

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE CONFERENCE ROOM, CITY HALL  
NOVEMBER 6, 2023  
5:00 P.M.**

Present: Mayor Mitch Colvin (arrived at 5:07 p.m.)

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

Absent: Council Member Johnny Dawkins (District 5)

Others Present: Douglas Hewett, City Manager  
Lachelle Pulliam, Interim City Attorney  
Adam Lindsay, Assistant City Manager  
Kelly Olivera, Assistant City Manager  
Jodi Phelps, Chief of Staff  
Kemberle Braden, Police Chief  
Mike Hill, Fire Chief  
Sheila Thomas-Ambat, Public Services Director  
Toney Coleman, Airport Director  
Loren Bymer, Marketing & Communications Director  
Lisa Harper, Senior Assistant City Attorney  
Paul Allen, Assistant City Attorney  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

Council Member Haire called the meeting to order at 5:03 p.m.

**2.0 INVOCATION**

The invocation was offered by Council Member Ingram.

**3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by City Council.

**3.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Ingram moved to approve the agenda.

**SECOND:** Council Member Thompson

**VOTE:** UNANIMOUS (6-0)

**4.0 OTHER ITEMS OF BUSINESS**

**4.01 City Council Committee's Updates**

Mr. Douglas Hewett, City Manager, introduced this item and stated updates will be provided from the current Chairs of the Council Committees.

**Homeless Committee - Council Member Benavente**

The Homeless and Mental Health Committee has been established to develop policy recommendations on issues that address the entire spectrum of homelessness; to include persons experiencing homelessness, those at risk of becoming homeless, and all those affected by homelessness. The Committee shall collaborate with interested community members to understand the issues related to mental health and homelessness and prioritize policy recommendations to City Council with a long-term goal to facilitate moving persons from homelessness to stability.

The Committee has created a partnership with Continuum of Care (CoC) to receive feedback from the most active homeless service providers and to learn more about the system. The Committee learned more about the success and challenges of the following local providers:

- Alliance Behavioral Health
- Recovery International (Roxie Avenue)
- Fayetteville Metropolitan Housing Authority
- Local faith-based leaders

There is a need for public education on homelessness causes, resources, and processes; establishing clarity for the City's role in the issue; and greater community collaboration with other governments, anchor institutions, nonprofits, and other community groups.

Systems are complex and under resourced, relationships and history are in everything, passionate people are doing their best, and passionate activists are demanding more.

The Committee provided the following three recommendations for City Council:

1. Direct funding to CoC so that they can hire a professional Director (from Joint Homeless Initiative).
2. Work to reinstate the Joint City/County Homelessness Advisory Council.
3. Finance affordable housing at extremely low income with a focus on supportive programs.

#### **Corridor Committee - Council Member Jensen**

The Corridor Committee was created ten years ago to focus on creating expectations for businesses on the corridors through ordinances in order to create a nice-looking gateway into the City.

Panhandling signs have been installed at 17 locations, No Littering signs have been installed at 82 locations. The campaign request to NCDOT to install "Put Waste in its Place" signs on NCDOT's rights-of-way is being updated to include television, billboards, brochures, and pamphlets.

The Committee is continuing to review opportunities to address littering; what is illegal dumping and what is littering.

#### **Stormwater Committee - Council Member Hondros**

The purpose of the Stormwater Committee is to study and review sections of the Stormwater Ordinances and identify if there are tweaks that can be made that would spur economic development. The Committee has reviewed, added, removed and/or revised language of the Drainage Assistance Program.

The Committee has reached consensus to rename Stormwater Department to Stormwater Utility, and there was consensus of the Committee to support a consultant study to move forward with tiered rate structure for future Stormwater fees.

Some members of the Committee remain unable to understand, or unwilling to accept, North Carolina General Statutes, case law, staff counsel, and outside consulting counsel guidance that public funds cannot be used unless there is a public benefit. We have been unable to gain consensus to revise ordinances to reflect peer cities regarding Stormwater Control Measures warranty periods for new construction.

The Committee has taken an extensive look at the Drainage Assistance Program, to include staff updates on Watershed studies, staff updates on CIPs, and staff and outside counsel informed us that public funds cannot be used for the benefit of private property owners.

The Committee mission has been accomplished, we are awaiting future updates from staff, and awaiting further direction/instruction from Mayor Colvin.

#### **Council Policies Review Committee - Council Member Jensen**

The purpose of the Council Policies Review Committee is to review all City Council Policies to determine if they are still necessary or of use or serve a purpose and make recommendations to the City Council to update or rescind policies that require revisions or removal.

On May 8, 2023, the City Council approved 24 policy revisions or rescinding recommendations. Some of the policies were found to be superseded by Ordinances or State Law. The Committee provided the following next steps:

1. Engage in a review of the Council Rules of Procedure with the Interim City Attorney.
2. Engage in a review of Technical Policies with staff who are subject matter experts.
3. At the direction of Council, revisit Policy No. 110.1, Boards and Commissions, Membership and Removal, Section II.3.a.

Council Member Jensen stated the Committee will also be exploring holding City Council meetings at different times and maybe holding the announcement and recognitions prior to the business meeting taking place.

#### **4.02 Traffic Calming Measures**

Mr. Brian McGill, P.E., PTOE, City Traffic Engineer, presented this item and stated the purpose of this report is to address and discuss the request received from Council to provide high-level information on traffic calming measures outside of speed bumps. The majority of traffic calming measures fall into the following three categories: Horizontal deflection, vertical deflection, and street width reduction.

Horizontal deflection prevents drivers from driving in a straight line and includes the following traffic calming measures: Lateral Shift, Chicane, Realigned Intersection, Traffic Circle, Mini Roundabout, and Roundabout.

Vertical deflection changes the road height and includes the following traffic calming measures: Speed Bump/Hump, Speed Cushion, Speed Table, Raised Crosswalk, and Raised Intersection.

Council requested speed bumps/humps be omitted from this report, however, to be thorough, speed bumps/humps were included in this report and the attachments included in the agenda packet.

Street width reduction narrows the travel lane, making it less comfortable for the driver to speed, and includes the following traffic calming measures: Corner extension/bulb-out, Choker, Median Island, On-Street Parking, and Road Diet.

Other measures were reviewed after the initial administrative report was submitted to Council and are included for the presentation. These measures include the following: Radar Feedback Signs, Rumble Strips/Stripes, Multi-Use Lines/Lanes.

Traffic calming measures not reviewed for this report include the following: Traffic signals, pavement markings, gates, corner radius reductions, streetscaping/landscaping, textured pavements like brick pavers, signs, and temporary measures such as police speed enforcement. Studies have shown that signs are not an effective traffic calming measure.

Discussion ensued.

Consensus of Council was to put forward a focus group to determine what the community wants.

#### **4.03 Every Town for Gun Safety**

Ms. Michael Whyte, Police Attorney, presented this item and stated at the August 16, 2023, special meeting on public safety, Council directed staff to research the "Every Town for Gun Safety" recommendation, along with recommendations for a "Tool Kit", in addition to the creation of a Task Force comprised of the City, County, Schools, Health Care, Judicial and others.

One of the "Every Town" recommendations was for cities to enact an ordinance requiring warning signs to be posted outside of businesses that sell firearms. The City Attorney's Office has researched the proposed ordinance.

The proposed ordinance would require any "dealer" to post a warning sign at or near the entrance. A dealer is defined as any person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. § 923(a). The warning sign would read as follows:

WARNING: Access to a firearm in the home significantly increases the risk of suicide; death during domestic violence disputes; and the unintentional death of children, household members, or others. If you or a loved one is experiencing distress and/or depression, call the [hotline] or visit [website]. G.S. § 14-409.40 is a state preemption statute for local laws governing the regulation of firearms. The preemption statute prohibits municipalities from regulating in any manner the possession or sale of firearms. G.S. § 14-409.40(a1) states: "the lawful design, marketing, sale, of firearms to the public is not an unreasonably dangerous activity and does not constitute a nuisance per se and furthermore, that it is the unlawful use of firearms and ammunition, rather than their lawful...sale, that is the proximate cause of injuries".

The proposed ordinance arguably does not regulate the sale of firearms, just requires the posting of signage. Requiring the posting of signage would be considered a regulation on commercial speech. Court decisions state that any regulation affecting commercial speech that is not misleading and concerns otherwise lawful activity must pass three "tests". First, that the government asserts a substantial interest in the speech regulation. Second, that the regulation directly advances that interest. Third, that the regulation is not more extensive than necessary.

Court cases suggest that without direct information supporting the statements in the warning required to be posted, that the regulation/ordinance will not survive a First Amendment challenge. There is no case directly on point. It does not appear that any other jurisdiction in North Carolina has instituted a similar ordinance.

The City is not prohibited from enacting such an ordinance. However, if challenged, the ordinance would need to pass constitutional scrutiny.

Discussion ensued.

Consensus of Council was to direct staff to take the next steps to seek voluntary education for local gun vendors, as the "Every Town" process recommends.

#### **4.04 Airport Strategic Marketing Plan**

Dr. Toney Coleman, Airport Director, and Mr. Loren Bymer, Marketing & Communications Director, presented this item and provided the following information:

- Over 360,000 people are projected to fly Fayetteville in Calendar Year 2024.
- General ridership averages for August 2023 were 43 percent personal, 33 percent business, 22 percent military, and 2 percent other.
- Aircraft load factor is a key performance indicator with a goal of 80 percent. Load factors for FAY airlines have remained above 80 percent through September 2023.
- American Airlines and Delta Airlines serve the Fayetteville Regional Airport (FAY) with direct service to three major hubs.
- American Airlines provides an average of 6 outbound and 6 inbound flights per day direct to/from Charlotte, North Carolina, and 1 outbound and 1 inbound flight to/from Dallas/Fort Worth, Texas, per day.
- Delta Airlines has an average of 2 outbound and 2 inbound flights to/from Atlanta, Georgia, per day.
- Charlotte Douglas International Airport has 182 non-stop destinations, including 35 international locations and 3 U.S. territories.
- Dallas-Fort Worth Airport has non-stop passenger flights scheduled into 257 destinations in 37 countries. It is also the third largest airport in the United States.
- The Hartsfield-Jackson Atlanta International Airport has non-stop passenger flights scheduled to 222 destinations in 43 countries.
- In short, there are 661 ways to get to any destination in the world via Fayetteville's current signatory airlines.
- Airport Management seeks to increase awareness of FAY's air carrier opportunities and the travel ease of flight from your local airport aboard two major legacy air carriers.
- On September 11, 2023, City Council approved an increase of \$200,000.00 to FAY's standard \$300,000.00 marketing budget bringing the FY24 budget to \$500,000.00.
- Airport Management will continue to collaborate with Fayetteville Convention and Visitors Bureau (FCVB) and Airport Commissioner Mr. Naynesh Mehta for hotel accommodations in Charlotte, Texas, and Atlanta. Hotel accommodations via FCVB are to be determined. Hotel accommodations via Mr. Mehta are Hilton Garden Inn, Springhill Suites, Holiday Inn Express, and Embassy Suites.

- Airport funds shall support giveaways of passenger tickets to locations currently served from FAY.
- Advertising campaign shall be developed with the Marketing & Communications Department and existing and new venues. Marketing nodes include radio, television, print, and social media ads.
- Primary themes shall be "Thank you for flying Fayetteville", "Don't leave home to leave home", and "We've got what you've been waiting for - An Even Better Airport Experience!" (focus on terminal renovations over past 4 years).

Dr. Coleman stated the goal is to increase awareness of using the Fayetteville Regional Airport over alternatives, ultimately increasing ridership on current signatory airlines which will lessen leakage to alternative airports from our 11-county service area.

Discussion ensued.

There was no consensus vote.

**4.05 Council Member Agenda Item Request - Solid Waste Ordinance - Yard Waste - Council Member Hondros**

Council Member Hondros presented this item and stated he is seeking consensus from Council to direct staff to bring back a proposed amended ordinance pertaining to acceptable containers for yard waste.

Discussion ensued.

Consensus of Council was to direct staff to research the feasibility of accepting non-standardized containers for yard waste and to report back with findings. Ms. Sheila Thomas-Ambat, Public Services Director, stated staff can probably have this information to present at either the January or February 2024 work session.

**4.06 Council Member Agenda Item Request - Downtown Parking - Council Member Hondros**

Council Member Hondros presented this item and stated he is seeking consensus from Council to direct staff to modify the downtown paid parking fee to end at 5:00 p.m.

Discussion ensued.

There was no consensus from Council to move this item forward.

**4.07 Council Member Agenda Item Request - Sidewalks - Council Member Thompson**

Council Member Thompson presented this item and stated he is seeking consensus from Council to direct staff to conduct a sidewalk study to ensure the one-mile radius of school connectivity is directly connected to school grounds; these types of safety measures are essential in keeping our children safe.

Discussion ensued.

Ms. Sheila Thomas-Ambat, Public Services Director, stated that NCDOT is driving the Pedestrian Plan and will be providing the specifications for the plan updates.

Consensus of Council was to direct staff to conduct a sidewalk study regarding the sidewalk gaps around schools, using General Obligation Bond funding to pay for the study.

## 5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:02 p.m.