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**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
COUNCIL CHAMBER, CITY HALL  
FEBRUARY 6, 2023  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Kathy Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8) (via zoom); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Adam Lindsay, Assistant City Manager  
Kelly Olivera, Assistant City Manager  
Jeffrey Yates, Assistant City Manager  
Jodi Phelps, Chief of Staff  
Kemberle Braden, Police Chief Select  
Tyffany Neal, Transit Director  
Chris Cauley, Economic and Community Development Director  
Rob Stone, Construction Management Director  
Loren Bymer, Marketing and Communication Director  
Craig Harmon, Sr. Planner  
Charles Green, Sr. Planner  
Michael Whyte, Police Attorney  
Lisa Harper, Sr. Assistant City Attorney  
Lachelle Pulliam, Assistant City Attorney  
Brook Redding, Special Projects Manager  
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 5:00 p.m.

## **2.0 INVOCATION**

The invocation was offered by Mayor Pro Tem Dawkins.

## **3.0 APPROVAL OF AGENDA**

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

**SECOND:** Council Member Hondros

**VOTE:** UNANIMOUS (10-0)

## **4.0 OTHER ITEMS OF BUSINESS**

### **4.01 State Action Plan - FY 2024**

Mr. John Easterling, KTS Strategies, presented this item and provided an overview of the current House Members: Representative Frances Jackson, Ph.D., Representative Charles Smith, Representative Marvin Lucas, Representative Diane Wheatley, Senator Val Applewhite, and Senator Tom McInnis. Mr. Easterling briefed the City Council on the Action Plan Development, Capital Priorities; Public Safety - Funding for a modern training facility for the Fayetteville Police Department. Quality of Life; Solution for Fayetteville railroad track relocation, Stormwater infrastructure investment for flood mitigation. Policy Priorities: Public Safety, Transit, Quality of Life, Economic Development.

Discussion ensued.

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Council Member Haire expressed his interest in the urban transit support for further rail connectivity.

Council Member Jensen stated adding a flight from Fayetteville to Washington, D.C., would be an economic game changer. Discussion ensued pertaining to lobbying for the Fayetteville - Washington D.C. flight.

Consensus of Council was to accept the State Action Plan with the modification to include requesting a direct flight from Fayetteville Regional Airport to Washington, D.C.

### **4.02 Presentation by Fayetteville Cumberland County Continuum of Care**

Mr. Chris Cauley, Economic and Community Development Director, introduced this item and stated the Department of Housing and Urban Development (HUD) mandates communities establish a Continuum of Care (CoC). The Chairperson of the CoC has requested, via the Homelessness and Mental Health Committee, to present an overview and update of the CoC so that City Council and the community can be better informed by the scope and responsibility of the CoC.

Ms. Debbie Brown, CoC Chair, presented this item with the aid of a PowerPoint presentation and stated the Continuum of Care (CoC) program promotes community-wide commitment to the goal of ending homelessness. The program provides funding for efforts by nonprofit providers and state and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness. The program promotes access to and effects utilization of mainstream programs by homeless individuals and families. The program optimizes self-sufficiency among individuals and families experiencing homelessness.

Ms. Brown provided an overview of the many programs they offer and assist with: Education and Training, Veterans Programs, Life Skills, Healthcare/Counseling, Local Government and Institutions, and Housing.

The CoC is volunteer run with limited support from County staff. It has experienced various changes over the past several years with more City staff involvement in the coordination of agencies.

Ms. Brown stated the CoC is asking for three items: (1) the City of Fayetteville, Cumberland County and the CoC to work together to end homelessness; (2) requesting 100 percent of the Affordable Housing Budget; (3) funding for an Executive Director position, with an estimated \$70,000.00 salary.

Discussion ensued.

Consensus of Council was to accept the presentation and remand this item to the City Homeless Committee. Council Member Banks-McLaughlin was in opposition to the consensus vote.

### **4.03 Transit (FAST) Rebranding**

Ms. Tyffany Neal, Transit Director, presented this item with the aid of a PowerPoint presentation and stated in December 2020, the City launched its "Can Do" brand following extensive market research, interviews and surveys within our community. This research helped the City define consumer perception, stakeholder vision and its competitive position as a place to live and work.

In August 2022, Council approved the update of FAST's Transit Development Plan (TDP) which outlined rebranding efforts as a means of assisting with Transit's desire to transition from a transit system of "need" to a transit system of CHOICE.

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As identified within the 2022 TDP, Transit will take a holistic approach by ensuring a comprehensive marketing campaign/initiative is conducted, in conjunction with FAST's rebranding, that will target specific audiences, educate the community on transit and promote the benefits of using transit services with the goal of increasing exposure and, ultimately, ridership.

In alignment with the City's "CAN DO" rebranding, Transit (FAST) is in need of a fresh start to reposition itself within the community. This comprehensive rebranding effort will address FAST's goal of becoming a primary transportation choice for the residents and visitors of the Fayetteville community.

Rebranding FAST will include new logos, business templates, bus paint scheme/wrap designs, schedule brochures, Operator apparel, bus stop amenities, wayfinding signage, etc. and provide a total refresh, leaving behind its current brand as it embarks on a journey from a transit system of "need" to a transit system of CHOICE.

Transit staff presented the rebranding options to its employees and advisory committee (FACT) and received very positive feedback. As a result, FAST is prepared to engage our community. Once received, FAST will be positioned, if approved, to implement such rebranding in alignment with Council's direction and the community's feedback. At this time, there will be no budgetary impact as a result of Transit's rebranding efforts. Transit will utilize its current/future funding levels in its rebranding efforts. Over the next several years, as FAST updates/adds bus stops, vehicles, etc., FAST will strategically incorporate its new branding throughout the community.

Discussion ensued.

Consensus of Council is to support FAST's rebranding efforts and authorize FAST to proceed to solicit feedback from the community.

#### **4.04 Reinstatement of Transit (FAST) Fare Collection**

Ms. Tyffany Neal, Transit Director, presented this item with the aid of a PowerPoint presentation and stated in an emergency response to the COVID-19 pandemic, the collection of transit fare revenues was temporarily suspended on March 26, 2020. FAST has continued to operate fare-free and on a slightly reduced schedule since that time. These measures helped prevent the spread of the virus on transit vehicles and eased economic impacts to passengers caused by the quarantine.

Council is asked to provide guidance to staff regarding the reinstatement of transit fare collection. The requested reinstatement date of July 1, 2023, would allow FAST to provide sufficient notification to current/future customers of the fare reinstatement, and to continue its efforts to research cashless on-board fare collection systems for FAST fixed route buses and Paratransit vehicles. FAST has conducted an analysis of fare data for ten transit systems across our state. Approximately 40 percent of these transit systems are currently fare-free.

The fiscal year 2023 annual operating budget estimated the resumption of fare collection in September 2022, and included approximately \$925,000.00 of anticipated fare revenues. As a result of the delay in fare reinstatement, collection of these revenues is no longer projected at this time.

It is FAST's desire to return transit services to pre-COVID levels and to do so will require the receipt of fare revenues to help fund the additional operating costs.

Discussion ensued.

Consensus of Council was to direct staff to proceed with the reinstatement of fare collection effective July 1, 2023. Council

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Members Ingram and Banks-McLaughlin were opposed to the consensus vote.

## 4.05 TA23-002 thru -020: 19 Proposed Text Amendments to the Unified Development Ordinance (Seasonal Text Amendments)

Dr. Gerald Newton, Development Services Director; Craig Harmon, Senior Planner; and Mr. Chet Green, Senior Planner, presented this item. The 19 proposed text amendments represent suggested updates to the Unified Development Ordinance (UDO), as proposed by the City's professional Planning staff of the Development Services Department.

These amendments all fall into one of three categories: (1) Cleanup - to clarify and simplify some areas of the code, (2) Development/Community - items asked for by developers or the community, and (3) Policy - how do we as a City move forward.

Upon City Council direction, these items will proceed to the Planning Commission for a legislative hearing and recommendation by the Commission at their February meeting. Following the Planning Commission's meeting, their proposed text amendments will be presented to the City Council for a second legislative hearing, review, and decision, most likely in March. The exception being TA23-020 regarding a new Airport Entrance Corridor Overlay. This item will also go before the Zoning Commission to review and recommend its map amendment portion. Development Services staff proposes the following 19 text amendments:

### 1. Cleanup Items

- a) TA23-009: Accessory Dwelling Units in SF-15
- b) TA23-007: Change Variance Recording Timeline Extension
- c) TA23-011: Off-Street Parking Table - Remove Maximum Spaces Allowed
- d) TA23-012: Accessory Uses/Structures on Large Residential Lots - In AR zones
- e) TA23-014: Reduce Specimen Tree Removal Fee
- f) TA23-015: Relocate "Food Truck Court" in the Use Table
- g) TA23-016: Landscaping Applicability - properties two acres or less
- h) TA23-018: Remove Maximum Parking for Alternative Parking Plans

### 2. Development/Community Items

- a) TA23-002: DT-2 Front and Corner Setbacks for Drive-Throughs
- b) TA23-003: Remove SUP for Financial Institutions w/ Drive-Throughs in NC
- c) TA23-006: Electrified Fencing Height
- d) TA23-008: Specialty Eating Establishments in OI
- e) TA23-013: Ease gasoline sales access requirements
- f) TA23-017: Eliminate the requirement for increased setbacks

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- g) TA23-019: Remove Floor Area Ratio (FAR) in the Hospital Overlay

### 3. Policy Items

- a) TA23-004: Prohibiting Outdoor Commercial Recreation from OI
- b) TA23-005: Separation Standards for Religious Institutions, Bars, Nightclubs and Adult Entertainment
- c) TA23-020: Airport Entrance Corridor Overlay

Generally, twice per year, the Development Services Department proposes a batch of seasonal text amendments to adjust the UDO. The aim of the amendments is to ensure that the City's regulations reflect modern development standards and community preferences. These suggested amendments are the result of issues identified through ordinance cleanup, development community suggestions, statutory changes and mandates, and case law implications. The reason to limit the potential amendments is a combination of staff and City Council time spent on the items to fully vet items for consideration.

Council Member Haire stated there needs to be proper separation between adult businesses and schools, churches, and residential homes.

Discussion ensued.

Consensus of Council was to direct staff to present all of the proposed text amendments to the Planning Commission for their review, modification and recommendation. Council Member Ingram was opposed to the consensus vote.

#### **4.06 Criminal Enforcement of Ordinances**

Ms. Lachelle Pulliam, Assistant City Attorney, presented this item and stated at the January 3, 2023, Council work session, Council directed staff to provide additional information about how changes in the law impacted the City's ability to criminally enforce its ordinances. Specifically, Council requested data on the ordinances the City typically enforces criminally, indicating those most to least likely to be enforced.

Between the years of 2016 and 2022, the City Attorney's Office criminally enforced 30 code enforcement cases. The types and number of cases prosecuted are as follows: Solid Waste - 8, Zoning - 8, Housing - 7, Vehicle - 6, and Graffiti - 1. Code Enforcement has requested criminal enforcement of approximately 59 cases but the City is prohibited from criminally enforcing these cases without an ordinance. The types and number of requested cases are as follows: Housing - 25, Solid Waste - 20, Vehicle - 8, and Zoning - 6.

Pursuant to state law changes effective December 2021, some ordinances can no longer be criminally enforced, others may be criminally enforced after Council approves doing so, and those that are currently allowed to be enforced through legally sufficient ordinances may continue to be enforced. Effective December 1, 2021, the NC General Assembly made changes to the law, affecting the City's ability to criminally enforce certain ordinances. Those changes require Council to pass an ordinance specifying that the particular ordinance is criminally enforceable.

The law includes defenses to any criminal charges resulting from ordinance violations. Further, fines imposed in criminal cases are owed to the public schools under Article 9, Section 7, of the North Carolina Constitution.

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Staff resources expended to initiate, prosecute, and manage cases will be associated costs; additionally, any funds collected must be turned over to the School Board.

Consensus of Council was to direct staff to amend the ordinances which currently lack criminal enforcement language to add the necessary language for criminal enforcement. In addition, for the City Manager's office to work with Community Development, Code Enforcement, and the Continuum of Care to strengthen neighborhoods.

#### **4.07 City Council Agenda Item Request - Direct Staff to Revisit Co-Locating 911 Call Center with Cumberland County - Council Member Hondros**

Council Member Hondros presented this item and stated he is asking for Council support to direct staff to look at the feasibility of possibly co-locating the City's 911/Emergency Call Center with the County's new 911/Emergency Call Center.

Discussion ensued.

Council Member Thompson asked if the City would have to pay rent to the County if we co-locate in their building.

Consensus of Council was to direct staff to look into the feasibility of co-locating the City's 911/Emergency Call Center with Cumberland County. Council Member Thompson was opposed to the consensus vote.

#### **4.08 City Council Agenda Item Request - Commercial Building Certification - Council Member Haire**

Council Member Haire presented this item and stated he is seeking Council support to direct staff to draft an ordinance that addresses the amount of time vacant commercial buildings can remain being boarded up.

Discussion ensued.

Consensus of Council was to direct staff to draft an ordinance to address vacant commercial buildings and the amount of time they can remain being boarded up.

#### **4.09 City Council Agenda Item Request - PWC Appointment - Council Member Benavente**

Council Member Benavente presented this item and stated he is concerned that the City Council has still not appointed one of the candidates to the Public Works Commission, and asked for Council support to direct staff to place this item on the next regular meeting agenda.

Consensus of Council was to direct staff to place the appointment of a Public Works Commissioner on the next regular meeting agenda.

#### **4.010 City Council Agenda Item Request - Cost of Gun Violence in Fayetteville - Council Member Benavente**

Council Member Benavente presented this item and stated he is seeking support from Council to direct staff to quantify the economic and societal costs associated with gun violence in Fayetteville from 2012-2022 and inform of policy options and strategies to advance violence prevention. Council Member Benavente stated he had provided Council Members with "Cost of Gun Violence" study from Santa Clara County.

Mr. Douglas Hewett, City Manager, stated staff could issue a Request for Proposal for the study.

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Discussion ensued.

Consensus of Council was to direct staff to move this item forward; the study to include input/formation from the Health Care Providers, Schools, and Courts. Mayor Pro Tem Dawkins was opposed to the consensus vote.

## 5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:59 p.m.

Respectfully submitted,

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PAMELEA J. MEGILL  
City Clerk  
020623

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MITCH COLVIN  
Mayor