

**FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
LAFAYETTE ROOM  
AUGUST 6, 2012  
5:00 P.M.**

Present: Mayor Pro Tem James W. Arp, Jr. (District 9)  
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:20 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 5:07 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8)

Absent: Mayor Anthony G. Chavonne

Others Present:

Kristoff Bauer, Interim City Manager  
Karen M. McDonald, City Attorney  
Brian Meyer, Assistant City Attorney  
Dana Clemons, Assistant City Attorney  
Scott Shuford, Development Services Manager  
John Kuhls, Human Resource Development Director  
Dwayne Campbell, Chief Information Officer  
Katherine Bryant, Interim Police Chief  
Rusty Thompson, Engineering and Infrastructure Director  
Ron McElrath, Human Relations Director  
Luis Collazo, Human Relations Supervisor  
Brad Whited, Airport Director  
Michael Gibson, Parks, Recreation and Maintenance Director  
Randy Hume, Transit Director  
Victor Sharpe, Community Development Director  
Karen Hilton, Planning and Zoning Manager  
Rebecca Rogers-Carter, Management Services Manager  
John Richards, NCDOT Engineer  
Pamela Megill, City Clerk  
Members of the Press

### **1.0 CALL TO ORDER**

Mayor Pro Tem Arp called the meeting to order.

### **2.0 INVOCATION**

The invocation was offered by Council Member Fowler.

### **ANNOUNCEMENTS**

Council Member Hurst announced the City was seeking applicants for boards and commissions through August 12, 2012. He stated applicants must be residents of the City of Fayetteville and further information could be located on the City's website and by contacting the office of the City Clerk.

### **3.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Hurst moved to approve the agenda.

**SECOND:** Council Member Bates

**VOTE:** UNANIMOUS (7-0)

### **4.0 OTHER ITEMS OF BUSINESS**

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

Mr. Rusty Thompson, Engineering and Infrastructure Director, introduced Mr. John Richards, NCDOT Engineer, and stated there were other NCDOT staff in attendance to assist with any questions or concerns from the Council.

Mr. John Richards presented this item with the aid of a power point presentation and visualization. He stated the purpose of the project was to replace Bridge No. 116 on NC 24-210 (Rowan Street) and to relocate existing Rowan Street in support of the Fayetteville Northwest

Gateway Plan and the proposed North Carolina Veterans Park. He presented the following needs that would be addressed by the project:

- NCDOT Bridge Maintenance Unit records indicated Bridge No. 116 had a sufficiency rating of 7 out of a possible 100. The bridge was considered structurally deficient and therefore eligible for the Federal Highway Administration's Highway Bridge Replacement and Rehabilitation Program.
- Without reconfiguring the intersections of NC 24 (Rowan Street), Bragg Boulevard, NC 210 (Murchison Road), and West Rowan Street, the level of service was expected to range from E to F in the design year (2030). The level of service of a roadway was the measure of its traffic carrying ability. Levels of service could range from A to F, "A" being the best scenario with unrestricted maneuverability and operating speeds, and "F" being the worst scenario where travel on a roadway was characterized by "stop and go" conditions.
- In 2007, the City of Fayetteville approved the Northwest Gateway downtown redevelopment plan. Portions of existing NC 24-210 (Rowan Street) right-of-way were within the proposed limits of the North Carolina Veterans Park. Relocating the bridge to the north and reconfiguring the existing intersections would allow this right-of-way to be reused for the park.

Mr. Richards stated the proposed improvements were consistent with the Long Range Transportation Plans for the local municipalities within the study area. He further stated local governments with the Fayetteville Metropolitan Planning Organization, as well as NCDOT, adopted the plan. He provided an overview of the proposed project and stated the right-of-way cost would be \$12,983,850.00 and the construction cost would be \$23,400,000.00 for a total project cost of \$36,383,850.00.

A brief discussion period ensued.

Mr. Richards announced NCDOT would be holding a public hearing on August 20, 2012, at 4:00 p.m. at the Airborne and Special Operations Museum, 100 Bragg Boulevard, Fayetteville, NC.

#### **4.2 Compensation Policy and Planning - Follow-Up**

Mr. John Kuhls, Human Resource Development Director, presented this item with the aid of a power point presentation and stated the three major issues were recruitment, turnover, and progress to or towards midpoint/market pay. He explained the City was currently advertising and budgeting for hiring at the minimum of the vacancy salary grade per City ordinance. He further stated staff recommended the City advertise and hire above the minimum when appropriate which would enable department head discretion. He also stated when necessary, internal equity adjustments could be made within units subject to the City Manager's approval. He stated Council could direct the City Finance staff to budget positions at midpoint/market rate instead of minimum in the future. He stated the turnover rate was currently 10 to 11 percent which was too high. He stated the recommended proposed actions were to adjust the City's pay structures, reclassify positions below market over time, and annually review pay classification to stay competitive. He stated the City's overall market position and the recommendations were based on a comparison of the City of Fayetteville, Cumberland County, and PWC. He stated that currently employees were not sufficiently progressing to or towards their grade midpoint/market pay rates. He stated the City pay for performance system was not differentiating between satisfactory and top performers for pay raises. He stated the options included to (a) design and implement a pay step program like sworn police for non-sworn staff or (b) design and implement a reinvigorated approach to provide higher pay raises for top performers (rated EE) which would provide incentive and motivate employees to go above and beyond standard expectations (rated ME). He stated timing would be targeted for July 1, 2013, for the start of the new fiscal and performance evaluation year.

A brief discussion period ensued.

Consensus of the Council was to direct staff to provide further information and provide cost estimates of the proposed recommendations.

#### **4.3 Limited English Proficiency (LEP) - Update**

Mr. Ron McElrath, Human Relations Director, and Mr. Luis Collazo, Human Relations Supervisor, presented this item with the aid of a power point presentation. Mr. McElrath stated

an individual with LEP was one who did not speak English as their primary language and had a limited ability to read, write, speak, or understand English because of his/her national origin. He explained the starting point to determine whether LEP assistance was required in a particular program/activity was an individualized assessment that balanced the following four factors:

- The number of proportion of LEP persons in the program's serviced area.
- The frequency of contact between the program and LEP persons.
- The nature and importance of the program or activity.
- The availability of resources.

Mr. Collazo further stated that reasonable efforts to provide written language assistance would include the recipient conducting the four-factor analysis, determining that translated documents were needed by LEPs, adopting an LEP policy that would specify translation of vital documents, and undertaking efforts to translate vital documents. He stated the next steps to take, if the four-factor analysis indicated that some form of LEP was required, would be to develop tailored procedures to address LEP responsibilities, based on both oral and written communications used in the program; train the program staff on the procedures; notify the LEP population that LEP assistance would be available; and monitor the effectiveness of LEP procedures on a periodic basis.

Mr. McElrath explained that language assistance would involve both oral and written communications with LEP individuals and could take the following forms, for example: oral interpretation through the use of either a vendor or bilingual staff, (b) telephone interpreter lines, or (c) written translation of vital documents.

Council Member Applewhite commented that the project had been two years in the making and she was very happy to see it come to fruition.

#### **4.4 Boarded Structures - Follow-Up**

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. He stated per Section 14-39(1) of Chapter 14, vacant buildings must be secure at all times. He stated should it become necessary to board the windows and/or doors, boards must (1) be fitted to the openings, (2) be screwed in place, and (3) be painted a color consistent with the surrounding wall area. He provided several photographs of conforming and nonconforming structures. He stated in June 2012, the Council was provided three options to address boarded structures, and at that time Council directed staff to conduct further research.

He stated a mandatory time limit on how long a property may be boarded could promote vandalism and unlawful entry which could be more problematic to a neighborhood than boarding. He stated most unlawful entry was from the side or rear of a structure and a possible solution would be to mandate that the street side of a structure be un-boarded after one year. He stated the side and rear windows and doors could remain boarded, reducing the chance of unlawful entry.

A discussion period ensued.

Council Member Fowler stated he had a problem with telling a homeowner what they could and could not do with their property.

Council Member Haire stated he liked Option 3 but stated each case should be reviewed independently.

Council directed staff to return with an ordinance regulating boarded structures that would (1) establish a three-year limitation on how long all doors and windows of a structure could remain boarded, (2) provide for a reduction in the time period for chronic code violators, and (3) offer an avenue of appeal for property owners who felt they had extenuating circumstances that justified a longer period of boarding.

#### **4.5 River Overlay District**

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a power point presentation. He stated the Council denied a proposed salvage yard on the Cape Fear River and directed staff to pursue a River Overlay District. He stated staff was interested in discussing the scale and scope of what was desired so that they were able to effectively and efficiently carry out Council's desires. He stated the scale and scope of the River Overlay

District would be determined by which goals Council would direct staff to pursue, to include environmental protection, river access, river amenities, development pattern, and/or other goals identified by Council. He stated no funds were currently budgeted for development of the overlay district and the cost for preparing a River Overlay District ordinance would be determined by the timing, goals, and scope of what the City Council desired to accomplish. He stated the Development Services staff was not able to take on the preparation of a River Overlay District project without consultant services.

A discussion period ensued.

Council Member Davy suggested the "Friends of the River" and other interest groups be invited to a general interest meeting to enable Council and staff to receive public input and feedback. Further discussion ensued pertaining to funding and timing of the proposed project.

Consensus of the Council was to direct staff to use a public involvement process to explore goals and scope of a land use plan for areas along the Cape Fear River south of the Botanical Garden, and to report in spring 2013 the estimated cost for hiring a consultant to be considered as part of the fiscal year 2013-2014 budget.

#### **4.6 Council Request - North Pavilion Hospital Overlay**

Council Member Bates introduced this item and stated the City had an opportunity to be proactive on an area that would see dramatic development due to the Cape Fear Valley Hospital construction of a 65-bed hospital at Andrews Road and Ramsey Street. He further stated he would like to see a land use plan for that area of north Fayetteville.

Consensus of the Council was to move forward with Council Member Bates' request and to work closely with the Cumberland County Planning Department.

#### **4.7 Council Request - Surplus Property/Property with Liens**

Council Member Bates presented this item and stated he would like to see the City take ownership of properties the City had liens on, in particular demolition liens, and sell the properties to recoup taxpayer funds. He stated this would put the vacant properties on the tax roll, bring in construction related fees, increase tax base with new construction, create employment during the construction, and create affordable housing.

Consensus of the Council was to move forward with this request.

#### **4.8 Council Request - Sales Tax**

Council Member Bates presented this item and stated he would like staff to investigate the process for a sales tax to fund the Parks and Recreation Bond should it pass.

Mr. Kristoff Bauer, Interim City Manager, stated state lawmakers would not allow local governments to raise sales taxes without holding referendums on whether to grant such an increase. He stated the General Assembly's next regular session was set to start in January 2013, making it too short of a window for the City to seek a local bill and prepare to hold a sales tax referendum at the same time as the February 26, 2013, Park Bond election.

Consensus of Council was to move forward with this request and direct staff to conduct research on this item.

### **5.0 MANAGER'S REPORT**

Mr. Kristoff Bauer, Interim City Manager, presented this item and reviewed the following information:

- Mr. Ted Voorhees, City Manager, will assume his first day of employment on August 10, 2012. There will be an informal meet and greet to be held at 4:00 p.m. in the Lafayette Room. There will be a more formal introduction and greeting later in the month.
- Council members were requested to contact the City Manager's office to schedule a tour of their respective districts.
- A Defense and Economic Development Trade Show will be taking place on August 7, 2012, at the Fayetteville Technical Community College.

Mr. Bauer announced this was his last City Council meeting as the Interim City Manager and thanked Council for the opportunity they provided him.

### **6.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 7:34 p.m.