

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 6, 2022
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Kathy Jensen (District 1) (arrived at 5:05 p.m.); 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); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Michael Gibson, Parks, Recreation and Maintenance Director
Gerald Newton, Development Services Director
Rob Stone, Construction Management Director
Jodi Phelps, Chief of Staff
Chris Cauley, Economic and Community Development Director
Jody Picarella, Chief Financial Officer
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 Thompson.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Dawkins moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Update from the NC Civil War and Reconstruction History Center Foundation

Mr. Reid Wilson, Secretary, NC Natural and Cultural Resources, introduced this item and stated he had spoken with Mayor Colvin on several occasions on this item. This history center will be like no other in the country.

Mr. Darin Waters, Ph.D., Deputy Secretary, Office of Archives and History, stated this is a unique project; it is all about remembering and telling the stories of all; who we are, and who do we wish to be. It is inclusive and deeply committed to move us to the ideals on which this country was founded.

Mr. Demetrius Haddock, Board of Directors, stated he is a school teacher, and the fundamental purpose of this project is for education; we need to bring this information forward to our young people. It is important to know your own story and genealogy.

Mr. Mac Healy, Chair, Board of Directors, requested Council take action at their next regular meeting to award funding for this project.

Discussion ensued.

The consensus vote to move this item forward to the September 12, 2022, regular City Council meeting failed by a vote of 5 in favor to 5 in opposition (Council Members Colvin, Ingram, Haire, McNair, and Banks-McLaughlin).

4.02 Vehicle Parking in Residential Front Yards - Review of Peer City Codes

Mr. James Rutherford, Housing and Code Enforcement Division Manager, presented this item and stated at a May 24, 2022, meeting requested by Council Member Haire, the Council member met with two Development Services staff members and briefly discussed concerns brought to him over the excessive number of vehicles parked in the front yards of some residences. The Council member expressed his intent to present a request to the City Council for staff to research the issue. At the June 6, 2022, City Council work session, the request was made and staff was directed to research peer city ordinances as they pertain to parking of vehicles in residential front yards. An Administrative Report was prepared and placed on the City Council agenda and pulled to have further discussion among the City Council at the September 6, 2022, meeting. This meets that directive and is accompanied with a presentation and the addition of a front yard parking survey. Mr. Rutherford provided the presentation with the aid of a PowerPoint.

Discussion ensued.

No consensus vote was taken on this item.

Mayor Colvin recessed the meeting at 6:40 p.m., and reconvened the meeting at 6:55 p.m.

4.03 Review of City Council Policies

Mr. Douglas Hewett, City Manager, presented this item and stated on August 1, 2022, former Council Member Kinston presented a City Council Agenda Item Request to set up a sub-committee to review all City Council policies. The request was given unanimous consensus to move this item forward. This item was placed on the August 22, 2022, regular meeting agenda as an Administrative Report. Unanimous consensus of Council was to direct staff to move this item forward to a work session for further discussion. There are currently 69 City Council Policies. Several policies need to be either rescinded or revised.

Council Member Banks-McLaughlin requested a consensus vote to direct that staff and the Mayor Pro Tem notify Council members when an emergency meeting has been called, and to revise the appointment of the Mayor Pro Tem process. The consensus vote failed by a vote of 2 in favor to 8 in opposition (Council Members Colvin, Jensen, Ingram, Benavente, Haire, Dawkins, Thompson, and Hondros).

Discussion ensued.

Consensus vote of the Council was to direct the Mayor to establish a Council Policy Committee to review all Council policies and for all Council members to send any suggestions or recommendations for revising certain policies to the City Clerk and the Council Policy Committee members.

4.04 Day Resource Center Operating Partner

Mr. Chris Cauley, Economic and Community Development Director, presented this item and stated the Day Resource Center is a multi-disciplinary service center for people at risk or currently experiencing homelessness. The City has purchased property at 128 South King Street and renovations are currently underway. During the

months of April and May, staff released a Request for Qualifications (RFQ) and conducted outreach and training sessions with the Continuum of Care. Staff also published a notice in the newspaper and on the City's website. Two responses were received and Cumberland HealthNET (CHN) is recommended by staff to move forward. City Council is asked to provide consensus for staff to include the appropriate contract and budget items on a future Council agenda.

In October of 2016, Hurricane Matthew hit North Carolina and impacted the community's ability to care for unsheltered individuals and those displaced by the storm. In September of 2017, the State awarded Cumberland County with disaster recovery funds. Subsequently, the City took on responsibility for the Day Resource Center with Council action on October 28, 2019, where the City executed a Sub-recipient agreement with the North Carolina Office of Recovery and Resiliency (NCORR) for construction of a Day Resource Center. The City evaluated sites and ultimately purchased 128 South King Street on June 28, 2021. On June 13, 2022, the City authorized construction to begin and it is currently underway.

Despite staff's efforts to conduct outreach, advertise, and hold a training webinar, only two responses were submitted. Of the two, CHN was the most responsive and deemed most qualified.

CHN has been active in the community for 13 years and collaborates with more than 200 county and community organizations to improve access to care for uninsured persons. The mission of CHN is to create a coordinated system of care for the uninsured residents of Cumberland and surrounding counties, resulting in healthier residents with a better quality of life. As part of the qualification process, CHN submitted numerous letters of support from various community organizations. CHN is currently responsible for the operation of coordinated entry, a process utilized by the Continuum of Care that was developed to ensure that all people experiencing a housing crisis have fair and equal access to services.

Staff has discussed operating costs, funding sources, and an appropriate level of service with CHN. Those discussions have resulted in a proposed plan to fund three staff members--security, janitorial services, and utilities--for a Monday through Friday 8:00 a.m. to 5:00 p.m. operation. CHN will strive to develop partnerships and resources to expand the hours of operation and scope of services through partnerships. CHN requests that staff be added in stages prior to opening. The Director would be hired first in January to assist with the project and develop partnerships throughout the community.

Discussion ensued.

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

4.05 Consideration of a Social District in Downtown

Ms. Bianca Shoneman, Cool Springs, President and CEO, presented this item and stated the Board of the Cool Spring Downtown District, Inc., is requesting City Council's consideration to establish a social district as authorized by legislation enacted by the North Carolina General Assembly in 2021. This was recommended as an action item in the Downtown Urban Design Plan adopted by City Council on February 24, 2020. Staff is seeking input and consensus from City Council related to the implementation, timeline, and boundaries for adoption at a subsequent City Council regular meeting. All subsequent actions, if directed by City Council, would require individual public hearings prior to adoption of resolutions.

The following has been sourced from the North Carolina Downtown Development Association's "Social Districts Summary". House Bill 890, entitled "ABC Omnibus Legislation", was passed by the NC House and Senate on September 8, 2021, and signed by the Governor on

September 10, 2021. Included in House Bill 890 is a provision that allows the creation of social districts in North Carolina. Social districts have been implemented in various towns and cities across the state since legislation was enacted allowing municipalities to designate areas where alcoholic beverages can be purchased from a licensed ABC permittee and then taken outdoors.

A social district is a defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee. This term does not include the ABC permittee's licensed premises or an extended area allowed under G.S. 18B-904(h). A city may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.4. Social districts must be clearly defined and post signage in conspicuous locations indicating the boundaries, authorized days and hours, rules, and law enforcement contact information. Social districts are only allowed to operate during hours defined under G.S. 18B-1004 from 7:00 a.m. until 2:00 a.m. Monday through Saturday and from noon until 2:00 a.m. on Sunday. If the local government has allowed for earlier Sunday sales, a social district may operate beginning at 10:00 a.m. on Sunday (G.S. 18B-904.1(c)(1)).

Sales can be made by an ABC Permittee that is located in or contiguous to the social district in which it is selling alcohol to be consumed. The ABC permittee is only allowed to sell and serve alcoholic beverages on its licensed premises. In other words, the ABC permittee cannot sell alcoholic beverages in the street or down the street from its licensed premises just because the ABC permittee is located in or contiguous to a Social District. Alcoholic beverages that are being sold to be consumed in a social district can only be sold in a container of fewer than 16 ounces and not made of glass. The container must also identify the seller and specific social district in which it will be consumed.

A city designating a social district is required to establish management and maintenance plans for the social district and post these plans, along with a drawing of the boundaries and the applicable days and hours of the social district, on the city's website. A social district must be maintained in a manner that protects the health and safety of the general public [G.S. 18B-904.1(c)(2)]. Before a social district can become operational, a city must submit to the North Carolina Alcoholic Beverage Control Commission a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed [G.S. 18B-904.1(c)(3)]. Cool Spring Downtown District, Inc., is the entity responsible for managing the downtown Municipal Service District. They have held a downtown merchant meeting with over 60 attendees and recently conducted a survey with over 900 respondents, 88 percent of whom identify as shopping or attending events in the Downtown district. Over 72 percent of respondents agreed with the establishment of a social district, but respondents were evenly split on the frequency of days and hours allowed.

Staff has not performed a budget analysis to determine the financial impact of required signage, management, and maintenance plans as required by law. Staff will return with this data if directed to proceed.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward and to set the required public hearing. Council Member Haire was opposed to the consensus vote.

4.06 Disparity Study Draft Report Presentation

Ms. Michele Clark-Jenkins, Griffin and Strong, P.C., presented this item and stated this presentation is to present the findings and recommendations from the Disparity Study and determine whether a disparity exists for minority- and women-owned businesses working on

City of Fayetteville construction, professional services, and goods and services contracts.

The objective of the Disparity Study is to determine the effectiveness of the current Small Local Business Enterprise Program (SLBE) and to recommend modifications and adjustments. The consultant will provide the City with the current legal guidance relative to not only new legislation, policies, and procedures to meet any constitutional mandates, but also programmatic needs of the City.

A further objective was to study the availability and utilization of minority- and women-owned business enterprises and examine relevant evidence of any potential race- or gender-based discrimination in the City of Fayetteville.

Discussion ensued.

Consensus of Council was to accept the Disparity Study Report.

4.07 City Council Member Agenda Item Request - Contracting for Landscaping and Litter Collection - Mayor Colvin

Mayor Colvin presented this item and stated he is seeking Council consensus to direct staff to research contracting for landscaping and litter collection on our main corridors and high traffic areas.

Discussion ensued.

Consensus of Council was to direct staff to conduct research per the request, and respond to Council with options.

4.08 City Council Member Agenda Item Request - Presentation of Key to the City to Former Council Member Tisha Waddell - Council Member Ingram

Council Member Ingram presented this item and stated she is seeking support from Council to authorize a presentation of the Key to the City for former Council Member Waddell.

Discussion ensued.

The consensus vote failed by a vote of 3 in favor to 7 in opposition (Council Members Colvin, Dawkins, Jensen, Haire, Thompson, McNair, and Hondros.)

4.09 City Council Member Agenda Item Request - Loud Vehicles - Mayor Colvin

Mayor Colvin presented this item and stated he is seeking support from Council for a consensus vote to direct staff to research how our peer cities respond to loud vehicles.

Discussion ensued.

Consensus of Council was to direct staff to research how our peer cities respond to loud vehicles. Council Members Ingram, Benavente, Banks-McLaughlin and Hondros were in opposition to the consensus vote.

4.010 City Council Member Agenda Item Request - Beehives - Mayor Pro Tem Dawkins

Mayor Pro Tem Dawkins stated he is not requesting any action on this item, as it falls under the Cumberland County Animal Control jurisdiction.

4.011 City Council Member Agenda Item Request - Mental Health Policy - Mayor Colvin

Mayor Colvin presented this item and stated he is seeking support from Council for a consensus vote to direct staff to research our peer cities regarding collaborations they may have with other organizations for mental health outreach and services.

Discussion ensued.

Consensus of Council was to direct staff to research our peer cities regarding collaborations they may have with other organizations for mental health outreach and services.

4.012 City Council Member Agenda Item Request - Increase Membership of the Millennial Commission - Council Member Jensen

Council Member Jensen presented this item and stated the Millennial Commission members have requested additional members for their Commission make-up; to make a total 30 Commission members.

Discussion ensued.

MOTION: Council Member Ingram moved to suspend the rules; to take an official vote on this item.

SECOND: Council Member Jensen

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Dawkins and Hondros)

MOTION: Council Member Jensen moved to amend the Millennial Commission By-Laws to increase the membership from 13 to 30.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

4.013 City Council Member Agenda Item Request - Resolution of Support for a Rental Rate Cap - Council Member Ingram

Council Member Ingram presented this item and stated she is seeking Council support for consensus to direct staff to draft a Resolution of Support for a Rental Rate Cap and to forward the Resolution to the State Legislature.

Discussion ensued.

The consensus vote failed by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, McNair and Hondros.)

4.014 City Council Member Agenda Item Request - Street Maintenance Standards - Council Member Ingram

Council Member Ingram presented this item and stated she is seeking Council support for consensus to direct staff to research requiring vendors and contractors to adhere to cleaning up debris in their respective work areas.

Discussion ensued.

The consensus vote failed by a vote of 4 in favor to 6 in opposition. Council Members Jensen, Haire, Dawkins, Thompson, McNair and Hondros were in opposition to the consensus vote.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.