



FAYETTEVILLE CITY COUNCIL  
AGENDA  
AUGUST 6, 2012  
5:00 P.M.  
Lafayette Room

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**1.0 CALL TO ORDER**

**2.0 INVOCATION**

**3.0 APPROVAL OF AGENDA**

**4.0 OTHER ITEMS OF BUSINESS**

4.1 NCDOT would like to present the latest update to the Rowan Street Bridge project.

Presented By: Rusty Thompson, PE, Engineering and Infrastructure

4.2 Compensation Policy and Planning - Follow-Up

Presented By: John Kuhls, Human Resources Development Director

4.3 Limited English Proficiency (LEP) - Update

Presented By: Ronald McElrath, Human Relations Director Luis Collazo,  
Human Relations Supervisor

4.4 Boarded Structures - Follow-Up

Presented By: Scott Shuford, Development Services Director

4.5 River Overlay District

Presented By: Scott Shuford, Development Services Director

4.6 Council Request - North Pavilion Hospital Overlay

Presented By: Keith Bates, Council Member

4.7 Council Request - Surplus Property/Property with Liens

Presented By: Keith Bates, Council Member

4.8 Council Request - Sales Tax

Presented By: Keith Bates, Council Member

## 5.0 MANAGER'S REPORT

## 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 Council  
**FROM:** Rusty Thompson, PE, Engineering and Infrastructure Director  
**DATE:** August 6, 2012  
**RE:** **NCDOT would like to present the latest update to the Rowan Street Bridge project.**

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**THE QUESTION:**

Council is being asked for comment about the design of the Rowan Street bridge project.

**RELATIONSHIP TO STRATEGIC PLAN:**

Growing City, Livable Neighborhoods - A Great Place to Live

**BACKGROUND:**

- NCDOT is replacing the existing bridge with two bridges and re-aligning the roadways to create a new intersection.
- Tentative Date to R/W is December, 2013
- Tentative Date to Construction is December, 2015
- Total Estimated Cost is \$ 35,845,000

**ISSUES:**

- The City has asked the project be pedestrian friendly, aesthetically pleasing and landscaped.

**BUDGET IMPACT:**

The cost to the City is not known at this time. NCDOT will refine the estimates and send a municipal agreement with a defined cost on a later date.

**OPTIONS:**

N/A- Information and feedback purposes only.

**RECOMMENDED ACTION:**

N/A - Information and feedback purposes only.

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** John Kuhls, Human Resources Development Director; and Kristoff Bauer, Interim City Manager  
**DATE:** August 6, 2012  
**RE:** **Compensation Policy and Planning - Follow-Up**

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**THE QUESTION:**

How shall staff proceed with future Compensation planning?

**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 follow-up to prior discussions with Council to ask for feedback and direction regarding the City's Compensation policy and planning for future changes as recommended. We have received short-term direction and are now implementing the approved FY 2013 budget pay changes for employees effective in mid-August. This discussion is beneficial to understand Council preferences for policy and planning in the long-term.

**ISSUES:**

We will review and consider three key issues related to Compensation:

1. Recruitment - The City typically advertises and hires at the minimum pay rate per City Ordinance, which puts hiring managers at a competitive disadvantage.
2. Turnover - City turnover rate has been high at 10-11%, resulting in increased expenses and inefficiencies, since we serve as a training ground for employees who seek other employment.
3. Progress to or towards Midpoint / Market Pay - Employees do not progress sufficiently to or towards their grade midpoint (market pay rate). Currently, the City's pay for performance system does not differentiate between satisfactory and top performers for pay raises.

Options and best-practice recommendations will be presented for discussion in these areas.

**BUDGET IMPACT:**

N/A for the short-term FY 2013 budget as recommended by the Interim City Manager and subsequently approved by Council at their June 11, 2012 meeting.

**OPTIONS:**

1. Postpone this discussion of these and related questions to a later date and time.
2. Continue this discussion in order to establish a clearer future direction & policy for planning.

**RECOMMENDED ACTION:**

Continue this discussion in order to establish a clearer future direction and policy for planning.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and Members of City Council  
**FROM:** Ronald McElrath, Director of Human Relations  
**DATE:** August 6, 2012  
**RE:** **Limited English Proficiency (LEP) - Update**

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**THE QUESTION:**

This is an informational item to update Council on the City's Limited English Proficiency (LEP) policy, and provide status on current resources, costs, projected completion time and training completed.

**RELATIONSHIP TO STRATEGIC PLAN:**

Limited English Proficiency (LEP) was identified as a management agenda priority in the City's Strategic Plan for 2011-2012.

**BACKGROUND:**

The City implemented its Limited English Proficiency (LEP) policy effective July 15, 2011. It was distributed to all City employees in August, 2011. The Human Relations Department is the responsible Department for monitoring and updating the LEP Plan, and the City will review and update LEP policies and procedures every third year beginning in May, 2011 per the policy. Interpreter resources have been identified and training has been developed.

**ISSUES:**

Communication of the City's policy and available resources will ensure efficient delivery of language assistance for LEP persons who seek City of Fayetteville services. A Limited English Proficiency person is one who does not speak English as his or her primary language and who has a limited ability to read, speak, write, or understand English.

**BUDGET IMPACT:**

Funding for interpreter services is within departmental budgets where needs exist (e.g. Police). Should there be a significant increase in future needs, then departmental budgets may need adjusting to support the demand. City management and City council will need to determine where the more expensive items not budgeted by departments but required will have to come.

**OPTIONS:**

**RECOMMENDED ACTION:**

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Scott Shuford, Development Services Director  
**DATE:** August 6, 2012  
**RE:** **Boarded Structures - Follow-Up**

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**THE QUESTION:**

How shall staff proceed with addressing boarded structures?

**RELATIONSHIP TO STRATEGIC PLAN:**

Desirable Neighborhoods

**BACKGROUND:**

On June 4, 2012, City Council heard a presentation regarding options for addressing the problem of boarded structures in neighborhoods. Council had several questions requiring staff follow-up prior to providing direction about which option or combination of options that staff should pursue. See the attached minutes of Council discussion.

**ISSUES:**

There is a concern that boarded buildings detract from neighborhood appearance and affect property values. A second concern involves the potential for unoccupied, unboarded structures to attract crime and vandalism.

**BUDGET IMPACT:**

This is a workload priority issue, not one which affects the budget.

**OPTIONS:**

While several options were presented, staff has developed a concept that could be applied to any of the options that we would like to share with Council for additional direction. Our idea is that only the front side of a structure (or any side facing a street in the case of a corner property or other property with more than one street frontage) have the boarding time limitation applied to it, with the sides or rear portions of a structure being allowed to be boarded without a time limitation. Since most illegal entry of vacant properties occurs on the side or rear sides (since they are less visible), the most significant concern about placing a limit on boarding is reduced. This approach allows for easier enforcement as well, since the street side of such properties is readily visible, unlike the side or rear.

Staff will provide a PowerPoint presentation on boarded structures; this presentation is attached.

**RECOMMENDED ACTION:**

Provide direction to staff regarding the development of a time limitation ordinance establishing civil penalties for boarding structures for longer than a specified period.

**ATTACHMENTS:**

Minutes of Council Discussion  
Boarded Structures PowerPoint

## **MINUTES OF JUNE 4, 2012**

### **4.3 Report – Boarded-Up Structures**

Mr. Scott Shuford, Development Services Manager, presented this item with the aid of a power point presentation. He stated the City Council had requested that staff study the issue of boarded-up buildings and provide a report with options and recommendations. He further stated the City had a large number of boarded-up structures in its residential and commercial neighborhoods, which was related to the transient nature of the residents and to the need to secure structures from vandalism and illegal entry. He further stated neighborhoods with boarded structures faced impacts that included appearance, crime, and property value issues and there was a local economic development impact associated with boarded structures as well. He advised state law would not allow the City to demolish boarded structures unless other conditions prevailed. He further advised the City was able to establish time limits for boarding structures and the challenge was how to address the complicated issue in a way that balanced property rights with neighborhood and community impact. He provided the following three options for consideration:

- Option One – Establish a time limit as to how long a structure could be boarded and apply universally. This would be easy to implement but it would not account for extenuating circumstances such as deployment and would not penalize poor property upkeep.
- Option Two – Establish a generous time limit (3 years) on how long a structure could remain boarded and provide reductions in that time limit based on extent of code violations. This would penalize poor property upkeep and account for extenuating circumstances, but would be more difficult to implement.
- Option Three – Establish a limit as to how long a structure could be boarded and provide for a hearing to consider circumstances like deployment or poor property upkeep. This would account for extenuating circumstances and could penalize poor property upkeep but would be the most difficult to implement.

Council Member Massey stated he did not think the City should intervene and force a property owner to remove boards.

Council Member Crisp stated this was a community problem.

Council Member Fowler inquired how many property owners had been cited for not painting the boards the same color as the house. Mr. Shuford responded he did not have that information readily available.

Further discussion ensued.

Mayor Chavonne concluded by requesting staff gather more information, research an appeals process, and bring back to a future work session.

# **Boarded-Up Structures**

**Issues and Options**

**August 6, 2012**



# **Before We Start, Some Good News**

## **City-County Owned Structures Scheduled for Demolition**

**2310 Murchison Road**

**701 North Street**

**703 North Street**

**802 Barnes Street**

**837 Deep Creek Road**

**601 Link Street**

**822 Anita Street**

**757 Johnson Street**

# Some More Good News

## CDBG Demolitions in FY 2012

210 S Broad St	949 Fuji Dr	1633 Rosebud St
1718 Cardinal Cr	332 Hawley Ln	856 Shortridge Rd
1753 Cardinal Cr	515 Link St	860 Shortridge Rd
323 Cool Spring St	225 Pennsylvania Av	1634 Slater Av
1003 Filter Plant Dr	1052 Progress St	826 Southern Av
1303 Fraser Dr	6318 Raeford Rd	844 Southern Av
6452 Freeport Rd	421 Reilly Rd	950 Taft St
943 Fuji Dr	1420 Rhome St	

# Current Standards

## FAYETTEVILLE CITY CODE

### CHAPTER 14 – Housing, Dwellings and Buildings

#### Section 14-39(I) . - Responsibilities of owners and occupants.

- Vacant buildings must be secure at all times.
- Should it become necessary to board the windows and/or doors:
  - Boards must be fitted to the openings
  - Boards must be screwed in place
  - Boards must be painted a color consistent with the surrounding wall area

# Conforming and Nonconforming Boarding

Conforming



Nonconforming



# Conforming and Nonconforming Boarding

Conforming



Nonconforming



# Conforming and Nonconforming Boarding

**Conforming**



**Nonconforming**



# **In June, We Presented Three Options**

# Option 1

- Establish a time limit as to how long a structure can be boarded and apply universally.

<b>PROS</b>	<b>CONS</b>
Relatively easy to implement	Does not account for extenuating circumstances such as deployment Does not penalize poor property upkeep

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# Option 2

- Establish a generous time limit (3 years) on how long a structure can remain boarded and provide for reductions in that time limit based on extent of code violations.

<b>PROS</b>	<b>CONS</b>
Penalizes poor property upkeep	More difficult to implement
Accounts for extenuating circumstances such as deployment	

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# Option 3

- Establish a limit as to how long a structure can be boarded and provide for a hearing to consider circumstances like deployment or poor property upkeep.

<b>PROS</b>	<b>CONS</b>
Accounts for extenuating circumstances such as deployment	Most difficult to implement
Can penalize poor property upkeep	

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# **Council Directed Additional Research**

# Issue

**Issue:** A mandatory time limit on how long a property can be boarded can promote vandalism and unlawful entry which may be more problematic to a neighborhood than boarding.

# Possible Solution

**Possible Solution:** Most unlawful entry is from the side or rear of a structure. What if we simply mandated that the street side of a structure be un-boarded after one year? The side and rear windows and doors could remain boarded, reducing the chance of unlawful entry.

# **Boarded-Up Structures**

**Issues and Options**

**August 6, 2012**

## CITY COUNCIL ACTION MEMO

**TO:** Mayor and City Council  
**FROM:** Scott Shuford, Development Services Director  
**DATE:** August 6, 2012  
**RE:** **River Overlay District**

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**THE QUESTION:**

In what fashion should staff pursue the development of a River Overlay District?

**RELATIONSHIP TO STRATEGIC PLAN:**

Desirable Neighborhoods.

**BACKGROUND:**

In denying a proposed salvage yard on the Cape Fear River, City Council directed staff to pursue a River Overlay District. Staff is interested in discussing the scale and scope of what is desired so that we are able to effectively and efficiently carry out Council's desires.

**ISSUES:**

The scale and scope of the River Overlay District will be determined which goals Council directs staff to pursue: Environmental Protection; River Access; River Amenities; Development Pattern; and/or Other Goals Identified by Council. Staff will present a PowerPoint presentation intended to assist Council in defining those goals.

**BUDGET IMPACT:**

No funds are currently budgeted for development of this overlay district. The cost for preparing a River Overlay District ordinance will be determined by the timing, goals, and scope of what the City Council desires to accomplish. Staff will have a better idea of the cost of developing a recommended ordinance after our discussion of this work session item.

**OPTIONS:**

Various options for a River Overlay District will be presented by staff in a PowerPoint presentation. Council will be asked for input as to the components of the River Overlay District so staff can proceed to develop the requested zoning tool.

**RECOMMENDED ACTION:**

Council discussion regarding expectations of timing, goals, and scope of the River Overlay District.

**ATTACHMENTS:**

River Overlay Power Point Presentation

# **River Overlay District**

Timing, Goals and Scope



# Timing, Goals and Scope = Cost

- Development Services staff is not able to take on the preparation of a River Overlay District project without consultant services.
- The timing, goals and scope expectations for the project will determine its cost.
- Our discussion today will provide staff with the information necessary to proceed with developing a cost estimate that, if pursued, would result in a budget amendment.

# Timing

When does Council want to be able to review a proposed Overlay District?

Staff is currently juggling four key projects:

- Bragg Blvd. – Complete by Fall
- Ramsey Street – Complete by Fall
- Sign Code – Completion TBD
- MIA Land Use Analysis – Completion TBD

# Goals

- Environmental Protection
- River Access
- River Amenities
- Development Pattern
- Other

# Environmental Goals

- Water Quality
- Preservation of Vegetation
- Other Environmental Goals



# Access Goals

- Pedestrian (e.g., River Trail, sidewalks)
- Vehicular (e.g., street pattern, parking)
- Other Access Goals



# Amenity Goals

- Trail
- Fishing platforms
- Viewing platforms
- Other River amenities



# Development Goals

What type of development along the River is desired by Council?



# Other Goals

Are there other goals that are of interest to Council that should be included?



# Physical Scope

What area(s) of the City should be included in the study?

- Whole City + MIA
- Particular Section(s) along River
- River Tributaries
- Other Areas?

**Thank You For Your Direction!**

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and City Council  
**FROM:** Keith Bates, Council Member  
**DATE:** August 6, 2012  
**RE:** **Council Request - North Pavilion Hospital Overlay**

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**THE QUESTION:**

Please see attachment

**RELATIONSHIP TO STRATEGIC PLAN:**

Please see attachment

**BACKGROUND:**

Please see attachment

**ISSUES:**

Please see attachment

**BUDGET IMPACT:**

None at this time.

**OPTIONS:**

Please see attachment.

**RECOMMENDED ACTION:**

City Council to provide staff direction.

**ATTACHMENTS:**

062312 City Council Agenda Item Request

**City Council Agenda  
Item Request**

**Date of Request:** 23 JUNE 2012

**Name of Requester:** Keith Bates

**Agenda Item Title:** North Pavilion Hospital Overlay

**What do you want to accomplish with this item?**

Beauty by design  
Vibrant Major Corridors  
Strong Local Economy

**How does this item connect to the City's Strategic Plan?**

Well planned community with predictable land use.  
Buffering residential and commercial areas.  
Diverse growing city tax base.

**Comments:**

The City has the opportunity to be proactive on an area that will see dramatic development due to Cape Fear Valley Hospital building a 65 bed hospital at Andrews Rd and Ramsey street.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and City Council  
**FROM:** Keith Bates, Council Member  
**DATE:** August 6, 2012  
**RE:** **Council Request - Surplus Property/Property with Liens**

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**THE QUESTION:**

Please see attachment

**RELATIONSHIP TO STRATEGIC PLAN:**

Please see attachment

**BACKGROUND:**

Please see attachment

**ISSUES:**

Please see attachment

**BUDGET IMPACT:**

Please see attachment

**OPTIONS:**

Please see attachment

**RECOMMENDED ACTION:**

City Council to provide staff direction

**ATTACHMENTS:**

062612 City Council Agenda Item Request

**City Council Agenda  
Item Request**

**Date of Request:** 26 June 2012

**Name of Requester:** Keith Bates

**Agenda Item Title:** Surplus Property / Property with City liens

**What do you want to accomplish with this item?**

Put property on tax rolls  
Recoup city expenses

**How does this item connect to the City's Strategic Plan?**

Principle A  
Principle B  
Principle H  
Goal 1  
Goal 4

**Comments:**

Take ownership of the properties the city has liens on (demolition liens) sell the properties to recoup tax payer funds. This will put the vacant properties on the tax roll, bring in construction related fees (permits, inspections), increase tax base with new construction, create employment during the construction, create affordable housing.

**CITY COUNCIL ACTION MEMO**

**TO:** Mayor and City Council  
**FROM:** Keith Bates, Council Member  
**DATE:** August 6, 2012  
**RE:** **Council Request - Sales Tax**

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**THE QUESTION:**

Please see attached

**RELATIONSHIP TO STRATEGIC PLAN:**

Please see attached

**BACKGROUND:**

Please see attached

**ISSUES:**

Please see attached

**BUDGET IMPACT:**

Please see attached

**OPTIONS:**

Please see attached

**RECOMMENDED ACTION:**

City Council to provide staff direction

**ATTACHMENTS:**

070912 City Council Agenda Item Request



## City Council Agenda Item Request

**Date of Request:** 9 July 2012

**Name of Requester:** Keith Bates

**Agenda Item Title:** Sales tax

**What do you want to accomplish with this item?**

Determine the process for implementing a sales tax.

**How does this item connect to the City's Strategic Plan?**

Funding for Parks and Recreation Bond

**Comments:**

Would like for staff to investigate the process for a sales tax to fund the P&R Bond, should it pass.

What is the process for requesting a sales tax?

How much would a ¼ cent and ½ cent sales tax generate in revenue to pay the bond?

How does a ¼ and ½ sales tax increase compare to revenue generated by a 2.25 cent tax increase?