

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER, CITY HALL
AUGUST 1, 2022
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Kathy Jensen (District 1); Shakeyla Ingram (District 2); Antonio Jones (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Jay Toland, Assistant City Manager
Michael Gibson, Parks, Recreation and Maintenance Director
Gerald Newton, Development Services Director
Rob Stone, Construction Management Director
Randy Hume, Transit Director
Tyffany Neal, Transit Director
Jodi Phelps, Corporate Communications Director
Yamile Nazar, Diversity, Equity & Inclusion Director
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 Council Member Wright.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Ingram moved to approve the agenda.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Fayetteville Market House Repurposing Update

Ms. Yamile Nazar, Diversity, Equity & Inclusion Director, recognized members of the Human Relations Commission in attendance, and introduced Ms. Semone Pemberton, Chair, and Ms. Mallet Harris, Vice Chair.

Ms. Pemberton presented this item and stated on March 28, 2022, the City Council directed the Fayetteville-Cumberland Human Relations Commission to collect further community input on ways to repurpose the Market House. The Commission held three in-person public input events, and attended various affinity group meetings in order to promote the survey and have these groups to share the survey link with their entire membership. The affinity groups include, but are not limited to, NAACP, Ministerial Alliance, Millennial Commission, various community watch meetings, and Divine 9.

If strategically repurposed, the historic Market House has the potential to make a significant contribution to local and regional African-American history, positive community race and human relations, residents' quality of life, as well as municipal tourism and the regional economy.

Ms. Mallet Harris, Vice Chair, stated the top recommendations from residents throughout the City of Fayetteville were as follows:

Education / History

- Compile and publish true and accurate information about the history of the Market House utilizing the research of reputable historians and sociologists.
- Change the language of the Market House plaque to reflect the involuntary nature of the enslaved.
- Provide history using multiple media options (written and digital) and in formats that are accessible to those with sight and hearing limitations.

Artistic Displays

- Market House: Commission local artisans to create temporary exhibits that depict the history of the Market House and Fayetteville, with a prioritization on Black history.
- Market House: Commission local artisans to create temporary exhibits that depict the history of the Market House and Fayetteville, with a prioritization on Black history.

Marketing / Communication

- Regularly publish communication that provides the community with updates on progress related to repurposing.
- Encourage continued community contribution by releasing "casting calls" for local artisans to develop artistic displays and, when possible, allow the community to informally vote on creative options.

Council is asked to select options from the USDOJ City SPIRIT and community input recommendations for repurposing the Market House

Ms. Pemberton stated City staff and the Human Relations Commission recommend that repurposing options that can begin implementation be considered. This action is consistent with the intent and spirit of the Human Relations ordinance which provides guidance to the Human Relations Commission and City Staff in support of its efforts aligned with Goal 4 which promotes Fayetteville as a desirable place to live, work and recreate.

Discussion ensued.

Consensus of Council was to approve the proposals and authorize the Human Relations Commission to remain steering this initiative.

4.02 New PWC Electric Rates/Riders

Ms. Elaina Ball, PWC CEO/General Manager, presented this item and stated PWC continues with the objective of maintaining current base rates through FY 2024. There will be a new rate design for Whole Home/Whole Small Business EV rates effective February 2023. Changes in demand qualification and energy rate for Medium Power CP - (optional) September 2022, (required) September 2023. There will be service fee reductions for Connections/Reconnections. New rates will be going into effect for residential services; whole homes and electric vehicles, small power service; whole business and electric vehicles. Also, rate changes for customer service charges.

Ms. Ball provided an overview of the Team recommendation for PWC to partner with the City and County to assist with charging installations.

Discussion ensued.

This item was for information only.

4.03 Transit Development Plan Update

Ms. Tyffany Neal, Transit Director, presented this item with the aid of a PowerPoint presentation and stated the Transit Development Plan (TDP) is the business development plan FAST will utilize over the next decade and beyond as a guide for improving services, infrastructure, technology, plans and policies. This update was delayed due to the COVID-19 pandemic and the impact it has had on the FAST system.

Over the past year, FAST has worked with the planning consulting firm VHB to update its 2014 TDP. Throughout the yearlong process, FAST engaged the general public through listening sessions and a survey, local stakeholders through a Project Advisory Committee (PAC) and the Fayetteville Area Committee on Transit (FACT). In addition to external customers, the planning process also included meetings with FAST's frontline employees to ensure the Fayetteville community had an opportunity to be heard as the plan's recommendations were created. The TDP recommendations are divided into 3 phases: Rebuild, Improve, and Expand.

Transit planning plays a fundamental role in a state, region or community's vision for its future. It includes a comprehensive consideration of possible strategies; an evaluation process that encompasses diverse viewpoints; the collaborative participation of relevant transit-related agencies and organizations; and open, timely and meaningful public involvement. The current Transit Development Plan (TDP) was adopted by the City Council in May 2014 and has guided staff in implementing transit related improvements since that time. As much has changed since May 2014, the objective of this 2022 Transit Development Plan update is to delve into how recent improvements and changes in both development patterns and demographics within the City of Fayetteville affect FAST's services. Some of those changes are:

- Transportation network companies (e.g., Uber and Lyft) began operating in Fayetteville just a couple months after the adoption of the last TDP;
- FAST's Transit Center opened in 2017 requiring several routes to be reconfigured to converge at the new location; and
- COVID-19 has shifted transportation patterns.

FAST's plan consultant, VHB, used a cooperative and collaborative process designed to foster involvement by all users of the transit system including local businesses, community groups, and the general public through a proactive public participation process. FAST and VHB worked with the Fayetteville Area Committee on Transit (FACT) and established a Project Advisory Committee (PAC) to guide the development of the plan's recommendation. Opportunities for engaging the general public and FAST's external customers included multiple listening sessions and a survey. The planning process also included meetings with FAST's frontline employees.

FAST's Transit Development Plan update shows its commitment to ensure its programs, policies and services are implemented equitably and is in line with FAST's vision to become a transit system of choice.

Discussion ensued.

Consensus of Council was to direct staff to move the plan forward for approval at the August 8, 2022, Council meeting.

4.04 Camping on Public and Private Property Ordinance Chapter 17

Mr. Brook Redding, Special Projects Manager, presented this item with the aid of a PowerPoint presentation and stated the City of Fayetteville has developed a comprehensive strategy to address the risks associated with homeless encampments. In May 2022, Council was presented with options and solutions to address high-risk encampments. City Council directed staff to return in August 2022 to discuss the public camping ordinance recommendations. Additionally, Council directed staff to discuss and refine the suggestions with the Fayetteville/Cumberland County Continuum of Care on Homelessness. Staff is returning with the ordinance options, and an update to the multiple lines of effort in the strategies developed to address high-risk homeless encampments.

The staff previously presented Council with several findings and recommendations from the Homeless Encampment Task Force's work. A significant component of the Task Force recommendations was the need for policy to address camping on public and private property. The current camping ordinance only prohibits overnight camping at parks and cemeteries. It leaves other public venues open and does not prohibit camping on private property or other City-owned property.

In addition to the ordinance recommendations, staff conducted an iterative review of the Impact Reduction Program (IRP) with the Continuum of Care (COC). The IRP provides the protocol for engaging unsheltered individuals in the City, specifically when health and safety concerns are identified. The IRP uses a comprehensive risk assessment matrix to assess the risk of an encampment and measure its impact on the health and safety of the public and the occupants residing within the camp. Additionally, the IRP follows three Guiding Principles:

1. People experiencing homelessness have the same civil rights as housed residents.
2. All unsheltered individuals, like all City residents, will be treated with dignity and respect.
3. All relocations of unsheltered individuals collaborate with appropriate partners and include resource offerings whenever possible.

The COC board and members, along with City staff, discussed and deliberated on the components and processes of the IRP. City staff and COC members met multiple times virtually, and in person, which led to several revised parts of the original program recommendations. However, these revisions did not change the overarching structure and process of the original program.

The review process created numerous benefits that have helped strengthen and codify the relationship between the City and the COC, in addition to bringing new ideas and solutions into the environment. With the revisions finalized, the staff is poised to begin planning the implementation of a Pilot Impact Reduction Program. This program would work by, with, and through the COC to address the high-risk encampments identified around the City.

Discussion ensued.

Consensus of Council was to direct staff to move the ordinance forward as presented for adoption and initiate planning of the Pilot Impact Reduction Program. Council Members Banks-McLaughlin and Kinston were in opposition to the consensus vote.

Mayor Colvin recessed the meeting at 7:08 p.m., and reconvened the meeting at 7:29 p.m.

4.05 Parks and Recreation Project Report Card

Mr. Michael Gibson, Parks, Recreation and Maintenance Director, presented this item with the aid of a PowerPoint presentation and stated in March 2016, Fayetteville voters passed a \$35 million bond referendum for parks and recreation. To date, eight substantial projects have been completed totaling over \$3 million. The completed projects include multiple splash pads, renovations to several parks, the Rowan Street Skateboard Park, and Jordan Soccer Complex improvements. The major projects currently in progress include the Bill Crisp Senior Center, Senior Center East, McArthur Road Sports Complex, the Tennis Center, D. Gilmore Therapeutic Center, Mable C. Smith Park, Dr. Martin Luther King Jr. Park, and Cape Fear River Park. All eight of the remaining bond projects are in the process of design, bidding, or construction. Also, a new project has been proposed which will construct a trail providing access around Glenville Lake from Murchison Road to Mazarick Park.

The major bond projects currently in progress include Bill Crisp Senior Center, Senior Center East, McArthur Road Sports Complex, the Tennis Center, D. Gilmore Therapeutic Center, Mable C. Smith Park, Dr. Martin Luther King Jr. Park, and Cape Fear River Park. From time to time, these projects will come before the council for guidance related to project concept approval, contracts, project updates, bid awards, public bid results, and lease agreements with partnering entities. Also included in the report is the proposed trail around Glenville Lake providing access to Mazarick Park from Murchison Road. The City has experienced significant construction cost increases and supply chain disruptions in the last year, which have resulted in schedule and budget adjustments as they continue to move forward.

Discussion ensued.

This item was for information only.

4.06 Home Occupations Standards - Proposed City Code Changes Chapter 30-4.D.3.i

Mr. James Rutherford, Housing and Code Enforcement Manager, presented this item with the aid of a PowerPoint presentation and stated at the September 7, 2021, City Council work session, City Council directed the staff to research and bring back findings to the City Council as an administrative report. The item was placed on the agenda for the November 1, 2021, City Council work session for review, however, City Council postponed the item.

City Council heard the report at the March 7, 2022, work session and after discussion directed staff to come back with proposed changes to the Home Occupations standards. The requested adjustments were made and placed on the City Council work session of May 2, 2022. As the presentation began, the City Council asked that it be pushed back until August for consideration of how to proceed. The material is the same as it was in the May 2, 2022, City Council packet.

The consensus of the City Council was for staff to develop text amendments that would address three standards not currently in the City's Home Occupations code. Requested changes included:

1. Add limitations on the maximum number of customers permitted to be present at any time.
2. Add limitations on the maximum number of customer vehicles that may be parked at the Home Occupation's location at any time.
3. Add limitations on the hours of operation.

Discussion ensued.

Council Member Dawkins asked for a consensus vote to move to accept the proposed code text amendments, direct staff to present the changes at the next available Planning Commission meeting and return recommendations to City Council. The vote failed by a vote of 5 in favor (Council Members Dawkins, Colvin, Davis, Jensen, and Haire) to 5 in opposition (Council Members Ingram, Jones, Wright, Banks-McLaughlin, and Kinston).

4.07 City Council Request to increase the mailing notification for land use cases

Dr. Gerald Newton, Development Services Director, presented this item and stated the City is required by North Carolina General Statutes to notify adjoining property owners on certain land use items. We exceed those standards, and have both local ordinance requirements and a built in option to add to the first-class mailing area within the existing ordinance. This item is the professional recommendation in response to City Council's request to evaluate expanding the notifications from 500 feet to 1,000 feet from the parcel under review. Staff's recommendation is to leverage the flexibility within the existing City ordinance to make the requested change as a new practice for annexations and related initial zoning, special use permits, variances, and all forms of rezonings.

Discussion ensued.

Consensus of Council was to direct staff to expand the notifications from 500 feet to 1,000 feet.

4.08 City Council Member Agenda Item Request - Construction of a Basketball Court in District 6

Council Member Davis presented this item and stated he was originally asked for the construction of a basketball court in District 6, and has since met with Mr. Michael Gibson, Parks, Recreation and Maintenance Director, to discuss how the City can further partner with the Cumberland County School District to make improvements to the current courts and have increased availability to access to the current courts. Council Member Davis stated he is not asking for anything at this point in time, and will wait until Mr. Gibson reports back with findings regarding partnering further with the School District on the maintenance and use of the current basketball courts.

4.09 City Council Member Agenda Item Request - Retirement for Council Members - Council Member Haire

Council Member Haire presented this item and stated he wanted to re-word his agenda item request to ask staff to review deferred compensation/retirement plans from other municipalities, county, and state elected officials.

Discussion ensued.

Consensus of Council was to direct staff to conduct research on retirement and deferred compensation packages for elected officials in other municipalities, counties, and state, and report back on what options are available.

4.010 City Council Member Agenda Item Request - Stormwater Assistance - Council Member Kinston

Council Member Kinston presented this item and requested Council direct staff to review the Drainage Assistance Program pertaining to easements.

Discussion ensued.

Consensus of Council was to direct staff to review the Drainage Assistance Program as it relates to easements.

4.011 City Council Member Agenda Item Request - Market House Mural - Council Member Kinston

Council Member Kinston presented this item and requested Council direct staff to research and report back with options for the Market House mural.

Discussion ensued.

Consensus of Council was to allow the Human Relations Commission to research and report back with options for the Market House mural.

4.012 City Council Member Agenda Item Request - City Council Assignments to Committees/Liaisons - Council Member Kinston

Council Member Kinston presented this item and stated she would like Council to review the protocol for assignments to Committees and serving as Liaisons to various entities. Council Member Kinston stated City Council Policy No. 115.10 reads that the term of the Chair of a Committee shall be one year, and no City Council member shall serve more than two successive terms as the chair of a committee without an intervening period of at least two years.

Discussion ensued.

Consensus of Council was to bring this item to a work session to review the policy.

4.013 City Council Member Agenda Item Request - City Council Policy and Procedures Review - Council Member Kinston

Council Member Kinston presented this item and stated she is requesting Council to authorize the creation of a subcommittee to review all City Council policies with the City Attorney; many of the policies are outdated.

Consensus of Council was to set up a subcommittee to work with the City Attorney to review the City Council policies.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:37 p.m.