

From: Mario Benavente <MarioBenavente@FayettevilleNC.Gov>
Sent: Tuesday, October 28, 2025 5:06 PM
To: Wilson, Kristina M <wilson@sog.unc.edu>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>; Doug Hewett <DougHewett@FayettevilleNC.gov>
Subject: Re: [EXTERNAL]RE: Fayetteville City Council - Improper Vote

Greetings,

They are meant to be public, but the public can not access the third floor freely without a employee pass card. Sometimes press makes there way up, but I wouldn't call the dinner meetings truly public.

I objected to the motion as improper because it circumvents the 2/3's requirement amend the agenda. So an objection was definitely made, per my inquiry to the city attorney. The issue we need SOG's help on is that our city attorney said amending the agenda was not necessary, which is what I believe is improper.

Because it was indeed an improper motion (not being on the agenda and no motion to amend the agenda) and with a timely objection...what action can be taken to prevent the improper action of canceling a work session and rescheduling it?

Thank you,



Mario Benavente

Council Member

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From: Wilson, Kristina M <wilson@sog.unc.edu>
Sent: Tuesday, October 28, 2025 4:07 PM
To: Mario Benavente <MarioBenavente@FayettevilleNC.Gov>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>; Doug Hewett <DougHewett@FayettevilleNC.gov>
Subject: [EXTERNAL]RE: Fayetteville City Council - Improper Vote

Good afternoon, Council Member Benavente,

I hope you're well. If a majority of the board is present at these dinner meetings, and they are discussing public business (such as reviewing the agenda), then that is an official meeting of a public body under G.S. 143-318.10(b) and (d). Under subsection (a) of that same statute, such meetings should be noticed and open to the public with minutes taken. Of course, I'm opining from my ivory tower and am not there on the local level. It's possible I'm missing some important detail. I defer to your town attorney if her interpretation differs from mine, but I would tend to think these meetings must be open to the public.

If these meetings appear on a regular meeting schedule, they are regular meetings under G.S. 143-318.12(a). There are few restrictions on actions during regular meetings. If the motion you describe was not on the agenda for the dinner meeting, technically a board member should've motioned to amend the agenda before proceeding straight to this motion. However, if no one objected at the time, and the motion passed by majority, it is enforceable. (Though again, if a court agreed with me that these meetings should be public, it could invalidate any action taken in a dinner meeting upon request).

I'm happy to discuss these points further.

Best,

Kristina M. Wilson

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From: Mario Benavente <MarioBenavente@FayettevilleNC.Gov>
Sent: Monday, October 27, 2025 7:28 PM
To: Wilson, Kristina M <wilson@sog.unc.edu>
Cc: Lachelle H. Pulliam <LachellePulliam@FayettevilleNC.gov>; Doug Hewett <DougHewett@FayettevilleNC.gov>
Subject: Fayetteville City Council - Improper Vote

Greetings,

I am concerned about a vote that was taken this evening 10/27/25 during a 5:30PM "dinner meeting" that occurs prior to a 6:30PM regular city council meeting in a private meeting room.

Typically, our dinner meeting is just an opportunity to review the regular city council meeting agenda that would be presented and worked through in public in city hall chambers. There are times that we go into closed session during the 'dinner meeting' if there are privileged legal/personnel related matters.

A discussion about moving a regularly scheduled work session meeting set for 11/3/25 to 11/10/25 was made into a motion, and my concern was that this was not in order because that topic was not on our regular city council agenda. To be in order, the agenda would need to be amended so that topic could be added and then discussed/voted upon in public view during the regular meeting at 6:30PM.

This was particularly concerning because 1. A council member who was planned to participate virtually at the 6:30PM regular meeting, and was present during the regular meeting, was not able to participate during the dinner meeting; 2. This makes any future need for 2/3 majority to amend the agenda totally irrelevant, if 6 of 10 can do in a dinner meeting anything they want to avoid needing 7 of 10.

When I expressed my concern with this to our city attorney during the dinner meeting, she did not agree with my concern. Attorney Pulliam is cc'd on here to clarify if I am not being accurate, but the gist of her position was that the council had voted previously on matters not on the regular meeting agenda during dinner meetings. When I asked for even a single example that happened during an open session of a dinner meeting, none could be provided.

If we can get some guidance on whether any vote on any topic can be made during dinner meetings to avoid public discussion/scrutiny and to avoid a supermajority requirement of amending the agenda, that would be greatly appreciated.

Thank you,



Mario Benavente

Council Member

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