

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
AUGUST 2, 2010
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:12 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 5:04 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Member William J. L. Crisp (District 6)

Others Present: Dale E. Iman, City Manager

Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Captain Charles Hunter, Police Service Bureau
Craig Hampton, Special Projects Director
Tom Bergamine, Police Chief
Charles Kimble, Assistant Police Chief
Benjamin Nichols, Fire Chief
Bruce Daws, Historic Properties Manager
Jackie Tuckey, Public Information Officer
Rita Perry, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Mayor Pro Tem Haire.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Meredith moved to approve the agenda.

SECOND: Council Member Bates

VOTE: UNANIMOUS (8-0)

OTHER ITEMS OF BUSINESS

4.1 Revisions of Alarm Ordinance and Fees

Captain Charles Hunter, Police Service Bureau, presented this item and explained the prior presentation had included information regarding fees charged in other cities that was inaccurate.

He stated staff had been directed to review the fees and to consider revisions to the appeal process. He further stated staff met with alarm industry representatives on July 20, 2010, and topics of discussion included the fee schedule, alarm permitting process, and appeals process. Mayor Pro Tem Haire questioned whether the appeals process would be overseen by an interagency department. Ms. Karen McDonald, City Attorney, replied in the negative and summarized the proposed appeals process.

Captain Hunter responded in the affirmative to Council's inquiries regarding the possibility of future stakeholder involvement.

A discussion period ensued regarding warnings, fines, user education, penalties, and the appeals officer's responsibilities.

Consensus of Council was to bring this item back to Council at the August 9, 2010, meeting for action and to provide an update in March 2011.

4.2 Development of Fire Station #19 - Andrews Road

Mr. Benjamin Nichols, Fire Chief, presented this item and provided a synopsis. He stated the site and station design were almost identical to the recently constructed Station #15 on Cliffdale Road and the City was using the same drawings and specifications from that station to bid and construct Fire Station #19.

Mr. Craig Hampton, Special Projects Director, reviewed the project schedule, planning activities, and required hearings for the revision to the developer's conditional use permit. He stated the proposed location would require a revision to the conditional use permit issued for the development area, which would require two public hearings and final approval by Council. Following a question and answer period, the consensus of Council was to proceed with the project as scheduled, bid the station project, and perform other related work per the scheduled tasks.

4.3 Certificate of Appropriateness Presentation.

This item was presented after Item 4.5.

4.4 Fayetteville Area System of Transit (F.A.S.T.) Operations and Work Plan Update.

Mr. Doug Hewett, Assistant City Manager, presented this item. He presented the following power point presentation:

Discussion Items

- Council's Policy Direction
 - Transit development work plan and funding usage
 - \$519,000.00 Council directive
 - Revenue structure
 - Local Funds Per Capita (LFPC) model
 - Fare philosophy for F.A.S.T.
- Citizen involvement
 - Possible modifications to existing Transit Advisory Committee and former Blue Ribbon Task Force
- Departmental Overview and Successes

Unspent FY 10 Funds Designated for One-Time Transit Enhancements

- Installation of +/- 22 shelters
- Installation of +/- 45 benches
- Installation of necessary sidewalks and curbs, as needed, to place the benches and shelters within 12 months
- Purchase of hybrid light transit vehicle for use on Route 3
- Business partnership development and marketing for F.A.S.T. to increase ridership and share the environmental/sustainable benefits of transit

Identified Funds Budget Overview

- Amount
 - \$519,000.00
- Activities and uses:
 - Business development \$
60,000.00
 - Hybrid
LTV
69,300.00
 - Bench/Shelter kits 165,100.00
(new)
 - Includes trash cans and needed parts for existing inventory
 - Provides for 3 shelters/6 benches in inventory for future placement
 - 10 shelter and 40 bench kits to order
 - Bench/shelter installations
27,550.00
 - Sidewalk improvements
161,050.00
 - Existing shelters to ADA compliance
36,000.00
- \$519,000.00

When received we will add in \$25,000.00 from LTV insurance settlement.

Local Funds Per Capita (LFPC)

- Derived by dividing 'local funds expended by service area population'
 - Fayetteville's LFPC includes General Fund Transfer to operations, dedicated vehicle license fee and local match for planning activities
 - Fayetteville's service area population
 - Does not include Fort Bragg
 - Changes from 174,000 in FY 09 to 181,436 for FY 10

LFPC Comparisons

- Comparisons are made with NC cities with transit system budgets less than \$10 million:
 - Fayetteville
 - Asheville
 - Wilmington
 - High Point
 - Cary
- Average LFPC:
 - In 2008: \$17.26
 - FY 2010: \$18.31 (estimated)
 - FY 2011: \$18.86 (estimated)

Local Funds Per Capita a Comparison

Fiscal Year	CoF	Source	Peers
FY 06	\$7.14*	NTD	N/A
FY 07	\$8.90*	NTD	\$15.32
FY 08	\$11.12*	NTD	\$17.26
FY 09 - 1st Year of Directive	\$13.62*	NTD	\$17.78 est.
FY 10 - 2nd Year	\$14.02**	Projected***	\$18.31 est.
FY 11 - 3rd Year	\$18.29**	Budgeted***	\$18.86 est.

* Using the population figure of 174,000.

** Using the population figure of 181,436.

*** Does NOT include \$519,000.00 Council Directive.

Fare Comparison

Agency	Regular Fixed Route	E&D Fixed Route	ADA ParaTransit
Asheville	\$1.00	\$0.50	\$1.25* Shared Service Mile
Cary	\$1.00	\$0.50	\$2.00** Peak Times
Chapel Hill	Free	Free	Free
Charlotte	\$1.75	\$0.85	\$2.80
Durham	\$1.00	\$0.50	\$2.00
Fayetteville	\$1.00	\$0.35	\$1.50
Greensboro	\$1.30	\$0.65	\$1.30
High Point	\$1.00	\$0.50	\$2.00
Raleigh	\$1.00	\$0.50	\$2.00
Wilmington	\$1.50	\$0.75	\$3.00
Winston-Salem	\$1.00	\$0.50	\$0.50

Fare Philosophy

- Staff recommendation is that City Council annually set the regular F.A.S.T. fare and other fares would adjust as follows:

<u>Fare Type</u>	<u>Percentage</u>	<u>Example</u>	<u>Current</u>
Regular Fare	100%	\$1.00	\$1.00

Elderly & Disabled	50%	\$0.50	\$0.35
FASTrac!	200%	\$2.00	\$1.50

- Fare changes require a public hearing and review prior to implementation

Council Member Applewhite questioned whether Chapel Hill was free due to the university. Mr. Hewett confirmed. Council Applewhite explained students were charged as part of their tuition. Mr. Dale Iman, City Manager, this fare increase could be contingent upon transit service improvement.

Mayor Chavonne made an inquiry as to when fare increase decision should proceed in relation to the service level improvements. He suggested this decision be included during the strategic planning process.

Citizen Involvement

- Transit Advisory Committee- To meet, exchange ideas, and identify opportunities from citizen input to the Fayetteville Area System of Transit
- Blue Ribbon Taskforce- Explore all the creative ideas for additional funding for Fayetteville Area System of Transit

F.A.S.T. Successes

- MPR (Completed 38 of 42 recommendations for 90 percent)
- TDP (Implementing)
- City/County Transit Study (Report October Work Session)
- 1,000,000 + rider status
- Extended service hours – Routes 6, 12, and 14
- New route – 9 + extended hours
- New website and branding efforts
- 61 percent reduction in collisions per 100,000 miles
- Improved on-time performance
- Route and stop analysis completed
- Improved training for staff
- Replaced transfer center
- Renovated administrative offices
- Issuance of Findings of No Significant Impact (FONSI) to proceed with land acquisition for Multi-Modal Center – FTA advises as signed, awaiting an electronic copy

First Transit

- Provides Director, Assistant Director, and technical assistance
 - 3 contracts to date, with current contract set to expire November 30
 - Initiated management contract originally because we had difficulty hiring an assistant director
- Following discussion and a question and answer period, the consensus of Council was:
- That the budget overview and work plan met with Council's interest;
 - For staff to outline a service level action plan, which includes citizens' input, for consultation with Council;
 - To discuss the fare philosophy when Council evaluates the strategic view of the transit system; and
 - To modify the goals of the Transit Advisory Committee and to delay the reappointment its members

4.5 Nightclub Behavior - Informational/Update Purposes Only

Mr. Tom Bergamine, Police Chief, and Mr. Charles Kimble, Assistant Police Chief, presented this item and provided an update on the process to promote the City's quality of life, security and safety, and establish partnerships. Mr. Kimble stated the team members included the Responsible Hospitality Institute (RHI) which assists businesses and communities creating safe and vibrant places to socialize, Development Services, City Attorney's office, Law Enforcement, and Downtown Manager.

Mr. Kimble reviewed the issues, special problems downtown, types of calls, and history of calls. He stated there was a need for partnerships to address some of the problems. Mr. Kimble explained the statutes do not prohibit law enforcement from working in alcohol establishments,

however, police policy does.

Ms. Karen McDonald, City Attorney, explained the police could not enforce alcohol violations as explained in 18B-500 but could enforce all other violations, i.e., noise ordinance, littering, fights, etc., and local police could enforce criminal violations but not enforce ABC violations as it pertained to the establishment.

Mr. Kimble stated an issue was loud music from establishments, patrons, and vehicles. Ms. McDonald explained the City's noise ordinance and Mr. Kimble explained the police response procedure.

A discussion and question and answer period ensued regarding the possible requirement for some level of security, the noise ordinance, stakeholder engagement, nuisance and abatement, ABC support, and zoning categories.

4.3 Certificate of Appropriateness Presentation - Informational/ Update Purposes Only

Mr. Bruce Daws, Historic Properties Manager, presented this item and provided an outline of the Certificate of Appropriateness process to Council. He reviewed the Application for Certificate of Appropriateness. He stated appeals were heard by the Board of Adjustment and were susceptible to appeals to the Superior Court. Mr. Daws clarified that the State Historic Preservation Office monitors and evaluates the City's efforts on a yearly basis.

Discussion ensued regarding the qualifying factors for historic consideration and the Cool Spring Traffic Circle.

4.6 Council Member Request(s):(In order of receipt date)

(a) Council Member Mohn - Parking of Big-Rig Cabs in Residentially Zoned Areas

Council Member Mohn stated he had been contacted several times by truck drivers living within the Fayetteville city limits concerning the current ordinance prohibiting the cab portion of tractor-trailers from being parked within residential areas. He explained that many of those drivers were on the road 20 to 25 days per month, only came home on occasion, and had no secure place to park their cabs. He requested Council to consider revising the current ordinance [Section 30-221(i)(1)] concerning the parking of tractor-trailer cabs within neighborhoods for over-the-road drivers that were only home a portion of each month and by permitting them to park their cabs on their property or in front of their home.

Consensus of Council was not in support this item.

(b) Council Member Davy – Consider Restoring 25 Percent Funding Cuts for Non-Profits

Council Member Davy requested revenues from internet café fees be earmarked for non-profit funding and to direct staff to revisit the application and funding process.

A discussion period ensued regarding the proposed funds generated from the internet café fees.

Consensus of Council was to earmark the first \$77,000.00 of internet café fees for nonprofit funding.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.