



City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final City Council Regular Meeting

Monday, December 9, 2024

6:30 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 CITY MANAGER REPORT

6.0 APPROVAL OF AGENDA

7.0 PUBLIC FORUM

8.0A CONSENT AGENDA

8.0A1 [24-4365](#) Approval of Meeting Minutes:
November 18, 2024 - Discussion of Agenda Items
November 18, 2024 - Regular
November 20, 2024 - Agenda Briefing
November 25, 2024 - Discussion of Agenda Items

Attachments: [111824 Discussion of Agenda Items](#)
[111824 Regular](#)
[112024 Agenda Briefing](#)
[112524 Discussion of Agenda Items](#)

8.0A2 [24-4313](#) Adoption of a Policy Establishing the City's Participation in the
Department of Housing and Urban Development's Section 108 Loan
Guarantee Program

Attachments: [Section 108 Loan Fund Policy](#)
[Section 108 Financing Application](#)

-
- 8.0A3** [24-4377](#) Adoption of Budget Ordinance Amendment and Special Revenue Ordinance to Appropriate Funds for an Air Service Development Incentive Program
- Attachments: [BOA 2025-10](#)
 [SRO 2025-14](#)
- 8.0A4** [24-4345](#) Adoption of Budget Ordinance Amendment to Transfer Office of Community Safety Funding to the City Manager’s Office, Formally Establishing the Office Of Community Safety
- Attachments: [BOA 2025-8](#)
- 8.0A5** [24-4369](#) Adoption of Budget Ordinance Amendment and Special Revenue Fund Ordinance Amendment to Appropriate American Rescue Plan Act funds for Safety Salaries, and to Appropriate General Fund Funds for Capital Projects
- Attachments: [BOA 2025-9](#)
 [SROA 2025-2](#)
 [CPO 2025-36-39](#)
- 8.0A6** [24-4364](#) Adoption of Special Revenue Fund Project Ordinance to Appropriate \$287,130 for the FY 2024 Comprehensive Opioid, Stimulant, and Substance Use Site-Based Program Grant Award
- Attachments: [SRO 2025-14](#)
 [Grant Award Letter](#)
- 8.0A7** [24-4370](#) Graham Road Speed Limit Reduction from 45 mph to 35 mph
- Attachments: [Graham 45 mph to 35 mph.jpg](#)
 [Graham Road Repeal 45 mph.pdf](#)
- 8.0A8** [24-4373](#) Addition of Certain Streets to the City of Fayetteville System
- Attachments: [Streets Acceptance DECEMBER 2024](#)
- 8.0A9** [24-4384](#) Project Rankin - North Carolina Railroad Company "Invests" Project Investment Letter Authorization
- Attachments: [NCRR Definitive Project Investment Agreement DRAFT](#)
 [Project Rankin Support Letter](#)
- 8.0A10** **24-4386** NC History Center on the Civil War, Emancipation & Reconstruction Deed Reversion Amendment
- Attachments: Civil War Reversionary Deed for State 4939-1025-9715 v.2

8.0A11 [24-4381](#) PWC - Phase 5 Annexation Area 32 East Section I Resolution
Declaring Cost, Ordering Preparation of Preliminary Assessment Roll,
and Setting Time and Place for Public Hearing on Preliminary
Assessment Roll

Attachments: [Area 32 East Section I Resolution Declaring Cost and Ordering Preparation of F](#)

8.0B ITEMS PULLED FROM CONSENT

9.0 REPORTS FROM BOARDS AND COMMISSIONS

9.01 [24-4298](#) Historic Resources Commission - 2024 Annual Report

Attachments: [HRC Annual Report](#)

9.02 [24-4347](#) UDO/Housing Committee Update

Attachments: [UDO-Housing Committee](#)

9.03 [24-4383](#) Fayetteville Cumberland Economic Development Corporation 2024 Annual Report

Attachments: [FCEDC Infographic Nov 2024 City Board & Commissions Report Dec 2024](#)
[FCEDC Infographic Nov 2024](#)
[FCEDC BC Report to City Council 2024](#)

9.04 [24-4387](#) Wrecker Review Board Presentation

Attachments: [Wrecker Review Board PowerPoint Presentation 12-9-2024](#)

10.0 PUBLIC HEARINGS (Public & Legislative Hearings)

For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.

10.01 [24-4357](#) Proposed Text Amendments to Chapter 30 - Unified Development Ordinance (UDO). Fall 2024

Attachments: [TA24-11 HRC Quorum](#)
[TA24-13 Aviation Hazards](#)
[TA24-14 Use Table DT-2 Eating Establishments](#)
[TA24-15 clear cutting permit buffer](#)
[CC 2024 Fall UDO Text Amendments](#)
[Work Session Minutes 11-4-2024](#)
[11.19.2024 PC Draft Meeting Minutes-Final](#)

11.0 OTHER ITEMS OF BUSINESS

11.01 [24-4385](#) Review and Approval of the Can Do Grant Program with FCEDC

Attachments: [CAN DO Program Documents](#)

12.0 ADMINISTRATIVE REPORTS

Administrative Reports on a Regular Meeting agenda are for City Council review/information only. Should it be the consensus of the collective City Council, Administrative Reports will be moved forward to be placed on the next Work Session agenda for further review and discussion.

12.01 [24-4372](#) Public Infrastructure GO Bond Project Update

13.0 ADJOURNMENT

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Citizens wishing to provide testimony in response to a notice of public hearing or to participate in the public forum can obtain instructions to submit a statement by emailing cityclerk@ci.fay.nc.us or by calling 910-433-1312 for assistance. Individuals desiring to testify on a quasi-judicial public hearing must contact the City Clerk by 5:00 p.m. the day of the meeting to sign up to testify; instructions will be provided on how to appear before Council to provide testimony.

CLOSING REMARKS

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 nonpublic hearing item may submit written materials to the City Council on the subject matter by providing thirteen (13) 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.

COUNCIL MEETING WILL BE AIRED

December 9, 2024 - 6:30 p.m.

Cable Channel 7 and streamed "LIVE" at FayTV.net

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 Human Relations at yamilenazar@fayettevillenc.gov, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.



DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD CONFERENCE ROOM, CITY HALL
NOVEMBER 18, 2024
5:30 P.M.

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Lynne Greene (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Kelly Olivera, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jeffery Yates, Assistant City Manager
Jodi Phelps, Assistant City Manager
Michael Gibson, Parks, Recreation and Maintenance Director
Sheila Thomas-Ambat, Public Services Director
Byron Reeves, Assistant Public Services Director
Loren Bymer, Marketing & Communications Director
Kevin Dove, Fire Chief
Kemberle Brayden, Police Chief
Pamela Megill, City Clerk

Mayor Colvin called the meeting to order at 5:35 p.m.

Mayor Colvin asked the Council to review the regular agenda for the November 18, 2024, meeting.

Council Member Hondros stated he wanted an understanding of Item 8.03 - Adoption of Capital Project Close Out Ordinance for completed projects and Capital Project Ordinance Amendment to appropriate a portion of the Parks and Recreation bond funds from the close outs. Mr. Jeffrey Yates, Assistant City Manager stated the Council is asked to adopt Capital Project Close Out Ordinance (CPCL0) 2025-31 to close out completed projects and transfer the residual funds in the amount of \$3,861,129.00 to the corresponding fund balances. The ordinance lists the projects and remaining funds being closed with the Capital Project Close Out Ordinance 2025-31. Subsequently, the Council is asked to adopt Capital Project Ordinance Amendment (CPOA) 2025-35 to appropriate \$100,000.00 of the residual Parks and Recreation Bond funds from project close outs for the Mable C. Smith Park project for contingencies, furniture, fixtures, and equipment fees. The remaining, unallocated funding will be included in the Capital Improvement Plan development in January 2025.

Discussion ensued.

Council Member Greene stated she intends to pull the following items for discussion and separate votes: 8.0A3 - Adoption of Capital Project Close Out Ordinance for completed projects and Capital Project Ordinance Amendment to appropriate a portion of the Parks and Recreation bond funds from the close outs, 8.0A4 - Approval of the Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for Ownership of CSX bridge (250230), 8.0A5 - Award Mable C Smith Park Bid to Alpha Builders for \$595,000.00, and 8.0A6 - Award Mazarick Park Tennis Center Building Bid to M & E Construction for \$2,573,629.00.

Discussion ensued.

CLOSED SESSION

DRAFT

MOTION: Council Member Benavente moved to go into a closed session for attorney-client privilege matters.

SECOND: Council Member Greene

VOTE: UNANIMOUS (10-0)

The regular session recessed at 6:20 p.m. The regular session reconvened at 6:31 p.m.

MOTION: Council Member Thompson moved to go into open session.

SECOND: Council Member Greene

VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 6:31 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
111824

MITCH COLVIN
Mayor

DRAFT

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
November 18, 2024
6:30 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Lynne Greene (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Assistant City Manager
Kemberle Braden, Police Chief
Kevin Dove, Fire Chief
Loren Bymer, Marketing & Communications Director
Sheila Thomas-Ambat, Public Services Director
Willie Johnson, Chief Information Officer
Byron Reeves, Assistant Public Services Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Timothy Careather, Friendship Missionary Baptist Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Colvin and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Pro Tem Jensen announced the Saints Constantine and Helen Greek Orthodox Church Annual Spaghetti Dinner on November 20, 2024.

Council Member Haire announced Omega Psi Phi Fraternity celebrated their Founder's Day on November 19, 2024.

Council Member Haire announced Kingdom Impact Global Ministries, 2503 Murchison Road, is hosting their Annual Bread of Life food giveaway on November 22, 2024, at 9:00 a.m.

Council Member Thompson wished everyone a safe and happy Thanksgiving and announced Operation Turkey is now accepting requests for meal delivery on Thanksgiving Day. Residents can visit www.operationturkey.com to request a meal, also Harvest Family Church, 6575 Fisher Road will be serving meals on Thanksgiving.

Council Member Banks-McLaughlin invited youth ages 13-18 to attend the Youth Empowerment Program at First Baptist Church on November 21, 2024, 6:00 p.m. - 9:00 p.m. and thanked the Fire Department for their service rescuing a resident in a wheelchair from a house fire that happened over the weekend.

DRAFT

Mayor Colvin presented a proclamation to the Information Technology Department in recognition of National GIS Day.

Mayor Colvin presented City Coins to members of the Public Services Department for their aid and assistance in Hurricane Helene recovery efforts.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated the City Manager newsletter is published weekly and residents can sign up to receive it via the city's website. Loose Leaf season began on November 18, 2024, and will run through January 21, 2025. Crews will start in Zip Code 28306.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Thompson moved to approve the agenda.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (10-0)

7.0 PUBLIC FORUM

Mr. Charles Mathews, 3618 Tindall Court, Fayetteville, NC, thanked the Mayor and City Council for approving the Glenville Lake walking trail.

Mr. Michael Austin, Jr., 524 Yuma Court, Fayetteville, NC, expressed concerns regarding traffic safety.

8.0A CONSENT AGENDA

MOTION: Council Member Greene moved to approve the consent agenda, with the exception of Items 8.03, 8.04, 8.05, and 8.06; pulled for discussion and separate vote.
SECOND: Council Member Hondros
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Davis)

8.0A1 Approval of Meeting Minutes:
October 14, 2024 - Regular
November 4, 2024 - Work Session

8.0A2 Approval of the Proposed 2025 City Council Meeting Dates Calendar

RESOLUTION OF THE CITY COUNCIL, CITY OF FAYETTEVILLE, NORTH CAROLINA TO ADOPT THE 2025 CITY COUNCIL MEETING DATES CALENDAR TO CLARIFY THE TIME AND LOCATION OF THE CITY COUNCIL REGULAR MEETINGS. RESOLUTION NO. R2024-039

8.0A3 Pulled for discussion and separate vote

8.0A4 Pulled for discussion and separate vote

8.0A5 Pulled for discussion and separate vote

8.0A6 Pulled for discussion and separate vote

8.0A7 PWC - First and Second Stage Bucket Sets Bid Recommendation

Approval of the approve the bid recommendation to award the contract for the purchase of First and Second Stage Bucket Sets to Turbine Services, Ltd., Saratoga, NY, the lowest responsive and responsible bidder, in the best interest of PWC, in the total amount of \$313,000.00 and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its purchase.

DRAFT

8.0A8 PWC - Rockfish B4.9 Solar Utility Station Bid Recommendation

Approval of the bid recommendation to award the contract for the construction of the Rockfish B4.9 Solar Utility Station to River City Construction Inc., Washington, NC, the lowest responsive and responsible bidder, in the best interest of PWC, in the total amount of \$6,485,706.00 and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its construction.

8.0B ITEMS PULLED FROM CONSENT

8.0B3 Adoption of Capital Project Close Out Ordinance for completed projects and Capital Project Ordinance Amendment to appropriate a portion of the Parks and Recreation bond funds from the close outs

MOTION: Council Member Greene moved to adopt the Capital Project Close Out Ordinance, and direct staff to provide more specific details of where the funds are going to be located
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Davis moved to appropriate \$100,000.00 to the Mable C. Smith Park
SECOND: Mayor Pro Tem Jensen
VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Benavente, Greene, McNair, and Hondros)

8.0A4 Approval of the Resolution Authorizing a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for Ownership of CSX bridge (250230)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE FOR THE OWNERSHIP OF CSX BRIDGE (250230). RESOLUTION NO. R2024-040

MOTION: Council Member Greene moved to table this item, and direct staff to provide the cost of maintenance
SECOND: Council Member Benavente
VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Mayor Colvin, MPT Jensen, Council Members Haire, Thompson, McNair, and Banks-McLaughlin)

MOTION: Mayor Pro Tem Jensen moved to adopt the Resolution
SECOND: Council Member Thompson
VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Benavente, Greene, and Hondros)

8.0A5 Award Mable C Smith Park Bid to Alpha Builders for \$595,000.00

MOTION: Council Member Greene move to table this item, and direct staff to provide additional information
SECOND: Council Member Benavente
VOTE: FAILED by a vote of 3 in favor to 7 in opposition (Mayor Colvin, MPT Jensen, Council Members Davis, Haire, Thompson, McNair, and Banks-McLaughlin)

MOTION: Council Member Davis moved to award the Mable C. Smith Park Bid to Alpha Builders for \$595,000.00.
SECOND: Council Member Haire
VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Greene and Hondros)

8.0A6 Award Mazarick Park Tennis Center Building Bid to M & E Construction for \$2,573,629.00

MOTION: Council Member Greene moved to table this item and direct staff to provide additional information

DRAFT

SECOND: Council Member Benavente
VOTE: FAILED by a vote of 7 in favor to 3 in opposition (Council Members Benavente, Greene, and Hondros)

MOTION: Council Member Haire moved to approve the contract for the construction of the Mazarick Tennis Center Building by authorizing the City Manager to execute a contract with the apparently lowest responsive, responsible bidder, M&E Contracting, Inc., in the total amount of \$2,573,629.00

SECOND: Council Member Davis
VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Benavente, Greene, and Hondros)

9.0 REPORTS FROM BOARDS AND COMMISSIONS

9.01 Receive Community Police Advisory Board Report

Dr. Gregory Perkins, Community Police Advisory Board Chair, presented the report with the aid of a PowerPoint presentation and stated the Board's vision is improved quality of policing through a cooperative effort with the community. Dr. Perkins provided an overview of the Board's mission, goals, objectives, and provided a review of the Board's activities.

Discussion ensued.

MOTION: Council Member Benavente moved to accept the report
SECOND: Council Member Thompson
VOTE: UNANIMOUS (10-0)

10.0 STAFF REPORTS

10.01 Receive FY 2025 First Quarter Financial Update

Mr. Jeffery Yates, Assistant City Manager, presented the FY 2025 First Quarter Financial Update with the aid of a PowerPoint presentation and stated the City's financial health is strong. As of June 30, 2024, the fund balance analysis indicates that the City maintains a fund balance slightly below its 10 percent policy level at 9.3 percent or \$20.3 million. The policy goal is an unassigned fund balance of \$26.2 million, when adjusted for interfund loans and current year appropriations, the estimated unassigned fund balance is \$35 million or 16 percent. The General Fund is performing as anticipated. Through the first quarter, the revenues and expenditures are in alignment with historical trends. The three expenditure types that most reflect operations – personnel services, operating expenditures, and contract services – are aligned with historical trends. Vacancies continue to be both positive and risk. The positive trend is that, given our experience through September (6 pay periods), we estimate savings of at least \$5 million. At the September 30 reporting, the City had a total of 197 vacancies or about 11.5 percent. This is largely driven by 119 Police sworn vacancies (26.1 percent) and 17 911 Communications vacancies (27.9 percent). These three components represent significant takeaways from the information provided.

The close of September is an early look at the trends impacting the General Fund and other funds. It is significant to note that because of the year-end and the accrual processes for the audit, the first quarter does not provide significant insight into the year. With the close of the 2nd and 3rd quarters, we will have a much better picture of the anticipated results from FY 2025.

Discussion ensued.

MOTION: Council Member Thompson moved to accept the report
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

DRAFT

11.0 ADMINISTRATIVE REPORTS

11.01 Quarterly Report of Downtown Municipal Service District from Cool Spring Downtown District, Inc.

This item was for information only and was not presented.

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:03 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
111824

MITCH COLVIN
Mayor

DRAFT

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
TEAMS
NOVEMBER 20, 2024
5:00 P.M.

Present: Council Members Malik Davis (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Derrick Thompson (District 6); Brenda McNair (District 7)

Absent: Mayor Mitch Colvin and Council Members Katherine K. Jensen (District 1); Lynne Greene (District 5); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Kelly Olivera, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Jodi Phelps, Assistant City Manager
Loren Bymer, Marketing & Communications Director
Will Deaton, Planning and Zoning Manager
Craig Harmon, Senior Planner
Derrick Planter, Code Enforcement Manager
David Steinmetz, Assistant Development Services Director
Lisa Harper, Senior Assistant City Attorney
Willie Johnson, Chief Information Officer
Pamela Megill, City Clerk

CALL TO ORDER

Mr. Douglas Hewett, City Manager, opened the meeting and noted a quorum was not present.

Mr. Douglas Hewett, City Manager, and staff provided a brief overview of the items on the November 25, 2024, agenda.

CONSENT AGENDA

P24-37. Rezoning from Residential 6 (R6A) to Heavy Industrial (HI) located at 3424 Cumberland Road (0426015026000) totaling 2.47 acres ± and being the property of Kodjo Sam Kouassi.

P24-39. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5) located at 411 Jefferson Drive (0406880746000) totaling 0.32 acres ± and being the property of Sophia Rickard

P24-43. Rezoning from Single Family Residential 10 (SF-10) to Neighborhood Commercial (NC) located at 202 Hope Mills Road (0416194844000) totaling 2.62 acres ± and being the property of Saint Matthews United Methodist Church.

P24-44. Rezoning request from Neighborhood Commercial (NC) to Limited Commercial (LC), located at 822 Hope Mills Rd. (REID #: 0416175053000), owned by Robert Wayne Johnson and Pamela F. Johnson.

Uninhabitable Structures: Demolition Recommendations

215 S. King Street District 2
1210 Durden Lane District 4
850 Rembrandt Drive District 7

Resolution Calling for Public Hearing Regarding the Permanent Closing of a Portion of Ottis F. Jones Parkway

Adoption of Capital Project Ordinances and Capital Project Ordinance Amendments to appropriate expenditures for projects included in the FY25 Budget, currently unappropriated

DRAFT

PUBLIC HEARINGS

TA24-09. Amendment to Uses and Standards in the UDO Requiring Special Use Permits

AX24-04: Kodjo Sam Kouassi, the owner of the property in question and Sam's Towing, is requesting to annex a contiguous parcel of land into the City of Fayetteville corporate limits. This parcel encompasses approximately 2.53 acres and is situated on the northern side of Cumberland Road at 3424 Cumberland Road. It can be further identified by PIN: 0426-01-5026 and REID: 0426015026000.

EVIDENTIARY HEARINGS

SUP24-06. Special Use Permit (SUP) to allow the separation requirement for a Small Group Home located at 6302 Cool Shade Drive (REID # 0409411717000) and being the property of James L. Conyers Jr Trustee & Kendra Conyers.

SUP24-07. Special Use Permit (SUP) to allow a Large Group Home and the reduction of the separation requirement located at 709 Hay Street (REID #0437259126000) and being the property of J & D Managements LLC.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:49 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
112024

MITCH COLVIN
Mayor

DRAFT

FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD CONFERENCE ROOM, CITY HALL
NOVEMBER 25, 2024
5:30 P.M.

Present: Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3); Lynne Greene (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Deno Hondros (District 9)

Absent: Mayor Mitch Colvin; D. J. Haire (District 4); Courtney Banks-McLaughlin (District 8).

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeffery Yates, Assistant City Manager
Loren Bymer, Marketing & Communications Director
Kemberle Braden, Police Chief
Kevin Dove, Fire Chief
Will Deaton, Planning and Zoning Manager
Kecia Parker, Real Estate Manager
Dave Steinmetz, Assistant Development Services
Director
Pamela Megill, City Clerk

Mayor Pro Tem Jensen called the meeting to order at 5:30 p.m.

Mayor Pro Tem Jensen asked the Council to review the regular agenda for the November 25, 2024, meeting.

Council Member Hondros asked for an overview of Item 7.0A7 - Resolution calling for Public Hearing regarding the permanent Closing of a portion of Ottis F. Jones Parkway. Ms. Kecia Parker, Real Estate Manager, provided an overview.

Council Member Hondros stated for Item 10.01 he will be making a motion to call for Option 3 - City Council votes to remand some or all proposed text amendments for further staff review and revisions and approve the remaining amendments.

CLOSED SESSION

MOTION: Council Member Benevente moved to go into a closed session for attorney-client privilege matters and real estate acquisition.

SECOND: Council Member Thompson

VOTE: UNANIMOUS (7-0)

The regular session was recessed at 6:12 p.m. The regular session reconvened at 6:21 p.m.

MOTION: Council Member Benavente moved to go into open session.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 6:21 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
112524

MITCH COLVIN
Mayor

POLICIES AND PROCEDURES MANUAL

for the Section 108 Loan



Economic & Community Development City of Fayetteville, North Carolina

Telephone: (910) 433-1590

Email: EconCommDev@fayettevillenc.gov

Last Updated: November 27, 2024

City of Fayetteville

Section 108 Loan Program

I. Purpose

To promote larger-scale economic development, housing, public facilities, infrastructure, and other physical development projects, the City of Fayetteville may consider projects with greater funding needs for financing based on the City's participation in the Department of Housing and Urban Development's Section 108 Loan Guarantee Program. The Section 108 Program enables the City to leverage portions of its Community Development Block Grant (CDBG) funding to obtain federally subsidized loans of up to five times the City's annual CDBG allocation. The City may then use those funds to assist with the financing of economic development projects which enhance the City's tax base, revitalize its business district, increase housing options, and offer greater employment opportunities. Any project receiving financing under the Section 108 Loan Program must include elements that principally benefit low- and moderate-income persons, aid in the prevention or elimination of slums or blight, or address conditions that pose a serious and immediate threat to the health and safety of City residents. The purpose of this policy is to establish guidelines for the City's consideration of projects for potential financing through the Section 108 Loan Program.

II. Program Description

When private developers are planning projects that will carry out one of the aforementioned objectives, the developers may apply to the City of Fayetteville for Section 108 Loan Fund financing. The City will consider applications based upon several factors described below. See Section III—Threshold Requirements.

The Section 108 Loan Guarantee Program is authorized under Section 108 of the Housing and Community Development Act of 1974 as part of the Community Development Block Grant Program. The Program offers the City a source of financing for economic development, large-scale public facility projects, and public infrastructure. The amount of federal loans available to the City for this purpose may be up to five times the City's annual allotment of CDBG funds. For example, in 2022, the City's annual CDBG grant was \$1,607,129, which would enable the City to apply for up to approximately \$8,000,000 in Section 108 loan assistance that it may dedicate to a qualifying project.

To receive Section 108 funds, the City must underwrite a project so that it ensures repayment of both principal and interest on the loan. The City will be required to pledge a portion of its future CDBG funds (both grants and program income) as well as other repayment sources, including tax increment revenues, third-party loan repayments, and liens on real property, as security for the City's repayment of the Section 108 loan. Once the City successfully applies for and receives Section 108 funding, the City may then loan the funds to third party developers to undertake eligible economic development activities. The City will then use the project owner's

loan payments as the primary or one of the primary sources of the City's repayment of its debt obligations under the HUD-guaranteed loan.

The Section 108 Loan Program is designed exclusively to bridge a "financial gap" in a development project that will deliver significant public benefits and serve the national objectives identified below. Any project qualifying for Section 108 financing must be supported primarily by non-federal funding sources, including private loans and equity investment. A loan awarded to a developer by the City pursuant to the Section 108 Program may not reduce or be a substitute for non-federal funds that could otherwise support the project.

The Section 108 Loan Program provides flexibility in how disbursement and repayment are structured to assist in the successful repayment of loans.

III. Threshold Requirements

All applications for Section 108 Loan Fund financing must meet the following threshold requirements:

A. National Objectives

The City may only consider projects for Section 108 Loan Fund financing that directly serve a public purpose and one of the following national objectives:

- a. Principally benefit low- and moderate-income persons;
- b. Aid in the prevention or elimination of slums or blight; or
- c. Meet an urgent need by addressing conditions that pose a serious and immediate threat to the health and safety of residents.

There must be a direct relationship between Section 108 funds dedicated to a project and the value of the qualifying public benefits assisted by those funds. Federal rules require that, in the aggregate, 70% of funds dedicated to a project from the Section 108 Loan Program should benefit low- and moderate-income persons as detailed in 24 C.F.R. § 570.208.

B. Necessity

The City will only consider a project for Section 108 funding if the project will not go forward – or will not go forward with the public benefits included – without receiving a Section 108 loan from the City. Federal rules mandate that the City must review a project's financing plan and projected revenues to ensure that Section 108 funds will not be used to substantially reduce the amount of available non-federal support for the project. Any "financing gap" used to justify an application for Section 108 funding should be supported by reasonable evidence that private debt financing and equity participation are not available to close that gap based on industry standards for the size and scope of the project under consideration.

C. Federal CDBG Requirements

Once the City and HUD determine that a project serves one of these national objectives and has a demonstrated financing gap, then the City must determine whether the project satisfies other federal requirements for the use of CDBG funds. 24 C.F.R. § 570.201. Examples of projects eligible to receive Section 108 loans (24 C.F.R. § 570.703) include:

- Real property acquisition as part of an otherwise eligible activity;
- Rehabilitation of publicly or privately owned real property;
- Housing rehabilitation or development eligible under the CDBG program and related relocation;
- Demolition, clearance, and site improvements for eligible CDBG activities;
- Public infrastructure; and
- Eligible economic development activities.

For example, in recent years, HUD has approved the use of Section 108 funds to provide loans for mixed-use new construction, adaptive reuse of existing structures, the redevelopment of a hotel in a downtown business district, shopping centers, industrial expansion, business relocation, warehouse facilities, public infrastructure, office buildings, retail stores, and affordable housing site development.

D. Eligible Economic Development Activities [24 CFR § 570.209]

Section 108 loan funds may be directed to private for-profit businesses involved in economic development projects that provide jobs or services for low- and moderate-income persons residing in the project area. With respect to any individual project assisted by financing under this policy, the amount of City funding shall not exceed either (1) \$50,000 per full-time equivalent, permanent job created or retained, or (2) \$1,000 per low- and moderate-income person to which goods or services are provided by the project. In the aggregate, and the City's funding of economic development projects using CDBG funds during a given year must not exceed either (1) \$35,000 of CDBG funds used for projects per full-time equivalent, permanent job created or (2) \$350 of CDBG funds used for projects per one low- and moderate-income person served by assisted businesses providing goods or services to residents of the area. This aggregate limit on the City's use of CDBG funding applies only to projects that do not meet one or more of the criteria for exclusion from aggregate standards found at 24 CFR 570.209(b)(2)(v).

The City shall not fund any activity under this policy that (i) promotes the City as a whole (as opposed to a specific area or program in the City); (ii) assists a professional sports team; (iii) assists a privately-owned recreational facility serving a predominantly higher-income clientele; (iv) acquires land for which the City has not identified or approved a specific proposed use; or (v) assists a business while that business, or any other business in which the owner has an ownership interest, is subject to unresolved findings of noncompliance with prior CDBG assistance.

IV. Security Requirements

The City will only consider projects for Section 108 loan financing if the private developer is able to pledge sufficient collateral to secure the full Section 108 loan amount requested. The City's loans under Section 108 are recourse loans and are not forgivable. Examples of collateral include, but are not limited to:

- Liquid Funds
- Real Estate (maximum loan-to-value 80%)
- Equity
- Investments
- Personal Guarantees
- Personal Property
- Accounts Receivable
- Machinery and Equipment
- Inventory

V. Loan Terms and Rates

Any loan issued by the City using Section 108 funds shall have a maximum term of no longer than 20 years. Based on the City's review of the project's revenue projections and other documents, the City will aim to set the interest rate for its Section 108 loan to the developer at a rate that ensures the developer's debt payments cover the City's debt obligation under the HUD-guaranteed loan without compromising the ability of the project to operate successfully. Generally speaking, the City will base the interest rate offered to the borrower on the interest rate of the HUD-guaranteed Section 108 loan. For interim borrowing, the interest rate will be based on the three-month Treasury Auction Bill rate plus 35 basis points. For permanent borrowing, the interest rate will be based on Treasury obligations of similar maturity to the principal amount. In cases where the HUD-guaranteed loan is funded by a public offering, the interest rate will be fixed and based on U.S. Treasury borrowing rates. In most cases, the City will add a small additional basis point spread on the HUD-guaranteed rate to determine the rate offered the borrower. However, the City reserves the right to set the interest rate of its loan at a rate commensurate with the public benefit of the project and the structure of the project's other financing, including, when appropriate, at zero (0) percent.

VI. Application Process

Private developers interested in pursuing Section 108 Loan Fund financing shall apply to the Director of the City's Economic and Community Development Department. Each application shall be accompanied by a nonrefundable application fee. The City will evaluate project proposals for Section 108 Loan Fund financing on a case-by-case basis based on the criteria set forth in this Policy as further described in the application. An application satisfying the threshold requirements described above is not a guarantee that the applicant will receive Section 108 Loan

Fund financing from the City. The City may deny an application for any reason, in its sole discretion, but not for an unlawful reason.

The application process for any City loan supported by the Section 108 program shall proceed through five (5) general phases.

A. Developer's initial application to the City

The private developer shall first develop and submit to the City an initial application for Section 108 Loan Fund financing that shall include the following items:

(1) The community development objectives the private developer proposes to pursue with the Section 108 Loan Funds. See Section III—Threshold Requirements.

(2) The activities the private developer proposes to carry out with the guaranteed loan funds. See Section V—Eligible Section 108 Loan Fund Activities. Each activity must be described in sufficient detail, including (i) the specific provision of C.F.R. § 570.703 under which it is eligible and the objective to be met, (ii) the amount of Section 108 Loan Funds expected to be used, and (iii) the project location. Specifically, this account should provide a detailed description of project activities which are expected to generate income. All descriptions of project location and activities must be sufficiently detailed to allow citizens to determine the degree to which they will be affected by the proposed project and identify where they may obtain additional information. See Section VII—Citizen Participation Plan.

(3) A description of the collateral the developer intends to pledge in support of the loan application. See Section IV—Security Requirements.

B. Developer's full application to the City

If the City approves the initial application from the developer, the developer shall then be required to submit a full application as detailed in the City's Section 108 Loan Program application. The City may amend the application process and application requirements for Section 108 loans from time to time by the City in a manner consistent with this Policy.

The developer's full application must be complete but will be potentially subject to modification based on the results of the citizen engagement process detailed below.

The City's approval of a developer's initial application, and its provisional acceptance of the developer's full application, are fully contingent upon the parties' successful completion of the steps detailed below. The City may withdraw its approval at any time, for any reason.

C. The City's proposed application to HUD and citizen participation plan

When the City has sufficient information from the developer, the City shall prepare its own proposed application for Section 108 funding from HUD which will be used to support the project loan. The City and the private developer shall then work together to develop and follow a detailed citizen participation plan and make the plan public in accordance with 24 C.F.R. § 570.704(a). See Section VII—Citizen Participation Plan. As a part of the citizen participation plan, the City's shall publish its proposed application for Section 108 funding from HUD to afford affected citizens an opportunity to examine the application's contents and to provide comments on the proposed application.

D. Citizen engagement

Once the steps above have been completed, the City and developer shall execute the citizen engagement plan as detailed below. Section VII—Citizen Participation Plan. The City must consider any public comments they receive and, if appropriate, modify the proposed application.

E. City's final application to HUD

Upon completion of the citizen engagement process, and any revisions to the City's proposed application based on that process, the City shall complete its final application to HUD. The City must make the final application available to the public. The final application must describe each project activity in sufficient detail to permit a clear understanding of the nature of each activity, as well as identify the specific provision of 24 C.F.R. § 570.703 under which it is eligible, the national objective to be met, and the amount of guaranteed loan funds to be used. The final application must also indicate which activities are expected to generate program income. The City will then submit the final application to the appropriate HUD Office for final approval.

F. Loan Documents and Closing

If HUD approves the City's application for loan funding under the Section 108 Program, then the City and developer shall execute all agreements and other documents necessary to effectuate the terms and conditions of the City's Section 108 loan to the project developer. If the City enters a development agreement with the developer, then the City shall comply with all requirements under N.C.G.S. § 160D-1001–1012, including by holding a public hearing pursuant to §160D-1005 and obtaining the approval of City Council. The City shall include any relevant requirements under N.C.G.S. § 160D as a part of the citizen engagement plan required by HUD. See Section VII—Citizen Participation Plan.

In addition to identifying adequate collateral to secure the City's funding, the City's loan documents shall include a provision permitting the City to monitor the project's compliance with CDBG and all other legal and regulatory requirements and a "clawback" provision requiring the borrower, in the event of noncompliance, to refund to the City any loan proceeds already paid to the borrower.

VII. Citizen Participation Plan

As noted above, the City and the developer must develop and follow a detailed citizen participation plan and make the plan public. The plan must be completed and available before the City's final application is submitted to HUD. The requirements for the Citizen Participation Plan are found fully at 24 C.F.R. § 570.704(a)(2), and include:

- Giving citizens timely notice of local meetings and reasonable and timely access to local meetings, information, and records relating to the proposed and actual use of Section 108 Loan Funds.
- Providing technical assistance to groups representative of persons of low- and moderate-income that request assistance in developing proposals. The level and type of assistance to be provided is at the discretion of the City. Such assistance need not include providing funding to such groups.
- Holding a minimum of two public hearings, each at a different stage, for the purpose of obtaining the views of citizens and formulating or responding to proposals and questions. Together the hearings must address community development and housing needs, development of proposed activities and review of program performance.
- Meeting the needs of non-English speaking residents in the case of public hearings where a significant number of non-English speaking residents can reasonably be expected to participate.
- Providing affected citizens with reasonable advance notice of, and opportunity to comment on, proposed activities not previously included in an application and activities which are proposed to be deleted or substantially changed in terms of purpose, scope, location, or beneficiaries. The criteria City and the private developer will use to determine what constitutes a substantial change for this purpose must be described in the citizen participation plan.
- Responding to citizens' complaints and grievances, including the procedures that citizens must follow when submitting complaints and grievances. The plan must provide for timely written answers to written complaints and grievances within 15 working days of the receipt of the complaint, where practicable.
- Encouraging citizen participation, particularly by low- and moderate-income persons who reside in slum or blighted areas, and other areas in which Section 108 Loan Funds are proposed to be used.

VIII. Application Review and Underwriting Standards

The City Section 108 Loan Fund standards for underwriting shall comply with the "Guidelines and Objectives for Evaluating Project Costs and Financial Requirements" found in Appendix A to Part 570 of the Federal Regulations governing Section 108 loan funds. The objectives of the underwriting guidelines are to ensure (i) project costs are reasonable; (ii) all sources of project financing are committed; (iii) to the extent practicable, Section 108 funds are

not substituted for non-Federal financial support; (iv) the project is financially feasible; (v) to the extent practicable, the return on the owner's equity investment will not be unreasonably low or high; (vi) to the extent practicable, Section 108 funds are disbursed on a pro rata basis with other finances provided to the project; and (vii) other considerations by the City are satisfied.

A. Project Costs Must Be Reasonable

The City will review all project costs for reasonableness. A breakdown of all project costs will be required in the City's Section 108 Loan Fund application. Examples of documentation required to support project costs include, but are not limited to, fair market price quotations; engineer and/or architect estimates; appraisals; etc. All quotations, estimates, appraisals, etc., must be provided by third parties.

B. All Sources of Project Financing Must Be Committed

All sources of project financing must be identified, committed, and sufficient to fund the proposed project. A breakdown of all project financing sources will be required in the Section 108 Loan Fund application. Examples of documentation required to support project financing, including, but not limited to: letters of intent from lenders providing the level of commitment of the lender, as well as the terms and conditions of said loan; copies of the loan package submitted to any lender; for any grant sources, letters of commitments outlining the level of commitment, any terms and conditions to the commitment, and the timing of receipt of the commitment; for any equity sources, evidence of the level of commitment, any terms and conditions to the commitment, financial statements verifying the availability of funds.

C. Section 108 Funds Are Not Substituted For Non-Federal Financial Support

All applicants must provide evidence that the Section 108 Loan Funds will be utilized to fill a financing gap, and not to replace private financing, in order to ensure that Section 108 Loan Funds will be utilized efficiently. Financial gaps may be caused by unavailability of capital, high costs of capital, or low projected returns on equity investment, among other causes.

D. The Project Is Financially Feasible

The City will review the project to determine its viability, to assure that the public benefit under which the project qualifies for Section 108 Loan Fund assistance will be realized, and to evaluate whether the project is likely to, at minimum, break-even financially.

As part of this review, the applicant will be required to submit current balance sheets, as well as historical balance sheets for the past 5 years, for both the applicant and its principals.

Furthermore, the applicant must provide estimates of the number of jobs created an estimate of how many jobs will be filled by low- and moderate- income persons, a breakdown of how many shall be full time vs. part time, and a breakdown of the yearly salary/hourly wage.

Past, present, and projected future financial data will be analyzed and compared to industry averages to determine if job estimates are reasonable and supportable.

E. The Return on The Owner’s Equity Investment Will Not Be Unreasonably Low Or High

The Section 108 Loan Fund application will be used to determine whether the expected return on investment to the applicant will be reasonable and not be too low such that there is a risk that the applicant will abandon of the project. Accordingly, applicants much provide an estimate of projected revenues, expenses (including salaries), owner’s draws, debt service, and net operating income.

F. Section 108 Funds Are Disbursed on A Pro Rata Basis with Other Finances Provided To The Project

To the extent practicable, Section 108 Loan Funds will be disbursed on a pro rata basis with other funding sources to avoid placing the City at a greater risk than other funding sources.

G. Other Considerations by The City

The City will review proposed projects to determine if the minimum level of public benefit will be accomplished for the expenditure of Section 108 loan funds consistent with Section III.D above and 24 C.F.R. § 570.209.

In addition to the financial feasibility of the project, the City will also analyze the feasibility of *the development*. The City may request documentation supporting the feasibility of the development such as market studies, real estate appraisals, engineering studies, architectural studies, and housing studies.

To ensure compliance with the underwriting guidelines, the City may retain professional service providers to review the developer’s application materials. As noted below, the City shall assess reasonable fees to the developer to cover such costs.

IX. Program Limitations

The City’s commitments to Section 108 Loan Fund financing throughout the City at any given time shall not exceed five (5) times the amount of the City’s most recent annual CDBG allocation (the “Section 108 Aggregate Cap”). For each new project proposal seeking Section 108 Loan Fund financing, the City must assess whether Section 108 Loan Fund financing for a qualifying project will cause the City’s financing in aggregate to exceed the Section 108 Aggregate Cap. The City shall review this program limitation annually to determine if an increase or a reduction to the Section 108 Aggregate Cap is warranted.

X. Fees

The City shall assess reasonable fees to the private developer for the development and implementation of the citizen participation plan, the review of developer's final application materials, the drafting of the final application submitted to HUD, legal fees, and the negotiation and drafting of all loan documents in relation to the proposed project, as well as for any costs to be incurred by the City in monitoring compliance with the provisions of C.F.R. § 570, Subpart M.



Application for Section 108 Loan

**Economic & Community Development
City of Fayetteville, North Carolina**

Telephone: (910) 433-1590

Email: EconCommDev@fayettevillenc.gov

Last Updated: November 27, 2024

**CITY OF FAYETTEVILLE DEPARTMENT OF ECONOMIC & COMMUNITY
DEVELOPMENT**

APPLICATION FOR SECTION 108 FINANCING

Project Name: _____

Please submit one signed original and one copy of this application, together with the application fee of \$_____ and any attachments to:

For questions, contact:

City of Fayetteville
Economic & Community Development Dept.
433 Hay Street
Fayetteville, NC 2830
Attention: Director of Economic & Community
Development Department

Christopher Cauley
(910) 433-1590
ChristopherCauley@FayettevilleNC.gov

I. General Information and Application Process

The City invites qualified developers to submit information regarding projects eligible to receive Section 108 Loan financing. The City's Section 108 Loan Program Policy enables the City to finance certain projects in an amount of up to three (3) times the City's annual allotment under the Community Development Block Grant (CDBG) Program. To provide such financing, the City must apply for a Section 108 loan from the Department of Housing and Urban Development (HUD). The City may then issue the proceeds from the HUD loan as a loan to a third-party developer for an approved project. Any project receiving financing under the Section 108 Loan Program must include elements that principally benefit low- and moderate-income persons, aid in the prevention or elimination of slums or blight, or address conditions that pose a serious and immediate threat to the health and safety of City residents.

The City shall determine projects eligible for Section 108 financing in accordance with the City's Section 108 Policy. Applications for Section 108 financing will be considered on a case-by-case basis. Not all projects are eligible to receive Section 108 financing and not all projects eligible to receive Section 108 financing will receive such funding. Qualified projects must, at a minimum, include public benefits to the City such as increased employment opportunities, economic diversity, affordable housing, public infrastructure, public facilities, and/or environmental improvements in areas identified by the City as needing additional public and private investment

and development. The City will only consider projects for Section 108 financing that may not be financially feasible without Section 108 financing.

After a developer submits the application materials requested below, City staff will review the materials and make an initial determination regarding whether the proposed project satisfies the requirements of the Section 108 policy. If the project proposal meets the basic requirements, City staff may then schedule a meeting with the developer to discuss specific issues in the project proposal. If City staff then determine that the proposed project includes public benefits that serve the City's needs and contribute value commensurate with the value of the proposed Section 108 loan, then staff will make a recommendation to the City Manager about moving forward with the City's application to HUD for Section 108 funding. Any loan commitment the City issues under its Section 108 Loan Program Policy is contingent upon HUD's approval of the City's Section 108 loan application.

For all projects initially accepted for Section 108 financing, the City and the developer/project owner must craft a citizen participation plan, cooperate on the City's application to HUD, and enter appropriate agreements in accordance with the City's Section 108 Loan Program Policy.

II. Application Requirements

1. Statement of Interest

The Developer's statement of interest should provide a brief account of how the proposed project will satisfy the three (3) threshold requirements identified in the City's Section 108 Policy. Specifically, the statement should explain how the project will serve CDBG national objectives and will only be able to move forward with the public benefits if the City provides Section 108 financing.

2. General Description of the Project

This general description of the project should include the location of the proposed development (noting, in particular, whether it is located in one of the City's development priority areas), any preliminary drawings or plans, and identify the public benefits to be included in the proposed project. Where a proposed development includes affordable housing, the description should include a breakdown of unit types, the percentage of area median income attached to different unit types, and the number of each unit type in the proposed project.

This general description should specifically identify elements of the project expected to generate income.

3. Financial Assistance Being Sought from the City.

The applicant shall describe the total financial assistance it seeks from the City and include a preliminary development budget for the Project. The City may, in its discretion, provide non-Section 108 financial assistance to qualifying projects in addition to Section 108 financing.

4. Developer Qualifications

The applicant should provide a list of relevant experiences, a development portfolio, and an ownership chart of the developer. The applicant should note:

- prior experience in completing and managing development projects of similar scope and complexity to the proposed project;
- experience in partnering with the City of Fayetteville or other municipalities on development projects; and
- experience working with the local community to garner support for development projects.

In addition, the applicant should specifically answer the following questions:

- Have you or a project for which you are a Principal been involved within the past ten (10) years in a bankruptcy, adverse fair housing settlement, adverse civil rights settlement, or adverse federal or state government proceeding and settlement? If yes, please explain.
- Have you or a publicly subsidized project for which you are a Principal been in a mortgage default or arrearage of three months or more within the last five (5) years?
- Have you, within the last ten (10) years, been debarred or received a limited denial of participation or other form of censure by any federal or state agency from participating in a development program?

5. Ownership Structure of the Project

The applicant must provide a description of the ownership structure of the proposed project and a corresponding ownership chart, including the name of the participating entities, types of entities, states of formation of entities, and ownership percentages.

6. Financing Structure of the Project

The applicant must provide an overview of how the project will be financed. It must identify the financing “gap” the applicant expects to close through Section 108 financing.

7. Preliminary Development Budget

The applicant must provide a preliminary budget, including a sources and uses chart. This budget should support the applicant's estimate of the cost of the public benefits to be included in the project.

8. Preliminary Development Schedule

The applicant must provide a development schedule, including dates by which the developer expects to secure necessary financing, close on equity and debt financing, and begin and conclude construction. If the proposed project will proceed in phases, please provide a preliminary schedule of those phases.

9. Developer's Readiness to Proceed

The applicant must provide a detailed description of the developer's readiness to proceed as of the date of this application. This description should address the status of site control and any other entitlements necessary to close on the acquisition and commencement of construction.

10. City of Fayetteville Commitments

The applicant should address specific plans for how the construction and management of the proposed project will serve the purposes of the City's Small Local Business Enterprises' initiative and the City's Small Disadvantaged Business Enterprise Program for Construction, Procurement, and Professional Services. Please include a description of steps the applicant has already taken to include local business enterprises in project development.

III. Fees

Under the City's Section 108 Policy, the City may assess reasonable fees, including attorney's fees, for the negotiation and drafting of a Section 108 agreement pursuant to a successful Section 108 application, as well as for the City's costs in monitoring compliance with the requirements of the Section 108 agreement during construction and the operation of the project.

**2024-2025 BUDGET ORDINANCE AMENDMENT
CHANGE 2025-10**

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 24, 2024 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2024, and ending June 30, 2025, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Interfund Transfer	\$ 2,617,024	\$ 400,000	\$ 3,017,024
All Other General Fund Revenues and Financing Sources	225,337,961	-	225,337,961
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 227,954,985</u>	<u>\$ 400,000</u>	<u>\$ 228,354,985</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2024, and ending June 30, 2025, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Other Appropriations	\$ 53,044,731	\$ 400,000	\$ 53,444,731
All Other General Fund Expenditures and Other Financing Uses	174,910,254	-	174,910,254
Total Estimated General Fund Expenditures and Other Financing Uses	<u>\$ 227,954,985</u>	<u>\$ 400,000</u>	<u>\$ 228,354,985</u>

Adopted this 9th day of December, 2024.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2025-14

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted:

Section 1. The project authorized is for the funding of the ARPA Funding Interest.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

ARPA Interest	<u>\$ 400,000</u>
---------------	-------------------

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 400,000</u>
----------------------	-------------------

Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 9th day of December, 2024.

**2024-2025 BUDGET ORDINANCE AMENDMENT
CHANGE 2025-8**

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 24, 2024 is hereby amended as follows:

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2024, and ending June 30, 2025, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Community Investment	\$ 9,076,738	\$ -	\$ 9,076,738
Operations	140,375,550	-	140,375,550
Support Services and Administration	23,361,967	2,096,000	25,457,967
Other Appropriations	53,329,635	(2,096,000)	51,233,635
Total Estimated General Fund Expenditures and Other Financing Uses	<u>\$ 226,143,890</u>	<u>\$ -</u>	<u>\$ 226,143,890</u>

Adopted this 9th day of December, 2024.

**2024-2025 BUDGET ORDINANCE AMENDMENT
CHANGE 2025-9**

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 24, 2024 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2024, and ending June 30, 2025, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Intergovernmental Revenues - Transfer from ARPA fund	\$ 28,329,182	\$ 1,811,096	\$ 30,140,278
All Other General Fund Revenues and Financing Sources	197,814,707	-	197,814,707
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 226,143,889</u>	<u>\$ 1,811,096</u>	<u>\$ 227,954,985</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2024, and ending June 30, 2025, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Operations - Safety Salaries	\$ 140,375,550	\$ 1,811,096	\$ 142,186,646
All Other General Fund Expenditures and Other Financing Uses	85,768,339	-	85,768,339
Total Estimated General Fund Expenditures and Other Financing Uses	<u>\$ 226,143,889</u>	<u>\$ 1,811,096</u>	<u>\$ 227,954,985</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2024, and ending June 30, 2025, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Community Investment	\$ 9,076,738	\$ -	\$ 9,076,738
Operations - Safety Salaries	142,186,646	(1,811,096)	140,375,550
Support Services and Administration	23,361,967	-	23,361,967
Other Appropriations - Transfer to Capital Projects	53,329,634	1,811,096	55,140,730
Total Estimated General Fund Expenditures and Other Financing Uses	<u>\$ 227,954,985</u>	<u>\$ -</u>	<u>\$ 227,954,985</u>

Adopted this 9th day of December, 2024.

**SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2025-2 (SROA 2023-2, SRO 2021-21)**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby amended:

Section 1. The project change authorized is to Special Revenue Project Ordinance 2021-21, adopted June 28, 2021, for the use of Coronavirus State and Local Fiscal Recovery Funds as awarded by the U.S. Department of the Treasury under the American Rescue Plan Act of 2021.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
U.S. Department of the Treasury	<u>\$ 40,427,539</u>	<u>\$ (1,811,096)</u>	<u>\$ 38,616,443</u>

Section 4. The following amounts are appropriated for the project:

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Project Expenditures	<u>\$ 40,427,539</u>	<u>\$ (1,811,096)</u>	<u>\$ 38,616,443</u>

Section 5. Copies of this special revenue project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 9th day of December 2024.

**CAPITAL PROJECT ORDINANCE
ORD 2025-36**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The authorized project is for funding of the ADA Compliance project.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

General Fund Transfer \$ 200,000

Section 4. The following amounts are appropriated for the project:

Project Expenditures \$ 200,000

Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 9th day of December, 2024.
CITY OF FAYETTEVILLE

December 9, 2024

**CAPITAL PROJECT ORDINANCE
ORD 2025-37**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The authorized project is for funding of the Day Resource Center operations.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

General Fund Transfer \$ 600,000

Section 4. The following amounts are appropriated for the project:

Project Expenditures \$ 600,000

Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 9th day of December, 2024.

**CAPITAL PROJECT ORDINANCE
ORD 2025-38**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The authorized project is for funding of the Impact Reduction Program.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

General Fund Transfer \$ 110,000

Section 4. The following amounts are appropriated for the project:

Project Expenditures \$ 110,000

Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 9th day of December, 2024.
CITY OF FAYETTEVILLE

December 9, 2024

**CAPITAL PROJECT ORDINANCE
ORD 2025-39**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The authorized project is for funding of the Capital Improvement Plan Contingency Project.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

General Fund Transfer \$ 901,096

Section 4. The following amounts are appropriated for the project:

Project Expenditures \$ 901,096

Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 9th day of December, 2024.

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2025-14

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted:

Section 1. The project authorized is for the funding of the Comprehensive Opioid, Stimulatn, and Substance Use Site-Based Program as awarded by the Department of Justice through Cumberland County.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

Department of Justice - Bureau of Justice Assistance passed through Cumberland County	<u>\$ 287,130</u>
------------------------------------------------------------------------------------------	-------------------

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 287,130</u>
----------------------	-------------------

Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 9th day of December, 2024.

[EXTERNAL]Fwd: DOJ Justice Grants System - Award Number 15PBJA-24-GG-04508-COAP Notification

From Jennifer Green <jgreen@cumberlandcountync.gov>

Date Sat 11/16/2024 10:07 AM

To Martina Sconiers-Talbert <mtalbert@cumberlandcountync.gov>; Candice York <cyork@cumberlandcountync.gov>; Tamra Morris <tmorris@cumberlandcountync.gov>; Sanquis Graham <sgraham@cumberlandcountync.gov>; Greg Berry <gberry@cumberlandcountync.gov>; Greg Berry <gberry@nchrc.org>; Lisa Jayne <ljayne@cumberlandcountync.gov>; Elyse Powell <elyse@nchrc.org>; Shakiesha Wilson <ShakieshaWilson@FayettevilleNC.gov>; charlton <charlton@nchrc.org>

Cc Heather Skeens <hskeens@cumberlandcountync.gov>

Congratulations everyone! The COSSUP grant was awarded for \$1,300,000 from 10/1/2024 to 9/30/2027. Thanks everyone for your hard work! Additional details forthcoming.

Sent from my iPhone

Begin forwarded message:

From: do-not-reply@usdoj.gov

Date: November 15, 2024 at 9:05:50 PM EST

To: Candice York <cyork@cumberlandcountync.gov>, Jennifer Green <jgreen@cumberlandcountync.gov>, Martina Sconiers-Talbert <mtalbert@cumberlandcountync.gov>

Subject: DOJ Justice Grants System - Award Number 15PBJA-24-GG-04508-COAP Notification

CAUTION: This email originated from outside of the County. Do not open attachments, click on links, or reply unless you trust the sender or are expecting it.



JUSTgrants
JUSTICE GRANTS SYSTEM

Congratulations! Application GRANT14199077 submitted under the 2024 BJA FY24 Comprehensive Opioid, Stimulant, and Substance Use Site-Based Program has been selected for an award. Please log into Justice Grants System (JustGrants) at <https://justgrants.usdoj.gov> to see award details.

For assistance logging into JustGrants, contact JustGrants.Support@usdoj.gov or

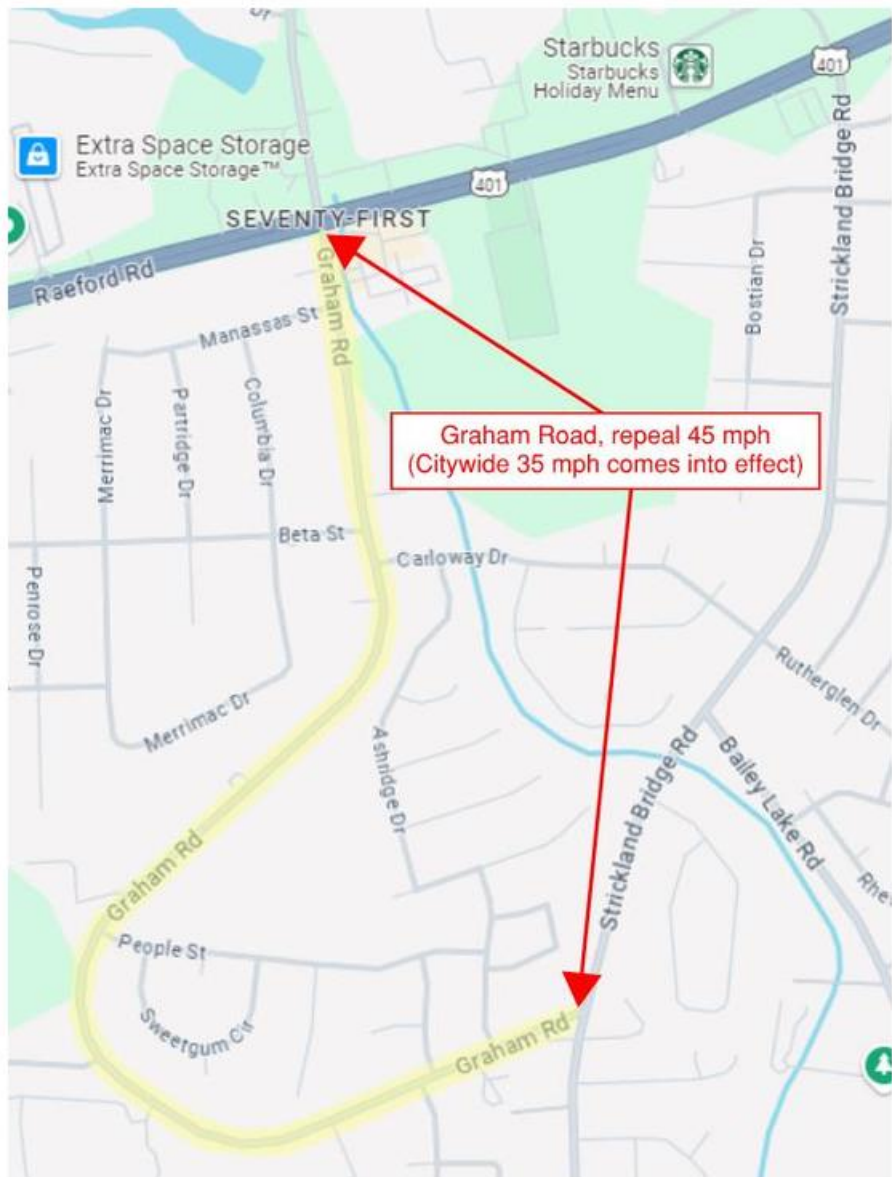
833-872-5175.

Prior to the Authorized Representative accepting the award, the Entity Administrator needs to assign a Financial Manager (responsible for submitting the Federal Financial Form), a Grant Award Administrator (responsible for submitting Grant Award Modifications, Performance Reports and Closeouts) and an Alternate Grant Award Administrator (responsible for submitting Grant Award Modifications) to the award.

To be eligible for payment, follow the Automated Standard Application for Payments (ASAP) recipient enrollment and login guidance at the JustGrants Website www.justicegrants.usdoj.gov. Please do not reply to this message. You can contact your grant manager Janai Jenkins at 202-880-7408 and Janai.Jenkins@usdoj.gov

For more information go to www.justicegrants.usdoj.gov
JustGrants is operated under the U.S. Department of Justice

**** CAUTION: External email. Do not click links or open attachments unless sender is verified. Send all suspicious email as an attachment to ITSecurity@fayettevillenc.gov ****



Starbucks
Starbucks
Holiday Menu



Extra Space Storage
Extra Space Storage™

SEVENTY-FIRST

Graham Road, repeal 45 mph
(Citywide 35 mph comes into effect)

401

401

Strickland Bridge Rd

Bostian Dr

Merrimac Dr

Partridge Dr

Columbia Dr

Beta St

Carloway Dr

Penrose Dr

Merrimac Dr

Ashridge Dr

Rutherglen Dr

Bailey Lake Rd

Graham Rd

People St

Sweetgum Ct

Graham Rd

Strickland Bridge Rd

Rne

**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1061008

Division: 6 **County:** CUMBERLAND

Municipality: FAYETTEVILLE

Type: Municipal Speed Zones

Road: SR 1105

Car: 45 MPH

Truck: 45 MPH

Description: From SR 1104 to US 401.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day

of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

**NEW STREETS FOR
COUNCIL APPROVAL
DECEMBER 2025**

STREET NAME	FROM	TO	LENGTH TO BE ACCEPTED	SUBDIVISION
NESTING TRAIL DR	SE CORNER LOT 228	NE CORNER LOT 224	0.08	LEXINGTON WOODS PH 2 SECT 2 PB 151, PG 93
OLD BARN RD	NESTING TRAIL DR	FIRESIDE DR	0.17	
FIRESIDE DR	SE CORNER LOT 238	NW CORNER LOT 242	0.03	

Beginning Mileage 753.50
Mileage Added 0.28
New Mileage 753.78

NORTH CAROLINA
[COUNTY NAME]

NORTH CAROLINA RAILROAD
COMPANY

DEFINITIVE PROJECT
INVESTMENT AGREEMENT

AND

[COMPANY NAME]

AND

[GOVERNMENT ENTITY NAME]

This DEFINITIVE
PROJECT INVESTMENT
AGREEMENT (“Agreement”),
effective as of the ____ day of
_____,
20____, by and between the

[INSERT NAME OF GOV ENTITY] (hereinafter “Government Entity”), **[INSERT NAME OF COMPANY]** (hereinafter “Company”) and the **North Carolina Railroad Company** (hereinafter “NCRR”). All parties hereto are collectively referred to as the “Parties”.

RECITALS

WHEREAS, the Government Entity desires to stimulate and develop the local economy of its region, alleviate the problems of unemployment and underemployment by creating and/or retaining jobs for its citizens, and develop its local tax base; and

WHEREAS, NCRR created the “NCRR Invests” program to partner with industries and local and state governments to facilitate industrial rail projects in North Carolina that result in job creation, capital investment, and rail use in counties throughout the State; and

WHEREAS, the Company has chosen to [**PICK ONE: Improve an existing manufacturing facility OR establish a new manufacturing facility**] at **[ADDRESS OF FACILITY]**, North Carolina (“Facility”); and

WHEREAS, the Company requires a **[INSERT WHAT RAIL PROJECT INVOLVES]** (“Rail Project”) as is necessary for **[SERVICING RAILROAD’S NAME]** (“Railroad”) to serve the Facility. The preliminary estimate of the Rail Project to be completed by the Government Entity or other parties is \$**[RAIL PROJECT ESTIMATE AMOUNT]**; and

WHEREAS, as part of the “NCRR Invests” program, NCRR has agreed to reimburse the Government Entity up to \$**[INSERT NCRR REIMBURSEMENT AMOUNT]** for the actual, documented costs incurred in the design and construction of the Rail Project to be used by the Company (“NCRR Investment”); and

WHEREAS, the Government Entity, Company, and NCRR now desire to enter into this Agreement setting forth the business terms and conditions for the NCRR Investment.

NOW THEREFORE, the Parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

1. TERM AND COMPLIANCE DEADLINE.

The term of this Agreement shall begin on [AGREEMENT COMMENCING DATE] (the date the Facility was publicly announced; hereinafter the “Commencement Date”) and shall end on [EXPIRATION DATE] (“Expiration Date”) unless sooner terminated as set forth herein. The deadline for the Company to meet the Company Performance Requirements, set forth in Section 6 hereof, shall be [COMPLIANCE DATE] (“Compliance Date”).

2. RAIL PROJECT DESCRIPTION; USE OF NCRR INVESTMENT.

The Rail Project shall consist of the design and construction of the Rail Project including any land preparation, track work (ballast, ties, rail-turnouts, and engineering), drainage, signal work, and any other incidental work associated with the construction needed for a Railroad to serve the Facility. Unless otherwise agreed, all Rail Project costs over the NCRR Investment shall be borne by the Company, Government Entity, or other parties. Moreover, no portion of the NCRR Investment shall be used to pay for administrative costs or overhead fees above the level of Rail Project construction manager.

3. RAIL PROJECT ESTIMATE AND REIMBURSEMENT TO GOVERNMENT ENTITY.

A. Rail Project concept estimate. The preliminary Rail Project conceptual and corresponding estimate are attached hereto as Exhibit A. Within thirty (30) days of execution of this Agreement, the Government Entity (or, where appropriate, the Company) shall cause to be provided to NCRR an updated estimate and specifications for the Rail Project. In addition, the Government Entity shall provide a current, updated NCRR Invests Rail Project Budget which delineates the sources and uses of funds). The updated Rail Project estimate is subject to the review of NCRR Engineering prior to construction. Within five (5) days of execution of this Agreement or within five (5) days of execution of a construction agreement, whichever is later, the Government Entity (or, where appropriate, the Company) shall cause to be provided to NCRR a copy of the construction agreement for the Rail Project. Prior to requesting any payment from NCRR as set forth in Section 3(B) below, the Government Entity (or, where appropriate, the Company) shall cause to be provided to NCRR signed, sealed construction plans, a construction schedule, specifications, and the final, detailed engineering Rail Project estimate. All are subject to the review of NCRR Engineering.

B. Reimbursement shall be pursuant to the following procedures:

i. Invoicing. The Government Entity shall cause invoices to be submitted to NCRR for progress payments and/or a final payment at intervals no more frequently than thirty (30) days with the amounts based on actual costs of work completed.

Supporting documentation for paid invoices showing actual, eligible costs for the Rail Project shall be in the form described in Section 3(B)(iv) of this Agreement. NCRR reimbursement of the actual, documented costs submitted with each paid invoice may also be subject to on-site inspection by NCRR Engineering. NCRR payment to the Government Entity will be made within sixty (60) days of receipt of the copies of paid invoices for costs associated with the activities described in Section 2. The payment schedule set forth in this section may be modified only upon approval of NCRR.

- ii. Retainage. Notwithstanding the foregoing in Section 3(B)(i), prior to completion of construction of the Rail Project, NCRR will retain fifteen percent (15%) of the total NCRR Investment. This 15% retainage will be paid upon completion of the construction of the Rail Project and final inspection by NCRR Engineering. Within thirty (30) days of a request for a final inspection, NCRR Engineering shall conduct the final inspection and either approve issuance of retainage payment or inform the Government Entity or other responsible party of any punch list items to be completed before approval to issue payment.
- iii. Deadline After Completion. The Government Entity shall cause to be submitted all paid invoices not previously submitted, together with the supporting documentation, as required by Section 3(B)(iv) of this Agreement, for the Rail Project by no later than one hundred eighty (180) days after completion and acceptance of the work by the NCRR.
- iv. Record Keeping. The Government Entity shall retain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate actual costs, including but not limited to any forms supplied by NCRR, incurred under this Agreement, including, without limitation, receipts, vouchers, invoices, waivers of mechanic's and materialmen's liens by contractors and subcontractors, and certificates of the contractors. The Government Entity shall make such materials available at its office at all reasonable times during the construction period, and for three (3) years from the date of final payment for the Rail Project under this Agreement, for inspection and audit by NCRR at reasonable times during normal working hours at the location where such records are normally maintained by the Government Entity. This provision shall survive the expiration or earlier termination of this Agreement.

4. OWNERSHIP.

The Government Entity, Company, and any other necessary parties shall enter into a separate agreement which shall provide for the ownership of the Rail Project.

5. MAINTENANCE, OPERATION, LIABILITY AND INSURANCE.

The maintenance, operation, liability and insurance requirements for the Rail Project shall be set forth in a separate siding agreement to be entered into between or among Railroad, the

Company, and any other necessary parties. **If Project on NCR Corridor ADD:** Within five (5) days of the execution of such siding agreement, the Government Entity shall cause to be provided a copy of the agreement to NCR.

6. COMPANY PERFORMANCE REQUIREMENTS.

The Company's performance requirements include the following:

- A. Job Creation – The Company shall create a minimum of 116 new, full-time jobs at the Facility (which represents 90% of the Company's job creation goal of 129 new full-time jobs) by the Compliance Date. As used in this Agreement, a "full-time job" shall mean a position that requires at least 1,600 hours of work per year and is intended to be held by one employee during the entire year, as defined by North Carolina General Statute § 105-129.81(11). A "new, full-time job" shall mean a full-time job that represents a net increase in the number of full-time employees in the Company. **If Company has existing operations in North Carolina ADD:** For purposes of this Agreement, the parties agree that the baseline number of full-time employees of the Company in North Carolina on the Commencement Date (at its existing [IDENTIFY EXISTING LOCATION] location) was [BASELINE EMPLOYMENT NUMBER] ("Baseline Employment"). The company shall maintain its Baseline Employment such that the number of full-time jobs of the Company in North Carolina as of the Compliance Date shall be [COMPLIANCE DATE].
- B. Average Annual Wage – The total number of new, full-time jobs created as described in Section 6(A)(i) above shall pay a minimum average annual wage of \$[90% OF AVERAGE ANNUAL WAGE] (which represents 90% of the Company's commitment to pay an average annual wage of \$ [AVERAGE ANNUAL WAGE]) by the Compliance Date.
- C. Capital Investment – After the Commencement Date, the Company shall invest or cause to be invested a minimum of \$[COMPANY INVESTMENT MINIMUM] (which represents 90% of the Company's commitment to invest \$[TOTAL INVESTMENT AMOUNT]) in the Facility by the Compliance Date. As used in this Agreement, "capital investment" by the Company shall mean taxable, private investment by the Company in Business Property and Real Property in [PROPERTY LOCATION]. Business Property is defined as tangible personal property that is used in a business and capitalized by the taxpayer for tax purposes. Real Property is defined as land; or building, structures, or permanent fixtures to land.
- D. Rail Use – The Company shall commence active use of the Rail Project by [RAIL USE DATE] ("Rail Use Date"). The Company shall use the Rail Project to receive and/or distribute a minimum of [RAILCAR MINIMUM] rail cars over any 12-month period for the Facility by the Compliance Date.

- E. Determination of Compliance. Whether the Company has fully complied with these Company Performance Requirements shall be determined by the compliance reports and letters that the Company shall submit to the NCRR Economic Development Department on or before the Expiration Date.

7. COMPANY COMPLIANCE REPORTING REQUIREMENTS.

The Company shall demonstrate compliance with the minimum performance standards set forth in Section 6 above by submitting the following compliance reports and letters to the NCRR Director of Economic Development.

- A. Demonstration of Job Creation, Average Annual Wage and Capital Investment. On or before the Expiration Date, the Company shall submit copies of the reports required by the North Carolina Department of Commerce [PICK ONE: Job Development Investment Grant (“JDIG”) OR One North Carolina Fund (“OneNC”)] or other relevant compliance reports confirming the Company has met the minimum requirements for:
 - a. Job Creation set forth in Section 6(A);
 - b. Average Annual Wage set forth in Section 6(B); and
 - c. Capital Investment set forth in Section 6(C).
- B. Demonstration of Required Rail Service, Use, and Minimum Shipments.
 - i. Rail Service and Use set forth in Section 6(D) – Within three (3) months of the Rail Use Date, the Company shall submit to NCRR a copy of a letter from A&W confirming;
 - a. The existence of an executed commercial agreement for rail service between A&W and the Company; and
 - b. The date the Rail Project is placed into service by the Company and A&W.
 - ii. Minimum Rail Car Shipments set forth in Section 6(D) – On or before the Expiration Date, the Company shall submit a copy of a letter from A&W confirming a minimum of 150 active rail car deliveries and/or distributions to or from the Facility over any 12-month period, or a reasonable pro rata portion thereof, by the Compliance Date.

8. GOVERNMENT ENTITY REQUIREMENTS AND OBLIGATION TO REPAY.

- A. NCRR Reimbursement. If the Company fails to meet any of the Company Performance Requirements for job creation, average annual wage, capital investment or rail use as set forth below in Section 6(A)(i) -(iv), the Government Entity shall, if required by NCRR in NCRR’s sole discretion, reimburse the NCRR Investment in an amount up to one hundred percent (100%) of the total funds previously disbursed by NCRR to the Government Entity.

- B. Government Entity Acknowledgment. The Government Entity acknowledges that failure of the Company to meet the performance and/or reporting requirements set forth herein may result in repayment obligation being imposed on the Government Entity. The Government Entity further acknowledges that no provision in this agreement addresses any obligation of the Company to the Government Entity with regard to any such repayment.
- C. NCRR Reimbursement Deadline. If NCRR demands repayment from the Government Entity under this section for failure of the Company to meet any of the performance and/or reporting requirements described above, then the Government Entity shall reimburse NCRR within sixty (60) days of receiving a written notification of demand from NCRR. This provision expressly survives the Expiration Date.

9. TERMINATION AND MODIFICATIONS.

- A. Governmental Entity Failure. Failure on part of the Government Entity to comply substantially with any of the material provisions of this Agreement will be grounds for NCRR to withdraw participation in the Rail Project. However, should NCRR withdraw its participation under any provision of this Agreement, it shall reimburse the Government Entity, within sixty (60) days of receipt of a paid invoice, the actual costs incurred for the work performed on the Rail Project prior to issuance of written notification of withdrawal of participation.
- B. Company Failure. Failure on part of the Company to comply substantially with any of the material provisions of this Agreement will be grounds for NCRR to withdraw participation in the Rail Project and to seek reimbursement from the Government Entity pursuant to the terms set forth in the separate agreement between NCRR and the Government Entity.
- C. No Physical Construction. If physical construction of the Rail Project (actual land-disturbing activities) has not begun by the Rail Use Date, this Agreement terminates automatically as of the Rail Use Date.
- D. Force Majeure. The completion of the work for the Rail Project covered by this Agreement shall be pursued as expeditiously as possible. If the work for the Rail Project specified in this Agreement is unable to be completed due to a condition of *force majeure* or other conditions beyond the reasonable control of the Government Entity or the Company, then the Government Entity and the Company will diligently pursue completion of the Rail Project once said condition or conditions are no longer in effect.
- E. Modification Request. If unforeseen calamity, an Act of God, financial disaster, a condition of *force majeure* or other conditions beyond the reasonable control of the Company is the cause of the Company's failure to meet its Company Performance Requirements as set forth in Section 6(A) above, then the Government Entity and

the Company may request an extraordinary modification of this Agreement from NCRR, including an extension of the term of this Agreement. The Parties agree that any decision to allow such modification shall be in the sole discretion of NCRR. Any modifications to the Company Performance Requirements or the obligation to repay provisions set forth herein may only be modified by the signed written agreement of NCRR, the Government Entity and the Company.

10. NOTICES.

Any notice, request, or other communication among the Parties shall be delivered in writing, sent by first-class mail, overnight courier, and/or electronic transmission and shall be deemed given upon actual receipt by the addressee. Notice shall be addressed as follows:

If to Government Entity, use:

[ADDRESS]

If to Company, use:

[ADDRESS]

If to NCRR, use:

North Carolina Railroad Company
2809 Highwoods Boulevard
Raleigh, North Carolina 27604-1640
ATTN: Economic Development

11. MISCELLANEOUS.

- A. Failure to Require Performance. Failure of the Government Entity, Company or NCRR at any time to require performance of any term or provision of this Agreement shall in no manner affect the rights of the Parties at a later date to enforce the same or to enforce any future compliance with or performance of any of the terms or provisions herein.
- B. Conflict of Laws and Venue. This Agreement constitutes a legally enforceable contract and shall be governed and construed in accordance with the laws of the State of North Carolina. The Parties agree and submit, solely for matters concerning this Agreement, to the exclusive jurisdiction of the courts of North Carolina and agree that the only venue for any legal proceedings shall be Wake County, North Carolina. The Parties further expressly waive any objection based on forum *non-conveniens* or any objection to the venue of any such action.
- C. This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.
- D. If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be

restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

- E. This Agreement and each Party's rights and obligations hereunder shall not be assignable or delegable, in whole or in part, by any Party without the written consent of the other Parties.

[Remainder of Page Intentionally Left Blank – Signature Page Follows]

DRAFT

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Government Entity and NCRR by authority duly given.

GOVERNMENT ENTITY

[INSERT GOVERNMENT ENTITY NAME]

By: _____

Name: _____

Title: _____

COMPANY

[INSERT COMPANY NAME]

By: _____

Name: _____

Title: _____

NCRR

North Carolina Railroad Company

By: _____

Name: Carl Warren

Title: President & CEO

DRAFT

Exhibit A
Preliminary Rail Project Conceptual and Estimate

[Insert Preliminary Rail Project Conceptual and Estimate]

DRAFT



December 9, 2024

Mr. Patrick Pierce, Director of Economic Development
North Carolina Railroad Company
2809 Highwoods Boulevard
Raleigh, North Carolina 27604

RE: NCRR Invests Grant for Project Rankin

Dear Mr. Pierce,

The City of Fayetteville has read the draft agreement provided by North Carolina Railroad Company (NCRR) and generally understands the terms of the NCRR Invests Grant. Upon receipt and review of a final Definitive Project Investment Agreement, the City of Fayetteville is prepared to accept the terms and execute the agreement at a regularly scheduled meeting of the City Council.

The award of these grant funds is much appreciated as the city welcomes a new, rail-served, industrial user to the area. We look forward to working with NCRR on this project and projects in the future.

Sincerely,

Douglas J. Hewett, ICMA-CM
City Manager

Prepared by and mail to:
City Attorney's Office
Lisa Harper, Senior Assistant City Attorney
433 Hay Street
Fayetteville, NC 28301

RELEASE AND TERMINATION OF REVERSIONARY CLAUSE

THIS RELEASE AND TERMINATION OF REVERSIONARY CLAUSE (the "Termination") is made and entered into this _____ day of _____, 202__ by the CITY OF FAYETTEVILLE (the "CITY").

- A. CITY caused a Reversionary Clause to be recorded in that certain North Carolina Special Warranty Deed on record in Deed Book 10337, Page 381, of the Cumberland County Registry (the "Reversionary Clause"), with respect to seventeen separate tracts of land within Cumberland County described Exhibit "A" attached hereto (the "Property"), written as follows:

"Be it understood, however, that this conveyance is made to the Grantor in connection with the construction of the North Carolina Civil War & Reconstruction History Center, and should the Grantee not proceed to construct the Center on or before June 22, 2022, or should the property described in Exhibit A cease to be used for these purposes, or should Grantee fail to maintain and care for the historic sites and dwellings included on the parcels and preserve public access thereto then all right and title to the same shall revert, vest in, and become the property of the City of Fayetteville, its successors and assigns, without the necessity of entry or any other legal action on the part of the Grantor."

- B. CITY desires to release the Property from the operation and effect of the Reversionary Clause and to terminate the Reversionary Clause as to the Property at such time that the State of North Carolina becomes the fee simple owner of the Property.

NOW, THEREFORE, CITY hereby (i) releases the Property from the effect of the Reversionary Clause set forth in the above-described Book and Page and (ii) terminates the Reversionary Clause as it relates to the Property. Upon the recordation of the fee simple Deed to the State of North Carolina, the Reversionary Clause shall have no further force or effect, and this Release and Termination may be recorded at that time and relied upon in respect to the Property.

IN WITNESS WHEREOF, the CITY has executed this Release and Termination as of the day and year first above written.

CITY OF FAYETTEVILLE

By: _____
Douglas J. Hewett, ICMA-CM, City Manager

ATTEST:

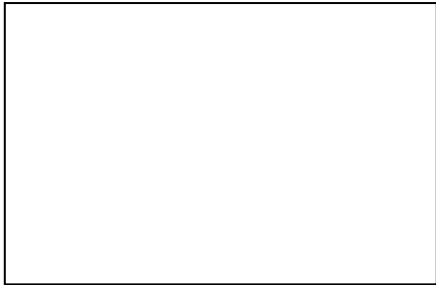
Pamela Megill, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public for _____ County, North Carolina, certify that **Pamela Megill** personally came before me this day and acknowledged that she is the **City Clerk** of **City of Fayetteville**, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its City Manager, sealed with its corporate seal and attested by herself as its **City Clerk**.

Witness my hand and notarial seal, this the _____ day of _____, 2024.

Place seal here ↓



Notary Public

My commission expires: _____

Exhibit "A"

FIRST TRACT: Beginning at a common property corner of J.H. Hall and Katherine McMillan, now North Carolina State Highway Commission said point being the Southwestern property corner of Katherine McMillan, now North Carolina State Highway Commission, and also being approximately 104' West of and normal to the western controlled line of the project; Thence along and with the western property line of Katherine McMillan, now North Carolina State Highway Commission in a northerly direction approximately 360' to a point, said point being where the controlled access line intersects with the western property line of Katherine McMillan, now North Carolina State Highway Commission, and also 80' West of and normal to future Ramp B; Thence along and with the western controlled access line in a southern direction approximately 70' to a point, said point being 55' West of and normal to future Ramp B; Thence along and with the western controlled access line in a southern direction approximately 100' to a point, said point being 55' west of and normal to future Ramp B; Thence along and with the controlled access line in a southern direction approximately 200' to a point, said point being 75' West of and normal to future Ramp B; Thence along and with the western controlled access line in a southern direction approximately 15' to a point said point being where the western controlled access line intersects with the southern property line of Katherine McMillan, now North Carolina State Highway Commission; Thence along and with the southern property line of Katherine McMillan, now North Carolina State Highway Commission in a westerly direction approximately 105' to the point of beginning and containing approximately 25,700 sq. ft. and being a portion of that land conveyed by Deed from Katherine McMillan to the North Carolina State Highway Commission on July 25, 1966, recorded in Book 1191, Page 163 in Cumberland County Public Registry. Said tract being known now or previously as Tax Parcel ID 0437-15-6018.

SECOND TRACT: Beginning at a point in the common property corner of H. P. Edwards et al and Josephine Poe Jones, now North Carolina State Highway Commission, said point being the Southwestern property corner of Josephine Poe Jones, now North Carolina State Highway Commission and also being approximately 70' West of and normal to the western controlled access line of the project; Thence along and with the western property line of Josephine Poe Jones, now North Carolina State Highway Commission in a northern direction 183.5' to a point said point being the Northwest property corner of Josephine Poe Jones, now North Carolina State Highway Commission and the southern margin of Arsenal Avenue; Thence along and with the northern property line of Josephine Poe Jones, now North Carolina State Highway Commission in an Eastern direction approximately 60' to a point, said point being where the controlled access line intersects with the northern property line of Josephine Poe Jones, now North Carolina State Highway Commission, said point being 75' west of and normal to Ramp B Revised; Thence along and with the western controlled access line in a southerly direction approximately 20' to a point, said point being 75' West of and normal to survey line Ramp B revised; Thence along and with the western controlled access line in a southern direction approximately 165' to a point, said point being where the western controlled access line intersects with the southern property line of Josephine Poe Jones, now North Carolina State Highway Commission; Thence along and with the

southern property line of Josephine Poe Jones, now North Carolina State Highway Commission in a westerly direction approximately 70' to the point of beginning and containing approximately 10,557 sq. ft. and being a portion of that land conveyed by Deed from Josephine Poe Jones to the North Carolina State Highway Commission on May 8, 1967, Recorded in Book 2031, Page 262 in the Cumberland County Public Registry. Said tract being known now or formerly as Tax Parcel ID 0437-14-6737.

THIRD TRACT: BEGINNING at a stake in the southern margin of Arsenal Avenue South 87 degrees East 145.7 feet from the intersection of the southern margin of Arsenal Avenue with the eastern margin of Myrover Street; and running thence with the southern margin of Arsenal Avenue South 87 degrees East 57.5 feet to a stake; thence South 3 degrees West 122.5 feet to a stake; thence North 87 degrees West 62.7 feet to a stake, the southeast corner of a lot conveyed to E. A. Poe, Jr.; thence with the eastern line of said lot North 3 degrees East 70 feet to an iron pipe; thence North 8 degrees 30 minutes East 54.2 feet to the point of beginning, and being the same property conveyed from Ruth Montague Davidson Paxton to Bobby G. Anderson and wife, Sue I. Anderson, by deed dated August 31, 1982 and recorded in Book 2886, page 363, in the Cumberland County Public Registry. See also Deed Book 4140, Page 677 Cumberland County Registry. Said tract being known now or formerly as Tax Parcel ID 0437-14-5871.

FOURTH TRACT: BEGINNING at a stake in the eastern margin of Myrover Street, said beginning corner being South 3 degrees West 122.5 feet from the intersection of the Southern margin of Arsenal Avenue said beginning corner being also the southwest corner of Lot Number 831 of Poe Property, a plat of which is duly recorded in Book of Plats Number 13, Page 14, in office of Register of Deeds for Cumberland County, North Carolina, and running thence with the southern line of Lots Nos. 831, 827 and 825 of said Poe Property, South 87 degrees East 200 feet to a stake; thence South 3 degrees West 61 feet to a stake; thence North 87 degrees West 200 feet to a stake in the eastern margin of Myrover Street; thence North 3 degrees East 61 feet to the place and point of BEGINNING. Also being the property conveyed to Andrew C. Cooper in Deed Book 3949, Page 393, Cumberland County Registry. Said tract being known now or formerly as Tax Parcel ID 0437-14-5702.

FIFTH TRACT: BEGINNING at a stake in the eastern margin of Myrover Street, said stake being located South 3 degrees 00 minutes West 183.5 feet from the intersection of the southern margin of Arsenal Avenue and the eastern margin of Myrover Street, and running for a first call South 87 degrees 00 minutes East 239 feet to stake; thence South 3 degrees 00 minutes West 61 feet to a stake; thence North 87 degrees 00 minutes West 239 feet to a stake in the eastern margin of Myrover Street; thence with the eastern margin of Myrover Street North 3 degrees 00 minutes East 61 feet to the POINT OF BEGINNING.

Being the same property described in Deed dated September 27, 1977, from Max Cleland, Administrator of Veterans Affairs, recorded in the Office of Register of Deeds, Cumberland County, N.C., Book 2622, Page 253. Said tract being known now or formerly as Tax Parcel ID 0437-14-5616.

SIXTH TRACT: BEGINNING at a point in the northern margin of Branson Street (50' wide right of way), said beginning corner also being the southwest corner of the Rajah Arab property as recorded in Book 632, Page 109, and proceeding thence along the northern margin of Branson Street, North 87 degrees 11 minutes West 26.76 feet to the point of curvature; thence along a curve to the right having a radius of 25.00 feet and an arc distance of 39.39 feet to the point of tangency located in the eastern margin of Myrover Street (30' wide right of way); thence along the eastern margin of Myrover Street, North 03 degrees 05 minutes East 103.71 feet to a point, the same also being the southwest corner of Willie Graham property as recorded in Book 2403, Page 123; thence along the Graham southern property line, South 87 degrees 15 minutes East 51.27 feet to the northwest corner of the aforementioned Arab property; thence along Arab's western line, South 02 degrees 49 minutes West 128.88 feet to the point and place of beginning and being the westernmost portion of Lots 44, 45 and 46 of Arsenal heights Subdivision, Plat Book 7, Page 103, and being the same property as recorded in Book 3142, Page 802, all references being to the Cumberland County Registry.

See also a Deed to the City of Fayetteville recorded in Book 3058, Page 249, as to a triangular parcel at the northern margin of Branson Street and the eastern margin of Myrover Street as described below:

Beginning at the intersection of the northern margin of Branson Street, a 50 foot right-of-way, and the eastern margin of Myrover Street, a 30 foot right-of-way, and running thence with said margin of Myrover Street North 02 degrees 20 minutes East 20.0 feet to a stake thence a new line South 42 degrees 50 minutes East 28.37 feet to a stake on the northern margin of Branson Street; thence with said margin North 87 degrees 20 minutes West 20.0 feet to the point of beginning.....containing 200 square feet. Said tracts being known now or formerly as Tax Parcel ID 0437-14-4105.

SEVENTH TRACT: BEGINNING at a point in the northern margin of Branson Street (50' wide right of way), said beginning point being the southeast corner of the Dorroll and Monsour property as recorded in Book 2779, Page 249, and proceeding thence along the eastern line of the property, North 02 degrees 49 minutes East 128.88 feet to a point in the southern line of Willie Graham property as recorded in Book 2403, Page 123; thence along said southern line, South 87 degrees 15 minutes East 51.40 feet to a point in said southern line, the same also being the northwest corner of the Bertha L. Clark property as recorded in Book 780, Page 529; thence along the Clark western line, South 02 degrees 22 minutes West 128.94 feet to a point in the northern margin of Branson Street, Clark's southwest corner; thence along the northern margin of Branson Street, North 87 degrees 11 minutes West 52.40 feet to the point and place of beginning and being parts of Lots 44, 45, and 46 of Arsenal Heights Subdivision, Plat Book 7, Page 103, and being the same property conveyed to the Grantor herein as recorded in Book 632, Page 109, Cumberland County, North Carolina, Registry. Said tract being known now or formerly as Tax Parcel ID 0437-14-4155.

EIGHTH TRACT: BEING all of Lot 4 of a Subdivision of 14 Lots of E. H. Williamson Property per plat of same duly recorded in Plat Book 7, Page 138. Said tract being known now or formerly as Tax Parcel ID 0437-14-4259.

NINTH TRACT: BEGINNING at a point in the eastern margin of Myrover Street (30' wide right of way), said beginning point being located North 03 degrees 05 minutes East 103.71 feet from the point of tangency of a curve at the intersection of the eastern margin of Myrover Street and the northern margin of Branson Street, said beginning corner also being the northwest corner of the Dorroll, Berti, and Monsour property as described in Book 2779, Page 249; and proceeding thence for a first call along the eastern margin of Myrover Street, North 03 degrees 05 minutes East 49.91 feet to a point in the southwestern corner of the Lymas Property as described in Book 2622, Page 349; thence along the Lymas southern property line and beyond, South 87 degrees 00 minutes East 155.05 feet to a point in the southern property line of the Ellerbe property as recorded in Book 2830, Page 445, said point also being the northwest corner of the Bertha L. Clark property as described in Book 534, Page 210; thence along the western property line of Clark property, South 02 degrees 22 minutes West 49.26 feet to the northwest corner of another tract formerly owned by Bertha L. Clark as described in Book 780, Page 529; thence along the northern property lines of the Clark property as described in Book 780, Page 592, the Arab property as described in Book 632, Page 109, and the Dorroll, et al., property as described in Book 2779, Page 249, North 87 degrees 15 minutes West 155.67 feet to the point and place of beginning. The above description was obtained from an acquisition map of the Museum of the Cape Fear, Phase I, as prepared by Moorman & Kizer, Inc., and dated May, 1989.

It is the intent of this Deed to convey all of Lot 47, Arsenal Heights, Plat Book 7, Page 103 and being the same property as conveyed to the Grantors herein by Marian Kennedy Carter, widow, by deed dated August 14, 1973, and recorded in Book 2403, Page 123. Said tract being known now or formerly as Tax Parcel ID 0437-14-4264.

TENTH TRACT: BEGINNING at a point at the intersection of the eastern margin of Myrover Street (30' wide right of way) and the southern margin of Calhoun Street (30' wide right of way) and proceeding thence along the southern margin of Calhoun Street, South 87 degrees 11 minutes East 142.36 feet to a point, the northwest corner of the Ellerbe property as described in Book 2830, Page 445; thence along the western property line of Ellerbe, South 02 degrees 49 minutes West 52.50 feet to a point in said line, the same also being the northeastern corner of the Lymas property as described in Book 2622, Page 349; thence along the northern property line of Lymas, North 87 degrees 09 minutes West 142.61 feet to Lymas' northwest corner in the eastern margin of Myrover Street; thence along the eastern margin of Myrover Street, North 03 degrees 05 minutes East 52.43 feet to the point and place of beginning and being the same property as conveyed by William H. O'Dell and wife, Jo E. O'Dell to Provest, Inc., dated August 21, 1987, and recorded in Book 3321, Page 797.

It is the intention of this deed to convey all of Lot 3 of the E. H. Williamson Subdivision as recorded in Plat Book 7, Page 138. Said tract being known now or formerly as Tax Parcel ID 0437-14-4365.

ELEVENTH TRACT: BEGINNING at the northern margin of Calhoun Street (30' wide RW) at its intersection with the eastern margin of Myrover Street (30' wide RW) and running thence with the eastern margin of Myrover Street N 03 degrees 05' E 52.48' to the southwest corner of the property conveyed to the City of Fayetteville in Book 3592, Page 601; thence with the southern

line of the property described in Book 3592, Page 601, S 87 degrees 02' E 141.53' to a stake in the western line of the W. Vardell Williamson property as described in Book 2183, Page 65; thence with the western line of Williamsons' property S 02 degrees 48' W 52.14' to the northern margin of Calhoun Street; thence with the northern margin of Calhoun Street N 87 degrees 11' W 141.78' to the beginning.

For history of title see estate files 76-E-264 and 66-E-712, Clerk of Court, Cumberland County. Also see deed in Book 337, Page 201, Cumberland County Registry. Said tract being known now or formerly as Tax Parcel ID 0437-14-4463.

TWELFTH TRACT: BEING all of Lot 1 of the E. H. Williamson Subdivision, Plat Book 7, Page 138. Said tract being known now or formerly as Tax Parcel ID 0437-14-4468.

THIRTEENTH TRACT: BEGINNING at a stake in the northern margin of Calhoun Street South 86 degrees 42 minutes East 150 feet from its intersection with the eastern margin of Myrover Street and running thence for a first call North 03 degrees 18 minutes East 107.5 feet to a stake; thence South 86 degrees 42 minutes East 83 feet to a stake; thence South 03 degrees 18 minutes West 107.5 feet to a stake in the northern margin of Calhoun Street North 86 degrees 42 minutes West 83 feet to the point of Beginning. Being all of Lot 5 and part of Lot 7, E. H. Williamson Property, Plat Book 7, Page 138. Said tract being known now or formerly as Tax Parcel ID 0437-14-5475.

FOURTEENTH TRACT: BEGINNING at a point in the northern margin of Branson Street, said point also being the southeast corner of the Bertha L. Clark property as recorded in Book 780, Page 529, and proceeding thence along the eastern property line of said Clark property and along the eastern line of the Willie Graham Property as recorded in Book 2403, Page 123, North 02 degrees 22 minutes East 178.26 feet to a point, the same also being the northeast corner of the Graham property and located in the southern property line of the property now or formerly owned by Hossack Franklin Ellerbe, Jr., as recorded in Book 2830, Page 445; thence along the southern property line of the Ellerbe property and the southern property line of a parcel owned by the North Carolina Department of Transportation as recorded in Book 2187, Page 625, South 87 degrees 00 minutes East 49.98 feet to a point, the same also being the northwest corner of a tract owned by the North Carolina Department of Transportation as recorded in Book 2076, Page 486; thence along the eastern property line of the property described in Book 2076, Page 486, South 02 degrees 22 minutes West 177.04 feet to a point in the northern margin of Branson Street the same also being the southwest corner of the aforementioned property recorded in Book 2076, Page 486; thence along the northern margin of Branson Street, North 88 degrees 34 minutes West 50.00 feet to the point and place of beginning.

It is the intention of this Deed to convey all of Lot 48 in the subdivision known as Arsenal Heights per plat of same duly recorded in Book of Plats S #7, Page 103, and being the same property conveyed by J. A. Lewis, Sr., widower, to A. R. Clark and wife, Bertha Lewis Clark, recorded in Book 534, Page 210. A. R. Clark died December 22, 1979. Said tract being known now or formerly as Tax Parcel ID 0437-14-5167.

FIFTEENTH TRACT: Being ALL OF Lot 6, HAYMOUNT HILL SUBDIVISION, per plat of same duly recorded in Plat Book 7, Page 138. Said tract being known now or formerly as Tax Parcel ID 0437-14-5352.

SIXTEENTH TRACT: BEGINNING at an iron stake in the eastern right-of-way margin of Myrover Street, said iron stake being the northwest corner of Lot 1 as shown in Plat Book 7, Page 138, Cumberland County, North Carolina Registry and running thence with the eastern right-of-way margin of Myrover Street North 03 degrees 05 minutes East, 124.74 feet to an iron stake; thence leaving the right-of-way margin of Myrover Street and running with the southern and eastern line of a tract recorded in Deed Book 2622, Page 253, the following two calls: South 86 degrees 39 minutes East, 234.68 feet to an iron stake, North 03 degrees 20 minutes East, 61.00 feet to an iron stake; thence south 86 degrees 39 minutes East, 25.67 feet to a point in the western right-of-way margin to the CBD Loop; thence with the western margin of the CBD Loop the following three calls: South 02 degrees 50 minutes West, 141.28 feet to a point, North 85 degrees 41 minutes West, 8.05 feet to a point, South 04 degrees 19 minutes West, 42.28 feet to a point, said point being in the northern boundary of Lot 9 as shown in Plat Book 7, Page 138, Cumberland County Registry; thence with the northern boundary of said plat North 87 degrees 11 minutes West, 252.27 feet to the point of beginning and containing 0.77 acres, more or less. Said tract being known now or formerly as Tax Parcel ID 0437-14-5537.

SEVENTEENTH TRACT: BEGINNING at a point in the northern margin of Branson Street (50' wide right of way), said point also being the southeastern corner of the Rajah Arab property as recorded in Book 632, Page 109, and proceeding thence for a first call along Arab's eastern line North 02 degrees 22 minutes East 128.94 feet to a point in Arab's northeast corner, said point also being in the southern property line of the Willie Graham property as recorded in Book 2403, Page 123; thence along the said Graham southern property line, South 87 degrees 15 minutes East 53.00 feet to Graham's southeast corner, said point also being in the western property line of the Bertha L. Clark property as recorded in Book 534, Page 210; thence along the western property line of the aforementioned Clark property, South 02 degrees 22 minutes West 129.00 feet to a point in the northern margin of Branson Street, the same also being the southwest corner of the aforementioned Clark property; thence along the northern margin of Branson Street, North 87 degrees 11 minutes West 53.00 feet to the point and place of beginning and being the eastern part of Lots 44, 45, and 46 as shown on a plat recorded in Plat Book S #7, Page 103, Cumberland County Registry. Also being the same property as conveyed by Fred Solomon David, et al., to A. R. Clark and wife, Bertha L. Clark, and recorded in Book 780, Page 529. A. R. Clark died December 22, 1979. Said tract being known now or formerly as Tax Parcel ID 0437-14-5105.