

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER, CITY HALL
MAY 2, 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) (arrived at 5:14 p.m.); Courtney Banks-McLaughlin (District 8) (arrived at 5:09 p.m.); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Rebecca Jackson, Chief of Staff
Toney Coleman, Airport Director
Gina Hawkins, Police Chief
Mike Hill, Fire Chief
Gerald Newton, Development Services Director
Rob Stone, Construction Management Director
Lisa Harper, Senior Assistant City Attorney
Chris Cauley, Economic and Community Development
Jodi Phelps, Corporate Communications 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 Jones.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda with the removal of Item 4.06, Special Use Permit Process, and replacing with Item 4.06, G.O. Bond Discussion.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (8-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 FSU Innovation and Entrepreneurship Hub Funding Proposal

Mr. Darrell T. Allison, FSU Chancellor, introduced this item and stated the purpose of this proposal is to seek the assistance of the City of Fayetteville and the assistance of Cumberland County to fully implement the recently announced Innovation and Entrepreneurship Hub at Fayetteville State University (FSU). FSU is committed to supporting the economic transformation and growth of Cumberland County and the surrounding region. As an HBCU, FSU is particularly interested in assisting businesses owned by under-represented demographic segments to improve their access to opportunity through improved awareness of opportunities and improved capacity to meet market needs. Toward this end, in October 2021 FSU announced that affiliated entities of FSU had acquired 100 percent ownership of the Bronco Square Commercial Development (previously 50 percent owned by private developer Gary Ciccone). Further, FSU announced that the 6,500 square foot stand-alone anchor Bookstore in this development will be repurposed to serve as the Fayetteville State University Innovation and Entrepreneurship Hub. This new Hub will provide innovative workspaces, meeting

facilities, business counseling expertise, workshops, and technology to support the needs of regional small businesses and associated organizations.

To date, FSU has already invested approximately \$600,000.00 of the \$1.7 million total investment required to bring this responsive, inspiring, and impactful Hub space to life. To help enable expedited completion, FSU seeks \$500,000.00 collectively from the City of Fayetteville and from Cumberland County to go toward additional renovation expense requirements. This investment from the City and County will go far toward accelerating the achievements of FSU's vision to be an even greater catalyst for regional economic development.

Discussion ensued.

Consensus of Council was to direct staff to allocate \$250,000.00 and meet with the FSU staff to discuss the Memorandum of Understanding (MOU).

4.02 African American Museum Proposal

Mr. Robert Van Geons, FCEDC President/CEO, introduced this item and stated this item is a concept in development. Mr. Van Geons introduced Mr. Bill Kersell, ProjectCoordinator.

Mr. Kersell presented this item with the aid of a PowerPoint presentation and stated we have a unique opportunity to tell Black American History with Fayetteville at the center. The process is to engage the community, create a plan, collect compelling stories, and produce conceptual designs.

Council Member Ingram asked how much are you asking for the first phase. Mr. Kersell responded that Cumberland County had set aside \$450,000.00, and they are asking the same from the City.

Council Member Kinston asked what is the total project cost. Mr. Kersell did not have an answer to the question. Mr. Van Geons stated it will be an expensive project; it will not be easy; it is a transformational project.

Discussion ensued.

Consensus of Council was to allocate \$450,000.00 for this project. Council Member Kinston was in opposition to the consensus vote.

4.03 Fayetteville Regional Airport Peer City Comparisons

Dr. Toney Coleman, Airport Director, presented this item with the aid of a PowerPoint presentation and stated Airport Management has collected additional data for Peer-city comparisons. Four industry standard key performance indicators (KPIs) are provided: total enplanements, parking revenue, rental car revenue, and customer facility charge revenues.

The previous work session item focused on similar military communities. This brief includes North Carolina comparisons in Charlotte, Asheville, Greensboro, Raleigh, and Wilmington airports. Additional Non-NC airports are also compared.

Dr. Coleman provided an overview of enplanements, parking revenue, rental car revenue, and customer facility charge.

Dr. Coleman stated the City of Fayetteville's Regional Airport continues to make sound financial decisions regarding operational and capital improvement needs based on key performance indicators and the availability of alternative funding methods. Ridership may lag behind other municipalities of similar or greater size, but FAY's key

performance indicators show it remains comparable to others when normalized. Continued City growth will inevitably lead to increased ridership and a stronger airport financial portfolio to market to prospective airlines and continue infrastructure improvements.

Discussion ensued.

Consensus of Council was to receive the report and direct staff to begin entertaining partnering for growth (cargo handling) and pursue land acquisition in the vicinity.

4.04 2022-2023 Housing and Urban Development Annual Action Plan for Community Development Block Grant, HOME Investment Partnerships, and Housing Opportunities for People with HIV/AIDS Programs

Mr. Chris Cauley, Economic and Community Development Director, presented this item and stated Council is asked to review and consider the proposed Housing and Urban Development (HUD) Annual Action Plan (AAP) to implement the Community Development Block Grant (CDBG), the Home Investment Partnership (HOME), and the Housing Opportunities for People with HIV/Aids (HOPWA) Programs. The AAP provides a concise summary of the actions, activities, and the specific federal resources that will be used each year to address the priority needs and specific goals identified by the Five-Year Consolidated Plan. The AAP is developed by staff and recommended by the Fayetteville Redevelopment Commission (FRC). The City was also notified of additional HOME funds in the amount of \$3,397,564.00 through the American Rescue Plan. Council will be asked to adopt this AAP and amend the current year AAP at the May 23, 2022, regular Council meeting.

The current Five-Year Consolidated Plan was adopted by City Council for the program year period from 2020 to 2024. The Consolidated Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from CDBG and HOME. This Plan requires amendment to include new annual resources for HOPWA.

The Annual Action Plan describes projects and activities that implement the Consolidated Plan. It sets forth a description of activities for the use of funds that are expected to become available in the upcoming fiscal year. The 2022-2023 AAP is based on priorities, goals, and objectives of the 2020-2024 Consolidated Plan. The plan contains goals, objectives, and implementation strategies for each of the activities to be funded or implemented.

To provide an opportunity for community feedback, four in-person meetings were held throughout the month of March. A press release, social media campaign, and YouTube were used to promote awareness. The City translated the public notices into Spanish and published them in a local Spanish newspaper, continuing a trend towards greater inclusivity. A draft copy of the plan was made available online and in various locations throughout the City for review and comments for 30 days from March 1, 2022, through March 31, 2022.

Additionally, the amendment to the current year AAP will include consultation with various nonprofit agencies on May 5, 2022, and receive public comment from May 8, 2022, through May 22, 2022.

The City's CDBG allocation for next year is \$1,622,224.00 compared to \$1,622,224.00 for the current year. The HOME allocation for next year is \$937,431.00 compared to \$937,431.00 for the current year. The HOPWA allocation for next year is \$723,590.00 compared to \$0 for the current year. This results in an increase of \$723,590.00 for all programs. Program Income is anticipated in the amount of \$1,284,024.00 and the City is required to match HOME in the amount of

\$234,358.00. HOME funds are also available in the amount of \$3,397,564.00 through the American Rescue Plan. Due to significant delays at HUD, the numbers presented are based on the prior year allocation. Staff estimates that final amounts will be available prior to appropriation in June.

Discussion ensued.

Consensus of Council was to accept the report.

4.05 Homeless Encampment Task Force Update

Mr. Brook Redding, Special Projects Manager; Ms. Lisa Harper, Senior Assistant City Attorney; and Mr. Chris Cauley, Economic and Community Development Director, presented this item. Mr. Redding stated the City of Fayetteville has experienced increased encampments in and around the City. These encampments often jeopardize the public health and safety of the community. In 2021, the City Manager established a homeless encampment task force comprised of staff from various departments that was charged with conducting research and presenting recommended solutions to address encampments while protecting individual rights and the public's health and safety. The Task Force recommendations include public and private property camping prohibitions, City policy, intergovernmental agreements, and a program designed to reduce the impacts of encampments.

In April 2021, the City Manager created a Homeless Encampment Task Force (TF). The TF comprised members from several City departments and included personnel ranging from analysts to department and City staff leaders. The TF was charged with conducting research and analysis to create policy and protocol recommendations for addressing homeless encampments in the City. For over ten months, the TF conducted research, held small group discussions, and established sub-working groups to focus on feasible solutions. The TF met with several city government programs from across the United States to glean policy and protocol options.

The TF established a six-phased approach to generate feasible and suitable solutions when addressing homeless encampments. The first two phases have been completed, with phase three currently underway. Pending Council's actions, phase four will begin once the milestones of phase three are complete. The phases are as follows:

- Phase One - Conduct Research and Generate Findings
- Phase Two - Identify best practices, Conduct small group research of methods, and create recommendations based on best practices
- Phase Three - Present Findings for Ordinance and Ordinance Adoptions
- Phase Four - Pilot program
- Phase Five - After Action Review of Pilot, Implement Changes, Report to Council
- Phase Six - Implement the final program protocol, Adopt the policy

The TF spent several months investigating and conducting research on the various services within the City of Fayetteville, North Carolina, other cities within the United States, and other homeless service stakeholders. The TF also looked at historical engagements and processes conducted by City staff. The TF was able to look holistically at the issue of homelessness but remained scoped to address encampments.

Discussion ensued.

Consensus of Council was to receive the report, and direct staff to move this item forward and to report back no sooner than August 2022.

Mayor Colvin recessed the meeting at 8:10 p.m., and reconvened the meeting at 8:20 p.m.

4.06 Discussion on the Proposed G.O. Bond

Mr. Jay Toland, Assistant City Manager, presented this item and stated Council has identified that there is a need in the following areas: Public Safety, Infrastructure, and Affordable Housing. To address these needs in a timely manner and to gain voter feedback, the Council has decided that a referendum is appropriate.

There is no budget impact at this time. If voters authorize the Council to issue up to \$97,000,000.00 in General Obligation Bonds in November, then the Council would have seven years to use that debt capacity. The Council is not required to issue the authorized bonds or to use all of the authorized debt capacity. Any debt issued would have to be repaid.

Discussion ensued regarding the dollar amounts for Public Safety, Infrastructure, and Housing.

Consensus of Council was to direct staff to initiate the process of placing a question before the voters during the November 8, 2022, election regarding whether the City should be authorized to issue up to \$97,000,000.00 in General Obligation Bonds ("GO Bonds") to support projects in public safety (\$60M), infrastructure (\$25M), and housing (\$12M).

4.07 City Council Policy No. 120.11 - Meeting Procedures

Mr. Douglas Hewett, City Manager, presented this item and stated during the November 8, 2021, City Council discussion of agenda items meeting, Council Member Ingram initiated discussion on City Council in-person meetings. Ms. Karen McDonald, City Attorney, confirmed the only Council policy the City has pertaining to attendance is in reference to closed session meetings only.

Mayor Colvin asked for a show of hands for all those in favor of having Council members attend meetings in person. Council Members Colvin, Jensen, Haire, Dawkins, Davis and Wright were all in favor. Council Members Ingram, Waddell, Banks-McLaughlin and Kinston were all in opposition. Mayor Colvin stated he will bring this item back to Council for an official vote.

Staff requested sample policies from other North Carolina municipalities pertaining to Council attendance at Council meetings and from those samples have written a draft policy for Council review and discussion.

This item was presented to Council at the February 28, 2022, meeting, as an Administrative Report. Council took no action on this item at that meeting. At the April 11, 2022, regular meeting, Council unanimously approved bringing this item back for further discussion at the May 2, 2022, work session.

Mr. Hewett stated the proposed policy reads "It shall be the policy of the City Council that when a Regular, Special or Work Session is scheduled, the participants; Mayor, Council Members, Staff and invited guests are to attend the meeting in person".

The purpose of this policy is to establish guidelines which will allow City Council members who are unable to physically attend a Council meeting to participate remotely via electronic, simultaneous methods. This policy is not intended to allow or encourage physical absence from a Council meeting simply as a means of convenience.

Remote participation should only be utilized in the case of a bona fide emergency or other such circumstance as described below. For the purpose of this policy, a Council member is defined as a City Councilman/woman or the Mayor and hereafter referred to as member. For the purpose of this policy, the presiding officer is defined as the Mayor or the person serving as presiding officer in the Mayor's absence.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward, as presented, for formal action and vote.

4.08 Home Occupations Standards - Proposed City Code 30-4.D.3.

Council Member Dawkins stated due to the late hour and length of this meeting, he moves to table this item to the August work session agenda.

Consensus of Council was to table this item to the August work session agenda.

4.09 Feather Signs Report - Code of Ordinances 30-5.L.4.4.01

Dr. Gerald Newton, Development Services Director, presented this item and stated the City Council requested information about the City's regulations related to the use of feather signs. The report (included in the agenda packet) shares prior City Council policies, two Supreme Court cases, current practices, potential policy options for adjustments, and a caution to balance interests. The report notes any adjustments represent policy actions and the balance of meeting the two above goals' objectives to create a favorable development climate and a beautiful community.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward to the Planning Commission.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:22 p.m.