

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
LAFAYETTE ROOM
AUGUST 1, 2011
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 5:10 p.m.); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Leonard, Assistant City Attorney
Brian Meyer, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Tom Bergamine, Chief of Police
Patricia Bradley, Police Attorney
Kellie Berg, Police Detective
John Benazzi, Police Detective
Brad Whited, Airport Director
John Kuhls, Human Resources Development Director
Michael Gibson, Parks and Recreation Director
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Rebecca Rogers-Carter, Management Services Manager
Nathan Walls, Public Information Specialist
Elliot Susseles, Segal Company
Heather Kuzen, Segal Company
Deanne Gerdes, Executive Director, Rape Crisis Center
Members of the Press

1.0 CALL TO ORDER

Mayor Chavonne called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Arp.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Arp moved to approve the agenda.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Classification and Compensation Study Update

Mr. John Kuhls, Human Resource Development Director, introduced Mr. Elliot Susseles and Ms. Heather Kazemi from the Segal Company.

Mr. Elliott Susseles, Senior Vice President for the Segal Company, presented this item and stated the concern was the need to recruit, reward, and retain the best employees. He stated the challenge was balancing the physical resources that were available with the need to recruit and retain the best employees and compensation. He stated the primary goal was to ensure that the City's job structures and total compensation plans were efficient, equitable, market sensitive, and performance based. He stated the expected outcomes would be (1) a revised classification structure and job descriptions that accurately reflect job responsibilities, required qualifications, and career path opportunities; (2) a total compensation market assessment that

quantifies the City's market position for both pay and benefits; (3) revised pay schedules that reflect the market data; and (4) recommendations regarding pay delivery and performance-based compensation policies. He reviewed the steps in the project which included project planning and initiation, classification analysis, market study, and pay structure and compensation policies and provided the estimated timeline. He explained the project was to develop a revised job title structure, develop job descriptions, and ensure the Fair Labor Standards Act exemption status of each job was correct.

Council Member Crisp requested clarification on benchmark jobs. Mr. Susseles explained there were several hundred different job titles that defined work of the employees. He stated they could not do a survey on several hundred job titles so they identified jobs that would be representative of all the different functions within departments.

Council Member Mohn inquired how peer employers were determined in the market study. Mr. Susseles responded that as the project proceeded, they would be learning to whom the City was losing talents to and from whom the City was attracting employees from, and they may or may not be entities with a similar tax base. He stated the federal government could be a premier employer, the highest paid employer, and the City may be losing a lot of talent to Fort Bragg. A question and answer period ensued regarding the estimated timeline for the job classification analysis and market study, City staff being privy to the information during the process, and inclusion of the private sector in the study.

4.2 Legislative Update on Senate Bill 683 and Its Impact on the Probationary Rental Occupancy Permit (PROP) program.

Mr. Brian Meyer, Assistant City Attorney, presented this item. He provided background information and briefly reviewed the purpose of PROP. He stated Senate Bill 683 was ratified on June 18, 2011, and the purpose of the bill was to limit the level of local regulation on rental properties as well as limit the use of periodic inspections. He stated the bill would prohibit cities from enforcing an ordinance that would require permitting of rental properties unless the property was the site of more than three violations in a 12-month period or was identified as being in the top 10 percent of properties with crime or disorder problems as set forth in a local ordinance. He stated the bill would also prohibit the City from levying a special fee or tax on residential rental property that was not also levied against other commercial and residential properties. He stated a city could levy a fee for residential rental property registration for those rental units which had been found with more than two verified violations within the previous 12 months or identified within the top 10 percent of properties with crime or disorder problems. Mayor Chavonne inquired if there was any way they could capture the problem areas in the 10 percent. Mr. Meyer responded they would have to revise PROP.

Mr. Meyer stated they could not levy a fee as the PROP ordinance was written now, but there could be a way to revise PROP so that something like that could be done, but whatever fee was levied would have to be just enough to cover the cost of operating the program. He stated the bill would allow the City Council to charge for inspections.

Discussion ensued regarding the information presented.

Mr. Meyer proceeded to explain Charlotte's rental remedial action program. He stated Charlotte had a disorder activity count where a number was assigned to a residential rental property that represented the amount of disorder activity occurring within a specified time period in or on the property, which would be multiplied by 1 for violent crimes, 0.25 for property crimes, and 0.10 for disorder calls for service. He stated when the rental property reached the top 10 percent, it would be entered into the remedial program and be registered.

A question and answer period ensued regarding Charlotte's rental remedial action program in relation to the City's PROP program and staff's recommendation to rescind the ordinance.

Ms. Karen McDonald, City Attorney, stated they were proposing to rescind the current ordinance and work on bringing it back. She inquired if that was consistent with Council's interest and if so, it could be placed on the next agenda.

Discussion ensued regarding the best option to proceed with.

Consensus of Council was to direct staff to rescind the current ordinance and work on a new ordinance for the next agenda.

4.3 Update on Site Solutions Proposal for Assisting with Parks and Recreation Bond Package

Mr. Michael Gibson, Parks and Recreation Director, presented this item and stated the three types of projects would be stand alone City-funded projects, stand alone County-funded projects, and jointly funded projects by City and County. He stated the following projects were being proposed:

Stand Alone City Projects

Neighborhood Family Aquatic Centers Splash Pads

Neighborhood/Community Parks

Existing Parks and Building Renovation

Greenways Acquisition and Development

Park Land Acquisition

Stand Alone County Projects

East Regional Recreation Center

Community Aquatic Center

Splash Pads

Joint City and County Funded Projects

Multipurpose Aquatic Center with Senior Center

Neighborhood Family Aquatic Centers

Crystal Springs Recreation Center

Tennis Center

Sports Complex

River Park

Splash pads

Multicultural Performing Arts Center

Skateboard Park

Neighborhood/Community Parks

Existing Parks and Building Renovation

Greenways Acquisition and Development

Park Land Acquisition

Mr. Gibson then proceeded to present project information on the Multipurpose Aquatic Center with a Senior Center, Neighborhood Family Aquatic Centers, and Community Aquatic Center projects. He stated the next steps would be to develop an interlocal agreement and to request to be placed on the Joint City Council and Cumberland County Commissioners meeting agenda to provide an update.

A discussion period ensued regarding taxes, sports that would generate revenue, and security.

Mr. Dale Iman, City Manager, stated they could have discussions later as to when the referendum would be held. He stated the presentation before the County would be August 4, 2011.

4.4 City-Initiated Rezoning and UDO Process Update

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and stated City Council would be considering 11 rezoning cases on August 22, 2011. She stated there were a total of 22 rezoning cases.

Consensus of Council was to hold a special meeting on August 29, 2011, at 5:00 p.m. for the Council-initiated rezonings.

Ms. Hilton briefly reviewed the type of rezonings that would come before Council.

4.5 Special Revenue Fund Project Ordinance Amendment 2012-2 (Appropriation of Federal Forfeiture and Controlled Substance Tax Funds for Law Enforcement Purposes)

Mr. Dale Iman, City Manager, presented this item. He stated the Rape Crisis Center was having financial problems and members of Council had expressed an interest in providing assistance. He stated the state forfeiture funds were identified as a potential source of revenue to help the

Center. He stated the Center was a benefit to the Police Department.

Council Member Crisp inquired how much would be funded. Mr. Iman responded \$30,000.00.

Council Member Arp inquired how the Center was a benefit to the Police Department. Mr. Tom Bergamine, Chief of Police, responded Center volunteers respond with the officers when criminal assaults are reported and the victim goes to the hospital. He stated they (1) provide counseling to victims; (2) were the critical part of the investigation at the hospital in which they go through the medical examination with the victim as well as offer support while interacting with law enforcement; and (3) provide community education programs, professional training programs, and referrals for additional services for the victims. He stated another important aspect was that the volunteers accompany the victims to court meetings with district attorneys as they go through the criminal justice system.

Council Member Arp inquired what the impact would be in losing the service. Mr. Bergamine responded it would be detrimental. Ms. Kellie Berg, Police Detective, further responded that the Center took over 206 calls and the Police Department had over 82 reports with sex offenses. She stated in every one of those instances, they had volunteers onboard with them. She stated their job was to investigate and it was easier when they had an advocate there that could answer the questions and direct the victims to the next step in the process. She stated they lose a lot of victims when they do not understand the process and the Center had been very helpful with that part of the investigation. Mr. Bergamine stated it was a 24/7 service.

A question and answer period ensued regarding the services and funds being tracked and the services being outlined in the memorandum of understanding.

Council Member Bates inquired if there was an education requirement for the volunteers. Ms. Deanne Gerdes, Executive Director of the Rape Crisis Center, responded there was a state requirement that all the volunteers go through 20 hours of training at Fayetteville Technical Community College. She stated after training, the volunteers come into the office and the victim advocate would determine whether the volunteers were ready to go out and would be shadowed by a seasoned volunteer.

MOTION: Council Member Bates moved to approve the amendment to appropriate the requested funding.

SECOND: Council Member Applewhite

VOTE: UNANIMOUS (10-0)

4.6 Council Member Requests: (In order of receipt date)

(a) Council Member Bates - Ramsey Street Corridor Plan Update

Council Member Bates stated he was requesting an update from staff on the Ramsey Street Corridor Plan and what was needed to implement the plan.

Consensus of Council was to direct staff to provide an update on the Ramsey Street Corridor Plan at an upcoming Council meeting.

(b) Council Member Bates – Stub Out Street Closure

Council Member Bates stated he was requesting information be provided as to the process and requirements for Council-initiated or citizen-initiated stub out street closures.

Consensus of Council was to direct staff to provide a presentation on how the stub out street closure process works at an upcoming Council meeting.

(c) Mayor Chavonne – Sister City Request

Mayor Chavonne presented this item and stated Faces in the Community was a longstanding group that works to celebrate the great diversity that was Fayetteville and Cumberland County. He stated the group was working on a process that would allow various parts of the community to establish Sister City relationships. He stated the group wanted to make sure that as they developed the process and procedures, it was something that Council was comfortable with. He requested Council review the handout to make sure they were comfortable with the process.

A discussion period ensued regarding the information provided.

Mayor Chavonne requested that Council members submit their comments back to him and they would be accumulated to see if tweaking would be needed.

(d) Mayor Chavonne – Request to Review Previously Reduced Expenses

Mayor Chavonne presented this item and stated there was unanticipated revenue from the internet café permit fees. He explained when Council had approved the fees, it was decided at that time that any revenue from the fees would come back to Council for a decision on what to do with it.

Consensus of Council was to direct that staff provide a list of budget cuts and additional expenses so that Council could make an informed decision on the allocation of the additional revenue.

(e) Council Member Hurst – Privilege License

Council Member Hurst presented this item and explained the City had retained the services of MuniServices, LLC, to review all the individuals or businesses that were doing business in the City of Fayetteville for privilege licenses. He stated during the review it was discovered that a number of people were not paying privilege license fees. He stated it was brought to his attention that license fees and penalties were required to be paid for the applicable years the business was conducted within the City limits. He inquired if the retroactive part could be eliminated and move forward from this year forward and not go back. He stated the second part of his request was regarding people paying privilege license fees when the rentals were not being run as a business but were being rented until the property was sold. He requested staff develop guidelines.

Consensus of Council was to not require the payment of privilege licenses retroactively.

A discussion period ensued regarding the tracking of rental properties and how staff would determine whether rental property was a business or not.

Mr. Dale Iman, City Manager, explained the ordinance was based on state law.

Ms. Karen McDonald, City Attorney, stated staff would need to research these issues as privilege licenses were considered a tax. She stated staff would research and bring it back for further discussion.

Consensus of Council was to direct staff to research and come back to Council.

5.0 ADJOURNMENT

There being no further business, the meeting adjourned.