

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION AGENDA  
JUNE 7, 2010  
5:00 P.M.**

**VISION STATEMENT**

**The City of Fayetteville  
is a GREAT PLACE TO LIVE with  
a choice of DESIRABLE NEIGHBORHOODS,  
LEISURE OPPORTUNITIES FOR ALL,  
and BEAUTY BY DESIGN.**

**Our City has a VIBRANT DOWNTOWN,  
the CAPE FEAR RIVER to ENJOY, and  
a STRONG LOCAL ECONOMY.**

**Our City is a PARTNERSHIP of CITIZENS  
with a DIVERSE CULTURE and RICH HERITAGE,  
creating a SUSTAINABLE COMMUNITY.**



FAYETTEVILLE CITY COUNCIL  
WORK SESSION AGENDA  
JUNE 7, 2010  
5:00 P.M.  
LAFAYETTE CONFERENCE ROOM

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 APPROVAL OF AGENDA**

**4.0 PRESENTATION ITEM:**

- 4.1 Franklin Street Parking Garage Schematic Design

Presenter: Dean Penny, PE, Vice President - Kimley-Horn & Associates, Inc.

**5.0 ACTION ITEMS:**

- 5.1 Interlocal Agreement between the City of Fayetteville, Cumberland County, and Fayetteville Public Works Commission Related to the Funding and Development of the Franklin Street Parking Garage

Presenter: Kristoff Bauer, Assistant City Manager

- 5.2 Approve Minutes:  
April 26, 2010 - Multi-Modal Transportation Center Environmental Assessment Report Public Hearing

**6.0 OTHER ITEMS OF BUSINESS:**

- 6.1 Consider Amendments to Alarm Systems Regulations Ordinance

Presenter: Captain Charles Hunter, Service Bureau

- 6.2 Update on Process  
Veterans Park Contracts-Bid Process and Award Dates

Presenter: Craig Hampton, Special Projects Director

**7.0 ADJOURNMENT**

## **CLOSING REMARKS**

### **POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

### **POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in the Executive Offices, Second Floor, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 p.m. and 7:00 p.m.

### **POLICY REGARDING CITY COUNCIL MEETING PROCEDURES SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

***Notice Under the Americans with Disabilities Act (ADA):*** The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at [rmcelrath@ci.fay.nc.us](mailto:rmcelrath@ci.fay.nc.us), 910 -433-1696, or the office of Rita Perry, City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), 910-4331989, as soon as possible but no later than 72 hours before the scheduled event.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of Council  
**FROM:** Jeffery P. Brown, PE, Engineering & Infrastructure Director  
**DATE:** June 7, 2010  
**RE:** **Franklin Street Parking Garage Schematic Design**

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**THE QUESTION:**

City Council requested an opportunity to review and discuss the schematic design of the proposed parking garage downtown prior to approving the interlocal agreement which addresses the funding and development of the structure.

**RELATIONSHIP TO STRATEGIC PLAN:**

Revitalized Downtown - A Community Focal Point

**BACKGROUND:**

- Kimley-Horn was hired to conduct a feasibility study for constructing a parking deck in the existing parking lot directly behind the Robert C. Williams building by the Chamber of Commerce in December 2009.
- The Chamber obtained the services of Kimley-Horn at the end of March to develop a schematic design of the proposed parking deck. Schematic design has been completed.
- On May 24th, Council authorized the City Manager to negotiate and execute a contract of A/E Services with Kimley-Horn for an amount not to exceed \$450,000 contingent upon the execution of the interlocal agreement by all parties.

**ISSUES:**

Representatives from Kimley-Horn will present the schematic design to Council and give them an opportunity to comment and ask questions on the work that has been completed to date.

**OPTIONS:**

- Direct Staff to proceed with the construction documents for the schematic design that is being presented, with modifications if necessary, once the interlocal agreement has been executed.
- Take no action.

**RECOMMENDED ACTION:**

Direct Staff to proceed with the construction documents for the schematic design that is being presented, with modifications if necessary, once the interlocal agreement has been executed.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Kristoff Bauer, Assistant City Manager  
**DATE:** June 7, 2010  
**RE:** **Interlocal Agreement between the City of Fayetteville, Cumberland County and Fayetteville Public Works Commission Related to the Funding and Development of the Franklin Street Parking Garage**

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**THE QUESTION:**

Does the proposed Interlocal Agreement between the City of Fayetteville, Cumberland County, and Fayetteville Public Works Commission meet with Council's approval?

**RELATIONSHIP TO STRATEGIC PLAN:**

Revitalized Downtown - A Community Focal Point

**BACKGROUND:**

On May 24, 2010, Council authorized the City Manager to negotiate and execute a contract of A/E Services with Kimely-Horn for an amount not to exceed \$450,000, which was contingent upon the execution of this interlocal agreement by all parties.

**ISSUES:**

On May 24, 2010, City Council requested an opportunity to review and discuss the proposed Interlocal Agreement between the City of Fayetteville, Cumberland County and Fayetteville Public Works Commission, which addresses the funding and development of the Franklin Street garage.

**OPTIONS:**

- To approval the Interlocal Agreement
- To approval the Interlocal Agreement with Recommended Revisions
- To Disapprove the Interlocal Agreement

**RECOMMENDED ACTION:**

To approval the Interlocal Agreement

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Rita Perry, City Clerk  
**DATE:** June 7, 2010  
**RE: Approve Minutes :  
April 26, 2010 - Multi-Modal Transportation Center Environmental Assessment  
Report Public Hearing**

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**THE QUESTION:**

Does City Council approve the draft minutes as the official record of the proceedings and actions of the associated meetings?

**RELATIONSHIP TO STRATEGIC PLAN:**

Greater Community Unity - Pride in Fayetteville; Objective 2: Goal 5: Better informed citizenry about the City and City government.

**BACKGROUND:**

The Fayetteville City Council conducted meeting(s) on the referenced date(s) during which they considered items of business as presented in the draft minutes.

**ISSUES:**

N/A

**OPTIONS:**

1. Approve the draft minutes as presented.
2. Revise the draft minutes and approve the draft minutes as revised.
3. Do not approve the draft minutes and provide direction to staff.

**RECOMMENDED ACTION:**

Approve the referenced draft minutes as presented.

**ATTACHMENTS:**

April 26, 2010 - Multi-Modal Transportation Center Environmental Assessment Report Public Hearing Minutes

# DRAFT

**FAYETTEVILLE CITY COUNCIL  
MULTI-MODAL TRANSPORTATION CENTER  
ENVIRONMENTAL ASSESSMENT REPORT  
PUBLIC HEARING MINUTES  
CITY HALL COUNCIL CHAMBER  
APRIL 26, 2010  
7:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager  
Doug Hewett, Assistant City Manager  
Kristoff Bauer, Assistant City Manager  
Karen M. McDonald, City Attorney  
Janet Smith, Assistant City Attorney  
Rob Anderson, Development Services Director  
Charles Lewis, Senior Code Enforcement Administrator  
Jeffery Brown, Engineering & Infrastructure Director  
Craig Harmon, Planner II  
Luis Collazo, Human Relations Specialist  
Jackie Tuckey, Public Information Officer  
Rita Perry, City Clerk  
Members of the Press

## **Item 7.7: Multi-Modal Transportation Center Public Hearing**

Mr. Doug Hewett, Assistant City Manager, presented this item. Mr. Hewett informed Council that the public hearing was required (1) as part of the National Environmental Policy Act (NEPA), (2) to secure construction funding, and (3) to be consistent with City Council's commitment to openness. He stated the public hearing would cover the environmental assessment completed on the 2.55-acre block bounded by Robeson, Russell, Winslow, and Franklin Streets (Cintas). He then proceeded to provide the following background information:

### **History of Project**

- In November 1999, the Multi-Modal Center project was established in the local Transportation Improvement Plan.
- In 2001, the project was established in the City's five-year Capital Improvement Plan.
- Funding from FTA began in 2004 along with beginning of site selection process.
- In 2006, additional funding was received from FAMPO and City Council held a meeting with the Downtown Alliance on the Multi-Modal Center being located "near the train station".
- Current site targeted for redevelopment - Hope VI.

### **History of Site Selection**

- 2007:
  - o Gantt Hubberman Architects (GHA) were selected to assist with site selection and conceptual preliminary designs.

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- o Two committees were established to guide selection as follows:
  - Technical Advisory - City, NCDOT, FAMPO, CCBC, Rail Advocate
  - Citizens Advisory - FHA, FSU, FTCC, Downtown Alliance, Fayetteville Business and Professional League, ASOM, CCBC, FAYCE, FAMPO, seven citizens, and FAST customers
- 2008:
  - o GHA made first presentation to City Council of six potential sites for the Multi-Modal Center.
  - o While Amtrak site was identified as a top site, the City Council asked for a more rigorous review of the remaining sites due to operational concerns about the trains per day that could impact FAST operations for some 280 plus trips to/from the Multi-Modal Center.
  - o Council visited all sites and selected Cintas site as the preferred location for the Multi-Modal Center.

## Benefits of Cintas Site

- Approximately 400 feet from existing Amtrak station.
- On the best side of the tracks for minimal impact of FAST by trains on main and spur rail lines.
- Majority of the property under NC DENR controlled environmental cleanup and monitoring from former dry cleaner operations on the site. City best positioned to ensure long-term compliance and assist with controlled redevelopment of entire project area.

## Cintas Site

- When selected more than 50 percent of the block was for sale, with an additional 30 percent of the block owned by an interested seller.
- One parcel was sold privately.
- Staff contacted buyer before closing to make buyer aware of the City's plans and offered to assist with other site selection.

## Open Process

- Information provided on website - [www.ridefast.net](http://www.ridefast.net).
- Stakeholders invited to participate in process.
- Presentations to stakeholders and interested parties.
- Extensive coverage locally.
- Environmental assessment distributed to state clearinghouse.
- Public comment on environmental assessment and public hearing.

## Environmental Assessment

- Would ensure local concerns and/or environmental impacts of proposed project were known and mitigated.
- The following local concerns to-date were raised:
  - o Noise - no impact.



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- o Air Quality - no impact, improvement through use of hybrids, adjustments to route mileage.
- o Traffic - no impact, separate traffic study performed.
- o Public Involvement - open process.
- o Long-term Productivity - good fit for site and need.
- All concerns addressed in environmental assessment along with 21 other elements:
 

Land Use and Zoning	Farmland
Social/Economic	Environmental Justice
Relocation	Pedestrians/Bicyclists
Air Quality	Noise
Water Quality	Wetlands & Floodplains
Wild & Scenic Rivers	Coastal Barrier and Coastal Impacts
Endangered Species	Historic/Archeological
Parkland - Section 4(f)	Hazardous Waste
Visual Impacts	Energy
Construction	Traffic
Routes and Buses	Public Involvement/Review
Site Local Short-Term Uses and Long-Term Productivity	

- Environmental assessment executive summary states that ". . . this environmental assessment report supports a Finding of No Significant Impact (FONSI) to the human environment".
- The environmental assessment goes on to state that "The MMTC will centralize and improve the FAST by allowing for the expansion of routes to serve new riders and better serve existing riders. The MMTC will be complimentary to the existing Amtrak station which is located within one city block of the preferred site. The centralized location will improve accessibility to healthcare facilities, pedestrian activity centers and nearby businesses".

**Local Concerns Not Addressed by Environmental Assessment**

Concerns	Response
Maintenance	City facility with commitment by Council and staff to be an asset for downtown and community
Security	Adjacent to FPD and design will incorporate CPTED, on-site staff - not Greyhound/Trailways
Highest & Best Use	\$15 million facility, complementary to Amtrak operations and provides for redevelopment of contaminated block for public use, and continues City's desire for comprehensive transit services

Mr. Hewett stated the next steps would be that (1) the comments made tonight or to the project manager via public comment procedures would be recorded and forwarded to the FTA along with the City's response to be used in completing the final environmental assessment report, and (2) the FTA would then review and issue a FONSI for the City to proceed with property acquisition from which FTA grant funding would follow.

This is the advertised public hearing set for this date and time. The public hearing opened at 8:20 p.m.

	NAME/ADDRESS	COMMENT SUMMARY
1	Breeden Blackwell 1201 Haymount Court Fayetteville, NC 28305	Appeared on behalf of Cape Fear Valley Hospital System and stated the hospital was not in opposition to the Multi-Modal Center; however, it was in opposition to the location and provided a handout. <b><u>(Exhibit A - 7 Pages)</u></b>

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	NAME/ADDRESS	COMMENT SUMMARY
2	Neil Grant 1852 Morganton Road Fayetteville, NC 28305	Appeared in opposition and inquired whether the Multi-Modal Center would be consistent with other downtown facilities (i.e., Airborne and Special Operations Museum and Medical Arts Building). He stated he owns two parcels adjacent to the site.
3	Joel Smith 611 W. Russell Street Fayetteville, NC 28301	Stated he was concerned about the location not being large enough and that a City consultant had recommended another site for \$350,000.00.
4	Jason Childers 2707 Huntington Road Fayetteville, NC 28303	Stated he was not in opposition to the Multi-Modal Center, however, it should not be put in an already developed area. He suggested Council consider site #1 or the West Rowan Street site.
5	Kelly Smith 282 St. Johns Wood Fayetteville, NC 28303	Stated she came tonight to hear from Breeden Blackwell and thought she could yield her time to him.
6	Neill Lindsay 531 W. Russell Street Fayetteville, NC 28301	Stated he was a life-long resident and hoped Council would listen to the speakers. He further stated the site would need expansion. He stated that safety would also need to be considered. He stated other areas would allow for a freer traffic flow.
7	Tina Loving 632 Cicada Street Fayetteville, NC 28306	Stated she works downtown across from the proposed site and that she approves of transportation for the public, however, she disapproved of the site. She expressed concerns regarding the safety of crossing the street.
8	David Nimocks, Jr. 201 Stedman Street Fayetteville, NC 28305	Stated the City was buying a contaminated lot, would incur a liability, and would have to dig deeply to address the contamination.
9	Dale Pfendler 135 Robeson Street Fayetteville, NC 28301	Stated the site was too small with no parking for the site. He stated that numerous businesses would be affected and it would be too congested.
10	Jacqueline Pfendler 135 Robeson Street Fayetteville, NC 28301	Clarified she was the property owner. She stated that 80 percent of the remodeling was finished prior to response by the City. She requested the City follow the paid consultant's advice.
11	Garris Neil Yarborough 115 E. Russell Street Fayetteville, NC 28301	Stated if the site was not adjacent to Amtrak it would be just a bus stop. He stated it was not the consultants preferred site and an active business would be condemned for retail. He inquired where the City would get the million dollars with the budget crisis and expressed concern regarding the discouraging entrepreneurship.
12	Charles Evans 926 Fleetwood Drive Fayetteville, NC 28305	Stated he was in agreement with the location and that the environmental assessment summary stated there was no significant impact. He stated the Multi-Modal Center would be a centralized location which would improve transit services and would be complimentary to the existing Amtrak station.

# DRAFT

	NAME/ADDRESS	COMMENT SUMMARY
13	Jerry McGee 514 Julia Street Fayetteville, NC 28301	Stated he approved of the Multi-Modal Center. He expressed sympathy to the businesses in close proximity to the proposed site and stated change was the beginning of something new and different and with change would come some opposition.
14	Curtis Stobie PO Box 2127 Fayetteville, NC 28302	Stated the paid consultant had suggested another site and that pedestrians would have to cross streets, which would be dangerous. He questioned why the City was using eminent domain for existing business.
15	Wendy Michener 223 Hillside Avenue Fayetteville, NC 28301	She stated she was glad the City was doing a "bus station" like this one and informed Council she was a former bus user of the bus system but it was not reliable. She expressed concerns regarding the use of architects outside of Fayetteville and North Carolina and stated the City should hire locally.

There being no one further to speak, the public hearing closed at 8:55 p.m.

Respectfully submitted,

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RITA PERRY  
City Clerk

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ANTHONY G. CHAVONNE  
Mayor

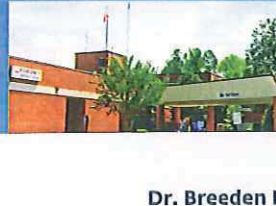
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**Dr. Breeden Blackwell**  
DIRECTOR OF GOVERNMENT  
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Talking Points  
Public Hearing on the  
Multimodal Transportation Center  
City Council Chambers  
April 26, 2010  
7:00 p.m.

Cape Fear Valley Health System's Board of Trustees was unanimously opposed to the location of the Multimodal Transportation Center due to the following concerns:

- Should the hub be located at this site, it will create huge issues for our medical facilities.
- Cape Fear Valley has made a significant investment in Highsmith-Rainey Specialty Hospital and the Medical Arts Center, with a total worth of \$95 million. The Board of Trustees seeks to protect that investment.
- Since April 1, 1999, Cape Fear Valley has invested \$16.4 million in capital expenditures at both Highsmith and Medical Arts.
- Highsmith-Rainey Specialty Hospital's patients are medically compromised individuals, 50 percent of whom are on ventilators, making air quality a particular concern for this vulnerable population.
- The increased emissions from the transportation center may tax Highsmith-Rainey's air handling system, jeopardizing the health of these medically compromised patients.

- Cape Fear Valley has a significant investment in the Medical Arts Center. Numerous individuals and businesses share this investment, helping Cape Fear Valley Health Foundation surpass the \$1.7 million mark in its campaign for the Diabetes & Endocrine Center. This includes a gift of \$100,000 from Bank of America Charitable Foundation.
- Adequate parking is not provided at the proposed Multimodal Center (employees, merchants and customers).
- I am representing the largest private employer in Cumberland County when I speak for Cape Fear Valley Medical Center (4,800 employees)
- Our position is one of protecting our investment – it is not a personal decision or an attack on “our” great city!
- I do not know of a business entity or business person who would not be concerned about this, if their investment was \$95 million dollars.
- Our two facilities, along with the Airborne and Special Operations Museum provide a beautiful gateway to our city. We do not want to detract from this.
- At our meeting on February 23, 2010, with the Mayor and City Staff we were told that the buses would be “Locked in between two (2) railroad tracks if the Amtrak site was selected.”
- Cape Fear Valley conducted a Train Traffic Survey – please refer to this in your handout.



- You will see the results of the study for five (5) days.
- Please note the bottom of page 1 of 2.
  - Total time that both intersections were blocked simultaneously: 1 minute
  - Percent of time both intersections were blocked: 0.03%
- There has been much said about city buses not being able to enter/exit around the fountain and roundabout on Ray Avenue.
- Our engineering study shows that buses should be able to traverse this area with little trouble.
- Please refer to the diagram in your handout.
- I have been asked – “Why did you folks wait until the 11<sup>th</sup> hour to protest this since it has been talked about since 2008?”
- My answer is honest and sincere – this project was not on our radar until a Board of Trustee member mentioned it to us and area merchants began to call us about our reaction to the city’s plan.
- Reminds me of neighbors not knowing about a zoning issue until someone knocks on their door!
- In summary, our opposition is a business position – not a personal position.
- Your hospital system has attempted to be methodical in our thinking on this issue and not allow our emotions to enter into our thought processes.
- Again, thank you all for this opportunity to speak with you tonight.

## Train Traffic in Downtown Fayetteville

Railroad crossings observed:

1. Hay Street at Winslow Street
2. Hay Street at Ray Avenue

Data collection period:

Day 1 = Thursday, March 25 from 6 am to 7 pm  
 Day 2 = Friday, March 26 from 6 am to 7 pm  
 Day 3 = Monday, April 12 from 6 am to 7 pm  
 Day 4 = Tuesday, April 13 from 6 am to 7 pm  
 Day 5 = Wednesday, April 14 from 6 am to 7 pm  
 Total Elapsed Study Time = 65 hours (3,900 minutes)

Data summary: (Putting days of week in order)

Number of trains crossing the intersections

	Hay St/Winslow St	Hay St/Ray Ave
Monday	11	4
Tuesday	12	9
Wednesday	11	4
Thursday	10	7
Friday	7	6
<b>Total</b>	<b>51</b>	<b>30</b>

Total time that intersections were blocked (minutes)

	Hay St/Winslow St	Hay St/Ray Ave
Monday	34	5
Tuesday	62	60
Wednesday	33	8
Thursday	27	23
Friday	28	22
<b>Total</b>	<b>184</b>	<b>118</b>
Total elapsed time of study	3900	3900
% blocked	4.7%	3.0%

Total time that both intersections were blocked simultaneously:

1 minute

Percent of total time that both intersections were blocked simultaneously:

0.03%



## Train Traffic in Downtown Fayetteville

Other data:

Average time that intersections were blocked each occurrence (minutes)

	Hay St/Winslow St	Hay St/Ray Ave
Monday	3.1	1.3
Tuesday	5.2	6.7
Wednesday	3.0	2.0
Thursday	2.7	3.3
Friday	4.0	3.7
Total	3.6	3.9

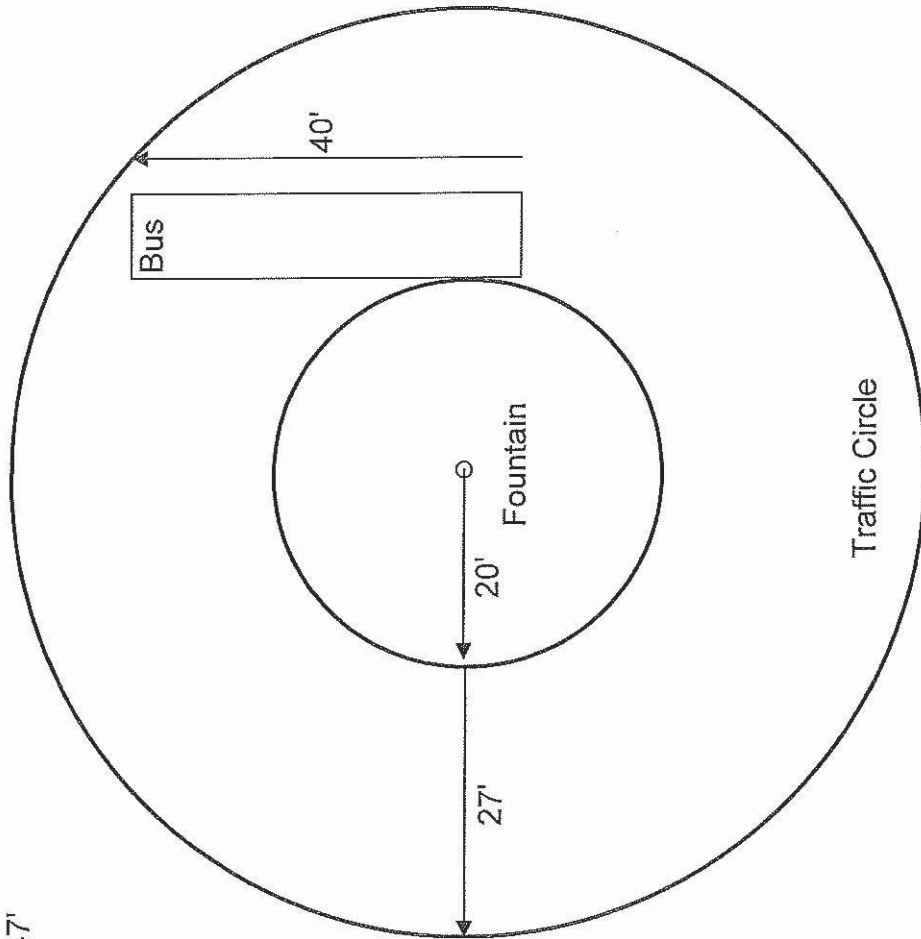
Maximum time that intersections were blocked per occurrence (minutes)

	Hay St/Winslow St	Hay St/Ray Ave
Monday	5	2
Tuesday	14	29
Wednesday	10	3
Thursday	4	6
Friday	6	7

City bus (Gillig)  
Buses = 40' long  
Width = 81/2'  
Turning radius = 43'

### Fountain Traffic Circle

Traffic Circle radius = 47'



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Tom Bergamine, Chief of Police  
**DATE:** June 7, 2010  
**RE:** **Consider Amendments to Alarm Systems Regulations Ordinance**

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**THE QUESTION:**

Whether to consider amendments to Chapter 4 of the City Code regarding alarm systems regulations.

**RELATIONSHIP TO STRATEGIC PLAN:**

More efficient city government-cost effective services delivery.

**BACKGROUND:**

On June 22, 2009, City Council adopted a fee schedule with an effective date of July 1, 2009, which included a decrease in the maximum number of burglar alarms allowed before a user fee is charged. Although the effective date for the alarm decrease was July 1, 2009, Section 4-6 of the City Code was not amended to reflect this decrease. Attached is an ordinance amendment to effectuate Council's approved decrease in the fee schedule.

**ISSUES:**

None.

**OPTIONS:**

- Adopt the amendments
- Decline to adopt the amendments

**RECOMMENDED ACTION:**

Staff recommends that Council adopt the attached ordinance amendments and direct staff to format the amendments consistent with Section 1-6 of the City Code.

**ATTACHMENTS:**

Revised Alarm Ordinance  
Alarm Fee Comparison  
Stats from Other Jurisdiction

## Chapter 4

### ALARM SYSTEMS REGULATIONS

#### Sec. 4-1. Short title.

This chapter shall be known and may be cited and referred to as alarm systems regulations.

#### Sec. 4-2. Purpose.

The purpose of this chapter is to establish regulations governing alarm systems requiring response thereto by the city police or fire department. The terms of this chapter shall in no way prohibit alarm companies from providing service by private source to other offices within or outside the city.

#### Sec. 4-3. Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm* means the activation of an alarm system signal that produces either an audible sound that can be heard from the interior or exterior of the building housing the alarm system, or the emission of a signal to a direct monitoring service which in turn notifies the city communications center that the alarm has been activated.

*Alarm business* means the business by any individual, partnership or corporation servicing, repairing, altering, replacing, moving or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility, and shall not include any other activity of the business.

*Alarm coordinator* means a person or persons designated by the City Council or their designee to administer, control, and review false alarm reduction efforts and administer the provisions of this chapter.

*Alarm installation* means any alarm device or combination of devices installed for one or more buildings.

*Alarm response* means the dispatch or response of a fire or police unit as the result of an alarm.

*Alarm registration permit* means authorization granted by the alarm coordinator to an alarm user to operate an alarm system.

*Alarm system* means any electronic or mechanical device which emits any signal, electronic, visible, audible, silent, recorded or otherwise, which is designed, intended, or used to detect fire or an unauthorized entry into a building, structure, or premises, to signal a fire or an attempted robbery or holdup, or to alert others of a fire or the commission of an unlawful act in or around a building, structure, or premises.

*Alarm user* means any person, corporation, partnership, proprietorship, governmental or educational entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of the premises.

*Automatic dialing device* means any type of device which automatically sends signals over regular telephone lines as opposed to dedicated alarm lines.

*Dedicated alarm line* means a special leased telephone line circuit maintained for the sole purpose of transmitting alarm signals.

*Digital alarm* means an alarm system which automatically sends signals over regular telephone lines connecting to a digital receiving console, as opposed to a telephone hand set.

*Direct connecting alarm* means an alarm utilizing dedicated alarm lines to connect to a remote receiving console.

*False alarm* means an alarm dispatch request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.

*Local alarm* means an alarm or device which produces a signal not connecting in any way to any alarm monitoring centers, such as store or home burglar alarms actuating bell devices.

*Officer* means either a sworn law enforcement officer or a member of the city fire department.

*Tape dialer alarm* means an alarm system which automatically sends a signal over regular telephone lines and plays a pre-recorded message.

*Unregistered alarm site* means a site that has not complied with the City's registration requirements as defined in this chapter.

#### **Sec. 4-4. General regulations.**

- (a) The alarm user shall be responsible for knowing the contents of this chapter.
- (b) Alarm systems may be connected directly to a private alarm control center, or may be a local alarm.

- (c) All automatic dialing devices shall conform with section 4-5.
- (d) Local alarms shall be of a type that sounds for no more than 15 minutes.
- (e) Any alarm existing as of the effective date of the ordinance from which this chapter is derived shall also be governed by the regulations of this chapter.
- (f) ~~Each local alarm user shall furnish to the city police department crime prevention specialist the name and telephone number of at least one, no more than three, persons authorized and able to deactivate the alarm system. No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration permit. A separate alarm registration permit is required for each alarm site. Each alarm registration permit application will include the following:~~
  - (1) The name, complete address (including apartment/suite number), email address (preferred, if applicable), and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this chapter.
  - (2) The classification of the alarm site as either residential (includes apartment, condominium, mobile home, etc.) or commercial.
  - (3) For each alarm system located at the alarm site, the classification of the alarm system), i.e., burglary, holdup, duress, panic alarms, or other) and for each classification whether such alarm is audible or silent.
  - (4) The mailing address, if different from the address of the alarm site.
  - (5) Any dangerous or special conditions present at the alarm site.
  - (6) The names and telephone numbers of at least two individuals who are able and have agreed to make every reasonable effort to respond or cause a representative to respond to an alarm system's location within 30 minutes when notified by the City to deactivate malfunctioning alarm system, to provide access to the premises, or to provide alternative security to the premises.
  - (7) The type of business conducted at a commercial alarm site.
  - (8) A signed certification from the alarm user stating the following:
    - a. The date of installation, conversion, or takeover of the alarm system, whichever is applicable;
    - b. The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion, or takeover and of the alarm installation company responsible for providing repair service to the alarm system;

- c. The name, address, and telephone number of the monitoring company if different from the alarm installation company; and
  - d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company; and that the alarm Installation company has trained the alarm user in proper use of the alarm system, including instructions on how to avoid false alarms.
- (9) That law enforcement response may be influenced by factors including, but not limited to, the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, etc.
- (10) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration permit shall be sufficient cause for refusal to issue a registration/permit.
- (11) An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm coordinator of any change that alters any of the information listed on the alarm registration permit application within five business days of such change.
- (12) All fines and fees owed by an applicant must be paid before an alarm registration permit may be issued or renewed.
- (13) An alarm registration permit shall expire one year from the date of issuance and must be renewed annually by submitting an updated application and a registration renewal fee to the alarm coordinator. The alarm coordinator shall notify each alarm user of the need to renew 30 days prior to the expiration of the registration. It is the responsibility of the alarm user to submit an application prior to the registration permit expiration date. Failure to renew will be classified as use of a non-registered alarm system and citations and penalties in accordance with this chapter shall be assessed without waiver. A late fee, in accordance with the fee schedule adopted by the City Council, may be assessed if the renewal is more than 30 days late.

~~(g) After the effective date of the ordinance from which this chapter is derived, it shall be unlawful to connect a local alarm without first notifying the city police department crime prevention specialist of the name and telephone number of person authorized and able to deactivate the alarm system. Any changes in the name or telephone number of person authorized and able to deactivate the alarm system must be communicated to the city police department crime prevention specialist immediately.~~

(g) Burglar alarm systems installed within the city shall be equipped with an automatic bell time cut-off module to prevent continuous alarm sounding when the user is

unavailable to manually silence the alarm. System or test devices which give a delay of ten seconds or longer prior to alarm system activation in order to warn the alarm user of an open alarm circuit are highly recommended for all burglar alarm systems to prevent false alarms.

(h) Alarm systems installed after the effective date of the ordinance from which this chapter is derived will be required to have reset capabilities, and to reset within 15 minutes. An alarm system cut-off shall be installed to override all malfunctioning alarms. Users whose alarm systems were installed prior to the effective date of the ordinance from which this chapter is derived shall have one year from the effective date of the ordinance from which this chapter is derived to convert their systems to comply with the provisions of this chapter.

#### **Sec. 4-5. Automatic dialing devices; interconnection to police department.**

(a) No automatic dialing device shall be interconnected to any telephone numbers of the city police department or communications center after the effective date of the ordinance from which this chapter is derived.

(b) Within six months of the effective date of the ordinance from which this chapter is derived, all automatic dialing devices interconnected to any telephone numbers of the police department or communications center shall be disconnected. The user of each such device shall be responsible for having the device disconnected upon notification by the chief of police.

(c) Each separate violation of this section shall be deemed a separate punishable offense under section 4-9.

#### **Sec. 4-6. Alarm responses.**

(a) ~~The city will provide a maximum of three fire alarm or six burglar alarm responses to any alarm user within any calendar year. Thereafter, a user fee, as approved by the city council, shall be charged for any alarm response in excess of three fire alarm or six burglar alarm responses. An alarm response deemed to be false as defined by this chapter by the responding law enforcement officer to the alarm site will be charged a user fee, in accordance with the fee schedule adopted by the city council.~~

(b) The alarm user or his representative shall reset an alarm system when notified by an officer that the alarm has activated. When an alarm sounds continuously for a period of 60 minutes from the time officers respond to the alarm, due to the failure of the alarm user or his representatives to reset the alarm, every subsequent 60-minute period or portion thereof that the alarm continues to sound shall be deemed a separate alarm. The alarm user shall reimburse the city for each alarm resulting from the continuous operation of an alarm in accordance with the fee schedule adopted by the city council.

#### **Sec. 4-7. Exclusions.**

(a) For the purpose of determining a false alarm in section 4-6, ~~and as defined by this chapter,~~ an alarm shall not include a false alarm which is:



- (1) Determined to have been activated by ~~adverse~~ extreme weather conditions or acts of nature as reported by the city fire department to the city communications center;
- (2) Activated by an electrical power outage to the electric meter on the building housing the activated alarm system, provided that the alarm user shall provide proof of the electrical outage within five business days of the alarm response; or
- (3) An alarm where there is physical evidence of a fire, unauthorized entry, robbery, or other crime having been committed at the premises where the alarm was activated.

Any determination that an alarm activation was not one of the exclusions in this section may be appealed to the ~~police chief~~ alarm coordinator or the fire chief, as the case may be, within 72 hours. The decision of the ~~police chief~~ alarm coordinator or fire chief shall be final.

(b) A local alarm activated during alarm system testing procedures shall not be considered an alarm for the purpose of computing alarm responses, if the alarm user first notifies the city communications center.

#### **Sec. 4-8. Reimbursement.**

It shall be unlawful for an alarm user to fail to reimburse the city, in accordance with section 4-6, for an alarm response by the police department.

#### **Sec. 4-9. Enforcement of violations.**

(a) Violations of this chapter, including the failure to pay the fees imposed by section 4-6 within 14 days upon notice that such fees are due, shall subject the offender to a civil penalty ~~in the nature of a debt~~ in the amount of \$50.00, in addition to any other fees then currently due and owing as provided by this chapter. Such civil penalties and fees may be recovered by the city in a civil action in the nature of a debt, pursuant to G.S. 160A-175(c).

(b) Failure to register or obtain alarm registration permit before an alarm dispatch response request will result in a civil penalty in an accordance with the fee schedule adopted by city council.

**POTENTIAL REVENUE FROM PERMIT IMPLEMENTATION & ORDINANCE CHANGES**  
**PERMIT FEE RENEWED ANNUALLY**  
**(14,393 IDENTIFIED ALARM SITES)**

**POTENTIAL ANNUAL REVENUE (NOT INCLUDING NEW SITES) BASED ON CURRENT NUMBER OF ALARM ACCOUNTS AS OF 4/21/2010 (THERE ARE 10,812 IDENTIFIED RESIDENTIAL ALARM SITES. 3581 BUSINESS ALARM SITES)**

RESIDENTIAL PERMITS @\$15.00 EACH	\$162,180.00
BUSINESS PERMITS @ \$25.00 EACH	\$89,252.00
<b>COMBINED TOTAL</b>	<b>\$251,705.00</b>

**POTENTIAL REVENUE BASED ON 2009 STATS (Jan.-Dec.)**

Alarm Response #'s 1-2	11,329 false alarms @ \$0.00	\$0.00
Alarm Response #'s 3-5	3,581 false alarms @\$25 each	\$89,525.00
Alarm Response #'s 6	382 false alarms @ \$50 each	\$19,100.00

## CURRENT TO PROPOSED ALARM FEE COMPARISON

### PROPOSED FY2011 FEES CHANGE REQUIRE ORDINANCE REVISION

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>PERMITS REQ/AMT</b>	NO	Residential - \$15.00 Business/Commercial - \$25.00
	<b><i>SUGGESTED PENALTY FOR FAILURE TO REGISTER -\$50-\$100</i></b>	
<b>CIVIL PENALTIES</b>	\$50-LATE PAYMENTS	\$50-LATE PAYMENTS
<b>FEE SCHEDULE</b>	<b>CALENDAR YEAR</b>	<b>CALENDAR YEAR</b>
<b>ALARM 1</b>	NO CHARGE	NO CHARGE
<b>ALARM 2</b>	WRITTEN NOTICE-BUS-NO CHRG	WRITTEN NOTICE-NO CHRG-RES/BUS
<b>ALARM 3</b>	WRITTEN NOTICE-RES-NO CHRG	\$25.00
<b>ALARM 4</b>	NO CHARGE	\$25.00
<b>ALARM 5</b>	NO CHARGE	\$25.00
<b>ALARM 6</b>	NO CHARGE	\$50.00
<b>ALARM 7</b>	\$50.00	\$50.00
<b>ALARM 8</b>	\$50.00	\$50.00
<b>ALARM 9</b>	\$50.00	\$50.00
<b>ALARM 10</b>	\$50.00	\$50.00
<b>ALARM 11</b>	\$100.00	\$100.00
<b>ALARM 12</b>	\$100.00	\$100.00
<b>ALARM 13</b>	\$100.00	\$100.00
<b>ALARM 14</b>	\$100.00	\$100.00
<b>ALARM 15</b>	\$200 & EACH AFTER 15	\$200 & EACH AFTER 15

**ALARM FEE SCHEDULE COMPARISON TO OTHER NC MUNICIPALITIES**

	<b>DURHAM</b>	<b>RALEIGH</b>	<b>GREENVILLE</b>	<b>ASHEVILLE</b>	<b>CHARLOTTE</b>	<b>FAYETTEVILLE</b>
<b>PERMITS REQ/AMT</b>	FIRST FALSE ALARM	NO	YES-\$15	YES	YES	NO
<b>CIVIL PENALTIES</b>	\$100-FOR NO PERMIT	\$25.00 FOR LATE PAYMENTS	\$200-FAILURE TO PAY OR NO PERMIT	\$100-NO PERMIT	NO RESPONSE	\$50-LATE PAYMENTS
<b>FEE SCHEDULE</b>	<b>CALENDAR YEAR</b>	<b>FISCAL YEAR</b>	<b>YR TO YR PERMIT RENEWAL</b>	<b>FISCAL YEAR</b>	<b>YR TO YR PERMIT RENEWAL</b>	<b>CALENDAR YEAR</b>
<b>ALARM 1</b>	NOTICE	NOTICE	NO CHARGE	NO CHARGE	NO CHARGE	NO CHARGE
<b>ALARM 2</b>	WRITTEN NOTICE	\$50.00	\$25.00	NO CHARGE	NO CHARGE	WRITTEN NOTICE-BUS-NO CHRG
<b>ALARM 3</b>	\$100.00	\$100.00	\$50.00	\$50.00	\$50.00	WRITTEN NOTICE-RES-NO CHRG
<b>ALARM 4</b>	\$100.00	\$100.00	\$50.00	\$50.00	\$50.00	NO CHARGE
<b>ALARM 5</b>	\$150.00	\$100.00	\$100.00	\$50.00	\$50.00	NO CHARGE
<b>ALARM 6</b>	\$150.00	\$200.00	\$100.00	\$100.00	\$100.00	NO CHARGE
<b>ALARM 7</b>	\$200.00	\$200.00	\$200.00	\$100.00	\$100.00	\$50.00
<b>ALARM 8</b>	\$200.00	\$300.00	\$200.00	\$250.00	\$250.00	\$50.00
<b>ALARM 9</b>	\$250.00	\$300.00	\$400 & FOR EACH AFTER 9	\$250.00	\$250.00	\$50.00
<b>ALARM 10</b>	\$300.00 & FOR EACH AFTER 10	\$500.00 & FOR EACH AFTER 10		\$500.00 & FOR EACH AFTER 10	\$500.00 & FOR EACH AFTER 10	\$50.00
<b>ALARM 11</b>						\$100.00
<b>ALARM 12</b>						\$100.00
<b>ALARM 13</b>						\$100.00
<b>ALARM 14</b>						\$100.00
<b>ALARM 15</b>						\$200 & EACH AFTER 15

**HOW IMPLEMENTING PERMITS AFFECTED OTHER JURISDICTIONS**

We sent out a request through the False Alarm Reduction Association to other jurisdictions from around the country to see what kind of impact they experienced when new ordinances with alarm permits were implemented. Most of these jurisdictions also utilized other false alarm reduction practices as well as instituting permits. Here are some of those replies:

**Charles Co. Md.**- Annual permit fee of \$20. Also requires alarm businesses to apply for alarm business license, \$100 annually.

Allows 3 free false alarms during a rolling 12 month period to registered users. Non-registered alarm sites pay a \$150 for every false alarm. Alarm company also pays \$300 for failure to register their customer. Ordinance was implemented in 2000. Charles Co. had 10,000 false alarm calls. Last fiscal year, they only had 7,800. False alarms decreased while the number of registered users increased.

**Kirkland, Wa.**- requires registration of alarm systems. Fee is \$25 annually. Sr. citizens over 62 that do not have a home business are exempt from fees/fines but are required to register and update their information annually.

First false alarm in a 12 month rolling period is fee for registered alarm users. Non-registered users incur a \$50 fine for the first false alarm . Fine structure escalates for both at that point.

Kirkland states they had a **60% reduction** in false alarm calls since this ordinance was implemented. (2600 alarm calls, 2574 were false pre-program.) Last year of false alarm program saw 1033 alarm calls of which 1014 were false. This is with a steady increase in registered alarm users.

**Riverside Ca.** instituted a false alarm ordinance in 1978 but with changes over the years. In July, 2008, some updates in the ordinance were made which resulted in a 16% reduction. Permits are required with a one time fee of \$56. This fee is based on a full cost recovery.

Registered alarm users have a lower fine schedule than non-registered alarm users.

**False Alarm Response Permitted Non-Permitted**

1st response	No charge	Warning
2nd response	No charge	\$350
3rd response	\$100	\$400
4th response	\$150	\$450
5th response	\$200	\$500
6th response	\$250	\$500

*Stats for the last 2 fiscal years: 07/08- 15,081 alarm calls. 4,429 cancelled Before officers arrived. 168 crime reports, 10,484 false alarm reports. 98.4% of calls were false. 08/09- 12,795 calls, 3759 cancelled, 223 crime Reports, 8,813 false alarms reports, 97.5% of calls were false.*

**Wilco, Texas,** revised their ordinance in 1999. Alarm users are allowed 5 free false alarms within one year which begins with the first false alarm. False alarm calls thereafter are fined \$75.00 each. After the first year, a new one year period begins the first false alarms. Fines can also incur a \$25 late fee if the alarm response is over 30 days. Along with other practices, the false alarms were reduced from 12,000 to 15,000 per year to about 150 to 200 per month, sometime less.

**Naperville, Ill.,** recently updated their ordinance, dropping the number of free false alarms from 3 in a calendar year to 2 in a rolling 12 month period. The changes have not been implemented long enough yet to show accurate stats. Before this change, the false alarm rate was at 99.9 %

**Huntersville, NC,** according to the Carolina Weekly newspaper, implemented a false alarm ordinance requiring alarm user registrations. Police Chief Phil Potter stated that 18-19% of all calls were for false alarm activations in 2006. That number dropped to 11% in 2009.

**Marietta Ga.**

In 2006, the Marietta Police Department responded to 9,317 alarm calls. In answering alarm calls, it is standard police protocol for two officers to respond. Of the alarms dispatched in 2006, 98.6% were found to be false alarms. This resulted in 3,882 man-hours responding to false alarms. The primary goal of the False Alarm Reduction Program is to reduce the number of false alarms that the Marietta Police Department responds to, thus allowing the officers to concentrate on other areas of crime prevention and law enforcement.

Officer Jennifer Murphy, Alarm Ordinance Coordinator for the Marietta Ga. Police Dept states with implementation of alarm permits and other false alarm reduction measures saw reduction of false alarms from 98.6% false alarm rate to about 60% over a 2 year period.

**Kansa City, Mo.** - Passed an ordinance requiring permits stated a reduction of about 59% in false alarms.

**Loudon County, Va** – Requires alarm permits for alarm sites. This chart was posted on the FARA website:

2003 (process started) - 12,271 alarm responses, 15 were valid

2004 - 10,749 alarm responses, 10 were valid - 12.40% reduction in false alarm calls

2005 (Ordinance passed) - 10,182 alarm responses – 10 were valid - 5.30% reduction

2006( Ordinance enforced) - 8,935 alarm responses – 13 were valid – 12.20% reduction

2007 (projected 1<sup>st</sup> quarter actual) – 6696 alarm responses – 0 were valid – 25.10% reduction

**IN CONCLUSION**

Our ultimate goal of the presentation is to assist you in understanding the need to update our current ordinance. With implementation of alarm permits and stricter guidelines, we will have the opportunity to educate the alarm user before they incur false alarms. This will also allow our police officers to use our resources and time in a more productive and cost effective manner.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Craig Hampton, Special Projects Director  
**DATE:** June 7, 2010  
**RE:** **Update on Process**  
**Veterans Park Contracts-Bid Process and Award Dates**

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**THE QUESTION:**

Is Council ready to award construction contracts for the next phase of Veterans Park?

**RELATIONSHIP TO STRATEGIC PLAN:**

Listed as Objective #3, Goal #6-Revitalized Downtown in 2009 strategic plan

**BACKGROUND:**

The NC Veterans Park consist of 4 prime bid packages; 1) Freedom Trail & Campus Connector (currently under contract), 2) the main Park (currently in the bid process stage), 3) the Visitor Center (currently in the bid process stage), and 4) exhibits and displays (currently in design phase, bid in late fall 2010). The trail and campus connector project was bid without pre-qualifications of the bidders and we received 3 bids. None were from local firms. For the main park and the visitor center we issued a request for qualifications to pre-qualify the bidders. Notices were sent to a broad ranges of sources and distribution points related to construction work and the process was open for more than one month. We received 5 packages for the main park and 5 for the visitor center. We did not receive any submittal from firms within Fayetteville or Cumberland County. All firms submitting were deemed to be qualified to bid the work. Bids for the park were received on May 25 and will be before council for consideration of award on June 14. A recap of the five (5) bids received will be provided as a separate handout. Bids for the visitor center are due June 17 and will be before council for consideration of award on June 28, 2010. Each bid package contains multiple opportunities for subcontract bids and for supplying materials. This briefing is provided to outline the aforementioned process and answer any questions council may have regarding the process or the results.

**ISSUES:**

- Compliance with DBE goals (10% for this project) impact any bidder's ability to only shop locally for subcontract and material prices.
- Established grand opening date of July 4, 2011 is fixed. The existing bid & award schedule, and subsequent construction schedule allows sufficient time to complete all tasks. Unforeseen delays of any substantial time (exceeding one week) could cause delays of the opening of the park.

**OPTIONS:**

Proceed with the bid process and award the contracts to the lowest responsible bidders. This is a status update also intended to answer any other questions of council.

**RECOMMENDED ACTION:**

Receive update, proceed with bid process and ultimate award of contracts to the lowest responsive, responsible bidder in accordance with the existing time lines.