

FAYETTEVILLE-CUMBERLAND LIAISON COMMITTEE  
CUMBERLAND COUNTY  
HILLTOP HOUSE RESTAURANT – 1240 FT. BRAGG ROAD  
FEBRUARY 20, 2014 – 12:00 PM  
SPECIAL MEETING MINUTES

CUMBERLAND COUNTY

MEMBERS PRESENT: Commissioner Jeannette Council, Chairman  
Commissioner Kenneth Edge, Vice Chairman  
Commissioner Jimmy Keefe

FAYETTEVILLE

MEMBERS PRESENT: Mayor Nat Robertson  
Council Member Katy-Ann Davy, Mayor Pro Tem  
Council Member Jim Arp

OTHERS:

Wesley Meredith, N.C. Senator 19<sup>th</sup> District  
Mitch Colvin, Fayetteville City Council Member  
James Martin, County Manager  
Amy Cannon, Deputy County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Public Information Director  
Ted Voorhees, Fayetteville City Manager  
Karen McDonald, City Attorney  
Rochelle Small-Toney, Fayetteville Deputy City Manager  
Gavin McRoberts, Fayetteville Corporate Communications  
Director  
Rusty Thompson, Fayetteville Engineering and Infrastructure  
Director  
Pamela Megill, Fayetteville City Clerk  
Dr. Frank Till, Cumberland County Schools Superintendent  
Doug Peters, Fayetteville Regional Chamber President/CEO  
Diane Potts, Center for Emerging Business Director  
Candice White, Clerk to the Board  
Press

1. CALL TO ORDER

Council Member Davy called the meeting to order and welcomed everyone in attendance.

2. INVOCATION

Council Member Colvin provided the invocation.

3. APPROVAL OF AGENDA

There were no changes to the agenda.

4. APPROVAL OF MINUTES – JANUARY 17, 2014 SPECIAL MEETING

MOTION: Commissioner Keefe moved to approve the January 17, 2014 minutes.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS (6-0)

5. ITEMS OF BUSINESS

A. UPDATE OF THE BYLAWS

Presenter: Mayor Pro-Tem Kady-Ann Davy

Council Member Davy opened the floor for discussion regarding proposed updates to the bylaws. Commissioner Keefe called attention to Article V, Sections 6. and 7. and asked that “even” and “odd” numbered years be switched. Commissioner Keefe also stated Commissioners serve as Vice-Chair for only one year as compared to the Mayor Pro-Tem who serves for two years. Commissioner Keefe stated according to the proposed bylaws as stated, it is more than likely going to happen that when the County’s Vice Chairman becomes the committee’s Chair, that individual will not have had any experience on the committee. Discussion followed.

The following motion was offered.

MOTION: Commissioner Keefe moved that the County take the “odd years” and the City take the “even” years.  
SECOND: Mayor Robertson  
VOTE: UNANIMOUS (6-0)

Mr. Martin asked whether “governing board” in Article V, Section 2.B. should be changed to “the Mayors’ Coalition” as in Article III, Section 2. Mr. Martin stated his thought was that the County representative would present items to the Board of Commissioners and the City representative would present items to the Fayetteville City Council. Commissioner Edge stated the Chair of the Board of Commissioners will always be on the committee and the Mayor will always be on the committee, both of which are members of the Mayors’ Coalition, and should be able to represent the committee to the Mayors’ Coalition.

MOTION: Commissioner Keefe asked that Section 2.B. of Article V be stricken from the bylaws.  
SECOND: Mayor Robertson  
VOTE: UNANIMOUS (6-0)

Commissioner Edge referenced Article VI, Section 8. and suggested the committee may wish to consider whether it would be more appropriate to adopt the School of Government’s “Rules of Procedure for Small Local Governing Boards” as its guide as opposed to “Robert’s Rules of Order” (Revised) that is intended primarily to

guide the deliberations of large legislative bodies and whose detailed rules are not always appropriate for small governing boards. Commissioner Edge stated the “Rules of Procedure for Small Local Governing Boards” is available in an electronic format and asked that it be sent to committee members for further consideration.

- MOTION:** Commissioner Edge moved for the committee to consider adopting the School of Government’s “Rules of Procedure for Small Local Governing Boards” as its guide as opposed to “Robert’s Rules of Order”.
- SECOND:** Council Member Arp
- VOTE:** UNANIMOUS (6-0)

Mayor Robertson referenced Article IV, Section C. and offered the following motion.

- MOTION:** Mayor Robertson moved to add subsection c. to include “Cumberland County Legislative Delegation, who shall be the Chair or appointee”.
- SECOND:** Commissioner Keefe
- VOTE:** UNANIMOUS (6-0)

**B. TRAFFIC CAMERAS**

Presenter: Karen McDonald, City Attorney

Karen McDonald, City Attorney, introduced Rusty Thompson, Fayetteville Engineering and Infrastructure Director, and provided a presentation on the Fayetteville Safelight Program which began in October, 1999. Ms. McDonald stated the program was for five years with two one-year extensions; the first five year period ended in 2004. Ms. McDonald stated the initial program had seven cameras with three additional cameras slated to come on-line. Ms. McDonald reviewed the following camera locations.

Existing Cameras			
1	MLK at Ramsey Street	1	Murchison Road at Langdon Street
2	Ramsey Street at Law Road	1	Reilly Road at Morganton Road
1	Bragg Boulevard at Sycamore Dairy Road	1	Reilly Road at Kimridge Drive
2	Yadkin Road at Santa Fe Drive		
1	Skibo Road at Yadkin Road		

Ms. McDonald presented revenues generated by the program from October, 1999 to June, 2004 as follows:

Total # Paid	Total Collected	ACS Fee Amount	Client Net Total
50,323	\$2,501,225.75	\$1,783,827.02	\$717,398.73

Ms. McDonald stated the revenue was used to make railroad crossing improvements at eight locations, three signal improvements and to install three 25 MPH speed limit signs.

Ms. McDonald presented the following safety results from the program and stated this is important because most people thought the program was intended to be a revenue generator. Ms. McDonald stated accidents were compared to three years before the cameras were installed to three years after installation.

Location	Avg. Crash Rate Per Year Before	Avg. Crash Rate Per Year After	Angle Percentage +/-	Rear End Percentage +/-
MLK Freeway at Ramsey Street	8.7	8.4	0	-5.6
Ramsey Street at Law Road/Par Drive	12.1	9	-75	14.3
Yadkin Road at Santa Fe Drive	20.3	13.2	-51.6	-18.3
Skibo Road at Yadkin Road	31.4	16.7	-58.6	-41.5
Sycamore Dairy Road at Bragg Boulevard	13	8.8	-21.4	-34.4

Ms. McDonald stated in 2004 a lawsuit was initiated in Guilford County, *Shavitz v. City of High Point*. Ms. McDonald advised Mr. Shavitz was issued a citation for running a red light; he refused to pay the \$50.00 and subsequently received a citation for \$100.00 which included cost of red light violation and a penalty. Ms. McDonald stated Mr. Shavitz filed a lawsuit challenging the constitutionality of the program and the penalties, and in the alternative, if the program was constitutional, that the City was required to pay the clear proceeds of the program to the Board of Education.

Ms. McDonald stated a decision was rendered that High Point must pay the School Board the clear proceeds of red light camera funds. Ms. McDonald explained clear proceeds were all money collected less a maximum of 10 percent for costs. Ms. McDonald stated in 2006, the NC Court of Appeals upheld the decision so under the ruling, the City was obligated to remit \$45.00; however, the City was only receiving \$18.00 of each ticket (\$50.00-\$32.00=\$18.00).

Ms. McDonald stated in 2006, Fayetteville attempted to negotiate with School Board regarding use of safelight funds to build sidewalks around schools and

install cameras in elementary schools. Ms. McDonald stated efforts to reach an agreement were unsuccessful and the City discontinued its safelight program.

Ms. McDonald stated in 2007, after almost a year of negotiations, the School Board advised the City it was no longer interested in an agreement and requested the City remit the proceeds of the Red Light Camera Program. Ms. McDonald stated based on the proceeds of the last three years (2004, 2005, 2006), that amount was \$1.6 million and it was paid over three years.

Ms. McDonald stated because Fayetteville and others cities across the state saw significant value in the program, efforts were put forth to resurrect the program. Ms. McDonald stated in 2008, legislation was introduced to clarify the definition of clear proceeds and allow for collection assistance fee of \$15.00.

Ms. McDonald stated three things occurred; First - legislation was introduced to try to help cities retain their programs. Ms. McDonald stated because this legislation was contrary to the constitution and the ruling in Shavitz, all cities were put on notice of a lawsuit if they entered into a contract under this statute. Ms. McDonald stated Fayetteville, as well as other cities, declined to move forward under that legislation.

Ms. McDonald stated Second - the City made another proposal to the School Board. Ms. McDonald stated under the proposal, the City would remit all the cash received and the remainder would be paid in-kind based on services provided to the School Board. Ms. McDonald stated this included such things as programs provided by the Police and Fire Department, Stormwater Education, Parks and Recreation, and was estimated to be over \$590,000. Ms. McDonald stated the School Board indicated some reluctance to this type of agreement and subsequently the negotiations went nowhere.

Ms. McDonald stated Third - the City issued an RFP in 2008 based on the thinking that with the new technology, costs may have gone down. Ms. McDonald stated costs ranged from \$38.50 to \$44.95 per ticket in the proposals so there was not a significant change in cost since Fayetteville's citations had been \$32.00. Ms. McDonald stated Fayetteville elected not to proceed based on costs and the inability to reach an agreement with the School Board.

Ms. McDonald stated if the City and County were to consider moving forward, there would be challenges and the attorneys would have to find a way to make the program work short of the City subsidizing the program out of its General Fund. Questions and discussion followed.

Ms. McDonald stated if may be prudent to start with an RFP to see what the prices are because if the prices have not significantly changed, it would alter the agreements in order to make the program work.

Mayor Robertson asked Dr. Frank Till, Cumberland County Schools Superintendent, whether he felt the Board of Education could work with the two

governing bodies to identify projects. Dr. Till stated although he cannot speak for the Board of Education, Board of Education Chair Greg West is interested in it but has not surveyed the full Board. Dr. Till stated from talking with the Board over the years, they are open to partnering on a wide variety of things to benefit the community. Dr. Till stated Mr. West has expressed interest in flashing lights around schools.

MOTION: Mayor Robertson moved that the committee ask for an RFP to be let and with more feedback from the committee, refer it to the attorneys.  
SECOND: Commissioner Keefe  
VOTE: UNANIMOUS (6-0)

Mr. Thompson stated the committee should be able to review the proposals at its April 17<sup>th</sup> or May 15<sup>th</sup> meeting.

C. OVERVIEW FOR THE CENTER OF EMERGING BUSINESS  
Presenter: Diana Potts, Director Center for Emerging Business

The Fayetteville Regional Chamber's presentation was deferred to the March 20<sup>th</sup> meeting. Diana Potts, Director Center for Emerging Business, announced one of the first large initiatives for economic development that can hopefully be brought to Cumberland County is a \$15 million fully funded environmental project. Ms. Potts stated there are two small businesses in that joint venture, one of which is a woman/veteran locally-owned business. Ms. Potts also stated different members will be asked for support and help to bring the green project to the area. Ms. Potts stated this project is the first in the United States and is backed by the Department of Energy and the USDA.

6. OTHER ITEMS OF BUSINESS

The following items were scheduled for the March 20<sup>th</sup> committee meeting:

- Report of City and County Strategic Plan Commonalities
- Fayetteville Regional Chamber's Overview for the Center of Emerging Business
- Discussion and Consideration of the Revitalization of the Fayetteville-Cumberland County Youth Council

7. ADJOURNMENT

There being no further business, the meeting adjourned at 1:14 p.m.

The next meeting is scheduled for March 20, 2014.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board