



Legislation Details (With Text)

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**File created:** 9/13/2021      **In control:** City Council Regular Meeting

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**Title:** Uninhabitable Structures Demolition Recommendations - 212 Harrison St. District 2, 1006 W. Orange St. District 2, 6417 Starbrook Dr. District 7

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Harrison Street, 212 - Arial Map, 2. Harrison Street, 212 - Photos, 3. Harrison Street, 212 - Ordinance, 4. W Orange Street, 1006 - Arial Map, 5. W. Orange Street, 1006 - Photos, 6. W. Orange Street, 1006 - Ordinance, 7. Starbrook Drive, 6417 - Arial Map, 8. Starbrook Drive, 6417 - Photos, 9. Starbrook Drive, 6417 - Ordinance

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Members of City Council

**THRU:** Telly C. Whitfield, Ph.D., Assistant City Manager  
Dr. Gerald Newton, AICP, Development Services Director  
David Steinmetz, Development Services Assistant Director

**FROM:** Dereke D. Planter Jr., Code Enforcement Supervisor

**DATE:** September 27, 2021

**RE:** Uninhabitable Structures Demolition Recommendations

212 Harrison St.      District 2  
1006 W Orange St.      District 2  
6417 Starbrook Dr.      District 7

**COUNCIL DISTRICT(S):**  
2, 7

**Relationship To Strategic Plan:**  
Goal 1: Safe & Secure Community; Goal 4: Desirable Place To Live, Work & Recreate

**Executive Summary:**

Staff request for demolition ordinance approval on one residential building determined to be blight, and two residential buildings determined to be dangerous. Hearings conducted on all properties with a Finding-of-Facts ordered issued to either repair or demolish structures. Economic and Community Development Programs are available to assist owners with demolitions if projects qualify and funding is present at the time of application. ECD doesn't require a lien but ownership/debt issues impact approvals. Economic and Community Development does not currently have a Rental repair program.

**Background:**

**212 Harrison Street- PIN 0437-81-8718-**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential building that was inspected and condemned as a dangerous structure on May 26, 2021. The structures roof is rotted, broken and sagging excessively. Roof covering, flashing, trim/fascia rotted. Windows are not reasonably weathertight. Notice of the hearing was published in the Fayetteville Observer newspaper June 6, 2021. A hearing on the condition of the structure was conducted on June 17, 2020, at which the owners did not appear. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on June 18, 2021. To date, there has been no repairs to the structure and the structure has not been demolished. In the past 24 months, there has been no calls for 911 service to the property. There has been 5 code violation case with \$1,124.37 in City assessments and \$5,335.42 in outstanding taxes

**1006 W. Orange Street- PIN 0437-59-6908-**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential building that was inspected and condemned as a dangerous structure on May 14, 2021. The structures roof is rotted, broken and sagging excessively. Roof covering, flashing, trim/fascia rotted. Windows are not reasonably weathertight. Porch posts and railings, rotted, broken and/or termite damaged. Exterior wall finish not weathertight with excessive holes, cracks or rotted boards which permit air or water to penetrate. A hearing on the condition of the structure was conducted on May 28, 2021 at which owners did not appear. Notice of the hearing was published in the Fayetteville Observer newspaper June 6, 2021. A second hearing on the condition of the structure was conducted on June 17, 2021, at which the owners did not appear. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on June 18, 2021. To date, there has been no repairs to the structure and the structure has not been demolished. In the past 24 months, there have been 2 calls for 911 service to the property. There has been 5 code violation case with \$786.30 in City assessments and \$6,780.66 in outstanding taxes.

**6417 Starbrook Drive- PIN 0406-18-2690-**

The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is vacant residential building that was inspected and condemned as a dangerous structure on March 23, 2021. Rafters rotted, broken, sagging excessively with exposed supporting ends. Roof covering, flashing, trim/fascia rotted. Exterior wall finish not weathertight with excessive holes and cracks. A hearing on the condition of the structure was conducted on April 14, 2021, at which owners did not appear. Notice of the hearing was published in the Fayetteville Observer newspaper April 25, 2021. A second hearing on the condition of the structure was conducted on May 5, 2021, at which the owners did not appear. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on May 6, 2021. To date, there has been no repairs to the structure and the structure has not been demolished. In the past 24 months, there have been no calls for 911 service to the property. There

has been 3 code violation case with no City assessments and no outstanding taxes.

**Issues/Analysis:**

The subject properties are sub-standard and detrimental to the surrounding neighborhood and promotes nuisances and blight, contrary to the City's Strategic Operating Plan Goal 1

**Budget Impact:**

The demolition cost of these structures will be determined at a later date subject to a competitive bidding process to be conducted after adoption of the demolition ordinances. There may be additional unknown costs for asbestos testing and abatement if needed.

**Options:**

Adopt the ordinances and demolish the structures.  
Abstain from any action and allow the structures to remain.  
Defer any action to a later date.

**Recommended Action:**

Staff recommends the Council move to adopt the ordinances authorizing demolition of the structures. Council is advised that staff will continue to work with property owners up until the actual beginning of the City-ordered demolition to either bring the structures into a code-compliant state, to obtain voluntary owner-initiated demolition, or to achieve abatement of the violation with the assistance of the Blight Removal Program.

In the event we are successful in voluntary compliance, we will bring Council a demolition rescission ordinance to remove the original demolition order from clouding the deed of the property. We prefer to get demolition ordinances approved as Council action increases our leverage with property owners in obtaining code compliance. Only an action by the Council can stay or suspend demolition proceedings after a demolition order has been adopted.

**Attachments:**

Aerial maps, violation photos, and proposed ordinances