLK Park Project
 - \$3.3 million Reconstruction History Center 2nd Tranche
 - \$450,000 Black Voices Museum
- Focus on Efficiency
 - \$19.8 million efficiency/vacancy commitment
- \$2 million reduction in PWC PILOT
- \$500,000 annual increase in Ad Valorem Tax collection cost



- Rates Needed to Maintain Services
 - General Fund
 - 2.75 cent increase for operations to offset the loss of sales tax revenues
 - 4.25 cent increase for voter-approved general obligation bond debt service
 - \$265 solid waste rate (an increase of \$40 annually or \$3.33 monthly) for residential solid waste pickup
 - No Increase to Storm Water Rate
 - No Transit Fare Increases, Resumed Collection



General Fund Revenues

General Fund Revenue		Budget FY 2023	Recommended FY 2024	% Change
Ad Valorem Taxes	\$	72,183,863	86,640,038	20.03%
Other Taxes		1,754,547	1,578,660	-10.02%
Intergovernmental Revenues		97,729,555	102,487,840	4.87%
Functional Revenues		7,284,609	6,410,738	-12.00%
Other Revenues		3,294,697	3,609,538	9.56%
Investment Income		120,195	161,300	34.20%
Other Financing Sources		2,656,016	4,297,449	61.80%
Total Revenues	\$	185,023,482	205,185,563	10.90%

Sales Tax Net Revenue

Historical Net Sales Tax*	Sales Tax	Annexation Payment	Net Sales Tax Revenue
FY 2017	\$ 39,922,499	7,496,088	32,426,411
FY 2018	41,189,439	7,684,083	33,505,356
FY 2019	43,633,583	8,103,908	35,529,675
FY 2020	45,332,265	8,624,478	36,707,788
FY 2021	52,364,572	9,108,129	43,256,443
FY 2022	59,244,980	9,709,769	49,535,210
FY 2023	59,672,060	9,128,503	50,543,557
FY 2024	67,546,074	17,000,710	50,545,364

* Includes the Hold Harmless



Property Tax Recommendation

Ad Valorem Tax Rate Allocation In Pennies	Budget FY 2023	Recommended FY 2024
Operating Budget	43.46	46.21
Voter Approved 2022 Bond DS	-	4.25
Voter Approved 2017 Bond DS	1.42	1.42
Capital Funding Commitment/DS	5.07	5.07
Total Ad Valorem Rate	49.95	56.95
Median Home Tax Bill	624.38	711.88

One Penny on the tax rate is estimated to yield
\$1.51 million

- Expenditures (FY 2023 Budget to Recommended FY 2024 Budget)
 - Total Adjusted Expenditure Growth, Before Recommended Rate Increases, 7.7% (~15.6 million)
 - \$7.8 million increase in payments based on new sales tax agreement.
 - \$1.3 million increase to personnel cost based on increases in insurance, overtime and other related costs
 - \$8.96 million increase in transfers to other funds
 - (\$2.3) million total reduction in operating expenditures, contract services and capital outlay.
 - \$500,000 Increase in Ad Valorem Tax collection cost
- Total Cost of Recommended Compensation increase is ~\$6.3 million
 - \$3.5 million for Non-Sworn (includes 1% 401K)
 - \$1.7 million for FPD Next Step at 1.25x
 - \$1.1 million for FFD Next Step at 1.25x
- Efficiency and Attrition Target of \$19.8 million
 - The efficiency estimate is benchmarked as 15% of Personnel Services



General Fund Operating

General Fund Expenditure	Budget FY 2023	Recommended FY 2024	% Change
Personnel Services	\$ 112,222,115	132,698,140	18.25%
Operating Expenditures	24,644,519	25,531,144	3.60%
Contract Services	7,857,236	7,627,696	-2.92%
Capital Outlay	7,632,971	6,292,698	-17.56%
Transfers to Other Funds	24,912,251	40,367,442	62.04%
Other Uses	11,914,794	17,995,276	51.03%
Efficiency Adjustment	-	(19,748,567)	
	\$ 189,183,886	210,763,829	11.41%

Environmental Services Fund

Environmental Services Fund		Budget FY 2023	Recommended FY 2024	% Change
Sources				
Intergovernmental Revenues	\$	470,392	481,315	2.32%
Functional Revenues		14,239,207	17,001,916	19.40%
Other Revenues		60,700	33,560	-44.71%
Other Sources		3,490	16,000	358.45%
Total Sources	\$	14,773,789	17,532,791	18.67%
Uses				
Personnel Services	\$	5,716,101	6,134,322	7.32%
Operating Expenditures		3,830,721	4,314,144	12.62%
Contract Services		2,329,254	2,979,222	27.90%
Capital Outlay		2,441,847	2,205,620	-9.67%
Transfers to Other Funds		137,289	-	-100.00%
Other Uses		1,905,435	1,899,483	-0.31%
Total Uses	\$	16,360,647	17,532,791	7.16%
Residential Solid Waste Fee Annually	\$	225.00	265.00	17.78%

Storm Water Utility Fund

Stormwater Utility Fund		Budget FY 2023	Recommended FY 2024	% Change
Sources				
Functional Revenues	\$	11,562,131	11,716,604	1.34%
Other Sources		3,320	2,500	-24.70%
Total Sources	\$	11,565,451	11,719,104	1.33%
Uses				
Personnel Services	\$	3,852,788	4,361,137	13.19%
Operating Expenditures		874,204	1,000,222	14.42%
Contract Services		799,461	715,870	-10.46%
Capital Outlay		2,494	1,300	-47.87%
Transfers to Other Funds		9,481,000	12,495,770	31.80%
Other Uses		1,372,063	1,486,466	8.34%
Total Uses	\$	16,382,010	20,060,765	22.46%
Monthly Equivalent Residential Unit	\$	6.00	6.00	0.00%

Transit Operating Fund (FAST)

Transit Operating Fund (FAST)	Budget FY 2023	Recommended FY 2024	% Change
Sources			
Other Taxes	\$ 649,750	653,550	0.58%
Intergovernmental Revenues	6,832,549	3,270,000	-52.14%
Functional Revenues	1,119,372	1,162,700	3.87%
Other Revenues	157,949	160,560	1.65%
Transfer from the General Fund	4,565,422	8,460,660	85.32%
Total Sources	\$ 13,325,042	13,707,470	2.87%
Uses			
Personnel Services	\$ 9,019,453	9,242,050	2.47%
Operating Expenditures	2,550,300	2,687,705	5.39%
Contract Services	609,716	413,565	-32.17%
Capital Outlay	16,048	16,000	-0.30%
Transfers to Other Funds	440,425	794,650	80.43%
Other Uses	689,100	553,500	-19.68%
Total Uses	\$ 13,325,042	13,707,470	2.87%

Other Funds

All Other Fund Expenditures		Budget FY 2023	Recommended FY 2024	% Change
Parking Fund	\$	1,191,830	1,263,357	6.00%
Central Business Tax District		335,672	349,966	4.26%
E-911 Fund		960,166	960,353	0.02%
PWC Assessment Fund		2,520,000	890,000	-64.68%
Safety and Workers's Comp Fund		2,383,893	2,600,500	9.09%
Property and Liability Fund		2,469,340	2,647,114	7.20%
Risk Management Fund		21,753,501	23,944,000	10.07%
Airport Operating Fund		5,765,927	6,480,448	12.39%
LEOSSA Fund		3,148,800	3,358,228	6.65%
Fleet Management ISF		7,139,898	7,306,812	2.34%
Total All Other Funds	\$	47,669,027	49,800,778	4.47%

- Deep evaluation of operating and programs in all funds; the goal is to bring structural balance
 - The loss of sales tax revenue will cause a fundamental reset in the City's general fund operations
- Deep evaluation of revenue opportunities, including vehicle license fees, increased transit fees and other fees and rates
- More than \$68.5 million of possible federal grants
- Continue implementation of the Employer of Choice tenets
- Continue evaluating the market to ensure competitive compensation
- Explore rate structures and revenue bonds in the Storm Water Utility
- Continuing the robust work plans across the City

Goals and Principles of the Process

- Transparency
- Dialogue
- Engagement

Developmental Strategies

- Council Group Discussion
- Budget Work Sessions
- Agendized Discussions, Public Hearings, and Voting

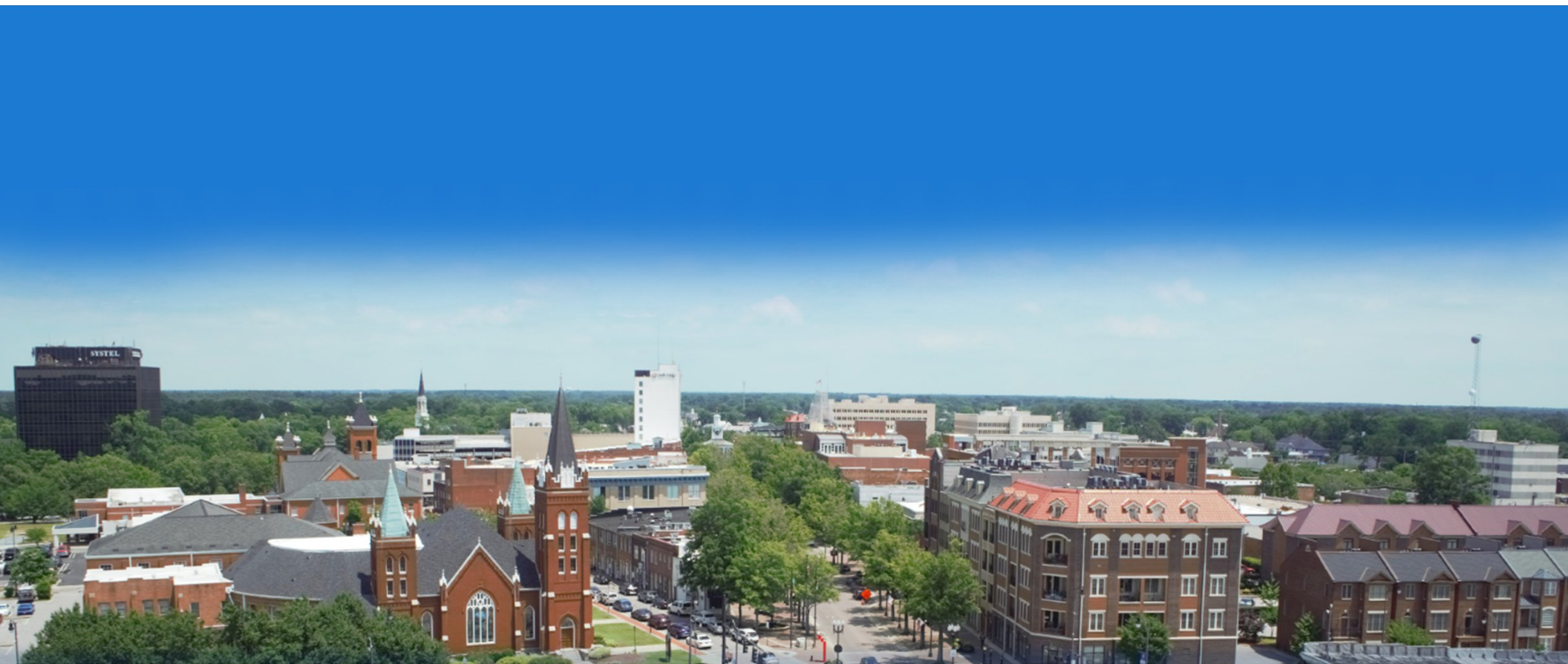
Considerations

- System Challenges
- Staffing Departures and Illnesses

June

- 1 – Possible Budget Work Session
- 5 – City Council Work Session
- 12 – Public Hearing
- 21 – Council Agenda Review
- 26 – City Council Meeting
- 30 – Fiscal Year End





FayettevilleNC.gov



City of Fayetteville

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

City Council Action Memo

File Number: 23-3382

Agenda Date: 6/5/2023

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:

FROM: Council Members Jensen, Haire, and Thompson (Council Policies
Committee)

DATE: June 5, 2023

RE:

City Council Agenda Item Request - Staff to Research and Provide a Proposed
Policy Regarding Unaccompanied Minors in City Facilities - Council Members
Jensen, Haire and Thompson

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

Council Agenda Item Request

City Council Agenda Item Request

Date of Request: _____ **Requester:** _____

Agenda Item Title: _____

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?

What do you envision accomplishing with this agenda item request?

Additional Comments:



City of Fayetteville

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City Council Action Memo

File Number: 23-3389

Agenda Date: 6/5/2023

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 Jensen

DATE: June 5, 2023

RE:

City Council Agenda Item Request - Request for Consideration of Legal
Representation - Council Member Jensen

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

City Council Agenda Item Request

City Council Agenda Item Request

Date of Request: 05/23/2023 Requester: Kathy Keefe Jensen

Agenda Item Title: Request for consideration of legal representation

Estimated Cost: 0.00 Anticipated Funding Source: 0.00

City Department(s) Support Requested: Legal

Estimated Staff Time Required: _____

Anticipated Date for Future Council Work Session Discussion: 06/05/2023

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

What do you envision accomplishing with this agenda item request?

I am requesting the City Council take a public vote on the request of legal representation for police in the Jada Johnson case, which the city and officers are being sued.

Additional Comments:



City of Fayetteville

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City Council Action Memo

File Number: 23-3391

Agenda Date: 6/5/2023

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 Mario Benavente - District 3

DATE: June 5, 2023

RE:

City Council Agenda Item Request - Homeless Impact Reduction Program
Review - Council Member Benavente

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

City Council Agenda Item Request Form

**City Council Agenda
Item Request**

Date of Request: _____ **Requester:** _____

Agenda Item Title: _____

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?

What do you envision accomplishing with this agenda item request?

Additional Comments:



City of Fayetteville

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City Council Action Memo

File Number: 23-3392

Agenda Date: 6/5/2023

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.07

TO: Mayor and Members of City Council

THRU:

FROM: Council Member Mario Benavente - District 3

DATE: June 5, 2023

RE:

City Council Agenda Item Request - Phoenix Center Support for Domestic
Violence Victims

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

City Council Agenda Item Request Form



City Council Agenda Item Request

Date of Request: May 28, 2023 Requester: Council Member Benavente

Agenda Item Title: Phoenix Center Support for DV Victims

Estimated Cost: TBD Anticipated Funding Source: General Fund

City Department(s) Support Requested: City manager's office

Estimated Staff Time Required: 24 HRS

Anticipated Date for Future Council Work Session Discussion: June 5, 2023

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

- Goal I Safe and Secure Community
- Goal II Diverse and Viable Economy
- Goal IV Desirable Place to Live, Work and Recreate

What do you envision accomplishing with this agenda item request?

Providing the additional support requested by The Phoenix Center for: 1) financial assistance for paying for a 'victim advocate' to provide services to victims; 2) Emergency Shelter Vouchers for victims of domestic violence in Fayetteville.

Additional Comments:

2022 Annual FPD Report: Domestic Violence (DV) felony arrests up ~60%.
25% of 2022 homicides DV related
2023 1st Quarter FPD Report: DV felony arrests up ~18%
180 Referrals from FPD to Phoenix Center in just 24 Days (04/3/23-04/27/23)
516 Calls to Victims Referred by FPD to Phoenix Center in just 2.5 months (03/6/23-05/22/23)

Please Refer to Email from Phoenix Center Executive Director Deanne Gerdes for more detail about their history in our community and the beginning of increased responsibility since 02/2023 meeting with Chief Braden.

[EXTERNAL]Victims

Sunday, May 28, 2023 5:13 PM

Subject	[EXTERNAL]Victims
Link to Outlook Item	Click here
From	Deanne Gerdes
To	Doug Hewett
Cc	Mario Benavente ; Kemberle Braden
Sent	5/22/2023, 8:50:27 AM

Good morning Mr. Hewett,

I want to follow up with a meeting I had with Councilman Benavente. As you know, we started providing domestic violence (DV) services a few years ago. Let me share the background of how that happened. In the 70's Cape Fear Valley Health System and the Fayetteville Police Department realized that there was a lack of services for victims of sexual violence. That is when our organization started. Also, in the 70's DV services were set up through the department of social services. For decades, we provided services to only victims of sexual violence. But as we all know, often sexual and domestic violence go hand-in-hand. At no fault of DSS, often victims would not want to reach out to DSS and go into the "system" for fear that their children would be taken away because of violence in the home. In 2019, then Judge Robert Stiehl, who was the head of our DV task force team said that the state of North Carolina was bringing e-filing of DVPO's throughout the state. He asked if there was an agency that would be willing to provide e-filing services to victims. The concept was so that the DVPO's were done outside of the courthouse in order for victims to receive advocacy, support, and resources. For whatever reason DSS decided not to be involved. We thought it was so important for the community to provide the services that we agreed to take it on. Victims are told about our services in a variety of different ways, through law enforcement, the magistrates office, or other collaborative agencies. Victims come into our office, which is a warm and supportive atmosphere, where they can bring their children, friends, other family members, fill out the paperwork for a DVPO and video chat with a judge. We also do safety planning with them which can be very intense, we provide resources, to include shelter. We ask if they need medical treatment, if they would like to file a police report, and depending on their circumstances, a host of other needs we address. We also offer to have an advocate go with them for their court date, which is typically 10 days after they leave our office. The judicial system can be very scary, confusing, overwhelming and an intimidating place.

In February of this year Chief Braden asked us to help further address the domestic violence issues we are having in our community. Chief Braden asked us to make calls to all the people that Fayetteville Police Dept receives calls for services from. It is our hope that by making these calls we can inform victims of resources available to them to 'help break the cycle'. Although officers do have information with them at the time that they respond, it can be an intense, traumatic, chaotic situation for victims and they often do not comprehend services available. Which is why he asked us to make follow-up calls. We receive a list on Monday and Thursday. We have committed to make follow up calls no later than 24 hours after we received the list. We have had much success. Victims have come to our office to receive help, we have e-filed DVPO's with them. Oftentimes when victims feel that they're in a safe place they tend to tell their story. On multiple, multiple occasions we have called FPD for a detective to be assigned to look into specific cases, because when people feel that they are safer, and that there's help available, they feel more confident in telling their story to law enforcement and ask for help.

Cumberland County has one DV shelter that is run by DSS. It has eight beds. Not nearly enough. They often do not have availability when we call. So, then we're stuck. We do call surrounding counties to see if they have availability. But if the victim has children, it is prohibitive to leave the county and be so far away and get the children back-and-forth from school, to get back-and-forth from work, so more often than not victims have no other choice than to go back to the home or the violence happened.

Domestic violence, sexual violence, and human trafficking is very complex with layers and layers of issues and problems that we have to help them overcome. But if we cannot provide basic services such as a roof over their head, then we cannot expect them to be able to leave a violent situation, and so the numbers will continue to grow

Since June of 2019, we have completed 649 Domestic Violence Protective Orders.

Since 6 March 2023, we have completed 516 calls to victims referred to us by the Fayetteville Police Department.

Since June of 2019, we have provided services to almost 1,000 victims of sexual violence.

All of our services are free and available to any man, woman or child.

Rape Crisis of Cumberland County is asking for financial assistance for paying for a victim advocate to provide services to victims.

Rape Crisis of Cumberland County is also requesting, much like the vouchers given to our homeless population that vouchers be given to victims of violence in Fayetteville.

I am always available to answer any questions you may have.

Deanne

--

Deanne Gerdes

Executive Director

Rape Crisis of Cumberland County

[\(910\)485-7273](tel:(910)485-7273) | [\(910\)489-4870](tel:(910)489-4870)

gerdes.deanne@gmail.com

www.rapecrisisonline.org

The Phoenix Center, 519 Ramsey St, Fayetteville NC 28301

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City of Fayetteville

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City Council Action Memo

File Number: 23-3393

Agenda Date: 6/5/2023

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of
Business

Agenda Number: 4.08

TO: Mayor and Members of City Council

THRU:

FROM: Mayor Mitch Colvin

DATE: June 5, 2023

RE:

City Council Agenda Item Request - City and State Owned Properties to be
Returned to the Tax Roll - Mayor Colvin

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Recommended Action:

Attachments:

City Council Agenda Item Request Form



City Council Agenda Item Request

Date of Request: May 29, 2023

Requester: Mitch Colvin, Mayor

Agenda Item Title: Request for City and State Owned Properties to be returned to the Tax Roll

Estimated Cost: N/A

Anticipated Funding Source: N/A

City Department(s) Support Requested: City Manager

Estimated Staff Time Required: _____

Anticipated Date for Future Council Work Session Discussion: June 5, 2023

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

Goal V - Financially Sound City Providing Exemplary City Services

What do you envision accomplishing with this agenda item request?

Request for City and State owned properties located in the City of Fayetteville, to be returned to the Tax Roll.

Additional Comments: