

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER, CITY HALL
NOVEMBER 4, 2024
2:00 P.M.**

Present: Mayor Mitch Colvin (departed at 5:45 p.m.)

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Lynne Greene (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Kelly Olivera, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jeff Yates, Assistant City Manager
Jodi Phelps, Assistant City Manager
Kimberle Braden, Police Chief
Kevin Dove, Fire Chief
Brook Redding, Special Projects Manager
Loren Bymer, Marketing & Communications Director
Jerry Clipp, Human Resource Development Director
Kimberly Leonard, Budget and Evaluation Director
Will Deaton, Planning and Zoning Manager
Craig Harmon, Senior Planner
Sheila Thomas-Ambat, Public Services Director
Chris Cauley, Economic and Community Development
Director
Brian McGill, Interim Assistant Public Services
Director
Joshua Hall, Police Attorney
Erin Swinney, Police Attorney
Kim Toon, Purchasing Manager
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 2:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Greene.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Council.

4.0 CITY MANAGER REPORT

Mr. Jeffrey Yates, Assistant City Manager, stated the City has engaged with Dr. Richard Watkins to work with the Police Chief on the framework for the School Resource Officers.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (10-0)

6.0 OTHER ITEMS OF BUSINESS

6.01 Driving Equality Laws

Ms. Catherine Kerwin, with Local Progress Impact Lab, presented this item with the aid of a PowerPoint presentation. Ms. Kerwin

reported that driving equality laws support local elected officials in pursuing the creation of traffic safety policies that prioritize public health and racial equality. Ms. Kerwin provided an overview of the discriminatory use of pretextual stops, ineffective and discriminatory traffic stops, policy options, reducing pretextual stops, driving equality plan, the impact, driving equality policy in Fayetteville and North Carolina, and right sizing the approach.

Discussion ensued.

Mr. Hamilton Brooks, with the VERA Institute, presented on who is the Vera Institute and what is "STOPS" Sensible Traffic Ordinances for Public Safety, previous analysis and measuring success in Fayetteville, disparity analysis, traffic stops by race, stop search rate by race, and conclusions.

Discussion ensued.

Consensus of Council was to return this item to the Council's Public Safety Committee for further review.

6.02 Report by PBMares of the Audit and Financial Results for the Year Ended June 30, 2024

Mr. Robbie Bittner, CPA, MBA, partner in PBMares, presented the auditor's report and financial results. The report and attestation results were presented to and approved by the Audit Committee on November 4, 2024.

Consensus of Council was to receive the report.

6.03 ARPA Portfolio Update and Obligation Strategy for FY24: Progress, Planning, and Next Steps

Mr. Brook Redding, Special Projects Manager, presented this item and stated this presentation provides an update on the ARPA portfolio and presents the FY25 obligation strategy for the Council's review. Since the initiation of the ARPA funding, the City has allocated significant resources to projects aligned with the Council's strategic priorities, focusing on economic development, housing and community livability, infrastructure, and public safety. The City is on track to meet the December 31, 2024, federal obligation deadline and has implemented a comprehensive obligation strategy to ensure compliance with ARPA guidelines while maximizing the impact of funds for the Fayetteville community. This update highlights portfolio progress, key milestones, and the strategic steps being undertaken to complete the portfolio's obligations.

The City of Fayetteville was allocated \$40,400,000.00 of ARPA funding to aid recovery efforts and support transformative projects following the impacts of the COVID-19 pandemic. These funds have been allocated across various projects within the City's ARPA portfolio. Since the Council's strategic allocation of ARPA funds in FY22, the City has actively pursued projects that align with these priorities, providing funding to departments across the City to support meaningful community impact. To comply with federal requirements, all funds must be obligated by December 31, 2024. City staff have adopted an obligation strategy to ensure the efficient and compliant use of the remaining funds, preparing projects for full obligation and effective implementation within the required timeline.

As the December 31, 2024, federal obligation deadline approaches, the City faces critical tasks to ensure compliance with funding regulations. The FY24 obligation strategy addresses these needs through clear timelines and mechanisms for adjusting project budgets and schedules to fully obligate remaining funds. Key actions include detailed project reviews, budget adjustments, and reallocations where necessary. Integrating select projects into the Capital Improvement Plan (CIP) allows the City to extend timelines for complex initiatives

without compromising compliance, giving us flexibility beyond initial deadlines.

Challenges involve tracking project timelines, managing subrecipient requirements, and ensuring accurate reporting to federal authorities, necessitating close coordination with city departments and consultants. Through these actions, we are positioned to meet federal requirements effectively, while prioritizing impactful projects aligned with Council's strategic goals.

The ARPA portfolio has allocated \$40,400,000.00 in federal funds across several council strategies, targeting a variety of city priorities. Of this, \$25,214,453.00 has been expended, with \$8,799,210.00 encumbered and \$6,386,337.00 remaining unencumbered. This funding has supported projects in business development, workforce investment, housing, public health, and public safety, among others. For instance, the following has been allocated by council strategy:

- Business & Economic Vitality: \$13,602,140.00, funding projects like the Commercial Corridor Improvement Grant Program, Small Business Grants, and Workforce Development.
- Housing and Community Livability: \$13,376,797.00, including allocations to the Affordable Housing Trust Fund and the Day Resource Center.
- Infrastructure & Community Investment: \$10,978,563.00, supporting public safety initiatives, ADA compliance, and multimodal infrastructure projects.
- City Administrative: \$2,442,500.00, primarily for ARPA administrative costs and project contingency.

Through the strategic obligation of these funds, the City has been able to advance key projects, reducing reliance on local resources and creating more flexibility in future budget planning. Additionally, transitioning some ARPA-funded projects into the CIP framework will allow for extended timelines and completion without the pressure of immediate federal deadlines. By aligning the portfolio with strategic priorities, the City anticipates significant financial relief across infrastructure, housing, and public safety sectors.

Consensus of Council was approval of the ARPA obligation strategy and portfolio update as presented, allowing staff to proceed with necessary project adjustments to ensure full compliance with ARPA requirements by the December 31, 2024, obligation deadline.

6.04 Review of Special Use Permit Processes of Peer Cities and Text Amendment Recommendations

Mr. Will Deaton, Planning and Zoning Manager, presented this item with the aid of a PowerPoint presentation and stated this report proposes amendments to Fayetteville's Unified Development Ordinance (UDO) to enhance the efficiency of the Special Use Permit (SUP) process. Through a comprehensive analysis of current SUP requirements, past City Council decisions, and a comparative study with peer cities, the report advocates for reducing the number of uses necessitating SUPs. This strategy aims to balance developmental demands with community preservation while improving procedural efficiency.

Key findings indicate a high approval rate for SUP applications, suggesting opportunities for reclassification. The analysis of peer cities uncovered diverse approaches to SUP management, offering valuable insights for potential enhancements.

The proposed amendments categorize SUP removals based on potential impact, stressing the importance of careful evaluation for uses with moderate to high impact. The recommended course of action is to endorse staff suggestions and initiate the development of a text amendment for submission to the Planning Commission.

Discussion ensued.

Consensus of Council was to authorize staff to explore alternative City Council recommendations and begin drafting a text amendment for Planning Commission review. Council members Jensen, Benavente, and Haire were opposed to the consensus vote.

6.05 Proposed Text Amendments to Chapter 30 - Unified Development Ordinance (UDO) Fall 2024

Mr. Craig Harmon, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated there are five (5) 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.

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. 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 five (5) code areas to be amended:

1. Amend Historic Resources Commission's requirements for a quorum to exclude vacant positions in the calculation.
2. Amend standards for Wireless Communications Towers to include new standards for Aviation Hazards.
3. Amend Use Table to clarify uses in the DT-2 zone that are only allowed on certain streets.
4. Add specialty eating establishments to the list of uses allowed to have a drive through in the DT-2.
5. Amend the Clear-Cutting Permit standards to include an exception for sites of 1 acre or less to provide only a 10-foot buffer along property lines and a 15-foot buffer along right-of-way.

Discussion ensued.

Consensus of Council was to approve items 1, 2, 3, and 4.

Consensus of Council was to change item 5 to a 20-foot buffer and take to the Planning Commission.

6.06 Paid Parking Program Update

Mr. Brian McGill, Interim Assistant Public Services Director, presented this item with the aid of a PowerPoint presentation and

stated it was requested that at a future Council Work Session, the entire paid parking program be reviewed. This report and presentation discuss the parking agreement between the City and a consultant, program operations, the previous Downtown Parking Study, and recent activity surrounding the parking program. Recommendations for the parking program are included in this report as well as the accompanying presentation. Having a paid parking program and infrastructure should be evaluated across two frames: cost recovery and behavior impacts. All decisions and policies will impact one or both of these frames and sometimes inversely.

Discussion ensued.

Consensus of Council was to table this item to the January 6, 2025, Work Session, to allow time for discussion with the Cool Springs team. Council Member Banks-McLaughlin was opposed to the consensus vote.

6.07 Review the Residential Traffic Management Program

Mr. Brian McGill, Interim Assistant Public Services Director, presented this item with the aid of a PowerPoint presentation, and stated this report and accompanying presentation is to provide recommendations for the signature collection process and thresholds for speed humps. This information is based on a peer cities review and includes the following:

- Allowing HOA Boards to approve in place of the 70 percent signature threshold
- Changing the community engagement approach to a mailed ballot initiative
- Placing a 60-day deadline on ballots to be returned
- Institute a 1 year wait period on failed ballot requests
- Allow residents of the road receiving the request to approve the speed hump request regardless of the greater study area vote

Staff also recommended Radar Feedback Signs be permitted as a non-compliant option, funded by the community, and maintained by Fayetteville Police Department.

Discussion ensued.

Consensus of Council was to direct staff to follow Option 1 - Revise the RTMP to adopt a ballot process for signature collection through mailers as outlined in the presentation.

6.08 Council Member Agenda Item Request - Ghost Guns - Council Member Banks-McLaughlin

Council Member Banks-McLaughlin stated she is seeking Council's approval for a Resolution to support regulating ghost guns, to be sent to the State legislators. Ghost guns are built with either kits or assembled using various gun pieces. They are untraceable, and the State currently does not regulate them.

Consensus of Council was to direct staff to write a Resolution in support of regulating ghost guns, to be sent to the State legislators.

7.0 ADJOURNMENT

There being no further business, the meeting was adjourned at 6:18 p.m.