



FAYETTEVILLE CITY COUNCIL  
AGENDA  
NOVEMBER 5, 2012  
5:00 P.M.  
Lafayette Conference Room

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 APPROVAL OF AGENDA**

**(.0 CLOSED SESSION**

- I.1 NCGS 143-318.11 Closed Session.  
Presented By: Ted Voorhees, City Manager

**5.0 OTHER ITEMS OF BUSINESS**

- 5.1 Proposed 2013 City Council Meeting Dates Calendar  
Presented By: Ted Voorhees, City Manager
- 5.2 Update on sale and development of 301 Bragg Blvd. AKA Old Day's Inn  
Presented By: Craig Hampton, Special Projects Director
- 5.3 Citizen Review Board  
Presented By: Katherine Bryant, Interim Chief of Police
- 5.4 Revenue and Expenditure Report for Annual Funds for the Quarter  
Ended September 30, 2012  
Presented By: Lisa Smith, Chief Financial Officer
- 5.5 Annual Sustainability Report  
Presented By: Jerry Dietzen, Environmental Services Director
- 5.6 Compensation Planning and Implementation - Follow-up  
Presented By: John Kuhls, Human Resources Development Director
- 5.7 Billboard Text Amendment  
Presented By: Scott Shuford, Development Services Director

5.8 Parks and Recreation - Park Bond Update

Presented By: Michael Gibson, Parks, Recreation and Maintenance Director

5.9 Transit Fares

Presented By: Randy Hume, Transit Director and Jeff Thompson, Chairman, Fayetteville Advisory Committee of Transit

5.10 Public Works Commission Appointment Process and Time Line

Presented By: Bobby Hurst, Council Member, Appointment Committee Chair

5.11 Hire Fayetteville First - Disparity Study Scope of Work

Presented By: Kristoff Bauer, Asst. City Manager

## 6.0 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 non-public 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 the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of the City Council  
**FROM:** Ted Voorhees, City Manager  
**DATE:** November 5, 2012  
**RE:** **Proposed 2013 City Council Meeting Dates Calendar**

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**THE QUESTION:**

Does the proposed calendar reflect the interest of the City Council for meetings in 2013?

**RELATIONSHIP TO STRATEGIC PLAN:**

More efficient City government.

**BACKGROUND:**

To ensure that citizens are aware of all the public meetings and events for 2013 and the City adheres to the NC Open Meetings Act, staff has prepared the attached 2013 City Council Meeting Dates Calendar. The calendar takes into account all City holidays, Council retreats and conferences identified by staff.

In addition to adjustments for holidays and other conflicts, a July break is proposed.

Should the proposed calendar meet with Council's preference; staff requests Council approve the attached resolution; adopting the 2013 City Council Meeting Dates Calendar at the November 13, 2012 regular City Council meeting.

**ISSUES:**

**BUDGET IMPACT:**

**OPTIONS:**

**RECOMMENDED ACTION:**

For discussion.

**ATTACHMENTS:**

Proposed 2013 City Council Meeting Dates Calendar  
Resolution - 2013 City Council Meeting Dates

## Proposed 2013 Fayetteville City Council Meeting Schedule

JANUARY		JUNE	
Tues. Jan. 1	New Year Holiday	Mon., June 3	Council Work Session, 5 p.m., Lafayette Room
Mon., Jan. 7	Council Work Session, 5 p.m., Lafayette Room	Mon., June 10	Regular Council Meeting, (Budget Adoption)
Mon., Jan. 14	Regular Council Meeting	Wed., June 19	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Jan. 21	MLK Holiday	Mon., June 24	Regular Council Meeting
Wed., Jan. 23	Agenda Briefing, 4 p.m., Lafayette Room	<b>JULY</b>	
Mon., Jan. 28	Regular Council Meeting	No City Council Meetings Established	
FEBRUARY		<b>AUGUST</b>	
Mon., Feb. 4	Council Work Session (CIP& ITP), 5 p.m., Lafayette Room	Mon., Aug. 5	Council Work Session, 5 p.m., Lafayette Room
Mon., Feb. 11	Regular Council Meeting	Mon., Aug. 12	Regular Council Meeting
Fri. and Sat Feb. 15-16	Strategic Planning Retreat and Agenda Briefing	Wed., Aug. 21	Agenda Briefing, 4 p.m., Lafayette Room
Mon., Feb. 25	Regular Council Meeting	Mon., Aug. 26	Regular Council Meeting
MARCH		<b>SEPTEMBER</b>	
Mon., March 4	Council Work Session (Strategic Plan), 5 p.m., Lafayette Room	Mon., Sept. 2	Labor Day- City Offices Closed
Thurs-Sat-Wed., March 9-13	NLC Congressional Cities Conference, Washington, D.C.	Tues., Sept. 3	Council Work Session, 5 p.m., Lafayette Room
Wed., March 20	Agenda Briefing, 4 p.m., Lafayette Room	Mon., Sept. 9	Regular Council Meeting
Mon., March 25	Regular Council Meeting	Wed., Sept. 18	Agenda Briefing, 4 p.m., Lafayette Room
Wed., March 27	NCLM Town Hall Day, Raleigh, NC	Mon., Sept. 23	Regular Council Meeting
Fri., March 29	Good Friday Holiday	<b>OCTOBER</b>	
APRIL		Mon., Oct. 7	Council Work Session, 5 p.m., Lafayette Room
Tue., April 2	Council Work Session, 5 p.m., Lafayette Room	Mon-Wed., Oct 13-15	NCLM Annual Conference, Hickory, NC
Mon., April 8	Regular Council Meeting	Wed., Oct. 23	Agenda Briefing, 4 p.m., Lafayette Room
Wed., April 10	Budget Work Session, 6 p.m.	Mon., Oct. 28	Regular Council Meeting
Wed., April 17	Agenda Briefing, 4 p.m., Lafayette Room	<b>NOVEMBER</b>	
Mon., April 22	Regular Council Meeting	Tues., Nov. 5	Election
MAY		Mon., Nov. 11	Veterans Day – City Offices Closed
Mon., May 6	Council Work Session, 5 p.m., Lafayette Room	Tues-Sat., Nov 12 –16	NLC - Congress of Cities and Exposition, Seattle, WA
Wed., May 8	Budget Work Session, 6 p.m.	Wed., Nov. 20	Agenda Briefing, 4 p.m., Lafayette Room
Mon., May 13	Regular Council Meeting (Presentation of Recommended Budget)	Mon., Nov. 25	Regular Council Meeting
Wed., May 15	Budget Work Session, 6 p.m.	Nov., 28-29	Thanksgiving Holiday – City Offices Closed
Wed., May 22	Agenda Briefing & Budget Work Session 4 p.m., Lafayette Room	<b>DECEMBER</b>	
Mon., May 27	Memorial Day – City Offices Closed	Mon., Dec. 2	Council Work Session, 5 p.m., Lafayette Room
Tues., May 28	Regular Council Meeting	Mon., Dec. 9	Regular Council Meeting
Wed., May 30	Budget Work Session, 6 p.m. (if needed)	Dec., 25,26, & 27	Christmas – City Offices Closed

Resolution No. R2012-\_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2013 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS**

**WHEREAS**, the Fayetteville City Council has enacted a strategic plan that promotes efficient and effective government; and

**WHEREAS**, the City's strategic plan includes targets for action that require significant commitments on City resources and time to complete; and

**WHEREAS**, the City Council is committed to ensuring that the public is informed about the issues, activities and actions of the City; and

**NOW THEREFORE, BE IT RESOLVED** to adopt the attached calendar titled City Council Meeting Dates to clarify the time and location of the City Council regular meetings for 2013; and **RESOLVES** that any deviations of these regular meetings will be done consistent with the North Carolina Open Meetings Law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**, this the \_\_\_\_ day of \_\_\_\_\_, 2012; such meeting was held in compliance with the Open Meetings Act at which a quorum was present and voting

By: \_\_\_\_\_  
ANTHONY G. CHAVONNE, MAYOR

ATTEST:

\_\_\_\_\_  
PAMELEA J. MEGILL, CITY CLERK

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Craig Hampton, Special Projects Director  
**DATE:** November 5, 2012  
**RE:** Update on sale and development of 301 Bragg Blvd. AKA Old Day's Inn

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**THE QUESTION:**

Does council wish to proceed with the public sale process for this property.

**RELATIONSHIP TO STRATEGIC PLAN:**

Major project listed as High Priority in Policy Agenda for FY2013 budget

**BACKGROUND:**

The City has previously issued two requests for proposals (RFPs) for the development of this site. The 3rd RFP was issued in the summer of 2012 resulting in the submittal from Park View, LLC as previously reported to Council on September 04, 2012. At that meeting Council instructed staff to continue negotiations with the developer towards an agreement. This update is to advise you of the success of those negotiations and the two impending Council actions that will complete the process. Development value and images of the development are being created by the developer and will be provide in a separate submittal.

At the regular meeting of November 13, 2012, Council will be asked to accept the proposal of Park View LLC, as revised, and to authorize sale of the property pursuant to NCGS160A-269 (copy attached). Thereafter staff will publish the upset bid notice as required by the Statute. At the regular meeting on December 10, assuming no upset bids are received, Council will be asked to consider award of the sale and authorization to the City Manager to complete final negotiations and execution of the master development agreement and all other documents to complete the development.

**ISSUES:**

No unresolved issues remain.

**BUDGET IMPACT:**

Positive impact to Veterans Park budget due to sale of land. Positive impact to tax base due to development of site by private developers.

**OPTIONS:**

1. Proceed with process of sale and creation of development plan as outlined herein.
2. Provide other instructions to staff

**RECOMMENDED ACTION:**

This item is for discussion purposes.

**ATTACHMENTS:**

Statute of Upset Bid

**§ 160A-269. Negotiated offer, advertisement, and upset bids.**

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Katherine Bryant, Interim Chief of Police  
**DATE:** November 5, 2012  
**RE:** **Citizen Review Board**

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**THE QUESTION:**

City Council has requested an update from the Citizen Review Board workgroup.

**RELATIONSHIP TO STRATEGIC PLAN:**

Greater Community Unity - Pride in Fayetteville  
Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

As a result of the study conducted by NOBLE, a recommendation was made for the implementation of a Citizen Review Board ("CRB"). A workgroup, with representatives from the Police Department, the City Attorney's Office and Management Services, was formed to develop a procedural manual and City ordinance for the CRB.

To that end, the work group has met regularly over the last two months in an effort to develop a draft procedural manual for Council consideration and comment. The draft City of Fayetteville Citizen Review Board Rules of Procedure document identifies the board's composition and scope of work and the process for conducting hearings.

**ISSUES:**

The establishment of a CRB will require special legislation for the City of Fayetteville to permit members of the board to have access to the citizen complaint file. Other cities have established Citizen Review Boards once the special legislation was adopted. The development and establishment to the City of Fayetteville Citizen Review Board Rules of Procedure and City ordinance will support the request for the legislative change in early 2013.

**BUDGET IMPACT:**

Staff time for development and establishment of the Rules of Procedure and City ordinance.

**OPTIONS:**

City Council can direct staff to continue working on this process or provide other direction.

**RECOMMENDED ACTION:**

Continue moving forward with the process to implement the NOBLE recommendation.

**ATTACHMENTS:**

Police Citizen Review Board - Rules of Procedure  
Citizen Review Board Ordinance (Draft)





# POLICE CITIZEN REVIEW BOARD

Rules of Procedure

Adopted By City Council xx/xx/xx

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**City of Fayetteville**  
**Police Citizen Review Board**

**Section 1     Organization**

- 1.1            Purpose of Rules of Procedure
- 1.2            Board Mission
- 1.3            Membership
- 1.4            Membership Eligibility
- 1.5            Term
- 1.6            Vacancies
- 1.7            Removal
- 1.8            Staff Liaison and Administrative Matters
- 1.9            Confidentiality
- 1.10          Election of Chair and Vice Chair
- 1.11          Compensation
- 1.12          Annual Report
- 1.13          Secretary to the Board
- 1.14          Counsel to the Board
- 1.15          Training
- 1.16          Resignation

**Section 2     Conduct of Members**

- 2.1 Attendance
- 2.2 Reporting Absences
- 2.3 Conduct Outside of Hearings
- 2.4 Disqualification from Hearing or Voting

### **Section 3 Meetings and Hearings**

- 3.1 Meetings
- 3.2 Hearings
- 3.3 Setting of Agenda; Order of Business
- 3.4 Quorum
- 3.5 Voting

### **Section 4 Hearing Process; Written Decisions; Transmittal**

- 4.1 Board Duties and Responsibilities
- 4.2 Jurisdiction
- 4.3 Criteria for Holding a Hearing
- 4.4 Findings
- 4.5 Appeals Procedures
- 4.6 Process for Rescheduling Hearings
- 4.7 Hearing Procedure
- 4.8 Written Findings; Transmittal and Filing
- 4.9 Action by City Manager

### **Section 5 Adoption and Amendments to Rules**

- 5.1 Adoption of these Rules of Procedure
- 5.2 Amendments

## **City of Fayetteville – Police Citizen Review Board**

### **Rules of Procedure**

#### **Section 1    Organization**

##### **1.1                      Purpose of Rules of Procedure**

To establish procedures for organizing the business of the Police Citizen Review Board, hereafter referred to as “the Board,” in executing its duties and responsibilities.

##### **1.2                      Board Mission**

In pursuit of greater transparency and accountability, a Police Citizen Review Board is established. The purpose of the board is to hear cases of persons who wish to appeal results of complaint investigations.

##### **1.3                      Membership**

The Board shall be composed of seven members and one alternate member. Those seven member positions shall be composed of and:

Selected by the City Manager according to the City’s Appointment Committee process:

- One member with a minimum of five years prior law enforcement professional experience;
- One member with professional personnel management experience;
- One member with professional human relations experience

Selected by the City Council from the general citizenry according to the City’s Appointment Committee process

- Four members and one alternate

##### **1.4                      Membership Eligibility**

All members must:

- Meet the City’s Boards and Commissions appointment requirements set forth in the City Code of Ordinance Sec. 2-35 and City Council policy Sec. 110
- 21 years of age and a valid government issued ID
- Not be convicted of a felony or have pled *nolo contendere* to a felony
- Not be convicted of a class A1, 1, or 2 misdemeanor within three years prior to appointment to the Board

#### 1.5 Term

Each member shall serve for a term of three years staggered. Members may only serve a maximum of two consecutive terms. If the alternate is required to complete the balance of a term caused by a vacancy, the alternate will serve the balance of that term.

#### 1.6 Vacancies

Vacancies are filled by the City Manager or City Council as identified in Section 1.3 through the Appointment Committee process. The appointee serves the balance of the replaced member’s term.

#### 1.7 Removal

Members may be removed in accordance with the requirements set forth in the City Code of Ordinance Sec. 2-35. Board members charged with a felony, a class A1, 1, or 2 misdemeanor during their term of office are automatically removed from the Board.

#### 1.8 Staff Liaison and Administrative Matters

The Police Department will appoint a staff liaison to the Board to assist it in its work. The staff liaison or his or her designee will handle administrative matters.

#### 1.9 Confidentiality

Prior to serving, each board member must sign a confidentiality agreement that is satisfactory to the City Manager. This agreement will require that each member maintain as confidential any information that is not in the public record, which is classified as confidential by state law, or is otherwise lawfully classified as confidential by the City.

#### 1.10 Election of chair and vice chair.

The Citizen Review Board shall elect: A chair by majority vote of the serving members.

Each chair will serve a one year term and shall be eligible to serve as chair in successive years. The Chair presides at all hearings and meetings, excuses members from hearings as provided in these Rules, makes other decisions provided for in these Rules and determines all issues, or a process for deciding such issues, not governed by these Rules.

A Vice Chair to preside in the absence of the Chair. The Vice Chair will serve a one year term and shall be eligible to serve as Vice Chair in successive years. The Vice-Chair serves as Chair in the Chair's absence or incapacity.

A vacancy in the office of the Vice-Chair will be filled by the Board electing a member to serve the balance of the Vice-Chair's term.

#### 1.11 Compensation

Members shall serve without compensation.

#### 1.12 Annual Report

At the end of each fiscal year (July 1 – June 30), the Staff Liaison shall prepare a report of the Board's activities for that fiscal year and submit it to the Board by the end of the first quarter of the next fiscal year. The report shall include:

- a summary of the number and types of cases heard, and the disposition of those cases
- the number of hearings held by the Board
- the number of meetings held by the Board
- the names of members and the dates their terms started
- if any members left the Board, the dates on which their positions became vacant
- the officers for the year
- a record of each member's attendance
- any other matters the Board determines to be appropriate for inclusion

Upon approval of the report by the Board and submission to the Police Department and the City Manager, it will be presented to the City Council.

#### 1.13 Secretary to the Board

The Staff Liaison shall act as secretary to the Board and shall keep minutes (summary actions) of its meetings and shall be custodian of all papers and records pertaining to the business of the Board. Approved minutes shall be filed with the City Clerk.

#### 1.14 Counsel to the Board

The City Attorney shall choose a designee that shall act as Counsel to the Board and shall provide legal guidance to the Board by offering information about and interpretations of relevant federal, state, and local laws, statutes, and regulations.

#### 1.15 Training

Board members must satisfactorily complete a training program and ride-along at the next available session. The training program and ride-along must be completed in entirety before that member can participate in a hearing.

- Sixteen hours in a patrol car ride-along
- A comprehensive training program administered and/or conducted by the Police Department that will include but not be limited to the following topics:
  - Citizens Review Board Rules of Procedures
  - Investigative Stops
  - Arrest, Search and Seizure
  - Use of Force
  - Review of City Ordinances
  - Internal Affairs Investigation Protocol
  - Media Policies and Relationships
  - Police/Community Relations Perspectives
  - History and Philosophy of Law Enforcement and Police Ethics
  - Cultural Sensitivity
  - Interviewing and Listening Skills

In addition, Board members must satisfactorily complete the following training requirement during the first year of their first appointment to the board:

- Fayetteville Police Department's Citizens Police Academy

#### 1.16                      Resignation

Resignations should be given to the Staff Liaison in writing and filed with the City Clerk.

## Section 2      Conduct of Members

Members must observe the following rules concerning their conduct. Failure to do so shall be reported by the Chair to the City Clerk. If there is a question concerning whether a member has or has not followed these rules, the matter shall be determined by a majority vote of the Board.

#### 2.1                      Attendance

Board members must comply with requirements set forth in the City Code of Ordinance Sec. 2-35 and City Council policy Sec. 110. Any member who fails to comply with this requirement shall be automatically removed from the Citizen Review Board consistent with Sec 1.7 of the Citizen review Board Procedural Manual.

#### 2.2                      Reporting Absences

Members who are unable to attend a meeting or hearing are expected to give the Chair or the Staff Liaison advance notice of their anticipated absence.

### 2.3 Conduct Outside of Hearing

Board members may not discuss any case with, or receive any information from, any parties or other interested persons outside the hearing on a case. This does not include information received or solicited from the Chair, the City Attorney's office, or the Board. After hearings are concluded, members may not discuss evidence regarding a case with any of the parties, their representatives, or anyone other than Board members responsible for hearing the case.

Board members may not express opinions concerning a case before that case is heard, except for opinions regarding procedural or scheduling issues. Board members must keep in mind that they serve as impartial, quasi-judicial decision-makers, and must avoid the appearance of impropriety.

### 2.4 Disqualification from Hearing or Voting

**Conflict of Interest:** No Board member may take part in the hearing, consideration, or determination of any case in which that member has a personal or financial interest. No Board member may participate in hearing any case where the member has a bias that is not subject to change regardless of the evidence. A Board member who perceives he or she has such a conflict or bias must reveal it to the Board prior to the hearing on a case. The Chair must then excuse the member from the hearing and all its related activities.

**Voting:** No Board member may vote in any final determination of a case unless that member was present for the entire hearing of the case. This prohibition does not apply to procedural issues, extensions, or other similar non-substantive issues.

## Section 3 Meetings and Hearings

### 3.1 Meetings

The Board shall hold regular meetings not less than once a quarter. The Board may hold more frequent meetings if necessary. The Board may hold meetings as necessary to conduct hearings, business, training, and work sessions. A regular meeting schedule will be established by quorum. The Chair will call each meeting, with at least two weeks' notice given to members and the staff liaison, unless the meeting is a special meeting regarding matters that need immediate resolution. For such special meetings, at least 48 hours advance notice will be given. Meeting notices are to be provided to the staff liaison and filed with the City Clerk. Meetings will be held in City Hall.

### 3.2 Hearings

The Board will hold hearings for the disposition of cases as soon as practical after determining that a hearing to resolve a complaint should be held. Hearings will be held in City Hall. At the discretion of the Chair, hearing dates may be rescheduled to accommodate the presence of the complainant, the Board attorney, the complainant's attorney, the police officer, the police officer's attorney, and representatives of the Police Department. In addition, the Chair may reschedule hearings because of a holiday, weather, anticipated lack of a quorum, or other unusual circumstances.



The Chair must give at least two weeks advance notice of the hearing date to all Board members, the Staff Liaison and the complainant or his or her representative. The Staff Liaison will be responsible for notifying the police officer(s) and any other Police Department employee(s) who are expected to testify at the hearing.

An emergency hearing may be called without two weeks' notice if the Chair determines that a case is urgent and/or unusual circumstances require its immediate resolution.

### 3.3 Setting of Agenda; Order of Business

All meetings of the Citizen Review Board shall be conducted in accordance with the Open Meetings Law, G.S. 143-318.9, et seq. Rules of procedure for consideration of a complaint or an inquiry shall be as established and adopted by the Citizen Review Board consistent with City Code of Ordinances and State Statutes; otherwise, the meetings of the Citizen Review Board will be governed by the Parliamentary Rules of Procedure for City Council, as prescribed in section 2-4 of this Code of Ordinances. Written minutes of all Citizen Review Board meetings shall be taken by the staff liaison and after approval, filed with the city clerk.

### 3.4 Quorum

The Board will conduct no business unless a majority of the Board is present at a meeting or hearing. Unless otherwise specified in these Rules, approval of any action or recommendation by the Board requires an affirmative vote of a majority of those present at a meeting or hearing.

### 3.5 Voting

All members are required to vote, unless excused by the Chair. A failure to vote by a member who is physically present at the meeting place or who has withdrawn without being excused (either by the Chair or by a majority vote of the Board) shall be recorded as an affirmative vote. The Alternate Board member will vote when:

- Filling in for a regular member and/or
- When they have attended the entire hearing related to the specific complaint.

## Section 4 Hearing Process; Written Decisions; Transmittal

### 4.1 Board Duties and Responsibilities

The Board has the following general duties and responsibilities:

- Conduct regular business
- Review appeals submitted by complainants aggrieved by the results of investigations conducted by the chain of command and/or the Office of Professional Standards and Investigations (OPS&I) for one or more officers of the Fayetteville Police Department
- Determine the necessity for a hearing

- Conduct hearings
- Make findings of fact

#### 4.2 Jurisdiction

The Board may consider appeals of the results of investigations of a citizen complaint following actions taken by Police Department officers for:

- Unethical conduct and/or conduct unbecoming an police department personnel
- Arrest, search, and seizure

The Board may only consider appeals submitted after the Chief of Police has considered the complaint and the investigation, and has made one of these final determinations:

- Not Sustained
- Exonerated
- Unfounded

The Board may not consider appeals of decisions made by the City Manager and those where civil litigation is pending.

#### 4.3 Criteria for Holding a Hearing

The Board may hold an appeals hearing when it appears, based upon a preponderance of the evidence, that the conclusions reached by the Police Department in the specific complaint investigation of alleged violations were not sufficiently investigated. When the Board determines that a hearing is not required, the Board will not provide any recommendations to the City Manager.

#### 4.4 Findings

After hearing the testimony presented by the parties involved in a complaint during the appeals hearing, the Board will make the following determinations:

- Was the investigation conducted by the Police Department sufficient?
- Was (were) the finding(s) of the investigation sufficient?

#### 4.5 Appeals Procedures

The Board is without authority to hear appeals if the complainant did not file a formal complaint with the Police Department within 45 days of the date of the incident.

All requests for appeals must be filed in writing with the staff liaison's office. The request for appeal must state the nature of the original complaint and the reason for the appeal. The citizen must file the request for appeal within 7 calendar days of receiving written notice from the Police Department of the disposition of the complaint. The citizen must provide a valid, current address where all correspondence can be sent.

Upon receipt of the request for appeal, the Staff Liaison will forward the request to the Chief of Police and the Board. As soon as practical, the Chief of Police or designee will prepare a case summary and forward it to the Board. When audio or video recordings exist as a part of the complaint investigative file, they will be submitted with the case summary to the Board. Unless special circumstances exist, the case will be discussed at the next regular meeting of the Board.

The Board, in closed session, will consider the case summary and the request for appeal. By majority vote, the Board will determine the necessity for a hearing. In public session immediately thereafter, the Chair will indicate whether the Board has decided to hold a hearing.

The Chair will also notify the complainant, the Board attorney, the Staff Liaison, Chief of Police, and the City Manager, in writing, of the Board's decision as to whether or not to hold a hearing.

If a hearing is to be held, the Chair will use his or her discretion to schedule a date and time for the hearing, based upon consultations with the members of the Board, the complainant or his or her representative, the Board attorney and the staff liaison.

The hearing should be scheduled within 3 months after the decision to hold a hearing is made. However, this timeframe may be modified, if necessary, to meet reasonable requests submitted by those expected to attend the hearing.

Pursuant to state personnel privacy laws and the open meetings law, these hearings will be closed to the public and the media.

The Board may not hear any appeal in which a claim for damages has been presented to the City or a lawsuit has been filed in any court of competent jurisdiction regarding the subject matter of the appeal before the Board.

#### 4.6 Process for Rescheduling Hearings

If any of the participants in a hearing wants to change the hearing date, a written request must be given to the Chair at least seven calendar days prior to the scheduled hearing date.

If a complainant withdraws a request, the case is closed. If a hearing involves multiple complainants, all must withdraw their complaints before the case is closed.

Cases continued by the Board for lack of information or for necessary actions to be taken by the complainant shall be to a date certain. If the complainant does not submit the information or take the requested actions by the continuance date, the Board may either continue the case again or dismiss the case. The Board may not grant multiple continuances without good cause.

#### 4.7 Hearing Procedure

Prior to hearing testimony, the Chair will briefly explain the nature of the hearing. The Chair will also make all parties aware of any time limits that will be imposed on their testimony.

All parties must testify under oath or affirmation. All hearings will be recorded.

Board members with a conflict of interest or bias must request to be excused prior to the start of the hearing. Any Board member with special knowledge about a case should disclose it so that the parties may address such information in their testimony.

All parties present for the hearing have a right to be represented by counsel or a person of their choice. The Board's attorney will provide legal counsel to the Board on procedural matters.

The hearing will proceed as follows:

- First, the Complainant will offer evidence in support of his or her appeal.
- Second, the Police Department officer(s) against whom the complaint has been filed, if present will be asked to testify.
- Third, the Police Department's investigating supervisor will be asked to testify.

All parties will be sequestered during the hearing. Each party may be accompanied by his or her own attorney or person of their choice during the conduct of his or her testimony. No person other than the members of the board, the counsel to the board, the secretary to the board, the party and the attorney for the party shall be present during the testimony. Each party and his or her attorney must leave the hearing room at the conclusion of his or her testimony.

No cross-examination of opposing parties may be conducted by any party or any party's attorney.

In an effort to convey testimony to the Board, a party may consent to being examined by his or her attorney or other representative.

Members of the Board may request additional information and question the complainant, the police officer or investigating supervisor at any point during the process. However no evidence may be introduced that was not provided by the complainant during the initial complaint or follow up investigation. The Chair will rule on any objections or requests from participants in the hearing regarding the hearing procedure or the admissibility of evidence.

Speakers and Board members must be recognized by the Chair before they may be heard.

The Chair may limit and/or cut off evidence or testimony that is irrelevant, repetitive, incompetent, or hearsay. Board members may ask the Chair to limit and /or cut off testimony.

Members may limit the length of a hearing or set a time of adjournment by majority vote. The Chair may exclude from participation or remove from the hearing room any person who engages in improper conduct.

#### 4.8 Written Findings; Transmittal and Filing

After all testimony and evidence has been presented to the Board, the Board will consider its findings consistent with 4.4. The Board may make its determinations immediately after the conclusion of the

testimony phase of the hearing or continue the hearing to a date certain, no more than 45 days later, to consider its findings and make its determination.

Once it has reached its conclusions, the Board will issue findings to the City Manager and the Chief of Police. Those findings may be approved at the same meeting, or at another meeting held within 45 days. If absences at the next meeting result in the inability to get majority approval of findings, absent members may be polled by e-mail or in writing. Any votes gathered in this fashion will be added to the Board's minutes.

The Board Chair must sign all findings. The staff liaison will maintain a file of all findings and submit the original to the City Manager.

#### 4.9 Action by City Manager

The Manager will review the Board's findings; take such action as he or she deems appropriate, consistent with state law, city policy and Police Department policy, and shall advise the Police Chief of any recommended action.

The City Manager will notify all parties and the Board within fourteen days of this communication to the Chief.

The decision of the City Manager is final and binding on all parties.

## Section 5 Adoption and Amendments to Rules

### 5.1 Adoption of these Rules of Procedure

The City Council, by majority vote, shall adopt these Rules of Procedure. The Rules may be suspended by a vote of a majority of members eligible to vote on the matter being considered.

### 5.2 Amendments

Recommendations for amendments to these Rules may, within the limits allowed by law, be approved by an affirmative vote of not less than five members of the Board, provided that the general substance of the amendment is first presented to the Board members in writing at a meeting preceding the meeting at which the vote is taken. All recommended amendments will be submitted to the City Manager for his or her consideration.

The amendment will be adopted only after receiving the Council's approval.

**DRAFT**

**Sec. 2-43. –Citizen Review Board.**

(a)

*Creation and organization.* In pursuit of greater transparency and accountability, a Police Citizen Review Board is established. The purpose of the board is to hear cases of persons who wish to appeal results of complaint investigations.

(b)

*Membership.* The Citizen Review Board shall be composed of seven members and one non-voting alternate. Those seven member positions shall be composed of and selected by:

Selected by the City Manager according to the City's Appointment Committee process:

- One member with a minimum of five years prior law enforcement professional experience;
- One member with professional personnel management experience;
- One member with professional human relations experience

Selected by the City Council from the general citizenry according to the City's Appointment Committee process:

- Four members and one alternate

(c)

*Terms of members.* Each member shall serve for a term of three years staggered. Members may only serve a maximum of two consecutive terms. If the alternate is required to complete the balance of a term caused by a vacancy, the alternate will serve the balance of that term.

The members shall serve without compensation.

(d)

*Election of chair and vice chair.* The Citizen Review Board shall elect:

(1)

*A chair by majority vote of the serving members.* Each chair will serve a one-year term and shall be eligible to serve as chair in successive years.

(2)

*A vice chair to preside in the absence of the chair.* A Vice Chair to preside in the absence of the Chair. The Vice Chair will serve a one year term and shall be eligible to serve as Vice Chair in successive years. The Vice-Chair serves as Chair in the Chair's absence or incapacity.

(e)

*Rules of Procedure.* The City Council, by majority vote, shall adopt these Rules of Procedure consistent with City Code of Ordinances and State Statutes; otherwise, the meetings of the Citizen Review Board will be governed by the Parliamentary Rules of Procedure for City Council, as prescribed in section 2-4 of this Code of Ordinances.

Recommendations for amendments to these Rules may, within the limits allowed by law, be approved by an affirmative vote of not less than five members of the Board, provided that the general substance of the amendment is first presented to the Board members in writing at a meeting preceding the meeting at which the vote is taken. All recommended amendments will be submitted to the City Manager for his or her consideration.

All meetings of the Citizen Review Board shall be conducted in accordance with the Open Meetings Law, G.S. 143-318.9, et seq.

Written minutes of all Citizen Review Board meetings shall be taken by the staff liaison and after approval, filed with the city clerk.

(f)

*Quorum and voting.* The Citizen Review Board shall conduct its business only with a quorum.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Lisa Smith, Chief Financial Officer  
**DATE:** November 5, 2012  
**RE:** **Revenue and Expenditure Report for Annual Funds for the Quarter Ended September 30, 2012**

---

**THE QUESTION:**

Does Council wish to receive the quarterly revenue and expenditure report for annual funds at the Council work sessions?

**RELATIONSHIP TO STRATEGIC PLAN:**

Core Value: Stewardship

Mission Principle: Financially Sound

**BACKGROUND:**

- The attached report consists of two main sections: revenues by major category by fund, and expenditures by department and fund.
- The report provides revenue and expenditure data for the current fiscal year (column "Actuals thru September 2012") with comparison data for the same period in last fiscal year (column "Actuals thru September 2011"). The current year annual budget is also provided in the column labeled "Annual Budget as of September 2012".
- Positive or negative variances between the "Annual Budget As of September 2012" column and the "Actuals thru September 2012" column are also provided.
- Sales tax distributions are received approximately 75 days after the period in which they apply. The attached report includes sales tax revenues for the one-month period ended July 31, 2012 for the current fiscal year, and for comparative purposes the one-month period ended July 31, 2011 for the prior fiscal year in this report.
- Also, quarterly utility taxes are received from the State approximately 75 days after the period to which they apply; therefore, no utility tax revenues are included in this report.

**ISSUES:**

None.

**BUDGET IMPACT:**

See attached report.

**OPTIONS:**

Not applicable.

**RECOMMENDED ACTION:**

No action required. Information only.

**ATTACHMENTS:**

General Fund Revenue Report

General Fund Expenditure Report

Revenue Report for Other Funds

Expenditure Report for Other Funds





**General Fund Revenue Report  
For the Three Month Period Ended  
September 30, 2012**

<b>Description</b>	<b>Actuals thru September 2011</b>	<b>Annual Budget As Of September 2012</b>	<b>Actuals thru September 2012</b>	<b>Budget Variance Positive / (Negative)</b>
<b>Ad Valorem Taxes</b>				
Current Year Taxes	5,818,060	59,857,399	6,367,000	(53,490,399)
Prior Year Taxes	486,814	1,115,000	526,053	(588,947)
Penalties & Interest	40,805	303,000	43,049	(259,951)
<b>Other Taxes</b>				
Vehicle License Tax	151,447	632,475	145,319	(487,156)
Privilege License Tax	1,782,263	1,108,420	2,317,475	1,209,055
Franchise Fees	-	67,000	-	(67,000)
Vehicle Gross Receipts	96,428	544,000	89,150	(454,850)
<b>Intergovernmental Revenues</b>				
Federal	244,469	444,973	77,870	(367,103)
State				
Sales Taxes*	2,773,581	34,325,625	2,817,508	(31,508,117)
Utility Taxes**	-	11,191,154	-	(11,191,154)
Other	2,765,197	6,585,452	2,728,565	(3,856,887)
Local	288,160	4,278,823	333,880	(3,944,943)
<b>Functional Revenues</b>				
Permits and Fees	659,318	2,966,175	924,154	(2,042,021)
Property Leases	167,440	861,878	176,521	(685,357)
Engineering/Planning Services	31,922	456,400	34,868	(421,532)
Public Safety Services	233,297	1,123,471	262,928	(860,543)
Environmental Services	40,085	145,800	36,223	(109,577)
Parks & Recreation Fees	326,155	1,352,150	344,833	(1,007,317)
Other Fees and Services	20,617	216,429	26,542	(189,887)
<b>Other Revenues</b>				
Indirect Cost Allocation	290,132	1,196,170	278,209	(917,961)
Miscellaneous	203,540	591,087	31,227	(559,860)
<b>Investment Income</b>	3,087	316,000	4,004	(311,996)
<b>Other Financing Sources</b>				
Proceeds from Bonds	-	-	-	-
Proceeds from Refunding Bonds	-	-	-	-
Proceeds from Loans	-	-	-	-
Interfund Transfers	2,558,496	11,433,931	2,847,161	(8,586,770)
Capital Leases	-	-	-	-
<b>Fund Balance Appropriation</b>	-	4,296,147	-	(4,296,147)
<b>Total General Fund</b>	<b>18,981,313</b>	<b>145,408,959</b>	<b>20,412,539</b>	<b>(124,996,420)</b>

\* Sales tax revenue for "Actuals" reflect revenue through July 2011 and 2012, respectively. August sales tax revenue will be released in mid November 2012.

\*\* Utility tax revenue for "Actuals" reflect no revenue through September 2011 and 2012, respectively. Utility tax revenue for the quarter ended September 2012 will be released in December 2012.

**General Fund Expenditure Report  
For the Three Month Period Ended  
September 30, 2012**

<b>Description</b>	<b>Actuals thru September 2011</b>	<b>Annual Budget As Of September 2012</b>	<b>Actuals thru September 2012</b>	<b>Budget Variance Positive / (Negative)</b>
<b>City Attorney</b>	245,334	1,008,373	250,101	758,272
<b>City Manager</b>	219,971	890,272	167,987	722,285
<b>Community Development</b>	302,958	1,483,002	374,413	1,108,589
<b>Development Services</b>	803,182	4,287,898	893,186	3,394,712
<b>Engineering &amp; Infrastructure</b>	6,782,462	11,258,482	5,886,595	5,371,887
<b>Environmental Services</b>	1,937,578	7,915,583	1,726,324	6,189,259
<b>Finance</b>	571,651	2,564,823	578,880	1,985,943
<b>Fire &amp; Emergency Management</b>	5,905,513	24,558,152	5,033,485	19,524,667
<b>Human Relations</b>	58,826	249,642	54,149	195,493
<b>Human Resource Development</b>	308,152	1,151,314	265,705	885,609
<b>Information Technology</b>	1,090,122	4,202,706	2,017,566	2,185,140
<b>Management Services</b>	132,087	800,210	208,678	591,532
<b>Mayor &amp; Council</b>	173,041	552,729	183,020	369,709
<b>Other Appropriations</b>	3,031,317	24,425,900	3,116,432	21,309,468
<b>Parks, Recreation &amp; Maintenance</b>	4,935,337	16,798,621	4,734,906	12,063,715
<b>Police</b>	9,958,388	43,261,252	9,701,187	33,560,065
<b>Total General Fund</b>	<u>36,455,919</u>	<u>145,408,959</u>	<u>35,192,614</u>	<u>110,216,345</u>

\* Sales tax and utility tax reimbursements for the quarter ended September 30, 2012 will be recorded in mid December, 2012

**Operating Funds Revenue Report  
For the Three Month Period Ended  
September 30, 2012**

<b>Description</b>	<b>Actuals thru September 2011</b>	<b>Annual Budget As Of September 2012</b>	<b>Actuals thru September 2012</b>	<b>Budget Variance Positive / (Negative)</b>
<b>Parking Fund</b>				
Functional Revenues	75,743	357,870	66,415	(291,455)
Other Revenues	-	-	-	-
Investment Income	-	1,100	-	(1,100)
Fund Balance Appropriation	-	56,159	-	(56,159)
<b>Total</b>	<b>75,743</b>	<b>415,129</b>	<b>66,415</b>	<b>(348,714)</b>
<b>Lake Valley Drive MSD Fund</b>				
Functional Revenues	4,529	65,292	-	(65,292)
Investment Income	-	-	-	-
Interfund Transfers	-	-	-	-
<b>Total</b>	<b>4,529</b>	<b>65,292</b>	<b>-</b>	<b>(65,292)</b>
<b>Central Business Tax District Fund</b>				
Ad Valorem Taxes	17,772	130,657	13,222	(117,435)
Investment Income	-	100	-	(100)
Fund Balance	-	45,262	-	(45,262)
<b>Total</b>	<b>17,772</b>	<b>176,019</b>	<b>13,222</b>	<b>(162,797)</b>
<b>Stormwater Fund</b>				
Stormwater Fees	673,524	5,200,611	760,584	(4,440,027)
Intergovernmental	-	-	-	-
Other Functional Revenues	-	-	-	-
Other Revenues	19,190	-	-	-
Investment Income	-	32,700	-	(32,700)
Interfund Transfers	-	-	-	-
Fund Balance	-	3,743,088	-	(3,743,088)
<b>Total</b>	<b>692,714</b>	<b>8,976,399</b>	<b>760,584</b>	<b>(8,215,815)</b>
<b>Emergency Telephone System Fund</b>				
Intergovernmental	106,204	775,752	129,292	(646,460)
Investment Income	-	1,000	-	(1,000)
Interfund Transfers	-	-	-	-
Fund Balance	-	-	-	-
<b>Total</b>	<b>106,204</b>	<b>776,752</b>	<b>129,292</b>	<b>(647,460)</b>
<b>Risk Management Funds</b>				
Interfund Charges	3,095,761	13,139,898	3,019,807	(10,120,091)
Other Revenues				-
Employee Contributions	702,337	2,809,900	690,717	(2,119,183)
Refunds and Sundry	51,216	122,500	42,427	(80,073)
Investment Income	-	86,100	-	(86,100)
Interfund Transfers	467,982	487,303	-	(487,303)
Fund Balance	-	157,802	-	(157,802)
<b>Total</b>	<b>4,317,296</b>	<b>16,803,503</b>	<b>3,752,951</b>	<b>(13,050,552)</b>
<b>Transit Fund</b>				
Other Taxes	152,942	638,475	147,563	(490,912)
Federal Operating Grant	201,220	1,479,686	-	(1,479,686)
State Operating Grant	-	696,713	-	(696,713)
Bus Fares	225,908	968,064	241,900	(726,164)

**Operating Funds Revenue Report  
For the Three Month Period Ended  
September 30, 2012**

<b>Description</b>	<b>Actuals thru September 2011</b>	<b>Annual Budget As Of September 2012</b>	<b>Actuals thru September 2012</b>	<b>Budget Variance Positive / (Negative)</b>
Contract Transportation	23,174	92,160	23,016	(69,144)
Other Revenue	19,716	35,345	2,394	(32,951)
Interfund Transfers	736,981	2,513,293	628,323	(1,884,970)
<b>Total</b>	<b>1,359,941</b>	<b>6,423,736</b>	<b>1,043,196</b>	<b>(5,380,540)</b>
<b>Airport Fund</b>				
Intergovernmental Revenues	37,834	133,687	-	(133,687)
Property Leases	481,813	2,341,099	499,027	(1,842,072)
Franchise Fees	248,531	1,301,933	232,937	(1,068,996)
Landing Fees	95,885	354,611	66,738	(287,873)
Training Facility Fees	2,350	22,000	2,400	(19,600)
Other Revenues	46,563	218,628	31,602	(187,026)
Public Safety Reimbursements	20,546	84,297	14,050	(70,247)
Investment Income	-	19,500	-	(19,500)
Interfund Transfers	-	-	-	-
Fund Balance	-	470,603	-	(470,603)
<b>Total</b>	<b>933,522</b>	<b>4,946,358</b>	<b>846,754</b>	<b>(4,099,604)</b>
<b>Recycling Fund</b>				
Recycling Fees	249,554	2,299,100	270,761	(2,028,339)
Intergovernmental	74,881	301,500	75,313	(226,187)
Other Revenues	53,121	95,600	168	(95,432)
Investment Income	-	4,600	-	(4,600)
Interfund Transfers	-	-	-	-
<b>Total</b>	<b>377,556</b>	<b>2,700,800</b>	<b>346,242</b>	<b>(2,354,558)</b>
<b>LEOSSA Fund</b>				
Interfund Charges	188,438	706,000	193,432	(512,568)
Investment Income	-	20,100	-	(20,100)
Fund Balance	-	-	-	-
<b>Total</b>	<b>188,438</b>	<b>726,100</b>	<b>193,432</b>	<b>(532,668)</b>
<b>City of Fayetteville Finance Corporation</b>				
Investment Income	-	-	-	-
Property Leases	135,122	816,750	106,608	(710,142)
<b>Total</b>	<b>135,122</b>	<b>816,750</b>	<b>106,608</b>	<b>(710,142)</b>

**Operating Funds Expenditure Report  
For the Three Month Period Ended  
September 30, 2012**

<b>Description</b>	<b>Actuals thru September 2011</b>	<b>Annual Budget As Of September 2012</b>	<b>Actuals thru September 2012</b>	<b>Budget Variance Positive / (Negative)</b>
<b>Parking Fund</b>	134,191	415,129	135,827	279,302
<b>Lake Valley Drive MSD Fund</b>	600	65,292	-	65,292
<b>Central Business Tax District Fund</b>	93,996	176,019	76,008	100,011
<b>Stormwater Fund</b>	597,312	8,976,399	1,405,344	7,571,055
<b>Emergency Telephone System Fund</b>	127,376	776,752	249,824	526,928
<b>Risk Management Funds</b>	4,023,429	16,803,503	3,685,011	13,118,492
<b>Transit Fund</b>	1,446,754	6,423,736	1,470,757	4,952,979
<b>Airport Fund</b>	1,055,046	4,946,358	1,161,089	3,785,269
<b>Recycling Fund</b>	643,408	2,700,800	631,492	2,069,308
<b>LEOSSA Fund</b>	128,803	726,100	137,392	588,708
<b>City of Fayetteville Finance Corporation</b>	135,125	816,750	106,625	710,125

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Jerry Dietzen, Environmental Services Director  
**DATE:** November 5, 2012  
**RE:** **Annual Sustainability Report**

---

**THE QUESTION:**

Does City Council wish to accept the City of Fayetteville annual sustainability report as presented?

**RELATIONSHIP TO STRATEGIC PLAN:**

This item relates to the Strategic Plan in the following ways:

Goal 2: More Efficient City Government; 1. Greater accountability for performance, results and transparency

Goal 5: More Attractive City; 3. Continuing momentum of beautification programs and activities  
Policy Action FY 2013

1. Commercial Recycling

**BACKGROUND:**

On October 12, 2009 City Council adopted the City of Fayetteville Sustainability Master Plan. The plan was funded by the US Department of Energy through the Energy Efficiency and Conservation Block Grant. The plan addresses the broad definition of sustainability that incorporates the environment, social equity, and the economy. Long term sustainability depends on a careful balancing of economic, social, and environmental goals and objectives. Local stakeholders developed the definition of sustainability unique to Fayetteville's cultural and regional characteristics. The agreed upon definition is "Living today in a way that permits future generations to live the same way or better."

The plan focuses on four areas: Environment and Natural Resources, Planning, Community and City Agencies.

The plan was developed using 7 guiding principals:

- Promote national energy independence, Increase competitiveness
- Increase competitiveness and produce economic benefits
- Promote regional cooperation
- Preserve neighborhoods and maintain housing affordability
- Develop healthier communities and social equity
- Lead by example
- Utilize performance metrics and ensure accountability

The overall goal of the plan is to create a culture of sustainability in all that the City does. In doing so, the City can improve the quality of life for its citizens by providing cleaner air, conserving our natural resources, and improving the local economy and doing so in a socially responsible way.

Projects and work included in the sustainability annual report align with the four areas of focus, the seven guiding principals, and the local definition of sustainability.

**ISSUES:**

Many times a sustainable project, renovation or piece of equipment costs more initially than meeting code requirements or minimum specifications.

When considering infrastructure projects and equipment, we should also consider the life-cycle cost of the project. Utilizing this method often times yields a long-term savings on the

project/equipment thus being more sustainable for the environment as well as a reduced impact on future budget cycles.

**BUDGET IMPACT:**

Sustainable infrastructure and retrofits tend to save costs over the life of the project or equipment.

**OPTIONS:**

Based on Council's discussion, the report will be placed on a future Council agenda for acceptance.

**RECOMMENDED ACTION:**

This is for discussion purposes.

**ATTACHMENTS:**

Sustainability Report 2012 power point



# Fayetteville, NC Sustainability Plan Report 2012

433 Hay Street  
Fayetteville, NC 28301  
[www.cityoffayetteville.org](http://www.cityoffayetteville.org)  
[facebook.com/cityoffayetteville](https://facebook.com/cityoffayetteville)  
Twitter @CityOfFayNC



City of  
*Fayetteville*  
North Carolina

# History



- June 2009 – Hired consultant, Green Works Partners, to help develop master plan
- June through September 2009 – Public input meetings, stakeholders meetings, interviews and public hearing
- October 12, 2009 - Council adopted the plan





# Sustainability



- **Definition:**

“Living today in a way that permits future generations to live the same way or better”



City of  
*Fayetteville*  
North Carolina

# Energy Efficiency



- Energy Efficiency & Conservation Block Grant projects
  - Interior lighting retrofits
  - Amtrak and AIT lot LED lighting
  - High EER/SEER rated HVAC units
  - Radiant heat blocking window film at Airport
  - Cool roof replacement at City Hall
  - Remote HVAC monitoring (JC Metasys)



City of  
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North Carolina

# Energy Efficiency



- City General Fund Projects

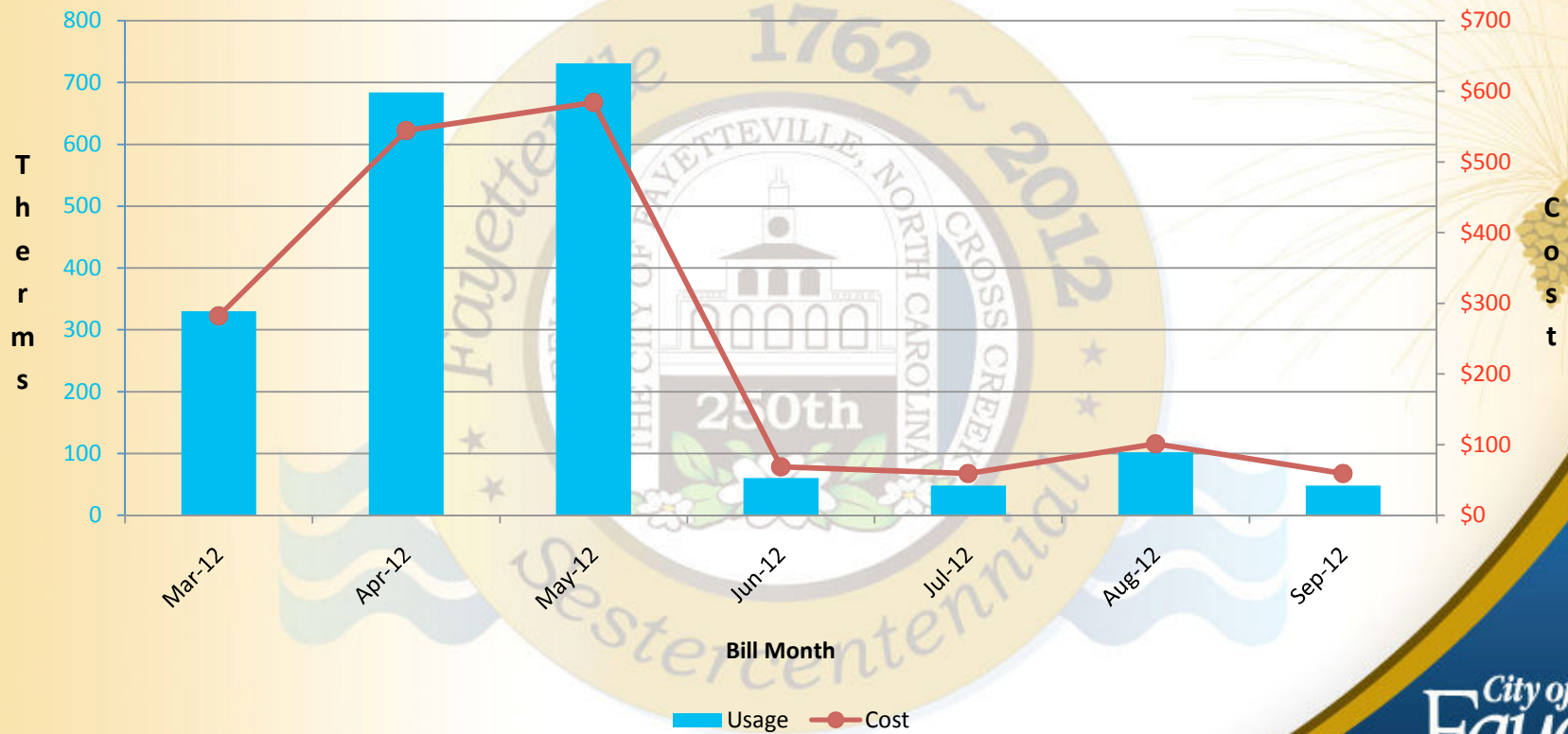
Facility	Project	Est. Energy Savings (MWh)
Fire Station 4	Replaced T12 with T5 fluorescent fixtures in engine bay	7.5
Senior Center	T12 to T8 ballast change-outs	0.1
Fire Station 11	Replaced SEER 10 heat pump with SEER 13	2.0
Belden-Horne House	Replaced SEER 10 heat pump with SEER 13	4.0
Fascinate-U Childrens' Museum	Replaced two heat pumps with SEER 13 units	8.3
911 Center	Replaced SEER 10 heat pump with SEER 13	3.0
G. B. Myers Recreation Center	Replaced 80% eff. Htg./10 SEER gas pack with 90% eff. Htg./13 SEER gas pack	8.0



# Energy Efficiency



**Fire Station 19  
Natural Gas Usage**

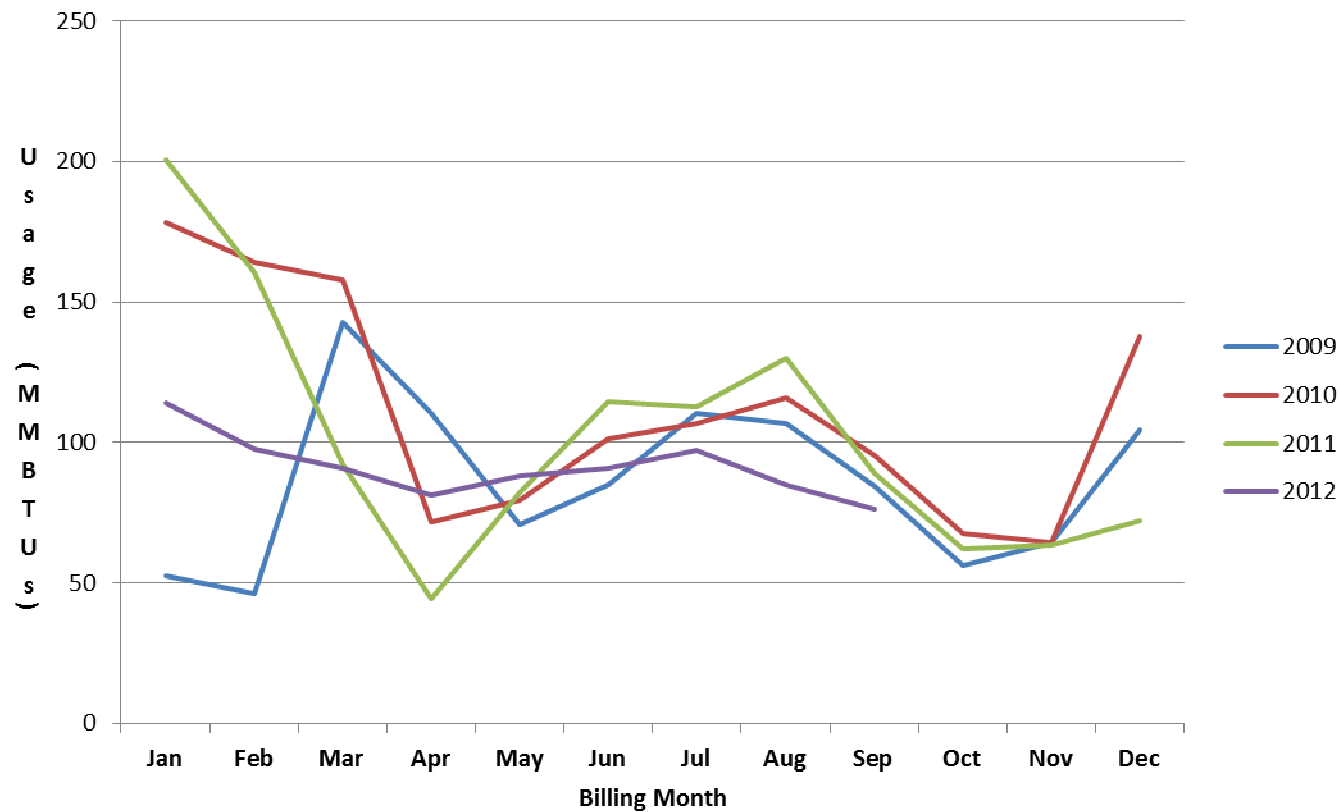


City of  
*Fayetteville*  
North Carolina

# Energy Efficiency



**G. B. Myers Recreation Center**

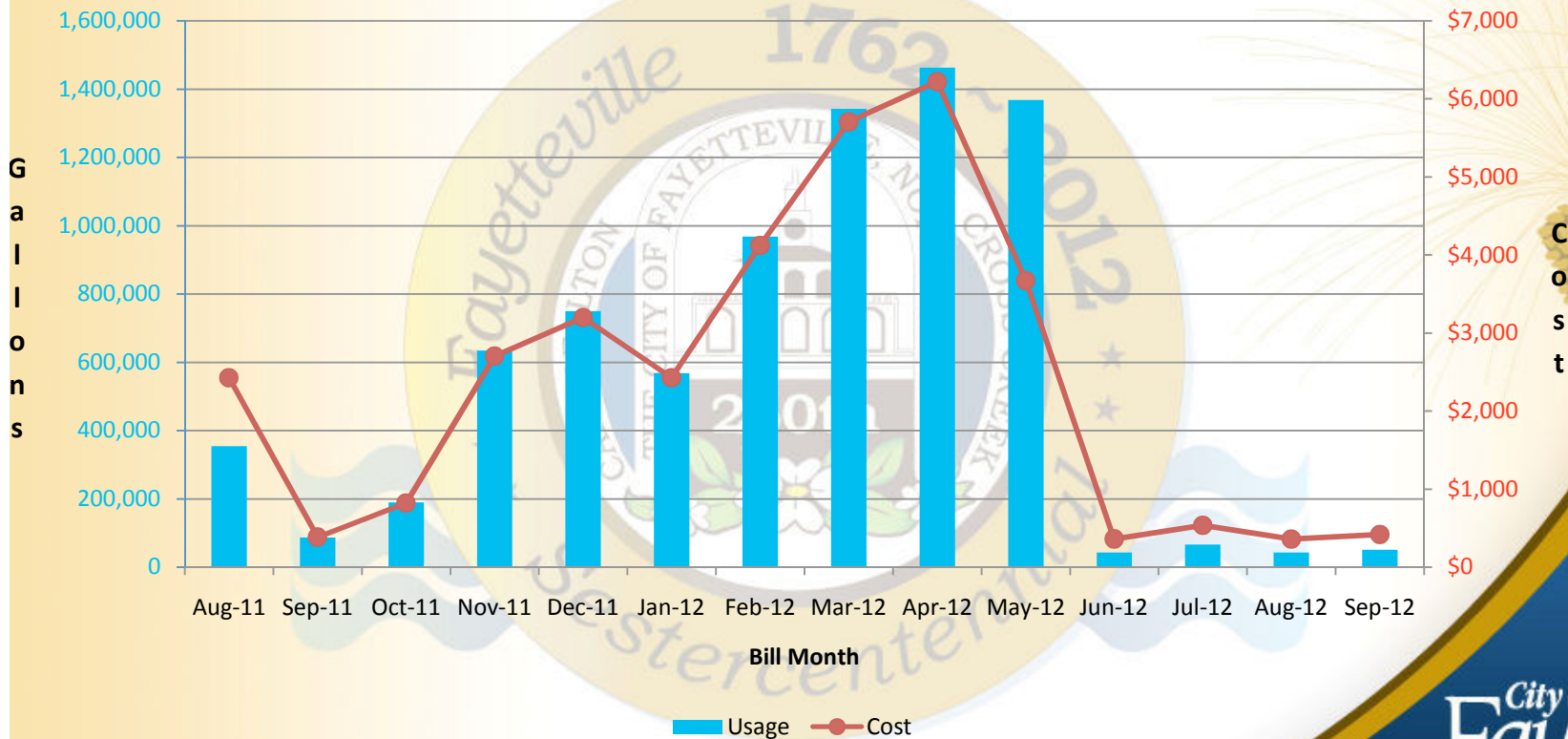


City of  
*Fayetteville*  
North Carolina

# Water Conservation



**NC Veterans' Park  
Water Features**



*City of  
Fayetteville  
North Carolina*



# Renewable and Alternative Energy



- Renewable energy projects considered:
  - Photo voltaic/solar energy
    - Rooftop
    - Solar farm
  - Low-flow hydro power
- Alternative energy projects considered:
  - Electric car charging stations
  - Biodiesel using wood waste and FOG
  - Methane gas to energy

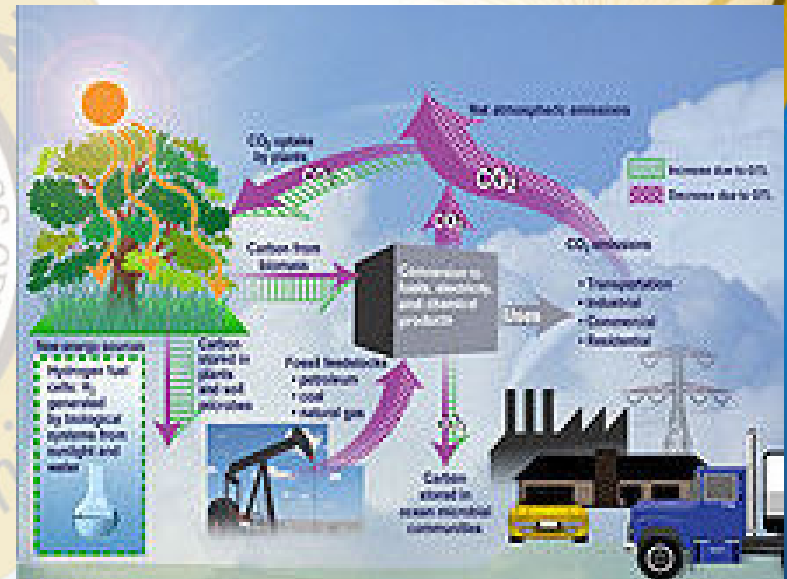


City of  
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North Carolina

# Air Quality



- Air quality stakeholders meetings
- Combined Air Team
- Ozone Advance program
- CO2 reductions
  - EECBG projects
  - Tree-save provision in UDO
  - Hybrid equipment and electric cars



City of  
*Fayetteville*  
North Carolina

# Community and Social Equity



- Alternative transportation corridors
  - Cape Fear River Trail, Linear Park, Blounts Creek
- Bus line extensions
- Bikeways/bike lanes
- Sidewalks
- Crosswalks
- HCP ramps





# Smart Growth



- UDO implementation and text amendments
- Developers embracing the code
- Neighborhood commercial
- Park land and open space



City of  
*Fayetteville*  
North Carolina

# Recycling

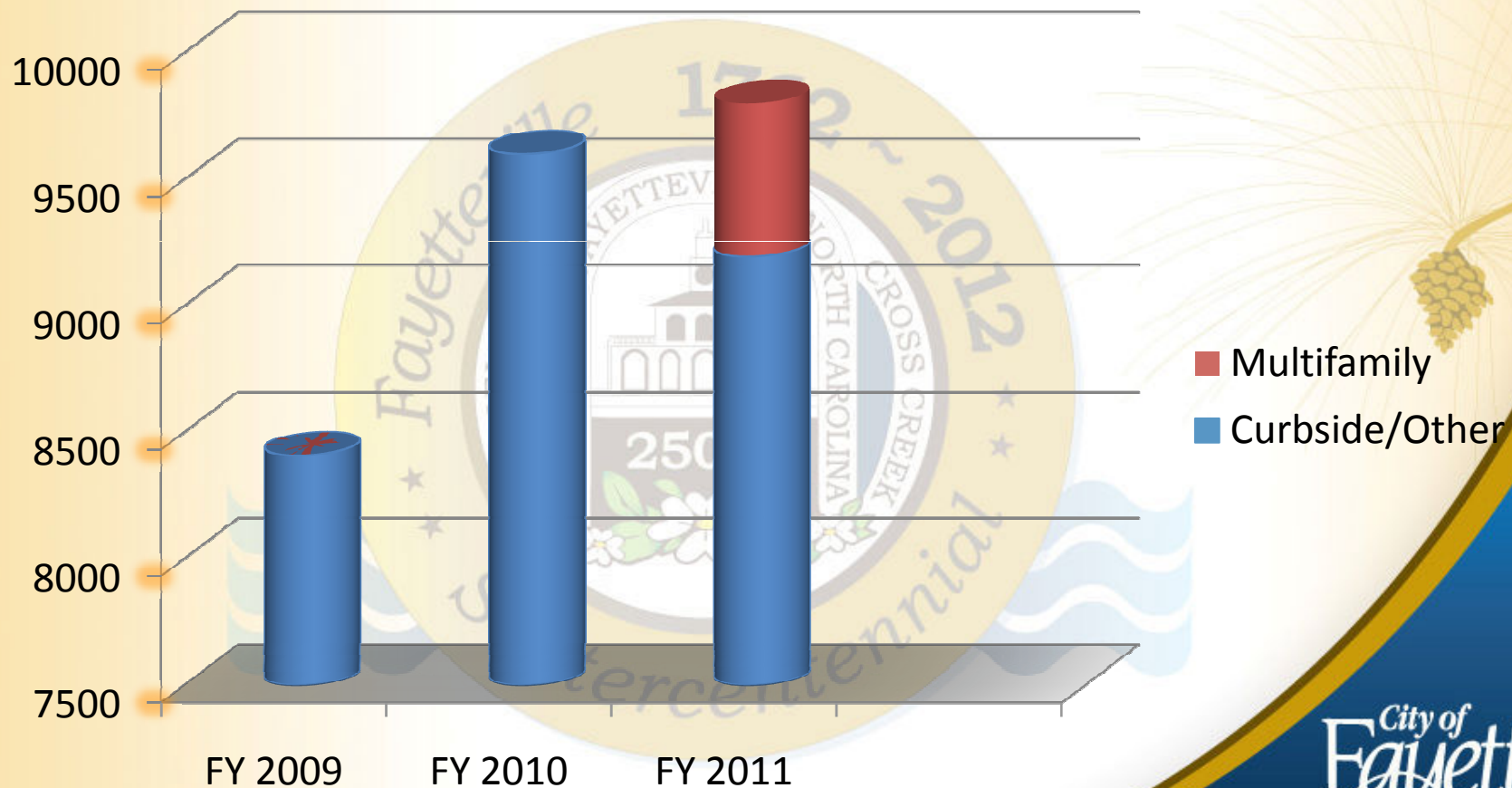


- Multifamily recycling added August 2011
- Commercial and business recycling program under development
- Surrounding communities following suit



City of  
*Fayetteville*  
North Carolina

# Recycling



City of  
*Fayetteville*  
North Carolina



# Conclusion



- Developing a culture shift
- Resource stewardship
- Promote LEED Concepts
- Consider life-cycle costing
- Reduce heat zones
- Improve energy efficiency
- Reduce E&W consumption
- Purchase locally made products



City of  
*Fayetteville*  
North Carolina

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** John Kuhls, Human Resources Development Director  
**DATE:** November 5, 2012  
**RE:** **Compensation Planning and Implementation - Follow-up**

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**THE QUESTION:**

Does Council accept staff's implementation plan regarding Compensation?

**RELATIONSHIP TO STRATEGIC PLAN:**

Council has expressed an interest in moving forward with implementing recommendations from the City's compensation study as completed in 2012. Council also identified Short-term Direction and Long-term Funding Strategy as FY 2013 Policy Actions within the City's FY13 Strategic Plan. Also relates to Goal 2 - More Efficient City Government - Cost Effective Service Delivery.

**BACKGROUND:**

This is a follow-up to prior discussions with Council regarding the City's compensation implementation planning for future changes as recommended. Staff successfully implemented the approved FY 2013 budget pay changes for employees that were effective August 13, 2012. Staff has worked closely with the City Manager's Office and departments in developing this implementation plan going forward.

The City Manager is responsible for the administration and maintenance of the position classification plan. Changes to that plan are to be reported to the Council. The Manager is also responsible for recommending to Council any systematic compensation changes to the pay plan for consideration.

**ISSUES:**

We reviewed and discussed three key issues related to Compensation with Council at previous work sessions, which included (1) Recruitment (2) Turnover (3) Progress to or towards Midpoint / Market Pay. Benchmark survey data presented showed that Fayetteville's pay levels are lagging the market placing us at a disadvantage with our closest competitors for needed talent to enhance City services in the short and long term.

We will review a phased implementation plan with solutions that address City needs. (see presentation attached)

**BUDGET IMPACT:**

The current FY 2013 budget as approved by Council at their June 11, 2012 meeting included a \$700,000 budget for implementation actions. The actions effective January 28, 2013 have an estimated cost of \$625,000, resulting in a \$75,000 equity pool for subsequent actions as needed. FY 2014 budget impacts will be developed to support agreed upon implementation actions as part of the FY 2014 budget preparation.

**OPTIONS:**

This item is for discussion purposes. Any Council action needed for implementation will be presented at a future regular Council meeting.

**RECOMMENDED ACTION:**

This is for discussion purposes.





## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council Members  
**FROM:** Scott Shuford, Development Services Director  
**DATE:** November 5, 2012  
**RE:** **Billboard Text Amendment**

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**THE QUESTION:**

Is allowing the conversion to digital billboards, with removal of others, consistent with community goals and objectives and supportive of the general public health, safety and welfare?

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods - Great Place to Live  
Greater Tax Base Diversity - Strong Local Economy  
More Attractive City - Clean and Beautiful

**BACKGROUND:**

Staff has received a privately-initiated text amendment by attorney Neill Yarborough on behalf of Lamar Outdoor Advertising that would allow the installation of a single digital billboard to replace three conventional billboards.

Current regulations do not permit digital billboards. New billboards are only allowed in LI and HI industrial districts and only if they meet specific standards for spacing (2000 feet from another billboard and 500 feet from residential zoning districts). There is a trade-off or transfer provision that allows one non-conforming billboard face to be upgraded [but still static] with the removal of another nonconforming face, through a quasi-judicial hearing by the Planning Commission. The focus is on reducing the number of nonconforming billboards over time while allowing a higher level of maintenance/upgrading and selecting removals in important gateway areas.

The few existing digital billboards in the City are the result of a 2009 agreement between the City and Lamar Advertising. That agreement allowed an upgrade to a digital face with removal of three other existing nonconforming billboard faces.

**ISSUES:**

The requested change by Lamar Advertising would explicitly allow digital billboard faces under certain conditions, including a trade-off system similar to that described above. Lamar's request would allow the upgrade of any billboard face to digital with the removal of any 2 existing billboard faces.

The applicant proposes several specific conditions, including: spacing of 5000' from other digital billboards, location within 100' of the one being replaced; maximum height of 30'; maximum sign area of 400 sf; a minimum display time of 8 seconds and a maximum of 2 seconds to change; light levels less than 0.3 footcandles of the ambient light; no moving, rotating, flashing, animation, etc.; and the trade-off ratio of 2 other faces for each new digital face.

There was no opposition at the Planning Commission hearing October 16. An updated staff report will accompany the requested text amendment set for City Council Hearing on November 13. In sum, the Commission and staff found the proposed standards adequate, recommended an administrative review rather than a hearing process, and to keep the focus on retiring nonconforming signs in return for allowing improvements and upgrading to some, but differed on the transfer rate -- staff recommended the 3:1 rate as during the settlement; the Commission believes the request at 2:1 is reasonable.

This briefing is provided to inform Council of the proposal and the previous legal settlement.

Additionally, Council input will help staff address any Council interests or concerns between now and the hearing on the text amendment on November 13.

**BUDGET IMPACT:**

None noted.

**OPTIONS:**

This item is for information and general guidance only.

**RECOMMENDED ACTION:**

Receive staff presentation on the background to and direction of the proposed text amendment and provide guidance to staff.

**ATTACHMENTS:**

Application and requested text change

Existing billboard transfer standards

Rec'd 8/8/2012  
\$500.

## Text Amendment Application Form

Submittal Date:

Approval/Denial Date:

### Notes:

1. Any proposed text changes that relate to a historic district must be reviewed by the Historic Resources Commission (HRC) prior to the Planning Commission review.

### 1. General Amendment Information

Applicant Name: Lamar Advertising

UDO Sections proposed for amendment: Section L, Subsection 12, Sign maintenance, repair, removal and disposal of signs.

### 2. Written Description of Request – Answer all the questions under this section

- A. Describe how the proposed amendment is consistent with all City-adopted plans that are applicable.

The purpose of the City's sign ordinances (and the plans under which they are adopted) are to provide standards to safeguard life, public health, safety, property, and welfare by guiding, coordinating, and regulating the type, number, placement and scale (size and height) of signs referenced to different zoning districts, as well as the quality of material, construction, erection, alteration illumination display, use, maintenance and removal of signs in the City. Among other things, the sign ordinances are designed to reduce excess signage and sign clutter, encourage the innovative use of design, and promote both renovation and proper maintenance to assure that permitted signs do not become a hazard or nuisance.

- B. Indicate if the proposed amendment is in conflict with any provision of the UDO or other City regulations.

This amendment is not in conflict with any provisions of the UDO. It supplements the sign ordinance to address emerging technology and the City's desire to reduce the total number of billboards within its jurisdiction. It is also consistent with prior action of the City Council relating to digital billboards.

- C. Describe any changed conditions that require an amendment.

The use of digital signs for advertising local business interests is gaining wide-spread acceptance and utilization throughout the State of North Carolina and the nation as a whole. For the City of Fayetteville to remain attractive and competitive in recruitment of new business and industry investments, it is necessary that we keep pace with innovative advertising methods.

- D. How does the proposed amendment address a demonstrated community need?

The City has expressed a desire to reduce the number of current billboards within its jurisdiction. This proposal would provide for the reduction of certain older billboards and replace them with modern, monopole digital structures at a favorable ratio to the City. Additionally, as noted above, it would help modernize the outdoor

advertisement landscape within the City of Fayetteville for the attraction of outside investment and the enhancement of local business interests. Furthermore, from a community safety perspective, digital signs are available for immediate broadcasting of Amber Alerts, Emergency Preparedness Warnings and the like.

E. Describe how this amendment would improve compatibility among uses and ensure efficient development within the City.

Other than the encouragement of economic development as noted above and the reduction of certain outdoor signage, this amendment would have no direct effect on development activities within the City.

F. Describe how the proposed amendment will help result in a logical and orderly development pattern.

Other than the impacts noted above, this amendment would have no direct impact on development patterns within the City.

G. Indicate if and how the proposed amendment will result in significantly adverse impacts on the natural environment (including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment).

No adverse impacts.

### **3. Submittal Requirement Checklist**

- ☐ Text Amendment Application Form
- ☐ Copy of an approved Certificate of Appropriateness (COA) if located within the HLO district.
- ☐ Application Fee
- ☐ A copy of the draft text amendment language
- ☐ Any additional information determined to be necessary by the Development Services Department.

### **Primary Point of Contact Information for the Pre-application Conference**

Primary Point of Contact Name: Neil Yarborough  
Mailing Address: PO Box 705, Fayetteville, NC 28302  
Phone No.: 910-433-4433

Fax No.: 910-433-2233  
E-mail: gnyesq@ywnlaw.com

## 12. Sign Maintenance, Repair Removal, and Disposal of Signs

### (a) Maintenance Required

Every sign and its support, braces, guys, anchors and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept in a state of good repair and aesthetic condition, free from defective, rusting or missing parts (e.g., broken sign facing, broken supports, loose appendages or struts, disfigured, cracked, ripped or peeling paint or poster paper) or missing letters or numbers and shall be able to withstand the wind pressure as prescribed in the state building code. Illuminated signs shall not be allowed to operate with only partial illumination. The area within ten feet in all directions of the base of a freestanding sign shall be kept clear of debris and undergrowth. The message of a sign face may be changed at any time. Subject to the provisions of Subsection 32-262 of the City Code, a sign face or sign structure may be disassembled and taken down temporarily for the purposes of maintenance provided such sign face and/or structure are reassembled to their original location and position within a period of no more than 60 days. A permit shall be required for such purpose.

### (b) Conversion of static billboards to digital billboards

*Notwithstanding any other provision of this section, the owner of a static billboard sign may apply to the City Inspections Department for a permit to convert a static billboard to a digital billboard under the following conditions:*

- 1. No digitally converted billboard shall be of a height greater than 30 feet above the road grade adjacent to the billboard.*
- 2. An existing static billboard may be converted to a digital billboard of no greater than 400 square feet of copy area after said conversion.*
- 3. Digitally converted billboards shall be a minimum of 5,000 linear feet apart from any other digital billboard on the same road facing in the same direction of travel.*
- 4. The placement of digitally converted billboards shall be at a distance no greater than 100 feet from the location of the existing billboard and no closer to the street right-of-way than the existing billboard. Notwithstanding the foregoing, no digitally converted billboard shall be placed within any street right-of-way.*
- 5. No moving, rotating, fluttering, blinking, flashing or animation, messages shall be allowed on a digitally converted billboard.*
- 6. Each digital message shall remain fixed in a static position for a minimum of 8 seconds.*
- 7. The change sequence shall be accomplished within an interval of 2 seconds.*
- 8. Digital billboards shall have lighting levels of no more 0.3 foot candles above the level of the surrounding ambient light conditions. Each digital billboard shall be monitored by a light sensing device at all times and the display brightness shall be automatically adjusted to the 0.3 standard as ambient light levels change, i.e. the brightness will be decreased during nighttime hours. All illumination devices shall be effectively shielded to prevent direct beams of light from being aimed at any portion of a street or at any residential use.*
- 9. The conversion from a static billboard to a digital billboard requires the removal of three static billboard faces (including the face being removed for conversion) within the City for each digital billboard face installed within the City.*

10. *As a part of the digital conversion permitting process, the owner of a static billboard sign must identify in its application the following: the location of the static billboard face to be replaced, the size of the static face to be replaced, the size of the digital billboard face being installed, any minor changes in pole location (pursuant to subparagraph 4 above) and the location of the two additional static billboard faces being removed.*

**(c) Repair or Removal of Improperly-Maintained Signs; Actions by the City Manager**

The City Manager or his designee shall possess the authority to order the painting, repair, or alteration of any sign which constitutes a hazard to the health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. The City Manager may order the removal of any sign that is not maintained in accordance with the provisions of this article. Such removal shall be at the expense of the owner. Signs that are not repaired or removed as required by the City Manager shall be cause to take legal action to effectuate such repair or removal.

**(d) Removal of Discontinued Signs**

If a nonconforming sign, other than a billboard sign, advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign and sign structure including, but not limited to, the supporting braces, anchors or similar components shall be considered discontinued regardless of reason or intent and shall, within 120 days after such discontinuation, be removed by the owner of the property where the sign is located. This subsection shall not be construed to alter the effect of Section 30-7.E, Nonconforming Signs, nor shall this subsection be construed to prevent the changing of the message of a sign. This subsection shall apply to all related signs located both on and off the premises. For conforming signs, all advertising must be removed and a blank opaque sign face must be installed and maintained with like material within 30 days of the closing of a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted.

## Excerpt – Existing Billboard Transfer Standards

### 30-7.E.7. Transfer During Amortization

The owner of a non-conforming billboard sign may apply to the Planning Commission for the purpose of approving an application for transfer. Transfer under this section would allow the owner of a sign to voluntarily and permanently remove a billboard or billboard face in the City in exchange for the one-time opportunity to change or replace a billboard or billboard face on a non-conforming billboard within the City. The billboard owner may request enlarging the copy area or increasing the height of the billboard. However, no copy area may be increased more than 135 percent of the current copy area nor shall any copy area be greater than 400 square feet. In addition, no billboard height may be increased above 30 feet from the ground. Billboards taller than 30 feet may remain above 30 feet in height at the discretion of City Council. One-sided non-conforming billboards may be upgraded to allow two-sided billboards, provided at least two existing billboard faces are removed to compensate for the upgrade.

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### 30-7.E.8. Application for Transfer-Procedure

- (a) The application for transfer will be heard by the Planning Commission during a public hearing noticed in accordance with Section 30-2.B.12, Public Notification.
- (b) In order for transfer under this section, the Planning Commission must approve the application for transfer upon making the following findings of fact:
  - (1) The transfer promotes the appearance of either a gateway into or property located in the City;
  - (2) The proposed improvements to or replacement of an existing billboard fit within the character of the surrounding properties or existing structures, will not interfere with the movement of traffic, and does not otherwise hinder the safety of those that use that road; and
  - (3) The transfer does not conflict with the stated purpose of this section.
- (c) Upon making the following findings of fact in the record, the Planning Commission may recommend approval of the application for transfer, together with any other conditions the Planning Commission may deem appropriate.
- (d) Any person aggrieved by the recommendation of the Planning Commission shall have the right to appeal the action of the Planning Commission in writing to the City Clerk within ten days of the action of the Planning Commission. If an appeal is timely filed, then the City Council shall hold a public hearing with prior notice being published in accordance with Section 30-2.B.12, Public Notification.
- (e) If the Planning Commission recommends approval of the application for transfer, and no appeal is filed, then at its next regular council meeting, the City Council shall have the right to approve the application for transfer without further public hearing. Any action on the part of the City Council under this subsection other than to approve the recommendation of the Planning Commission shall require a public hearing, which may be set upon a simple majority vote of the membership of the City Council.
- (f) If the Planning Commission recommends denial of the application for transfer, and no appeal is taken within the time prescribed, then the action recommended by the Planning Commission shall be deemed to be the final action of the City Council.



## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of City Council  
**FROM:** Michael Gibson, Parks, Recreation and Maintenance Director  
**DATE:** November 5, 2012  
**RE:** **Parks and Recreation - Park Bond Update**

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**THE QUESTION:**

Update Site Location for Project

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 2 - More Efficient City Government - Cost Effective Service Delivery - Objective 3 - Investing in City's future infrastructure, facilities and equipment.

**BACKGROUND:**

Council's top priority to develop a park bond referendum bond proposal  
Park bond referendum proposal package is completed by Site Solutions

**ISSUES:**

The Parks and Recreation Bond proposal approved by Council contains 14 new facilities:

Multipurpose Aquatic and Senior Center with Fieldhouse

Four Neighborhood Pools\*

Tennis Center\*

Sports Complex

Cape Fear River Park

Community Skate Park\*

Two Neighborhood Skate Parks\*

Three Neighborhood Parks\*

While the general planned locations of all facilities have been shared with the community, the exact proposed locations for the projects marked "\*" have not been identified. In addition, Council directed that staff examine alternative locations for the Sports Complex.

Staff has prepared site recommendations for most of these locations and will be sharing the specifics of each proposed site with Council during the Work Session.

**BUDGET IMPACT:**

The bond proposal does contain estimated funding for property acquisition. Staff is prioritizing locations that are already in control of local government. Staff will be developing strategies to acquire sites as necessary, and will present those strategies at future meetings on a site specific basis.

**OPTIONS:**

N/A

**RECOMMENDED ACTION:**

This is for discussion purposes only.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and Members of the City Council  
**FROM:** Randall J. Hume, Transit Director  
**DATE:** November 5, 2012  
**RE:** **Transit Fares**

---

**THE QUESTION:**

Should the City consider a change in fares for FAST?

**RELATIONSHIP TO STRATEGIC PLAN:**

More Efficient City Government - Cost Effective Service Delivery  
FAST Improvements

**BACKGROUND:**

Since FY 2008 significant improvements have been made to the FAST fixed route bus and paratransit system. During that time transit ridership has increased 80% while almost 27% more service has been added to the system's operation. In addition, the City, with federal and state grant assistance, has placed new buses, benches and shelters into service. Many of the service recommendations identified in the 2008 Transit Development Plan have been implemented.

During the FY 2013 strategic planning and budget process Council requested a review of fare levels and potential consideration of fare changes that could offset the cost of service improvements.

Over the past few months transit staff has been working with the FACT Committee in the development of a Fare Policy and a comparison of FAST fare rates to other systems in North Carolina as well as surrounding states.

The FACT Committee has voted to recommend the City Council adopt the Fare Policy and is expected to recommend an increase in fare rates to be implemented prior to the end of FY 2013 in order to continue to improve transit services for Fayetteville residents and visitors.

**ISSUES:**

Is it the appropriate time to increase fares? Under what circumstances is a fare increase warranted?

**BUDGET IMPACT:**

Based on the FACT Committee's recommendation an additional \$190,000 in annual revenue would be generated.

**OPTIONS:**

This item is for discussion purposes. The FACT Committee recommendation will be brought to Council for consideration.

**RECOMMENDED ACTION:**

Discussion purposes only.

**ATTACHMENTS:**

Proposed Fare Policy  
Case for Fare Change - power point presentation



**FAYETTEVILLE AREA SYSTEM OF TRANSIT  
FARE POLICY**

**Purpose:** The purpose of this fare policy is to establish goals, objectives and guidelines for setting or restructuring FAST transit fares. Transit staff will abide by this policy when making decisions about adjusting fares. All such decisions are subject to Fayetteville City Council approval.

**Goal:** The goal of this Fare Policy is to support FAST's overall strategic mission to provide safe, efficient, effective, reliable, courteous, and innovative public transportation to the citizens of Fayetteville. To accomplish this mission FAST must develop and use its resources in a manner that ensures sustainable business growth.

**Objectives:** Fare Policy Objectives are designed to support the fare policy goal. Together, these objectives are intended to balance the desire to keep fares affordable for FAST customers with the need to generate sufficient fare revenue to help maintain and expand transit operations. Furthermore, future adjustments to FAST's fare structure must also be developed and evaluated subject to these objectives.

1. Customer/Community Related Objectives: The following guiding principles directly support FAST's broader goal of promoting transit use and providing high quality public transportation services.
  - a) Promote ridership: FAST seeks to encourage and facilitate transit ridership within FAST's service area. FAST's fare structure should therefore be devised to be attractive to the widest possible range of existing and potential rider groups. In addition, fare media distribution channels should be developed to ensure convenience and facilitate reasonable access to fare media for all customer groups.
  - b) Equitable Fares: To be equitable, fares must take into account the needs of various population densities, socioeconomic users and types of services offered. The fare structure should, therefore, support the travel patterns and requirements of transit customers throughout the service area and should also reflect differences in the level and modes of the service provided.
  - c) Enhance Mobility and Access: The fare structure should enhance the ability of customers to access the system and move through it with ease. To do so, the fare structure should be easy to understand and provide uniformity throughout the system.
2. Budgetary Objectives: The following guiding principles are intended to ensure collection of sufficient fare revenues to support the operation of FAST services, as well as, fare collection cost efficiency.
  - a) Maintain/increase fare revenue stream: Fare revenue is a critical component of FAST's operating budget. Fare rates are one element of the total fare revenue stream and any adjustment to, or restructuring of rates should generate an appropriate level of revenue to meet FAST's financial requirements considering both the current budget year and future service plans and economic conditions.
  - b) Recovery of operating costs: Customer fares or user fees should help support the business costs related to providing quality public transportation services. The City Council may establish a goal or goals related to cost recovery. Cost recovery is not only determined by adequate fare revenues, but also prudent control of operating costs. It is the goal of FAST to recover a minimum of 20% of transit operating costs with transit system generated revenues, including but not limited to passenger paid and third-party fares by FY 2020.

- c) Minimize fare collection costs: FAST's fare pricing, fare policy, fare media, and fare collection technologies should be developed and operated to minimize the costs associated with fare collection, fare media distribution and revenue processing without sacrificing a high degree of accuracy and accountability. This includes both the cost and ease of administering the fare.

**Fare Changes:** The following guidelines outline the recommended steps for developing, evaluating and implementing fare changes, adjustments or increases.

1. All fare structure changes, adjustments or increases must be approved by the City Council.
2. Recommendations for changes to the fare structure will be developed by Transit staff. The staff recommendation shall be based on an analysis that includes, but is not limited to the following:
  - An analysis of overall ridership, ridership by fare category, frequency of pass and ticket use;
  - Customer price sensitivity (elasticity);
  - Consideration of other factors, including employment levels, fuel prices, and other conditions affecting transit use;
  - Comparison to industry-wide and peer system fares;
  - Impact and equity of any increase among demographic and ethnic groups, including low-income customers;
  - The expected rate of change in the cost of transit operations;
  - The value of the service to the rider;
  - City's financial situation;
  - Fare policy goals and objectives.
3. This recommendation shall be reviewed and presented for recommendation by the Fayetteville Advisory Committee on Transit (FACT) prior to being presented to City Council.
4. A public hearing is required for any change to the fare structure, with a minimum 14 calendar day notice prior to such hearing. Accommodations for persons with disabilities and Limited English Proficiency (LEP) will be provided.
5. Any change in fares or the fare structure shall include an analysis of the impact of the change on low-income and ethnic populations as required by Title VI and Environmental Justice provisions related to federal grants. Such analysis or assessment must be provided to the Federal Transit Administration.
6. Once fare changes have been approved by the City Council, appropriate ads should be placed with local media outlets and on the FAST website (includes social media) 30 days prior to the effective date of the fare increase. In addition, notices will be placed on all revenue vehicles and at major transit centers.
7. Multiple year (planned fare adjustments) including the current year and up to two (2) future adjustments may be approved, provided the public is notified and opportunity to comment is provided. The timing and magnitude of subsequent adjustments will not be binding if economic conditions change. Changes to approved future fare adjustments, including accelerating the timing for implementation will require a new public outreach process, including public hearing(s) and FTA review.

**Fare Policy Review:** FAST will review its fare policy and pricing annually, considering the need to keep pace with the cost of transit operations as well as other factors that may impact the needs of the City and its residents.

**Fare Structure:**

1. By Federal law, ADA Paratransit or FASTTRAC! fares may not exceed twice the regular fixed route fare for the same trip.
2. By Federal law, fixed route single ride fares for persons with disabilities and for persons age 65 or older (senior adults) shall not exceed 50% of the regular adult single ride fare.
3. Prepaid pass and ticket pricing will be based on the approved single-trip fare and will generally be priced based upon a multiple of the local fixed route bus fare (base fare). The multiplier may be based on industry best practice and other factors, including average customer income (i.e., ability to pay).
  - a) Day Passes will be priced at two to two and one-half ( $2 - 2\frac{1}{2}$ ) times the base fare for a single ride;
  - b) 30-Day (monthly) passes for local fixed route bus service will be priced based on the Day Pass price for 20-22 workdays per month and may be discounted by no more than 30%.
  - c) 30-day and monthly pass rates for FASTTRAC! will be priced based on the average customer uses (trips taken) per month times the single-ride fare for each service. No additional discount will be provided.
  - d) Free fares will be provided to the following customer categories: a) Children, 36 inches tall and shorter when with a fare paying adult; b) Public safety employees, when in uniform; c) Active duty and reserve military, when in uniform; d) FAST employees with identification;

**Third Party Fare Agreements:**

Contracts or Agreements for payment of fares by a third party may be negotiated and must be approved by the City Council, except as provided below:

Third-party agreements will generally provide for payment for each trip taken and the fare (cost per trip) will be based on the following schedule:

Pass Quantity	Discount	Monthly Revenue Guarantee
50-99	25%	\$ 900.00
100-249	30%	\$ 1,400.00
250-499	35%	\$ 2,600.00
500 & over	40%	\$ 3,600.00

**Bulk Sale Discounts:**

A purchase discount will be provided when passes are purchased in large quantities.

Pass Quantiity	Discount
100-249	10%
250-500	15%
500-999	20%
1,000 and over	25%

433 Hay Street  
Fayetteville, NC 28301  
[www.cityoffayetteville.org](http://www.cityoffayetteville.org)  
[facebook.com/cityoffayetteville](https://facebook.com/cityoffayetteville)  
Twitter @CityOfFayNC

# Case For Fare Change

City Council Work Session  
November 5, 2012



City of  
*Fayetteville*  
North Carolina



# What We Will Cover?



- Fare Policy
- Comparison to other systems
  - Rates
  - Fare Recovery
- Fare Proposal
- Financial Outlook



# Fare Policy



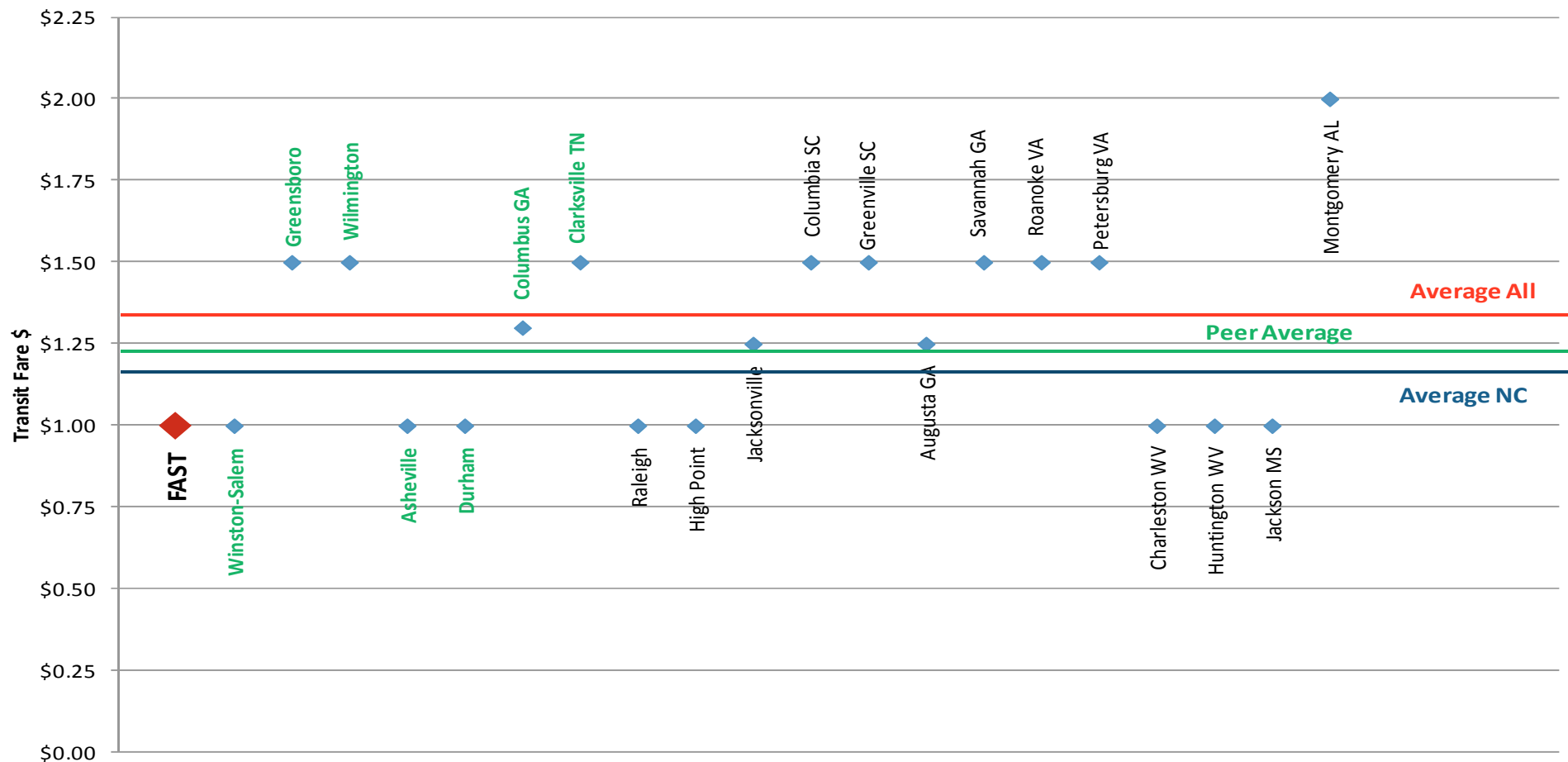
- Outlines Objectives for Fares
  - Customer/Community Related
  - Budget Related
- Sets Framework for Fare Structure
- Procedures and Guidelines for Fare Changes
  - Title VI/Environmental Justice
- Key Items
  - Operating Recovery Goal 20% by 2020
  - Discount: Bulk Pass Sale & Third Party Fares



# Fare Comparison



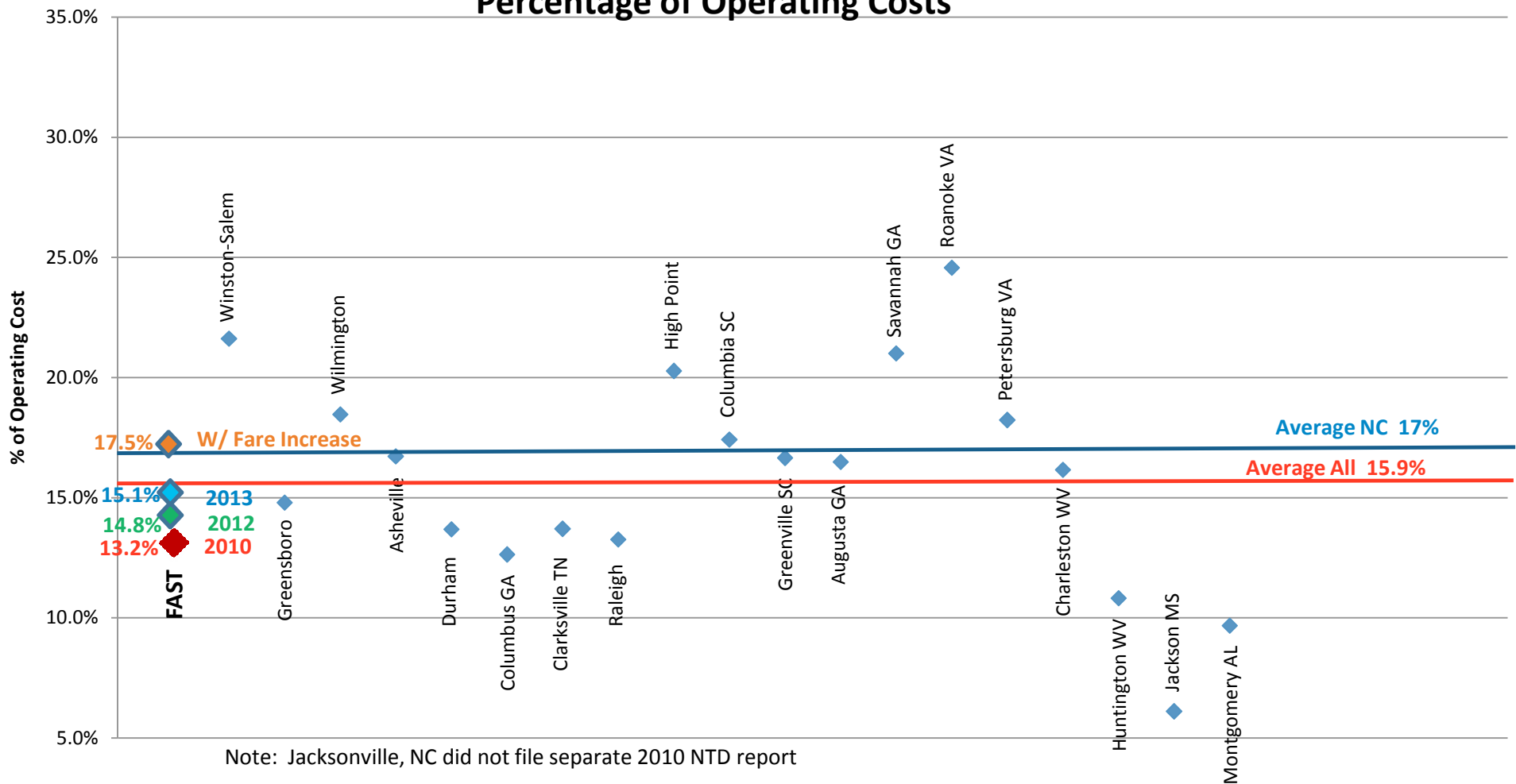
## Basic Adult - Cash Fare



# Fare Recovery



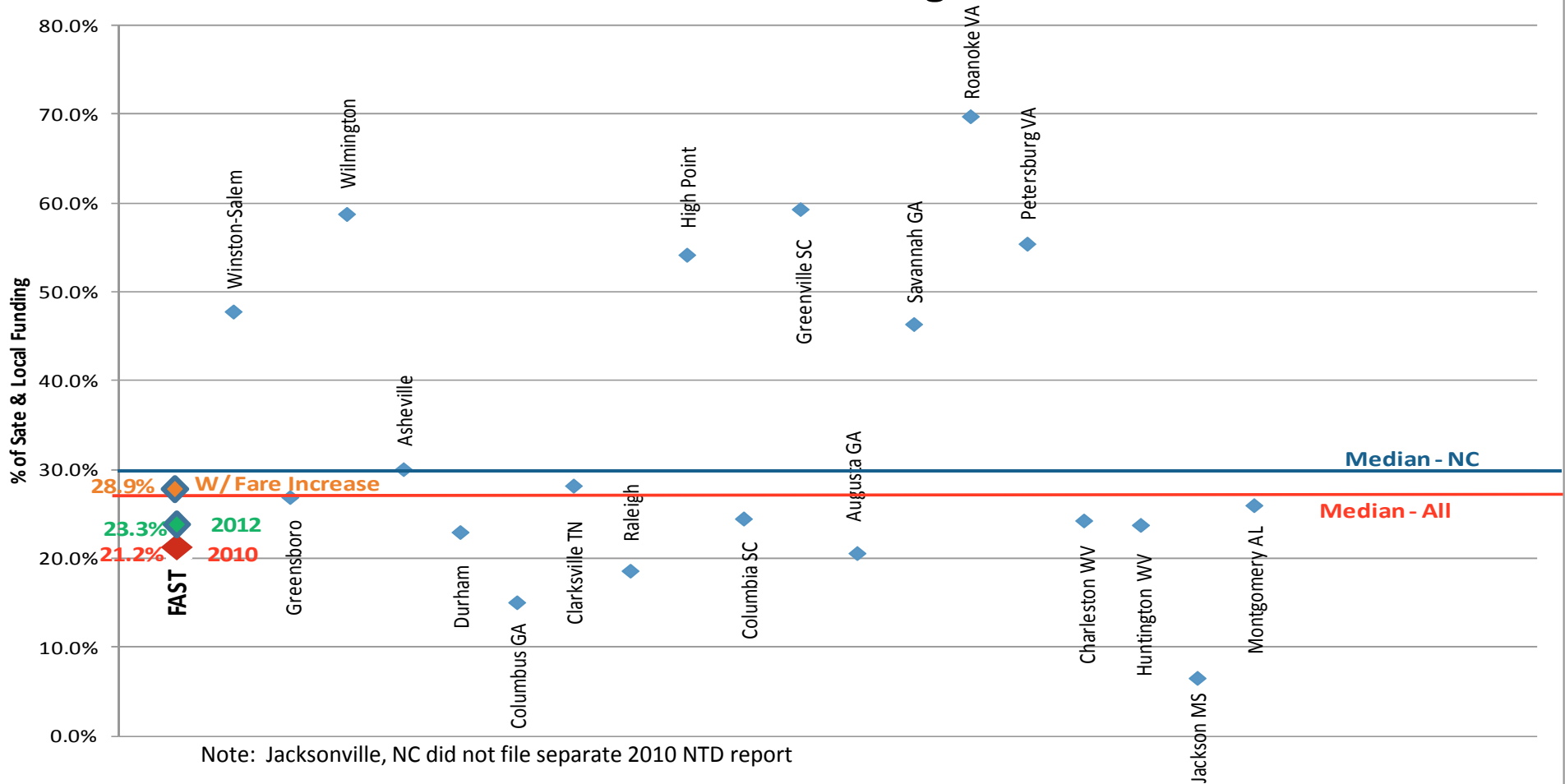
## Fare Revenue Recovery Percentage of Operating Costs



# Revenue & Funding



**Fare Revenue Percentage of State & Local Funding**





# Current Fares



Fare Category	Current Rate	Last Change	Current \$ per trip	Trips per Purchase
Adult Bus Fare	\$ 1.00	2007	\$ 1.00	1
Adult 1-Ride Pass	\$ 1.00	2007	\$ 1.00	1
Adult 10-Ride Pass	\$ 10.00	2007	\$ 1.00	10
Discount Bus Fare (Elderly and Disabled)	\$ 0.35	1994	\$ 0.35	1
Discount 10-ride Pass (Elderly and Disabled)	\$ 3.40	1994	\$ 0.34	10
One Day Pass	\$ 3.00	2007	\$ 0.51	5.9
One Day Pass(Discounted Elderly, Disabled)	\$ 1.50	2003	\$ 0.26	5.7
Rolling 30 Day Pass	\$ 30.00	2007	\$ 0.65	46
Discount Rolling 30 Day Pass (Elderly and Disabled)	\$ 11.70	1994/2003	\$ 0.23	52
Student Rolling 30 Day Pass	\$ 25.00	2007	\$ 0.69	36
ADA Demand Response Fare	\$ 1.50	1994	\$ 1.50	1
ADA 20 Ride Pass	\$ 27.00	2003	\$ 1.35	20
ADA 10 Ride pass	\$ 13.50	2003	\$ 1.35	10
Transfers	Free	2007		

# Proposed Changes



- Continue Service Improvements
- Across the Board Increase
  - Increase Base Full Adult Fare \$0.25
- Encourage Day Pass/Eliminate Transfers
- New 7-Day Pass
- Eliminate 10-Ride Passes
- Two-Step Proposal
  - Spring 2013 & 2017



# Proposed Fares



Fare Category	Current Rate	Proposed Rate 2013	Proposed Rate 2017
Adult Bus Fare	\$ 1.00	\$ 1.25	\$ 1.50
Adult 1-Ride Pass	\$ 1.00	\$ 1.25	\$ 1.50
Adult 10-Ride Pass	\$ 10.00	Eliminate	Eliminate
Discount Bus Fare (Elderly and Disabled)	\$ 0.35	\$ 0.50	\$ 0.60
Discount 10-ride Pass (Elderly and Disabled)	\$ 3.40	Eliminate	Eliminate
One Day Pass	\$ 3.00	\$ 3.00	\$ 3.75
One Day Pass(Discounted Elderly, Disabled)	\$ 1.50	\$ 1.50	\$ 1.75
Rolling 30 Day Pass	\$ 30.00	\$ 40.00	\$ 48.00
Discount Rolling 30 Day Pass (Elderly and Disabled)	\$ 11.70	\$ 17.00	\$ 20.00
Student Rolling 30 Day Pass	\$ 25.00	\$ 30.00	\$ 36.00
ADA Demand Response Fare	\$ 1.50	\$ 2.00	\$ 2.50
ADA 20 Ride Pass	\$ 27.00	\$ 35.00	\$ 50.00
ADA 10 Ride pass	\$ 13.50	\$ 17.50	\$ 25.00
7-Day Rolling Pass- Adult	N/A	\$ 18.00	\$ 22.00
7-Day Rolling Pass- Discount	N/A	\$ 8.00	\$ 10.00
Transfers	Free	Eliminate	Eliminate



# Proposed 2013 Changes

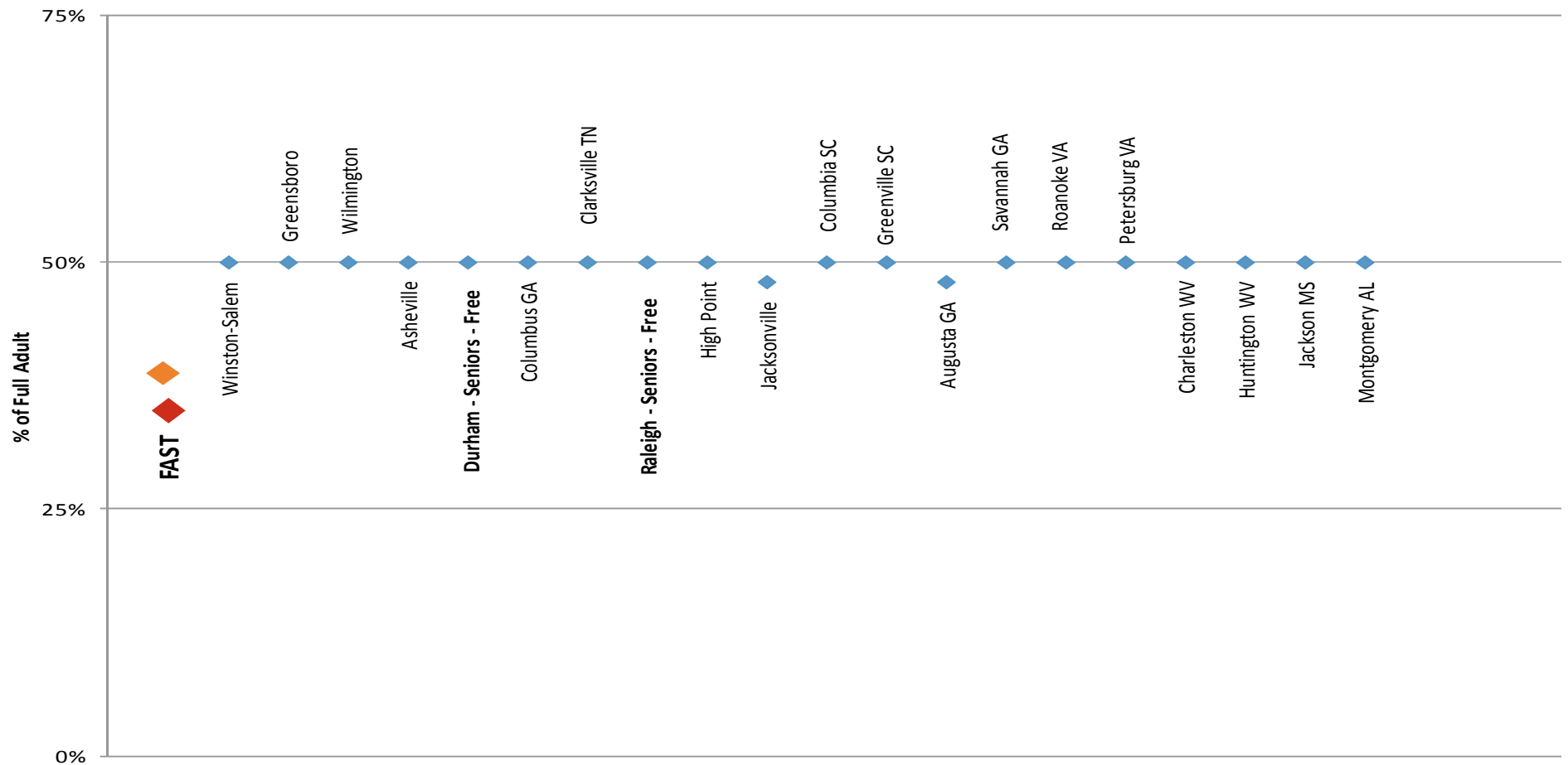


Fare Category	Current Rate	Proposed Rate	Cost per Trip	% Inc Cost per Trip	% Inc Combined 2007 & 2013
Adult Bus Fare	\$ 1.00	\$ 1.25	\$ 1.25	25.0%	66.7%
Adult 1-Ride Pass	\$ 1.00	\$ 1.25	\$ 1.25	25.0%	66.7%
Adult 10-Ride Pass	\$ 10.00	Eliminate	-	-	-
Discount Bus Fare (Elderly and Disabled)	\$ 0.35	\$ 0.50	\$ 0.50	42.9%	42.9%
Discount 10-ride Pass (Elderly and Disabled)	\$ 3.40	Eliminate	-	-	-
One Day Pass	\$ 3.00	\$ 3.00	\$ 0.65	26.9%	26.9%
One Day Pass(Discounted Elderly, Disabled)	\$ 1.50	\$ 1.50	\$ 0.34	28.1%	28.1%
Rolling 30 Day Pass	\$ 30.00	\$ 40.00	\$ 0.87	33.3%	48.1%
Discount Rolling 30 Day Pass (Elderly and Disabled)	\$ 11.70	\$ 17.00	\$ 0.33	45.3%	45.3%
Student Rolling 30 Day Pass	\$ 25.00	\$ 30.00	\$ 0.83	20.0%	33.3%
ADA Demand Response Fare	\$ 1.50	\$ 2.00	\$ 2.00	33.3%	33.3%
ADA 20 Ride Pass	\$ 27.00	\$ 35.00	\$ 1.75	29.6%	29.6%
ADA 10 Ride pass	\$ 13.50	\$ 17.50	\$ 1.75	29.6%	29.6%
7-Day Rolling Pass- Adult		\$ 18.00	\$ 0.95	N/A	N/A
7-Day Rolling Pass- Discount		\$ 8.00	\$ 0.42	N/A	N/A
Transfers	Free	Eliminate			

# Disabled/Senior Fares



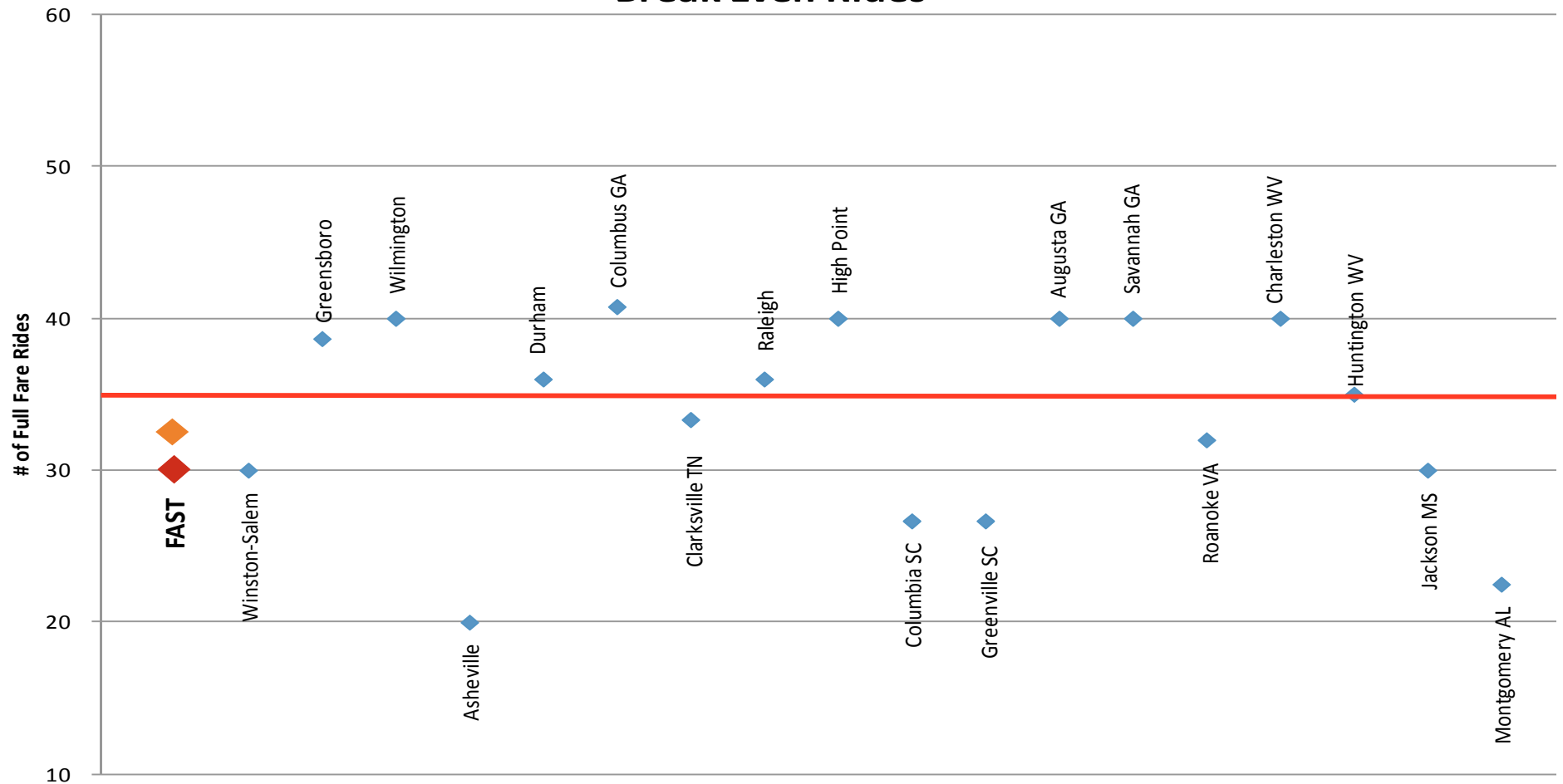
**Percentage of Disabled/Senior Fare to Full Adult Fare**



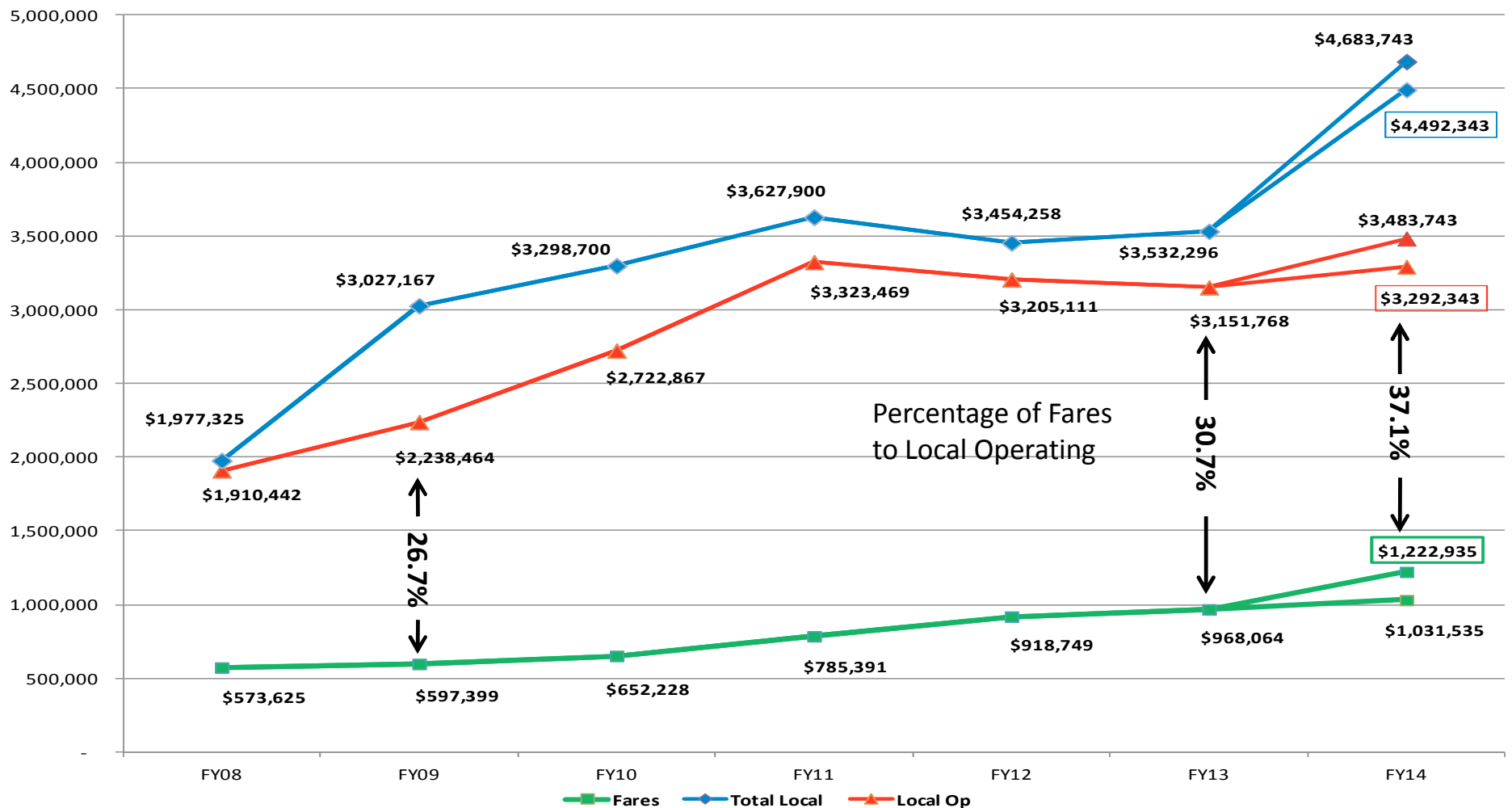
# 30-Day Rolling Passes



## 30-Day Unlimited Rides Pass Break Even Rides



# Fare Revenue & City Funding



# Financial Outlook



		<u>Op Rev % of</u> <u>Op Cost</u>	<u>City Funding</u>
<b>Current Services</b> (with Strickland Bridge Road)	2014	16.7%	\$ 3,483,743
<b>No Fare Increase</b>	2017	16.3%	3,650,597
	2020	15.8%	4,152,867
<b>Fare Increase</b>	2014	19.4%	3,292,343
	2017	21.6%	3,245,197
	2020	20.9%	3,722,647

Increased Revenue – 2013

\$191,400

Increased Revenue – 2017

214,000

# Financial Outlook



		<u>Op Rev % of</u>	
<b>Modest Service Increase</b>		<u>Op Cost</u>	<u>City Funding</u>
<b>No Fare Increase</b>	2014	16.5%	\$ 3,653,902
	2017	15.8%	4,219,308
	2020	15.3%	4,786,362
<b>Fare Increase</b>	2014	19.2%	3,462,502
	2017	20.7%	3,813,908
	2020	20.1%	4,356,051

Examples:

Fort Bragg Express Bus  
 Route 14 Express  
 Additional Night Route  
 Improved Frequency (2 Key Routes)

# Implementation Process



- Title VI/Environmental Justice Assessment
- Public Outreach
- Public Hearing (14 Day Notice)
- Council Adoption
- 30-Day Publicity





# Proposed Fares



Fare Category	Current Rate	Proposed Rate 2013	Proposed Rate 2017
Adult Bus Fare	\$ 1.00	\$ 1.25	\$ 1.50
Adult 1-Ride Pass	\$ 1.00	\$ 1.25	\$ 1.50
Adult 10-Ride Pass	\$ 10.00	Eliminate	Eliminate
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7-Day Rolling Pass- Discount	N/A	\$ 8.00	\$ 10.00
Transfers	Free	Eliminate	Eliminate



<b>CITY COUNCIL ACTION MEMO</b>
---------------------------------

**TO:** Mayor and Members of the City Council  
**FROM:** Bobby Hurst, Council Member, Appointment Committee Chair  
**DATE:** November 5, 2012  
**RE:** **Public Works Commission Appointment Process and Time Line**

---

**THE QUESTION:**

Does the proposed timeline and strategy for the appointment of the Public Works Commission vacancy meet Council's interest?

**RELATIONSHIP TO STRATEGIC PLAN:**

Develop and maintain collaborative working relations among various governmental units.

**BACKGROUND:**

On October 8, 2012, Ms. Terri Union submitted her letter of resignation from the Public Works Commission to be effective December 31, 2012. Ms. Union's term is not due to expire until September, 2014; therefore appointment to this unexpired position will be for the term January 1, 2013 through August 31, 2014.

On Wednesday, October 17, 2012 the City announced and advertised the opportunity to apply for appointment to the Public Works Commission. The City issued a media release, a community channel advertisement and the information was posted on Twitter and Facebook. Applications will be accepted through close of business on Friday, November 16, 2012.

**ISSUES:**

**BUDGET IMPACT:**

None.

**OPTIONS:**

**RECOMMENDED ACTION:**

This item is for discussion purposes.

**ATTACHMENTS:**

Public Works Commission Appointment Process and Timeline



## Public Works Commission Appointment Process and Time Line

October 8, 2012 Ms. Terri Union submitted letter of resignation to be effective December 31, 2012. Ms. Union's term is not due to expire until September 2014; therefore appointment to this unexpired position will be for the term January 1, 2013 thru August 31, 2014.

Monday, October 15 thru November 16, 2012 The City will announce and advertise the opportunity to apply for appointment to the Public Works Commission. The City will distribute a press release; promote via Time Warner Cable slide on community channel and post opportunity on Facebook, and Twitter.

Friday, November 16, 2012 @ 5:00 p.m. Cut off for all applications to have been received by the City Clerk's Office; this will provide a window of 4 weeks to submit applications.

Monday, November 19 - 21, 2012 City Clerk will verify applicants are qualified candidates for the appointment; Resident freeholders and tax payers of the City of Fayetteville (Sec. 6.2 Qualifications of Commissioners).

Wednesday, November 21, 2012 City Clerk will provide a packet to the Appointment Committee containing all candidates' application and relevant corresponding information. A PDF or link (depending on size of the file) will be provided to the Appointment Committee and City Council by close of business.

November 22 & 23, 2012 Thanksgiving Holidays



## Public Works Commission Appointment Process and Time Line

### November 21 thru December 5, 2012

- Review the PWC Appointment packet
- Tuesday, November 27 or Wednesday, November 28- An Appointment Committee meeting will be scheduled to discuss the candidates and to receive feedback/input as finalists are considered. As with all appointment committee meetings, it is open to the public.
- Monday, December 3 or Tuesday, December 4- A second Appointment Committee meeting *may* be held, depending on the outcome of the first meeting, to finalize a recommendation to the City Council for consideration. As with all appointment committee meetings, it is open to the public.

December 10, 2012 City Council regular meeting agenda will include an item to consider appointment of the Appointment Committee recommended candidate to the Public Works Commission.

December 11, 2012, thru January 8, 2013 Time frame for City/PWC Orientations and Oath of Office.

January 9, 2013 @ 8:30 a.m. Public Works Commission first meeting of 2013.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Kristoff Bauer, Asst. City Manager  
**DATE:** November 5, 2012  
**RE:** Hire Fayetteville First - Disparity Study Scope of Work

---

### **THE QUESTION:**

As the City works to implement Council Policy 135.2 Hire Fayetteville First, does the attached definition of "local business" accurately reflect Council discussion and interests? Further, what is the desired scope of the Disparity Study to be sought consistent with Council direction?

### **RELATIONSHIP TO STRATEGIC PLAN:**

Council Policy 135.2 (Attached)

### **BACKGROUND:**

Council adopted policy 135.2, Hire Fayetteville First Jobs Creation Policy, on July 9, 2012. Staff presented a timeline and action plan for implementing that program during the Sept. 4th Council Worksession (attached).

On Oct. 1st, the Council discussed the definition of "Locally Owned Businesses" to be used in the adopted policy. Staff developed the following definition based on that conversation:

"Local Business shall be those that demonstrate they pay business personal or real property taxes to Cumberland County, hold a valid City of Fayetteville Privilege License if applicable, and have their principle place of business in Cumberland County or employ at least two Cumberland County residents at a place of business within Cumberland County."

### **ISSUES:**

First, Council has not had an opportunity to discuss the definition of "Local Business" provided above. Consensus on this definition is critical in order for staff to establish systems to track future purchasing and contracting activities.

Second, Policy 135.2 directs staff to conduct a disparity study as part of developing programs to support:

- Locally owned businesses;
- Women owned businesses;
- Minority owned businesses;
- Disabled and disadvantaged owned businesses; and
- Veteran owned businesses.

With the Local Business definition, staff now has definitions for all of the business categories listed in Policy 135.2 and, consistent with the project schedule, is proposing a Scope of Work (SOW) for the disparity study. Two alternative SOW's are attached. The first is consistent with Policy 135.2 and is broader than the example studies that have previously been discussed with Council due to the inclusion of Veteran and Local Businesses. The second, based on prior discussion of Council, narrows the focus of the study to only Local Businesses.

### **BUDGET IMPACT:**

As this issue, including the adoption of Policy 135.2, occurred after Council had adopted both the FY13 Strategic Plan and Budget, there are no funds appropriated for these contracted services.

The contract cost for the Charleston County study was \$246,000 and for the City of Charlotte's update was \$300,000 to \$350,000. Staff estimates that \$300,000 should be appropriated in order to support the RFP for the disparity study.

**OPTIONS:**

Consistent with Policy 135.2, staff will prepare a budget amendment appropriating \$300,000. Once that amendment is approved, staff will issue an RFP based on SOW #1.

**RECOMMENDED ACTION:**

This is for Discussion purposes.

**ATTACHMENTS:**

Policy 135.02 Hire Fayetteville First

Disparity Study Scope Of Work

Disparity Study RFP Schedule

Presentation

<b>SUBJECT – CITY COUNCIL</b> <b>Hire Fayetteville First Jobs Creation</b> <b>Policy</b>	<b>Number</b> <b>135.2</b>	<b>Revised</b>	<b>Effective</b> <b>Date</b> <b>7-09-12</b>	<b>Page 1 of 1</b>
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In an effort to promote economic opportunity for Fayetteville/Cumberland County businesses and to support job creation in the City of Fayetteville, it is the policy of the City of Fayetteville and the City’s Public Works Commission (collectively, the “City”) to use the City’s spending powers in a manner that promotes fiscal responsibility and maximizes the effectiveness of local tax dollars by ensuring that City spending for goods and services provides business opportunity to businesses having a principal place of business within Fayetteville/Cumberland County, and Historically Underutilized Businesses (HUBs) as defined in N.C. General Statutes 143-48.4, and 143-128.4 (a), and (b), as measures to support the local economy.

To implement the policy, the City does hereby do the following:

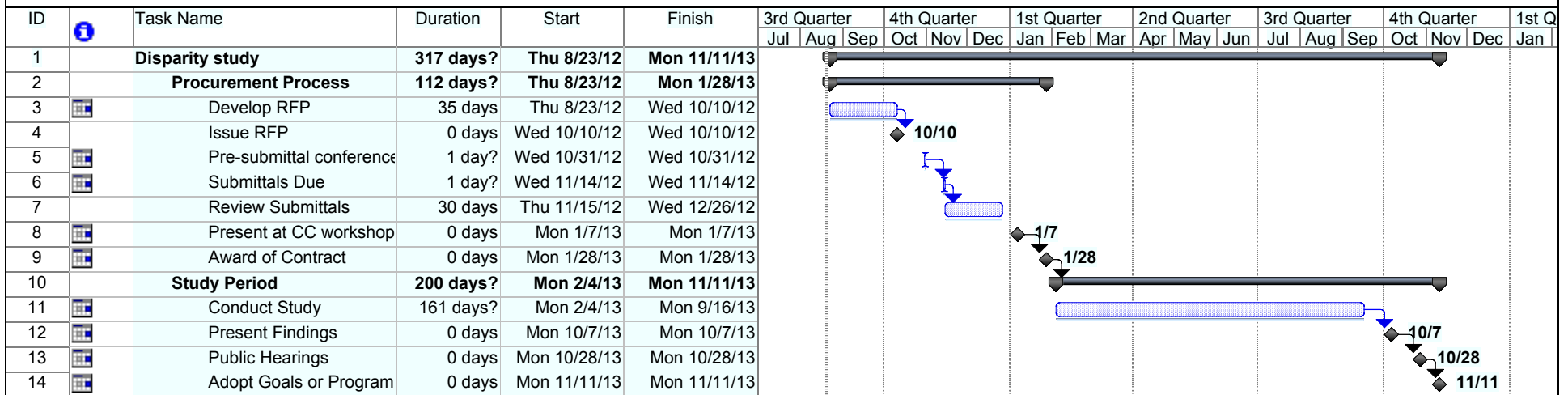
- City seeks to establish goals in the future contingent upon a disparity study for all City departments for local and HUB business participation relating to procurement of all goods and services in the following categories:
  - locally owned businesses
  - women owned businesses
  - minority owned businesses
  - disabled and disadvantaged owned businesses
  - veteran owned businesses

1. **Scope of Work #1**: Provide all labor, personnel, expertise, and incidentals to review the past three (3) years of all procurement records within the annual audited budgets of the City of Fayetteville and its Public Works Commission for the purposes of providing a written report and analyses as follows below. Services shall include conducting and participation in at least one public hearing, one informal presentation to City Council and one formal presentation to City Council:
  - The Report shall analyze purchasing and acquisition policies, practices, and outcomes related to the following business categories as defined by federal, state, or City of Fayetteville policy:
    - Locally owned businesses;
    - Women owned businesses;
    - Minority owned businesses;
    - Disabled and disadvantaged owned businesses; and
    - Veteran owned businesses.
  - The Report will:
    - Examine what, if any, barriers may be adversely affecting the participation of business categories above in contracts or purchases made by the City;
    - Identify the availability of these businesses by category that are ready, willing and able to do business with the City;
    - Analyze the contracting and procurement data of the City and PWC to determine the respective utilization of each business category;
    - Determine the extent to which any identified disparities in the utilization of available businesses by the City is attributable to discrimination or other barriers;
    - Recommend programs that the City Council has the authority to approve to address any barriers identified; and
    - Include a brief legal review, best practices and peer analysis, and recommendations for program improvements. The methodology will also reflect the direction of the Fourth Circuit in *Rowe v. Tippet*, particularly with respect to availability, regression analysis and disparities on non-goal projects.
2. **Scope of Work #2**: Provide all labor, personnel, expertise, and incidentals to review the past three (3) years of all procurement records within the annual audited budgets of the City of Fayetteville and its Public Works Commission for the purposes of providing a written report and analyses as follows below. Services shall include conducting and participation in at least one public hearing, one informal presentation to City Council and one formal presentation to City Council:




- The Report shall analyze purchasing and acquisition policies, practices, and outcomes related to the following business categories as defined by federal, state, or City of Fayetteville policy:
  - Locally owned businesses;
- The Report will:
  - Examine what, if any, barriers may be adversely affecting the participation of business categories above in contracts or purchases made by the City;
  - Identify the availability of these businesses by category that are ready, willing and able to do business with the City;
  - Analyze the contracting and procurement data of the City and PWC to determine the respective utilization of each business category; and
  - Recommend programs that the City Council has the authority to approve to address any barriers identified.




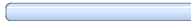


Disparity Study  
City of Fayetteville  
FY2013



Project: Disparity Study V1-August 20  
Date: Mon 8/20/12  
Project Manager: CMO

Task   
Split   
Progress 

Milestone   
Summary   
Project Summary 

External Tasks   
External MileTask   
Split 

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# Hire Fayetteville First

- Local Definition
- Disparity Study – Scope of Work



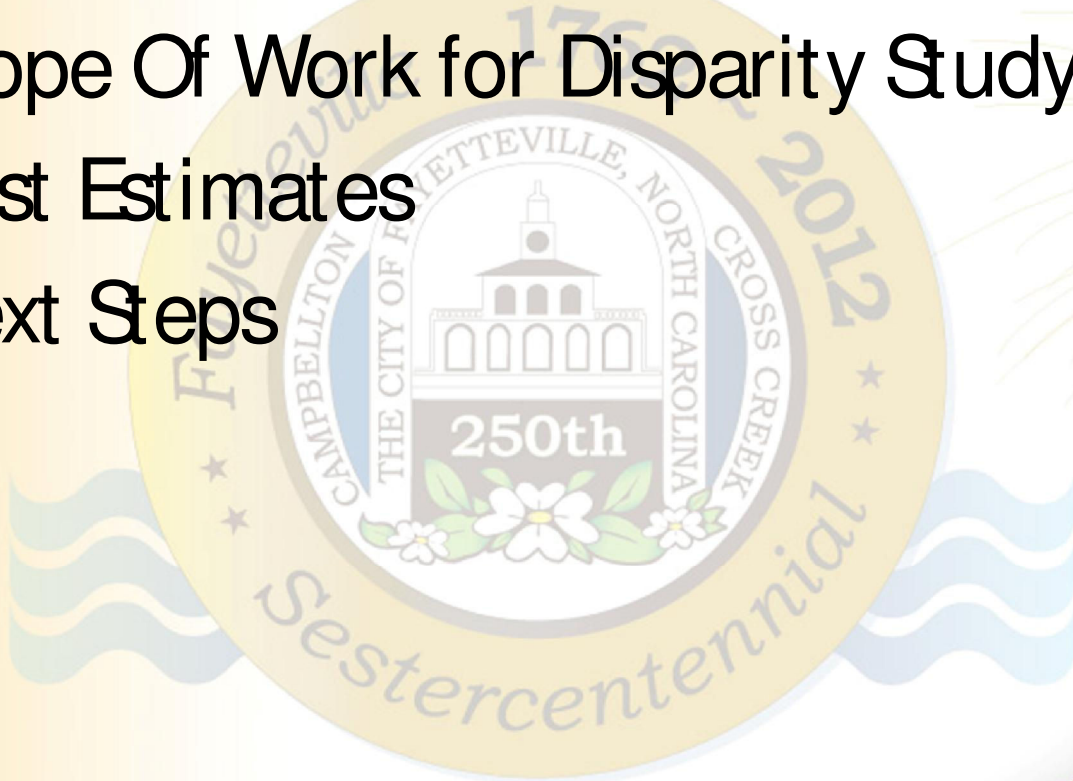
City of  
*Fayetteville*  
North Carolina



# Outline



- Definition for “Local Business”
- Scope Of Work for Disparity Study
- Cost Estimates
- Next Steps



City of  
*Fayetteville*  
North Carolina



# “Local Business”



## Key Considerations:

- Oct. 1<sup>st</sup> Council feedback
- Ease of verification



City of  
*Fayetteville*  
North Carolina

# “Local Business”



Local Business shall be those that  
<sup>1</sup>demonstrate they pay business personal or  
real property taxes to Cumberland County,  
<sup>2</sup>hold a valid City of Fayetteville Privilege  
License if applicable, and have their <sup>3</sup>principle  
place of business in Cumberland County or  
employ at least two Cumberland County  
residents at a place of business within  
Cumberland County



# “Local Business”



Local Business shall be those that  
<sup>1</sup>demonstrate they pay business personal or  
real property taxes to Cumberland County,

- Easily verifiable
- They own property, or equipment
- Renter who own equipment qualifies





# “Local Business”



Local Business shall be those that  
<sup>2</sup>hold a valid City of Fayetteville Privilege  
License if applicable,

- Easily verifiable
- Confirms compliance with City policy



# “Local Business”



Local Business shall be those that have their<sup>3</sup> principle place of business in Cumberland County or employ at least two Cumberland County residents at a place of business within Cumberland County

- Easily verifiable
- Two paths: only office or two residents





# “Local Business”



- Objective Measures
- Easily Verifiable
- Cumberland County
- Tax Generation

## Discussion



# Disparity Study Scope



## SOW #1

- Disparity Study = protected classes
- Disparity Plus
  - Local
  - Veterans
- Consistent With Council Direction

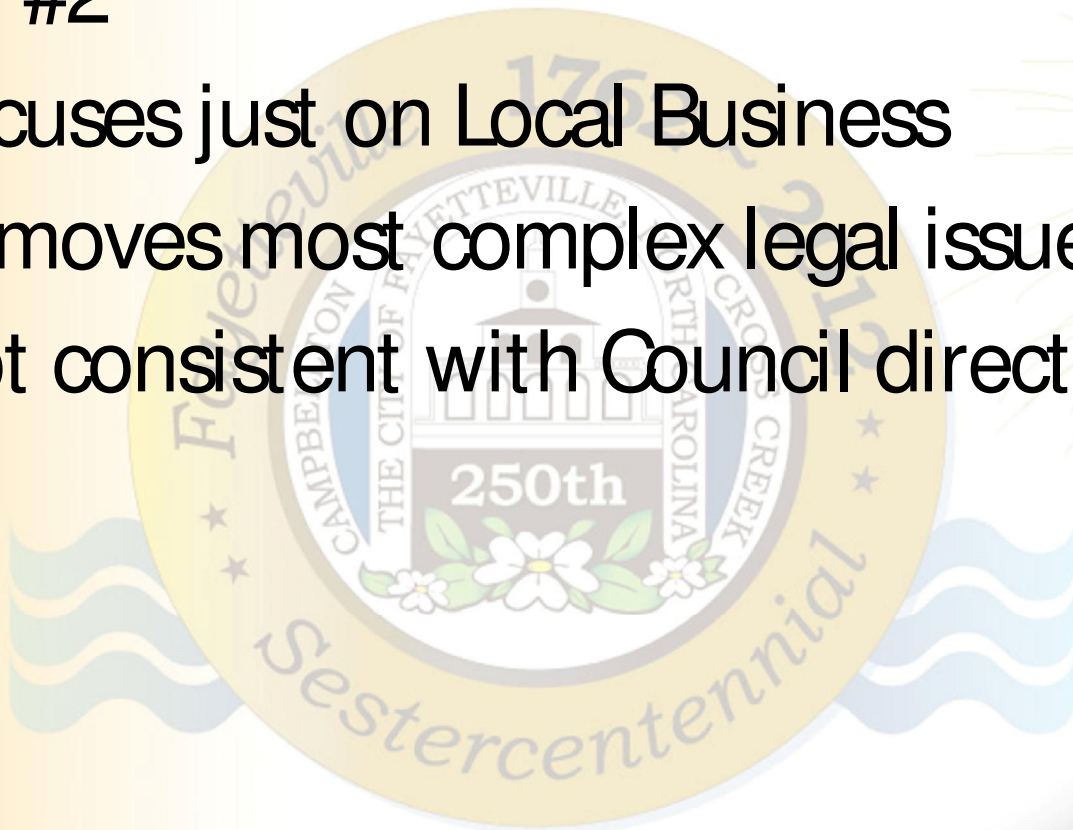


# Disparity Study Scope



## SOW #2

- Focuses just on Local Business
- Removes most complex legal issues
- Not consistent with Council direction



City of  
*Fayetteville*  
North Carolina



# Cost Estimates



## SOW #1 – Council Direction

- Charleston County
  - Standard disparity
  - \$246,000
- Charlotte
  - Update \$300,000 to \$350,000
- Fayetteville - \$300,0000



# Next Steps



- Budget Amendment
  - Nov. 26<sup>th</sup>
- Issue RFP
  - Dec. 1<sup>st</sup>
- Award
  - February 2013
  - Could take up to a year to complete

