



# City of Fayetteville

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

## Meeting Agenda - Final City Council Regular Meeting

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Monday, November 14, 2022

7:00 PM

Council Chamber

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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 CONSENT AGENDA

**7.01**      [22-3026](#)      Approval of Meeting Minutes:  
October 3, 2022- Work Session  
October 10, 2022 - Discussion of Agenda Items  
October 10, 2022 - Regular  
October 19, 2022 - Agenda Briefing  
October 24, 2022 - Discussion of Agenda Items

**Attachments:**      [100322 WKS](#)  
[101022 Discussion of Agenda Items](#)  
[101022 Reg](#)  
[102422 Discussion of Agenda Items](#)

**7.02**      [22-2995](#)      Approval of Interlocal Agreement Between City and Cumberland  
County Regarding Martin Luther King, Jr. Memorial Park Project

**Attachments:**      [City & County Interlocal Agreement - MLK Jr Memorial Park Project](#)

**7.03**      [22-3035](#)      Adoption of Special Revenue Fund Project Ordinance Amendment  
2023-3 to Appropriate an Emergency Rental Assistance Grant  
Awarded by the U.S. Department of the Treasury and Authorization of  
Subrecipient Agreements

**Attachments:**      [SROA 2023-3 Emergency Rental Assistance Grant](#)



## 8.0 PUBLIC FORUM

### 9.0 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.*

#### 9.01 [22-3009](#) Public Hearing on Adoption of Fayetteville's Downtown Social District

**Attachments:**

[Resolution for Social District - CSDD Recommendation](#)

[Resolution for Social District - Staff Recommendation](#)

[North Carolina G.S. 18B-904.1](#)

[Social District Street Map - 9-7-22](#)

[Social District Management and Maintenance Plan, 10-24-2022](#)

#### 9.02 [22-3038](#) P22-33. Rezoning from Agricultural Residential (AR) to Limited Commercial (LC) 1.94 acres±, to be rezoned, located to the north of Raeford Road and west of Hoke Loop Road (REID # 9476572873000, 9476574127000), and being the property of Palmer Williams of Sycamore Corner LLC and represented by Lori Epler, Larry King & Assoc..

**Attachments:**

[Plan Review Application](#)

[P22-33 notification Map](#)

[P22-33 Zoning Map](#)

[P22-33 Land Use Map](#)

[Subject property](#)

[Surrounding Properties](#)

[Rezoning Request Map](#)

[Signed Consistency Statement P22-42](#)

## 10.0 OTHER ITEMS OF BUSINESS

#### 10.01 [22-3060](#) Parks and Recreation Bond Project - Cape Fear River Park Update

**Attachments:**

[Cape Fear River Park Master Plan - 11-14-2022](#)

#### 10.02 [22-3061](#) Reconsideration of the Execution of a Contract for Gunshot Detection Technology Services

**Attachments:**

[ACOEM](#)

[The Digital Decision](#)

[ShotSpotter](#)

10.03      [22-3062](#)      Appointment of a Public Works Commissioner

Attachments:      [PWC Applicants Packet - Fall 2022](#)

11.0 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](mailto: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**

**November 14, 2022 - 7:00 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](mailto:yamilenazar@fayettevillenc.gov), 910-433-1696, or the Office of the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3026

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 7.01

**TO:** Mayor and Members of City Council

**THRU:** Kelly Olivera, Interim Assistant City Manager

**FROM:** Pamela J. Megill, MMC, City Clerk

**DATE:** November 14, 2022

**RE:**

**Approval of Meeting Minutes:**

**October 3, 2022- Work Session**

**October 10, 2022 - Discussion of Agenda Items**

**October 10, 2022 - Regular**

**October 19, 2022 - Agenda Briefing**

**October 24, 2022 - Discussion of Agenda Items**

**COUNCIL DISTRICT(S):**

ALL

**Relationship To Strategic Plan:**

Develop and maintain strong community connections.

**Executive Summary:**

The Fayetteville City Council conducted meetings on the referenced date during which they considered items of business as presented in the draft.

**Background:**

The draft minutes are from the meeting held on the above mentioned date.

**Issues/Analysis:**

N/A

**Budget Impact:**

N/A

**Options:**

1. Approve draft minutes
2. Amend draft minutes and approve draft minutes as amended
3. Do not approve the draft minutes and provide direction to staff.

**Recommended Action:**

Approve the draft minutes.

**Attachments:**

Draft minutes

# DRAFT

FAYETTEVILLE CITY COUNCIL  
WORK SESSION MINUTES  
COUNCIL CHAMBER, CITY HALL  
OCTOBER 3, 2022  
5:00 P.M.

Present: Mayor Mitch Colvin

Council Members Kathy Jensen (District 1); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Council Member Shakeyla Ingram (District 2)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Adam Lindsay, Assistant City Manager  
Michael Gibson, Interim Assistant City Manager/Parks, Recreation and Maintenance Director  
Kelly Olivera, Interim Assistant City Manager  
Gerald Newton, Development Services Director  
Rob Stone, Construction Management Director  
Jodi Phelps, Chief of Staff  
Chris Cauley, Economic and Community Development Director  
Jody Picarella, Chief Financial Officer  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:00 p.m.

## 2.0 INVOCATION

The invocation was offered by Council Member Haire.

## 3.0 APPROVAL OF AGENDA

**MOTION:** Mayor Pro Tem Dawkins moved to approve the agenda, with the removal of Items 4.07, 4.08, 4.09 and 4.012.

**SECOND:** Council Member Benavente

**VOTE:** UNANIMOUS (9-0)

## 4.0 OTHER ITEMS OF BUSINESS

### 4.01 Salvation Army - Overview and Updates

Major Tim Grider, Salvation Army, Sandhills Region, provided an overview and updates of the Salvation Army operations in Fayetteville. Major Grider briefed City Council on the following programs: shelter, food services, operations manual, and the areas served. Major Grider discussed the Continuum of Care history and operations, the Coordinated Entry program, inclement weather (white flag) operations, and natural disaster related processes.

Discussion ensued pertaining to mental health and medical needs of the homeless. Major Grider stated his staff is not trained or equipped to provide services to those with mental health challenges; one of our goals is to get these individuals to the right agencies that can assist.

Ms. Debbie Brown, Chair, Continuum of Care, provided an overview of the Coordinated Entry program and stated the interview takes about one hour to complete.

Discussion ensued.

# DRAFT

Mayor Colvin thanked Major Grider and Ms. Brown for their updates and information.

## **4.02 Committee for Fayetteville Forward Update**

Ms. Jodi Phelps, Chief of Staff, stated a community-led advocacy group has been established by the Greater Fayetteville Chamber of Commerce in support of the Fayetteville Forward Bond package. The committee chairs and members will provide a brief update on their advocacy work and plans.

Dr. Rodney McCrowre, Co-Chair, stated following the August 8, 2022, decision of Council to adopt the bond orders to be placed on the November ballot, the Chamber of Commerce established an advocacy committee to advocate for the passage of the bonds. The committee is composed of a broad cross-section of residents representing diverse interests, backgrounds, industries and perspectives. These individuals share a common interest in advancing Fayetteville by investing in infrastructure, safety, and housing.

Dr. Mr. Peter Stewart, Co-Chair, stated the committee is working together with the City Council to support a common goal, and we applaud the City for taking such a bold move.

## **4.03 Pavement Condition Survey Report**

Mr. Byron Reeves, Assistant Public Services Director, presented this item and stated the City has recently completed a comprehensive pavement condition assessment and pavement management analysis on the City's roadway network. The objectives of this study were to perform a network-level condition survey of City maintained streets, provide the City with an up-to-date PAVER pavement management system, estimate the rate of deterioration of the City's pavement and estimate the future Maintenance and Rehabilitation requirements for the City's pavement infrastructure.

In addition, several budgeting scenarios, to include a potential influx of funding from a General Obligation Bond, were run to forecast the future network average Pavement Condition Index (PCI). The results of this Pavement Condition Survey outlines the methodology, prioritization, and recommendations for the City's Pavement Preservation Program moving forward.

When looking at the City's street network, an estimated \$560 million financial asset, it is an integral part of everyday life, that can have a significant impact on many aspects of municipal activities. The City's street network totals approximately 756 centerline miles. This is a total of 63 percent of all of the streets within the City limits.

Prior to this current effort, the most recent pavement condition survey conducted by the City was completed in 2016. In this survey, data was collected only through cameras (no automated laser crack detection was utilized). The data was assessed by checking photographs and windshield observations. In 2016 the determined/converted PCI of the City's network was an 81.

For the current survey, an automated pavement condition survey system fitted with 3D laser crack measurement system (LCMS) was deployed for distress detection. 4K HD digital cameras were used to capture surface pictures for forward, side, rear and right-of-way views. All distresses, including patches/potholes, settlements, alligator and edge cracks, were assessed in accordance with ASTM D6433. This methodology is used to determine the PCI for each segment of the road. PCI scores range from 0, indicating a completely failed pavement, to 100, indicating a pavement in excellent condition.

## DRAFT

The current PCI for the City pavement network is 72, falling in the lower range of Satisfactory. Individual street PCI ratings can be found in the *City of Fayetteville Pavement Management Report 2022*.

In addition to the PCI data for each street, the City is now also implementing PAVER as its new pavement management system. Developed by the US Army Corps of Engineers, PAVER is the most widely used pavement management system in the world. It is state of the art technology in pavement management, using PCI criteria as ASTM standard. It is promoted by the American Public Works Association (APWA) and supported by the Department of Defense, US Air Force, US Army, US Navy, Federal Aviation Administration, and Federal Highway Administration.

To eliminate the City's current backlog, a budget scenario was run to determine the cost associated with reducing the backlog to \$0. This cost would be approximately \$33.5 million per year and will result in a PCI of 86. To maintain the City's current PCI would cost approximately \$10.2 million per year and will result in a PCI of 71. To operate under the City's Powell Bill allotment of \$4.7 million per year would will result in a network average PCI score of 68 and a backlog of \$172 million. For comparison, if the City elected to "Do Nothing", after 5 years, this scenario results in a network average PCI drop from a 72 to a 64 and an increase in backlog to nearly \$192 million.

As apparent from the funding scenarios, utilizing the City's Powell Bill as the only funding source for pavement preservation will result in a continual decline of the City's overall network. In addition to the Powell Bill, funding in excess of \$5.5 million is needed on an annual basis just to maintain the current network condition.

Current condition is such that approximately 318 miles (43 percent) are recommended for traditional resurfacing, 280 miles (37 percent) are recommended for preventive maintenance, and 151 miles (20 percent) are satisfactory to good and require no essential maintenance at this time.

If the City were to elect to neglect the 280 miles in need of preventive maintenance and focused solely on resurfacing, in a five-year span, only 75 miles would be resurfaced. This would result in the condition of the 280 miles worsening, adding more miles to the "Poor" category needing expensive maintenance and contributing to a growing backlog. With this in mind, staff continues to recommend a funding scenario of devoting 70 percent of the Powell Bill funds received to resurfacing and 30 percent of funds to preventative surface treatments.

With respect to the general obligation bond referendum in November, approximately \$14.7 million of the \$25 million Infrastructure GO Bond has been identified to be utilized for street improvements. Staff's recommendation, should the bond pass, would be to utilize this funding for traditional resurfacing of City streets. Realistically, the funding could be expended in a period of three years, adding approximately \$4.9 million per year (for 3 years) of additional budget on resurfacing projects. Utilizing the funding from the potential bond, staff estimates the Overall PCI of the City's network after a five-year period to be a 70. Contrast that to the projected PCI of 67.5 achieved by utilizing solely Powell Bill funding.

However, unless additional funding (outside of Powell Bill) is provided on an annual basis, the overall street condition for the City will continue to deteriorate.

Discussion ensued.

# DRAFT

## **4.04 Development Services - Permitting & Inspections Customer Journey**

Mr. Chris Lowery, Strategic & Performance Analytics Manager, introduced this item and stated the City of Fayetteville desires to be a premier customer-focused development-friendly community that sustains quality growth through an atmosphere of excellent customer service. The Development Services Department, Permitting and Inspections Division, is continually improving its services to make its processes more effective, transparent, personal, and efficient. This includes the interactions with and perceptions of our customers.

The Office of Strategy and Performance Analytics (SPA) vetted many consultants to help with the review of multiple profiles on the customer's journey in permitting and inspections. These activities included process improvements, a review of the division's customer service, and communication with stakeholders. In November 2021, the City chose Zelos, a small, woman-owned business, to design and facilitate two (2) days of events. The consultant's intent was to learn more about how the customers of the Permitting and Inspections Division feel about their staff interactions and experience. The journey took customers from the process of plan submittal to the issuance of a certificate of occupancy on the large scale and simple homeowner permits on the lesser scale. In collaboration with Zelos, the City offered in-person and virtual customer focus groups. We also facilitated a "customer journey" session with all staff to help uncover process inefficiencies and highlight customer pain points. It was well received and helped employees understand that the customer journey is unique to all and created an opportunity to focus on helping others (being a responsibility of everyone).

In early 2022, the City Manager's Office requested additional facilitated sessions to explore and make decisions about the next steps. Through several facilitated meetings, City leadership and staff in the relevant departments discussed and identified new ideas to pursue within the Permitting and Inspections Division. Included in this was a review of activities that existed and were already underway to improve customer service. This is a continuous improvement approach that is consistent within the department.

In July 2022, Zelos and SPA offered four scheduled facilitated Virtual sessions--offered at various times of the day and days of the week. These sessions were designed to share, request feedback, and allow City leadership the opportunity to answer questions and speak about the work the City consistently accomplishes. SPA sorted and communicated with many customers to inform and invite their participation in the Virtual sessions which were facilitated by the consultant. The consultant will be providing the final review at this October City Council work session to close and complete this initiative.

Ms. Stacia Aylward, CEO, Zelos, presented the findings of the study, with the aid of a PowerPoint presentation and provided an overview of the people involved, the environment, and the process, which was to gather information, plan and improve, and share back. Ms. Aylward discussed facilitating internal conversations to define premier customer service, sharing back with customers and providing additional opportunity for input.

Discussion ensued.

## **4.05 Water Supply Watershed Management and Protection Proposed Text Amendments**

Mr. Byron Reeves, Assistant Public Services Director, presented this item and stated staff seeks concurrence from City Council and request City Council to set a public hearing for comments on proposed text amendments for Chapter 29 of the City's Code of Ordinances, Water Supply Watershed Management and Protection.

## DRAFT

Proposed amendments are presented in conjunction with the Fayetteville Public Works Commission's request to update the ordinance to improve clarity, mirror the State's model Water Supply Watershed Management Ordinance, and increase runoff control requirements in the identified WS-IV Critical Area (WS-IV-AC).

The N.C. Environmental Management Commission and the Department of Environmental Quality have administered a Water Supply Protection Program since 1986. Initially, the program was administered voluntarily by counties and municipalities pursuing measures to protect their water supplies. The measures included limitations on the number and type of wastewater discharges allowed in the water supply watersheds. These limits were administered by the then Division of Water Quality, and in turn, local governments would adopt and enforce land use control ordinances to protect surface waters from stormwater runoff.

Division staff worked with local governments in determining the location of all surface water intakes and existing land use within the water supply watersheds. This information, in conjunction with information on the types and location of wastewater discharges, was used to determine the appropriate classification for the 208 surface water supplies in the state. Twelve public hearings were held on the reclassifications during August 1991 to receive public comments. The commission also decided to bring the adopted Water Supply Watershed Protection Rules with proposed modifications back to public hearings. More than 2,400 people attended the public hearings, with more than 400 providing oral comments. Over 3,000 written comments were received. The final version of the Water Supply Watershed Protection Rules was effective February 13, 1992. The Environmental Management Commission reclassified all of the surface water supplies on May 14, 1992, and the classifications became effective in August 1992.

The Water Supply Watershed Protection Rules adopted in 1992 required that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, maps, and management plans. The rules required all municipalities with a population greater than 5,000 to submit their adopted ordinances to the commission by July 1, 1993. To assist local governments, a model ordinance was approved by the commission on July 9, 1992.

The most recent text amendment to the City's current ordinance was dated January 28, 2008, however the Environmental Management Commission recently updated their model Ordinance 2021. The proposed text amendments reconcile the City's Ordinance to conform with the updated NCDEQ model ordinance. These revisions include definitions that are added or changed to improve clarity, minor changes to Authority and General Regulations to improve clarity, minor changes to Subdivision Regulations to improve clarity, and the addition of an Allowed/Not Allowed Use table and Density Average section. In addition to conforming with the model ordinance, updated verbiage is also proposed (i.e. Publics Works Commission to Watershed Review Board, and Inspections Director to City Manager or Designee).

The Fayetteville Public Works Commission also requests that proposed runoff control requirements in the identified WS-IV Critical Area (WS-IV-AC) be increased from 1 inch to 1.5 inches.

A red-lined version of the proposed text amendments are included in the agenda packet.

With respect to the increased runoff control requirements in the identified WS-IV Critical Area (WS-IV-AC), the current Ordinance allows for the Fayetteville Public Works Commission to designate additional permit conditions and requirements to ensure that development will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. This amendment, increasing runoff control, codifies the additional requirement. The

## DRAFT

Fayetteville Public Works Commission's goal in increasing the runoff control requirements is to mitigate turbidity, runoff, and pollutant impacts at the Glenville Water Treatment Facility and Hoffer Water Treatment Facility.

Consensus of Council was to direct staff to draft the proposed text amendments as it relates to the Water Supply Watershed Management and Protection Ordinance and schedule a public hearing for October 24, 2022.

### **4.06 Proposed 2023 City Council Meeting Dates Calendar**

Ms. Pamela Megill, City Clerk, presented this item and stated this was basically an annual housekeeping item. Staff has provided a proposed 2023 City Council Meeting Dates Calendar. The calendar also identifies Council retreats, budget work sessions, and conferences for elected officials. To ensure that citizens are aware of all public meetings and events and that the City adheres to the NC Open Meetings Act.

Ms. Megill noted there is a conflict on March 27, 2023; the regular City Council meeting conflicts with the National League of Cities conference in Washington, D.C. The second regular meeting in March could be held four days early on March 23, 2023.

Discussion ensued.

Consensus of Council was to move the second regular meeting in March 2023 from March 26 to March 23, 2023. The monthly zoom agenda briefing meeting to remain with a 5:00 p.m. call to order. This item to be moved forward to a regular meeting agenda for official action to adopt the Council Meeting Dates Calendar Resolution.

### **4.07 City Council Member Agenda Item Request - Civil War Emancipation and Reconstruction History Center - Mayor Pro Tem Dawkins**

This item was withdrawn by Mayor Pro Tem Dawkins .

### **4.08 City Council Member Agenda Item Request - Request for Formal Agreement for the History Center - Mayor Colvin**

This item was withdrawn by Mayor Colvin.

### **4.09 City Council Member Agenda Item Request - No Funding to be Allocated to the NC Civil War and Emancipation History Center - Council Member Banks-McLaughlin**

This item was withdrawn by Council Member Banks-McLaughlin.

### **4.010 City Council Member Agenda Item Request - Fund a Homeless Shelter - Council Member Banks-McLaughlin**

Council Member Banks-McLaughlin stated she is seeking consensus from Council to direct staff to engage in conversations with the County to offer assistance to expedite the process of building the proposed Homeless Shelter.

Discussion ensued.

No consensus was given to move this Council request forward.

### **4.011 City Council Member Agenda Item Request - Street Name Change from Filter Plant Road to Bronco Village Way - Mayor Colvin**

Mayor Colvin stated he had received a letter from Dr. Darrell Allison, Chancellor, Fayetteville State University, requesting the City Council consider changing the name of Filter Plant Drive to Bronco Village Way.

# DRAFT

Council Member Haire stated there are about 40 properties that would be affected by the proposed name change. Mayor Pro Tem Dawkins stated changing street names is a County function.

Consensus of Council was to direct staff to research the road name change process and report back for Council consideration.

## **4.012 City Council Member Agenda Item Request - Shot Spotter - Mayor Colvin**

This item was withdrawn by Mayor Colvin.

## **5.0 ADJOURNMENT**

There being no further business, the meeting adjourned at 7:58 p.m.

Respectfully submitted,

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PAMELEA J. MEGILL  
City Clerk

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MITCH COLVIN  
Mayor

100322

# DRAFT

FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
ST. AVOLD CONFERENCE ROOM, CITY HALL  
OCTOBER 10, 2022  
6:00 P.M.

Present: Mayor Mitch Colvin

Council Members Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Adam Lindsay, Assistant City Manager  
Kelly Olivera, Interim Assistant City Manager  
Michael Gibson, Interim Assistant City Manager  
Jodi Phelps, Chief of Staff  
Pamela Megill, City Clerk  
Members of the Press

Mayor Colvin called the meeting to order at 6:00 p.m.

Mayor Colvin asked Council to review the consent and other items of business items for this evening.

Mayor Pro Tem Dawkins asked for an explanation of why the vehicle purchases were from out of town on Item 7.05, Award Contracts for the Purchase of Parks, Recreation and Maintenance Vehicle Replacements. Ms. Kim Toon, Purchasing Manager, provided an overview of this item.

## ADJOURNMENT

There being no further business, the meeting adjourned at 6:09 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk  
101022

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MITCH COLVIN  
Mayor

# DRAFT

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER, CITY HALL  
OCTOBER 10, 2022  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Shakeyla Ingram (District 2) (arrived at 7:19 p.m.); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Council Member Katherine K. Jensen (District 1)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Adam Lindsay, Assistant City Manager  
Michael Gibson, Interim Assistant City Manager  
Kelly Olivera, Interim Assistant City Manager  
Gina Hawkins, Police Chief  
Jodi Phelps, Chief of Staff  
Jody Picarella, Chief Financial Officer  
Rob Stone, Construction Management Director  
Chris Cauley, Economic and Community Development  
Director  
Tyffany Neal, Transit Director  
Sheila Thomas-Ambat, 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 Rick Barber, The Restoration Place.

## **3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

## **4.0 ANNOUNCEMENTS AND RECOGNITIONS**

Mayor Colvin presented a proclamation to Mr. Albert Baker, Community Relations Manager and member of the Lumbee Tribe, proclaiming October 10, 2022, Indigenous People Day.

Council Member Benavente announced an event sponsored by the Community Awareness Alliance in recognition of World Homeless Day.

Council Member Banks-McLaughlin encouraged residents to attend the Bond Education Session on October 12, 2022, at the Lake Rim Recreation Center.

Council Member Banks-McLaughlin invited residents to attend movie night and a pumpkin carving event at E.E. Miller on October 13, 2022, from 6:00 to 7:00 p.m.

## **5.0 CITY MANAGER REPORT**

No report was provided.

## **6.0 APPROVAL OF AGENDA**

# DRAFT

**MOTION:** Council Member Benavente moved to approve the agenda.  
**SECOND:** Council Member Haire  
**VOTE:** UNANIMOUS (8-0)

## 7.0 CONSENT AGENDA

**MOTION:** Council Member Haire moved to approve the consent agenda.  
**SECOND:** Mayor Pro Tem Dawkins  
**VOTE:** UNANIMOUS (8-0)

## 7.0 CONSENT AGENDA

### 7.01 Approval of Meeting Minutes:

September 6, 2022 - Work Session  
September 12, 2022 - Discussion of Agenda Items  
September 12, 2022 - Regular  
September 19, 2022 - Special  
September 21, 2022 - Agenda Briefing  
September 26, 2022 - Discussion of Agenda Items  
September 26, 2022 - Regular

### 7.02 Adoption of Capital Project Ordinance 2023-10 and Capital Project Ordinance Amendment 2023-14 to Appropriate North Carolina Department of Transportation Grant Funding for General Aviation Development and Security and Infrastructure Improvements

Capital Project Ordinance (CPO) 2023-10 appropriates \$450,000.00 for security system upgrade (\$150,000.00), roof replacement at Fire Training Facility (\$100,000.00), and a digital display wall (\$200,000.00). Capital Project Ordinance Amendment 2023-14 appropriates \$2,522,939.00 for General Aviation Hangar Development project.

### 7.03 Adoption of Capital Project Ordinance 2023-11 and Special Revenue Fund Ordinance 2023-7 to Appropriate Federal Transit Administration Grant NC-2022-059-00 for Transit Capital and Planning Projects, and Adoption of Budget Ordinance Amendment 2023-6 to Carry Forward Local Match Funding from Fiscal Year 2022 to Fiscal Year 2023

Capital Project Ordinance (CPO) 2023-11 will appropriate \$5,676,500.00 for the grant's capital projects that include three battery-electric/zero emission buses and charging infrastructure; three diesel replacement buses; bus shelters, sidewalks, and accessible bus stops along transit routes; upgrade to the video surveillance system; improvements to Transit's maintenance facility including installation of a back-up generator; and capital maintenance funding for repair or replacement of major bus components. The funding sources for this appropriation include \$4,791,175.00 of federal grant funding and a \$885,325.00 local match.

Special Revenue Fund Project Ordinance (SRO) 2023-7 will appropriate \$300,000.00 for a variety of eligible planning tasks and projects that include reporting and complying with FTA grant provisions and monitoring transit services. This project also includes funds for staff training. The funding sources for this appropriation include \$240,000.00 of federal grant funding and \$60,000.00 in local matching funds.

Budget Ordinance Amendment (BOA) 2023-6 will appropriate \$504,900.00 from General Fund fund balance to transfer to the Transit Operating Fund in order to provide the total local match for the two grant project appropriations. This local match funding was anticipated in the fiscal year 2022 year-end projections; however, transfer of the funds was delayed due to the timing of the receipt of the grant award

### 7.04 Professional Service Contract Execution Recommendation - Program and Project Management for FY23 for Watershed Master

## **DRAFT**

Authorize the execution of an engineering service contract for professional services in the amount of \$717,740.00 for Program and Project Management for the remainder of FY23 to the consulting firm Freese and Nichols, Inc. (FNI).

This qualification based selection of FNI is utilizing the City's On-Call Professional Engineering Services for Comprehensive Stormwater Watershed Studies

### **7.05 Award contracts for the purchase of Parks, Recreation, and Maintenance vehicle replacements**

Award a contract for the purchase of seven Ford F250 Trucks to Piedmont Truck Center, Inc., and two Ford F350 Trucks with 11' Body, two Ford F350 Trucks with 8' Flatbed, four Light Duty Pickup Trucks, and six Ford Transit Connect Vans Carthage, LLC dba Cooper Ford, Carthage, North Carolina.

### **7.06 Resolution Directing Construction of Area 32 East Section II of the Phase 5 Annexation Utility Improvement Project be Undertaken**

**RESOLUTION DIRECTING CONSTRUCTION OF AREA 32 EAST SECTION II OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN. RESOLUTION NO. R2022-036**

## **8.0 STAFF REPORTS**

### **8.01 Acceptance of the FY 2023 1st Quarter Strategic Performance Report**

Mr. Chris Lowery, Strategic and Performance Analytics Manager, and Mr. Andrew Brayboy, Senior Corporate Performance Analyst, presented this item with the aid of a PowerPoint presentation. The Fayetteville City Council has worked very diligently to commit this organization to high performance and to use data and stakeholder input to create a strategic plan for the City that is forward-thinking, progressive, relevant, and outcome-based.

The Mayor, City Council, and staff share a duty to ensure that the actions of public officials, employees, contractors, and volunteers of the City are carried out in the most responsible manner possible and that City policy, budgets, goals, and objectives are fully implemented.

In February 2021, the City Council met virtually in a two-day annual retreat to refine the City's strategic plan, prioritizing Targets for Action (TFA) for FY 2022. The City Council adopted the FY 2022 strategic plan at the June 2021 City Council Meeting. TFA are projects or initiatives identified by Council to move the needle toward defined outcomes laid out in the Council's strategic plan. TFA's are defined by a one-year action plan with milestones to focus the work of Council and staff.

The City Manager's Office has directed the Office of Strategy and Performance Analytics to meet regularly with teams to advance the Council's TFA and to report progress to City Council on a quarterly basis during a City Council Meeting. Staff has provided the status of the 1<sup>st</sup> Qtr. Strategic Performance Report as of September 30<sup>th</sup>, 2022, for Council consideration moving forward to the next Council Retreat. Commitment to performance management and strategic planning strengthens the operations of the City of Fayetteville, ensuring excellent services and high quality of life for residents. It allows for long-range planning at the organizational level with alignment to departmental operations and performance expectations. With this system in place, the City is able to allocate resources appropriately and build strategies for continuous improvement.

Discussion ensued.

# DRAFT

**MOTION:** Council Member Hondros moved to accept the report.  
**SECOND:** Council Member Ingram  
**VOTE:** UNANIMOUS (9-0)

## 9.0 PUBLIC FORUM

Dr. Michael Ruff, 319 Birnam Drive, Fayetteville, NC, expressed his support of the proposed Civil War History Center.

Ms. Elaine Merlino, 2112 Burnett Avenue, Fayetteville, NC, expressed concerns regarding the lack of safety in her neighborhood.

Mr. Chelinko Hurst, 1385 McCrary Drive, Hoke County, NC, expressed concerns regarding the death of Mr. Jason Walker.

Ms. Kaitlyn Potts, 2940 Bakers Mill Road, Fayetteville, NC, expressed concerns regarding safety of the natural gas pipeline.

Mr. Jose Cardona, 233 Addison Street, Fayetteville, NC, announced his opposition of Vote Yes, taxes and Council Composition.

Mr. Shaun McMillan, 6024 Goldenrain Drive, Fayetteville, NC, requested an independent oversight of the Fayetteville Police Department.

## 10.0 ADMINISTRATIVE REPORTS

### 10.01 Shopping Carts - Research Review and Policy/Program Options

Consensus of Council was to move this item forward to a work session for presentation.

## 11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk  
101022

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MITCH COLVIN  
Mayor

# DRAFT

FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
ST. AVOLD CONFERENCE ROOM, CITY HALL  
OCTOBER 24, 2022  
6:00 P.M.

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Deno Hondros (District 9)

Absent: Council Member Courtney Banks-McLaughlin (District 8)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Adam Lindsay, Assistant City Manager  
Kelly Olivera, Assistant City Manager  
Michael Gibson, Interim Assistant City Manager  
Jodi Phelps, Chief of Staff  
Gina Hawkins, Police Chief  
Jennifer Baptiste, Planning and Zoning Manager  
Michael Whyte, Police Attorney  
Pamela Megill, City Clerk  
Members of the Press

Mayor Colvin called the meeting to order at 6:00 p.m.

Mayor Colvin asked Council to review the consent and other items of business items for this evening.

Council Member Ingram stated on behalf of Council Member Banks-McLaughlin (absent this evening), she intends to ask that Item 9.02, P22-33 Rezoning Public Hearing, be tabled to the November 14, 2022, meeting, after the speakers have been heard.

Mayor Colvin introduced Item 10.01 - North Carolina History Center Report. Discussion ensued regarding the motion to approve this item.

Council Member Haire asked for an overview of Item 11.01, Street name change from Filter Plant Road to Bronco Village Way, and stated he is not in favor of this request. Ms. Jennifer Baptiste, Planning and Zoning Manager, provided an overview of the street name change process.

## CLOSED SESSION

**MOTION:** Council Member Hondros moved to go into a closed session for attorney-client privileged matters.

**SECOND:** Council Member Thompson

**VOTE:** UNANIMOUS (9-0)

The regular session recessed at 6:42 p.m. The regular session reconvened at 6:56 p.m.

**MOTION:** Mayor Pro Tem Dawkins moved to go into open session.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (9-0)

# DRAFT

## ADJOURNMENT

There being no further business, the meeting adjourned at 6:56 p.m.

Respectfully submitted,

---

PAMELA J. MEGILL  
City Clerk  
102422

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MITCH COLVIN  
Mayor



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-2995

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 7.02

**TO:** Mayor and Members of City Council

**THRU:** Adam Lindsey, Assistant City Manager

**FROM:** Michael Gibson, Parks, Recreation and Maintenance Director  
Lisa Harper, Senior Assistant City Attorney

**DATE:** November 14, 2022

**RE:**

**Approval of Interlocal Agreement Between City and Cumberland County  
Regarding Martin Luther King, Jr. Memorial Park Project**

**COUNCIL DISTRICT(S):**

District 2

**Relationship To Strategic Plan:**

Goal IV: Desirable Place to Live, Work and Recreate

**Executive Summary:**

City Council is being asked to authorize the execution of an Interlocal Agreement with Cumberland County regarding the Martin Luther King, Jr. Memorial Park project.

A separate agreement between the City and the Dr. Martin L. King Jr. Committee is still to be finalized.

**Background:**

The Dr. Martin L. King, Jr. Committee, a North Carolina nonprofit corporation has proposed the construction of a memorial spire set in a circular, stone meditation plaza in the Martin Luther King, Jr. Memorial Park.

At present time, the total funding for the project is \$7.2 million, with \$2.5 million having been appropriated by the State of North Carolina directly to the Committee, \$2.5 million

having been appropriated by the County, and \$2.2 million having been appropriated by the City.

The City has agreed to undertake construction of the project. The County has agreed to provide the funding appropriated by its governing board for the project to the City.

**Issues/Analysis:**

N/A

**Budget Impact:**

There is no impact to the General Fund.

**Options:**

City Council moves to authorize the execution of the proposed Interlocal Agreement with Cumberland County.

City Council does not move to authorize the execution of the proposed Interlocal Agreement with Cumberland County and provides staff guidance.

**Recommended Action:**

Staff recommends City Council move to authorize the execution of the proposed Interlocal Agreement with Cumberland County.

**Attachments:**

City and County Interlocal Agreement - Martin Luther King Jr. Memorial Park Project

STATE OF NORTH CAROLINA

INTERLOCAL AGREEMENT

COUNTY OF CUMBERLAND

Approved by the Fayetteville City Council \_\_\_\_\_

Approved by the Cumberland County Board of Commissioners October 17, 2022

**THIS INTERLOCAL AGREEMENT**, made and entered into on the last day the governing board of either party approves it (the "Effective Date"), by and between the City of Fayetteville, a North Carolina municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter "City"), and Cumberland County, a body corporate and politic existing under the laws of the State of North Carolina (hereinafter "County"). Collectively, City and County are the "Parties."

WITNESSETH:

**WHEREAS**, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes cities and counties to enter into interlocal agreements in order to execute any undertaking on behalf of one another; and

**WHEREAS**, the North Carolina General Assembly appropriated \$2.5 million to the Fayetteville\Cumberland County Dr. Martin L. King, Jr. Committee, a North Carolina nonprofit corporation, (the "Committee") as partial funding for a project to construct a memorial spire set in a circular, stone meditation plaza in the Martin Luther King, Jr., Memorial Park located in and owned by City (the "Project"); and

**WHEREAS**, the governing board of City has appropriated \$2.2 million and the governing board of County has appropriated \$2.5 million for the Project; and

**WHEREAS**, City has agreed to undertake construction of the Project; and

**WHEREAS**, County has agreed to provide the funding appropriated by its governing board for the Project to City for this purpose.

**NOW, THEREFORE**, pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes, and in consideration of the respective rights, powers, duties, and obligations hereinafter set forth, City and County agree as follows:

1. **Purpose:** The purpose of this agreement is to establish the terms by which County will provide its portion of funding for the Project to City. The Project, as approved by County's governing board, consists of the construction of a memorial spire, approximately 100' in height, set in a circular, stone meditation plaza within the Martin Luther King, Jr., Memorial Park owned by City. The final engineering design of the Project and the scope of work used for any contract for construction of the Project must receive approval of County's governing board.
2. **Duration:** This agreement shall become effective on the Effective Date and shall continue until the Project is completed, subject to the provisions for early termination set forth in Section 8 of this agreement.

3. **No Joint Agency Established:** This agreement shall not create any joint agency between the Parties. The Project shall be undertaken by City as an improvement to its Martin Luther King, Jr., Memorial Park as follows:
  - a. City shall be responsible for obtaining and administering all contracts for the construction of the Project.
  - b. City shall have the sole responsibility to maintain the improvements constructed by the Project as a component of its Martin Luther King, Jr, Memorial Park.
4. **No Appointment of Personnel:** This agreement shall not require the Parties to appoint any personnel to undertake the Project. City shall undertake the Project solely in accordance with its usual personnel and business practices.
5. **Financial Support for the Project:**
  - a. At the time the Parties have entered into this agreement, the total funding for the Project was \$7.2 million, with \$2.5 million having been appropriated by the State of North Carolina directly to the Committee, \$2.5 million having been appropriated by County, and \$2.2 million having been appropriated by City.
  - b. The Parties agree that \$2.2 million appropriated by City and \$2.5 million appropriated by County shall be a continuing contractual obligation of each that may not be avoided by the failure of either to budget the funding committed for the Project by this agreement in subsequent fiscal years or budgets.
  - c. City shall notify County if any additional sources of funding become available for the Project.
  - d. The Project shall be designed and engineered by design professionals selected by the Committee in accordance with the procurement requirements of the funding agreement between the State of North Carolina and the Committee. City shall determine that the design of the Project meets zoning requirements and is in accord with the Project as described in this agreement before commencing construction. Neither City nor County shall pay any portion of the design costs with the design costs to be paid by the Committee from the State funds. Design costs paid by the Committee shall be included in the Project costs.
  - e. City will submit the invoices received from vendors or contractors selected by City for the construction of the Project to County monthly. County shall remit payment of each invoice in the proportionate amount of County's appropriated funding to the total amount of available construction funds within 30 days of receiving an invoice from City. Available construction funds shall be the total funding less the amount spent for Project design prior to commencement of construction.
  - f. The maximum amount of funding to be provided by County is the \$2.5 million appropriated by County's Capital Project Ordinance #B220202. The maximum amount of the funding provided by City is the \$2.2 million appropriated by City.
6. **Ownership of the Project:** At all times, the Project is and shall continue to be owned solely by City as a component of its Martin Luther King, Jr., Memorial Park.

7. **Amendment.** This agreement may only be amended by the mutual agreement of the Parties with a written document approved by the Parties' governing boards and entered into the minutes of the meetings at which it is approved.
8. **Provisions for Early Termination:** The following conditions shall constitute grounds for early termination of this agreement:
  - a. City shall provide County the Project budget at such time as it is developed, to show the source of all funds for the Project and the estimated costs to complete it. In the event the estimated Project costs exceed the funds available, the governing board of either of the Parties may elect to terminate this agreement. Upon termination under this subsection, County shall only be responsible for its appropriated share of the costs incurred by the Project necessary to develop the Project budget.
  - b. If construction on the Project has not commenced by November 1, 2024, or within the construction schedule provisions of the funding agreement between the State of North Carolina and the Committee, County's governing board may terminate this agreement upon giving notice to City. When City determines that construction of the Project will not commence before November 1, 2024, or within the construction schedule provisions of the funding agreement between the State of North Carolina and the Committee, the city manager shall give immediate notice thereof to the county manager. If County's governing board elects to terminate this agreement for construction not commencing before November 1, 2024, County shall have no liability for payment of any invoices for work incurred after City became aware that construction would not commence before November 1, 2024. City shall be responsible to stop all work on the Project upon determining that construction on the Project shall not commence before November 1, 2024.
9. **Other Matters:**
  - a. Neither party may transfer or assign its rights under this agreement except through an amendment of this agreement in accordance with Section 7 of this agreement.
  - b. This agreement shall bind the Parties hereto, respective successors, permitted assignees, and transferees.
  - c. If any provision of this agreement shall be held invalid by any court for any reason, the remaining provisions shall not be affected if they may continue to conform to the purposes of this agreement and the requirements of applicable law.
  - d. If litigation is brought against City or County because of this agreement, each shall have sole discretion to determine its participation in the litigation, if any, and be responsible for its own costs and attorney's fees.
  - e. This agreement between City and County is made subject to the Committee and City complying with the terms of the funding agreement between the State of North Carolina and the Committee.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement in accordance with the actions taken by their respective governing boards on the dates of the meetings at which such action was taken and as indicated on the first page of this agreement.

This interlocal agreement was approved by the Fayetteville City Council \_\_\_\_\_, 2022.

**CITY OF FAYETTEVILLE**

(SEAL)

By: \_\_\_\_\_  
DOUGLAS J. HEWETT, ICMA-CM  
City Manager

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

Approved for legal sufficiency:

\_\_\_\_\_  
KAREN M. MCDONALD, City Attorney

This interlocal agreement was approved by the Cumberland County Board of Commissioners  
October 17, 2022, 2022.

(SEAL)



**CUMBERLAND COUNTY**

Amy Cannon  
AMY CANNON, County Manager

ATTEST:

Candice M. White  
CANDICE WHITE, County Clerk

Approved for legal sufficiency:

Rickey L. Moorefield  
RICKEY L. MOOREFIELD, County Attorney



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3035

Agenda Date: 11/14/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.03

**TO: Mayor and Members of City Council**

**THRU: Kelly Olivera, Assistant City Manager**

**FROM: Christopher Cauley, MPA - Economic & Community Development  
Director  
Birgit Sexton, Assistant Budget and Evaluation Director**

**DATE: November 14, 2022**

**RE:**

**Adoption of Special Revenue Fund Project Ordinance Amendment 2023-3 to  
Appropriate an Emergency Rental Assistance Grant Awarded by the U.S.  
Department of the Treasury and Authorization of Subrecipient Agreements**

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

GOAL IV: The City of Fayetteville will be a highly desirable place to live, work and recreate.

4.6: To reduce poverty and homelessness

**Executive Summary:**

Council is asked to adopt Special Revenue Fund Project Ordinance Amendment (SROA) 2023-3 to appropriate a \$273,284 grant from the U.S. Department of the Treasury to fund Emergency Rental Assistance payments for those impacted by COVID19. Council is also asked to approve staff proposals to partner with Fayetteville Urban Ministry and Connections of Cumberland County to administer the programs.

**Background:**

On December 27, 2020 Congress passed the Consolidated Appropriations Act and on January 6, 2021 the City was notified that it would receive a direct award of an unspecified amount, contingent upon applying for the award by January 12, 2021. The

City applied for and received \$6,383,863.50 by the deadline and Department of Treasury deposited the funds on January 20, 2021. In January of 2022 the City requested additional funding for this program as it had exhausted all awarded funding. Treasury has now awarded an additional \$273,284 in funding for rent and utilities.

**Issues/Analysis:**

Funds will need to be obligated to eligible households by the end of the year. The grant allows for 10% of the funding for administration and another 10% for housing stability and the remaining 80% is required to be direct assistance. Fayetteville Urban Ministry and Connections of Cumberland County will utilize pre-existing waitlists for rent and utility assistance and expedite reviews to fully expend funds by the deadline. Staff will evaluate and amend their contracts based on how quickly or slowly they spend each allotment.

**Budget Impact:**

There is no impact to the General Fund as no local match is required.

**Options:**

1. Adopt SROA 2023-3 as presented and authorize the execution of subrecipient agreements to administer the program.
2. Adopt SROA 2023-3 as presented to appropriate the grant and schedule further discussion of proposed program and contract for services.
3. Do not adopt SROA 2023-3 and provide further direction to staff regarding acceptance of the grant.

**Recommended Action:**

Staff recommends that Council move to adopt Special Revenue Fund Project Ordinance Amendment 2023-3 as presented and authorize the execution of subrecipient agreements to administer the program.

**Attachments:**

- Special Revenue Fund Project Ordinance Amendment 2023-3

**SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT  
CHANGE 2023-3 (ORD 2021-14)**

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 amended:

Section 1. The project change authorized is to Special Revenue Fund Project Ordinance 2021-14, adopted March 22, 2021, for the funding of the Emergency Rental Assistance Program, 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>\$ 6,383,864</u>	<u>\$ 273,284</u>	<u>\$ 6,657,148</u>

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Project Expenditures	<u>\$ 6,383,864</u>	<u>\$ 273,284</u>	<u>\$ 6,657,148</u>

Section 5. Copies of this special revenue fund 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 14th day of November 2022.



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3058

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 7.04

**TO: Mayor and Members of City Council**

**THRU: Marion J. Noland, Interim CEO/General Manager  
Fayetteville Public Works Commission**

**FROM: Fayetteville Public Woks Commission**

**DATE: November 14, 2022**

**RE:**

**Bid Recommendation - Subsurface Switch 600 AMP**

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

High Quality Built Environment

**Executive Summary:**

Bids were received for the Subsurface Switch 600 AMP. The recommended lowest responsive, responsible bidder is WESCO Distribution, Inc., Clayton, NC, in the total amount of \$148,535.15.

**Background:**

The Fayetteville Public Works Commission, during their meeting on October 26, 2022, approved the bid recommendation to award the bid for the purchase of Subsurface Switch 600 Amp to WESCO Distribution, Inc., Clayton, NC, the lowest, responsive, responsible bidder, in the total amount of \$148,535.15, and forward the recommendation to the City Council for approval.

Bids were received October 6, 2022, as follows:

BIDDERS	MANUFACTURER	TOTAL COST	DELIVERY
WESCO Distribution Inc. Clayton, NC	ABB	\$148,535.15	30 Weeks

**Issues/Analysis:**

Notice of the bid was advertised through PWC's normal channels on September 20, 2022, with a bid opening date of October 6, 2022. PWC's Procurement Department also directly solicited three (3) distributors for this bid. PWC received only one (1) bid. Electric Engineering and Electric Construction have reviewed and concur with the award recommendation.

**Budget Impact:**

The Subsurface Switch 600 AMP is Warehouse Inventory

**Options:**

N/A

**Recommended Action:**

The Fayetteville Public Works Commission recommends the Fayetteville City Council approve the bid recommendation to award the purchase of the Subsurface Switch 600 AMP to WESCO Distribution, Inc., Clayton, NC, the lowest responsive, responsible bidder in the total amount of \$148,535.15.

**Attachments:**

Bid Recommendation - Subsurface Switch 600 AMP

**PUBLIC WORKS COMMISSION  
ACTION REQUEST FORM**

**TO:** Marion J Noland, Interim CEO/General Manager

**DATE:** October 18, 2022

**FROM:** Trent Ensley, Procurement Manager

.....  
**ACTION REQUESTED:** Approve award for the purchase of Subsurface Switch 600 AMP to WESCO Distribution, Inc.

**BID/PROJECT NAME:** Subsurface Switch 600 AMP

**BID DATE:** October 6, 2022

**DEPARTMENT:** Warehouse

**BUDGET INFORMATION:** Warehouse Inventory

.....

<b>BIDDERS</b>	<b>MANUFACTURER</b>	<b>TOTAL PRICE</b>	<b>DELIVERY</b>
WESCO Distribution Inc. Clayton, NC	ABB	\$148,535.15	30 Weeks

.....

**AWARD RECOMMENDED TO:** WESCO Distribution Inc Clayton, NC

**BASIS OF AWARD:** Lowest Responsive, Responsible Bidder

.....  
**COMMENTS:** The Commission is asked to approve award for the purchase of one (1) Submersible Switch 600 AMP to the lowest responsive, responsible bidder, being WESCO Distribution Inc. of Clayton, NC. Notice of the bid was advertised through PWC's normal channels on September 20, 2022, with a bid opening date of October 6, 2022. PWC's Procurement Department also directly solicited three (3) distributors for this bid. PWC received only one (1) bid. Electric Engineering and Electric Construction have reviewed and concur with the award to recommendation to WESCO Distribution Inc.

.....

**ACTION BY COMMISSION**  
**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_  
**DATE** \_\_\_\_\_

**ACTION BY COUNCIL**  
**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_  
**DATE** \_\_\_\_\_

**BID HISTORY**  
**Submersible Switch 600 AMP**

**BID DATE: October 6, 2022**

**Advertisement**

1. PWC Website 9/20/2022 through 10/6/2022

**List of Prospective Bidders Notified of Bid**

1. WESCO Distribution Inc., Clayton, NC
2. Border States, Greenville, SC
3. Stuart Irby, Kennesaw, GA

**PWC Procurement Mailing List- Registered vendors via the PWC website and BBR registrants.  
(approximately 2000+ contacts)**

**Small Business Administration Programs:**

Small Business Administration Regional Office (SBA)  
NC Procurement & Technical Assistance Center (NCPTAC)  
Veterans Business Outreach Center (VBOC)  
Small Business Technology Center (SBTDC)  
Women's Business Center of Fayetteville (WBC)

**Local Business and Community Programs**

FSU Construction Resource Office (FSUCRO)  
FSU Economic Development Administration Program (FSUEDA)  
FSU Career Pathways Initiative  
NAACP, Fayetteville Branch  
FTCC Small Business Center (SBC)  
Greater Fayetteville Chamber, RFP posting submitted  
Hope Mills Chamber  
Spring Lake Chamber  
Hoke Chamber  
Fayetteville Business & Professional League (FBPL)

**State Business and Community Programs**

NC Institute of Minority Economic Development (The Institute) Durham, NC  
NAACP, State Branch Raleigh, NC  
National Utility Contracting Association- NC Chapter (NUCA)  
Durham Chapter of the National Association of Women in Construction (NAWIC)  
South Atlantic Region of National Association of Women in Construction (NAWIC)  
The Hispanic Contractors Association of the Carolinas (HCAC)  
United Minority Contractors of North Carolina  
International Women in Transportation- Triangle Chapter

**Media**

Fayetteville Observer  
WIDU, AM1600  
IBronco Radio at FSU

Fayetteville Press News  
Up & Coming Weekly  
Bladen Journal  
Greater Fayetteville Business Journal

**SDBE / Local Participation**

WESCO Distribution, Clayton, NC is not a local business and is not classified as a SDBE Minority or Women-Owned business.



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3027

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 7.05

**TO:** Mayor and Members of City Council

**THRU:** Kelly Olivera, Assistant City Manager

**FROM:** Christopher Cauley, MPA - Economic & Community Development Director  
Taurus Freeman, MPA - Assistant Economic & Community Development Director  
Birgit Sexton, Assistant Budget and Evaluation Director

**DATE:** November 14, 2022

**RE:**

Authorization to Accept the FY2022 Historic Preservation Fund Grant and Adoption of Special Revenue Fund Project Ordinance 2023-8

**COUNCIL DISTRICT(S):**

Districts 3 & 4

**Relationship To Strategic Plan:**

Goal II: The City of Fayetteville will have a Responsive City Government supporting a diverse and viable economy.

- Objective 2.2: To invest in community places to ensure revitalization and increase the quality of life

Goal IV: Desirable Place to Live, Work and Recreate

- Objective 4.2: To enhance diverse recreation, leisure, and cultural opportunities

**Executive Summary:**

City Council is asked to authorize the acceptance of the FY2022 Historic Preservation Fund Grant to update and revise design guidelines for an architectural survey in the Broadell Community. Council is also asked to adopt Special Revenue Fund Project Ordinance (SRO) 2023-8 to appropriate \$24,000 of federal grant funds, passed through the Historic Preservation Office of the North Carolina Department of Natural & Cultural Resources, and the required local match of \$16,000, for a total project appropriation of

\$40,000. The required local match funds will be provided by a General Fund transfer from the Economic and Community Development Department's Annual Operating Budget.

**Background:**

During the community engagement portion of the Choice Planning Grant, community stakeholders requested a historic designation for the Broadell Community. In response, the City's Economic and Community Development Department applied for and was awarded a Certified Local Government grant to conduct an architectural survey that will consist of the following:

1. A study area that encompasses the Broadell Community (Holly Springs) and its extraterritorial jurisdiction;
2. The identification of individual properties for consideration for placement on the National Register Study List, local historic landmarks and/or Fayetteville Historic Overlay District; and
3. Presentations at two public information meetings in the surveyed area.

The consultant will submit final drafts of all products to the State Historic Preservation Office (SHPO). A copy of the database, all digital photographs, the electronic report, and a paper copy will be provided to SHPO and the Fayetteville Historic Resources Commission. The paper files will be provided to SHPO.

All work will be done to federal and state architectural survey standards under the supervision of SHPO staff and in accordance with the grant contract.

The process is estimated to cost \$40,000, with grant funds providing \$24,000 and a General Fund transfer providing the remaining \$16,000 for the local match.

**Issues/Analysis:**

This project is for an architectural survey for the Holly Springs Community, now identified as the Broadell Community, which consists of 250 acres and approximately 730 parcels. Work will include fieldwork, high-resolution digital photography, updating or creating records in the SHPO's survey database based on site visits, archival research, previous surveys, reports, or other historical documentation completed in the area, and research in city directories, Sanborn maps, and other sources.

Additional responsibilities include: updating or creating records in the SHPO survey database; creation of or adding to paper files with report forms generated from the database; labeling digital photographs according to HPO's naming conventions, creating photographic proof sheets, and other relevant material gathered during the survey; identification of properties for placement on the state's National Register Study List and their presentation for consideration by the North Carolina National Register Advisory Committee; a final report; and presentations at up to two public information meetings in the area surveyed.

**Budget Impact:**

The City's local match is provided from the adopted fiscal year 2023 General Fund annual operating budget.

**Options:**

1. Authorize the City Manager to execute the grant contract and adopt SRO 2023-8.
2. Do not adopt SRO 2023-8 and provide further direction to Staff.

**Recommended Action:**

Staff recommends that Council move to authorize the City Manager to execute the grant contract and adopt SRO 2023-8 as presented.

**Attachments:**

- Special Revenue Fund Project Ordinance 2023-8
- FY2022 Historic Preservation Fund Grant Award Letter
- FY2022 Historic Preservation Fund Grant Contract

**SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2023-8**

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 updating and revising the design guidelines for an architectural survey in the in the Broadell Community, as awarded under a grant by the Historic Preservation Office of the North Carolina Department of Natural and Cultural Resources, as a pass through of the 2022 Federal Historic Preservation Fund Grant.

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:

Federal Grant passed through the NC Historic Preservation Office	\$ 24,000
Local Match - City of Fayetteville General Fund Transfer	<u>16,000</u>
	<u><u>\$ 40,000</u></u>

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

Project Expenditures	<u><u>\$ 40,000</u></u>
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Section 5. Copies of this special revenue fund 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 14th day of November, 2022.



**North Carolina Department of Natural and Cultural Resources  
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper  
Secretary D. Reid Wilson

Office of Archives and History  
Deputy Secretary Darin J. Waters, Ph.D.

August 18, 2022

Taurus Freeman, Assistant Economic & Community Development Director  
City of Fayetteville  
433 Hay Street  
Fayetteville, NC 28301

Re: 2022 CLG Grant Project: Architectural Survey of the Broadell Community

Dear Mr. Freeman:

We are pleased to inform you that your application for a FY 2022 Historic Preservation Fund (HPF) grant to Certified Local Governments (CLGs) entitled Architectural Survey of the Broadell Community has been selected for funding. Your grant award amount is \$24,000.

The HPF is a federal program administered by the National Park Service, United States Department of the Interior. HPF grants for made available to CLGs (including non-profit organizations and educational institutions within a CLG) through the State Historic Preservation Office (HPO), Division of Historical Resources, Office of Archives and History, North Carolina Department of Natural and Cultural Resources.

HPF grant awards for local projects in FY 2022 total \$119,725. In addition to your project, funded projects include archaeological surveys, a conditions assessment for a National Register-listed building, and a preservation plan for a commercial district.

You will soon be receiving via email a Grant Contract for your project. I will assist you with any questions you may have concerning the contract and the attachments. In the meantime, if there are questions, please contact me at [michele.patterson.mccabe@ncdcr.gov](mailto:michele.patterson.mccabe@ncdcr.gov) or 919-814-6582.

Please remember that no grant activities may take place until the Grant Contract has been signed by our agency's authorized representative. In order to follow federal and state procurement guidelines, our office will assist the city in developing a Request for Proposals (RFP) and will then help the city to select a project consultant that meets those guidelines. No activities may be performed by a project consultant until the city and the consultant have signed a two-party Project Description and Contract. The HPO will prepare the Project Description and Contract, using an approved template, in consultation with the city and the consultant.

Due to federal deadlines for spending FY 2022 HPF funds, all project activities should be satisfactorily completed and approved final products should be submitted to the HPO by **Tuesday, October 31, 2023.**

All requests for reimbursement of grant funds and final accounting should be submitted to the HPO no later than **November 30, 2023**.

Thank you for participating in North Carolina's Certified Local Government Program. We look forward to working with you through the successful completion of your project.

Sincerely,

A handwritten signature in blue ink that reads "Michele Patterson McCabe". The signature is written in a cursive style.

Michele Patterson McCabe  
Grants Coordinator

cc: Ramona Bartos, Deputy State Historic Preservation Officer  
Kristi Brantley, Preservation Commission/CLG Coordinator  
Elizabeth King, Architectural Survey Coordinator  
Jeff Smith, National Register Coordinator

**NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES  
OFFICE OF ARCHIVES AND HISTORY  
STATE HISTORIC PRESERVATION OFFICE  
FY 2022 Historic Preservation Fund Grant to Certified Local Governments**

**GRANT CONTRACT**

This Grant Contract is hereby entered into by and between the **North Carolina Office of Archives and History** (the "Agency") and the **City of Fayetteville** (the "Grantee") (referred to collectively as the "Parties") for the **Architectural Survey of the Broadell Community**. The Grantee's federal tax identification number is **56-6001226**.

Grant funds for this project are made available through a 2022 federal Historic Preservation Fund (HPF) grant to Certified Local Governments from the National Park Service, U.S. Department of the Interior and administered by the State Historic Preservation Office. The **CFDA** number for this program is **15.904**.

**1. Grant Contract Documents:** This Grant Contract consists of the following documents:

- (1) This Grant Contract
- (2) General Terms and Conditions (Attachment A)
- (3) Appendix for Contracts (Attachment B)
- (4) Grant Project Outline and Budget (Attachment C)
- (5) Services To Be Provided and Standards To Be Followed (Attachment D)
- (6) Certification of Matching Share (Attachment E)
- (7) State Grant Certification - No Overdue Tax Debts (Attachment F)
- (8) Assurances - Non-Construction Programs (Attachment G)
- (9) Grantee's Affirmation of Receipt of Title VI, Section 504, Nondiscrimination Information Poster (Attachment H)
- (10) Federal Certification Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements, and Lobbying (Attachment I)

These documents constitute the entire agreement between the Parties and supersede all prior oral or written statements or agreements.

**2. Precedence Among Grant Contract Documents:** In the event of a conflict between or among the terms of the Grant Contract Documents, the terms in the Grant Contract Document with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in Paragraph 1, above, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple Grant Contract Amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.

**3. Effective Period:** This Grant Contract shall be effective on the date of signing by the Agency and shall terminate on **October 31, 2023**. Project contracts with consultants under this Grant Contract shall end no later than **October 31, 2023**.

#### 4. Grantee's Duties:

**Grantee Performance and Eligibility:** The Grantee agrees to have a satisfactory record of performance; comply with the required completion schedule for the project; comply with debarment requirements; and otherwise be qualified and eligible to receive a grant award under applicable laws and regulations.

**Services and Goods To Be Provided and Standards To Be Followed:** The Grantee shall provide the services as described in Attachment D, Services To Be Provided and Standards To Be Followed, in accordance with the approved project outline and budget in Attachment C, Grant Project Outline and Budget. Project activities shall be performed according to the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*, incorporated in this Grant Contract as if fully set forth herein, under the guidelines and professional supervision of the State Historic Preservation Office (HPO).

**Project Description and Contract with Qualified Consultant:** The Grantee agrees to enter into a detailed Project Description and Contract, using the Agency's standard contract template, with a qualified consultant, who is openly selected according to federal and state procurement requirements, to carry out objectives for non-construction projects, including architectural surveys, survey manuscripts, archaeological investigations, preservation planning, design guidelines, and the preparation of nominations to the National Register of Historic Places. The Grantee will determine the final Scope of Work to be set forth in the Project Description and Contract in consultation with the HPO. The Project Description and Contract is subject to the approval of the HPO. No project activities may begin and no reimbursements from grant funds will be available until the Project Description and Contract has been approved by the HPO and signed by the Grantee and the consultant. The Grantee shall ensure that the consultant provides all goods and services and follows all standards and procedures consistent with the terms of this Grant Contract and all attachments and with the Project Description and Contract and all attachments.

**Attachments to Contracts:** The Grantee agrees to incorporate reference to and attach a copy of Attachment A, General Terms and Conditions, and Attachment B, Appendix for Contracts, to all contracts involving project activities.

**Federal Compliance Requirements:** In addition to the terms detailed in this Contract, all federal requirements governing grants are applicable. (2 CFR, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards)

5. **Services and Goods To Be Provided by the Agency:** In order to ensure the consistent application of Statewide Survey and National Register of Historic Places standards and to provide support and guidance to the Grantee and consultant, the Agency will provide the following services and goods as budget and staff permit:

- a. Orientation for consultant on all projects to ensure familiarity with Statewide Survey standards and procedures, resources of the Office of Archives and History, and the National Register of Historic Places program, as these are relevant to the particular project;

- b. The HPO's Access-based survey database (from which survey forms are generated), a block of survey site numbers, and inventory folders required for survey; registration forms for the National Register nomination(s);
  - c. Clerical support for integrating photographs into Statewide Survey files;
  - d. Archival storage and maintenance of inventory materials;
  - e. Professional instruction and guidance in defining the research design, conducting and completing the survey, and preparation of the nomination(s), as applicable. A staff member of the HPO (project specialist) will be assigned to work directly with the consultant to serve as liaison with the Agency and to provide on-site and office assistance, guidance throughout the project, support in conducting the work, and assistance in evaluation according to National Register criteria and appropriate contexts. Review and approval of the survey materials, final reports, and the National Register nomination(s) by the HPO are required;
  - f. Printing of digital photographs at Agency prices, if desired by the consultant. A cost list will be provided to the consultant for various photography items;
  - g. For surveys, coordination of Study List presentation to the North Carolina National Register Advisory Committee, if the presentation is required;
  - h. For district nominations, presentation of information about the National Register program at a public meeting set up by the Grantee Contract Administrator; and
  - i. Compliance with all notification requirements for nominations to the National Register. In the event a legal notice must be printed in an area newspaper (if there are more than fifty property owners in the district), the Agency places the notice with directions that the Grantee is to be billed. Names and addresses of property owners will be provided to the Agency Representative by the consultant and/or Grantee Contract Administrator.
- 6. Conflict of Interest Policy:** The Grantee shall file with the Agency a copy of Grantee's policy addressing conflicts of interest that may arise involving the Grantee's management employees and members of its boards, commissions, and governing body. The policy shall address situations in which any of these individuals may directly or indirectly benefit, except as the Grantee's employees or members of its boards, commissions, or governing body, from the Grantee's disbursing of grant funds and local matching funds and shall include actions to be taken by the Grantee or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. The policy shall be filed before Agency may disburse the grant funds, unless the Grantee is covered by the provisions of N.C.G.S. 160A-479.11 and 14-234. (N.C.G.S. 143C-6-23(b)(2007))
- 7. Statement of No Overdue Tax Debts:** Grantee's sworn written statement pursuant to N.C.G.S. 143C-6-23(c), stating that the Grantee does not have any overdue tax debts, as defined by N.C.G.S. 105-243.1, at the federal State, or local level, is attached as Attachment F. Grantee acknowledges that the written statement must be filed before Agency may disburse the grant funds.
- 8. Reversion of Unexpended Grant Funds:** Any unexpended grant funds shall revert to the Agency upon termination of this Grant Contract.

**9. Reporting Requirements:** The Agency has determined that this contract is subject to the reporting requirements described on the attached Notice of Certain Reporting and Audit Requirements, Attachment G, but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. **If subject to single audit requirements, the grantee shall submit copies of their single audit report to the HPO within 90 days of issuance.**

**10. Use of Funds and Payment of Grant Funds:** The Grantee agrees to match the grant with funds from nonfederal sources (except that Community Development Block Grant funds may be used to match the grant) within the grant period, to use grant and matching funds or services for the purpose specified in this Grant Contract, and to furnish such reports and documentation, financial or otherwise, as may be specified by the Agency and state and federal law.

The total amount paid by the Agency to the Grantee under this Grant Contract shall not exceed **\$24,000**. This amount consists of **\$-0-** in State funds and **\$24,000** in federal Historic Preservation Fund grant funds (CFDA # 15.904).

The Grantee's matching requirement is **\$16,000**, which shall consist of:  
Cash: **\$16,000**

The total Grant Contract amount, comprising federal grant funds plus Grantee's matching contribution, is **\$40,000**.

The Agency agrees to payment of grant funds on a reimbursement basis. Reimbursements will consist of a maximum of sixty percent of allowable project costs, in accordance with the actual grant/match ratio. Each time the Grantee requests reimbursement from the Agency, project expenditures, both federal grant and matching share, shall be documented by copies of signed contracts, front and back of canceled (or certified) checks or documentation of direct deposits, invoices approved by the HPO project specialist and marked paid by the Grantee, and timesheets attached to a cover letter addressed to the Agency's Contract Administrator. Upon request the Agency may advance the Grantee up to twenty-five percent of the grant funds. After satisfactory documentation of this advance, along with the required matching share, the Grantee may request additional advances for up to seventy-five percent of the grant award. The remaining twenty-five percent of grant award will be payable only after satisfactory project completion. All payments are contingent upon fund availability.

The Grantee shall complete a final accounting report and submit a final request for reimbursement to the Agency within thirty (30) days of the expiration of the Grant Contract period. If this Grant Contract is terminated prior to the expiration of the Grant Contract period, the Grantee shall complete a final accounting report, submit a final request for reimbursement, and return any unearned advanced funds to the Agency within thirty (30) days of the Grant Contract termination date. A check for any unearned advanced funds must be attached to the report. The Agency shall have no obligation for payments based on expenditure reports submitted later than thirty (30) days after expiration or termination of the Grant Contract period.

Further details on administration of grant funds, reimbursement, and financial documentation are found in the *Grantee Handbook for Federal Historic Preservation Fund Grant Projects*, which is incorporated by reference in this Grant Contract as if fully set forth herein.

**11. Contract Administrators:** All notices permitted or required to be given by one Party to the other and all questions about the Grant Contract from one Party to the other shall be addressed and delivered to the other Party’s Contract Administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties’ respective initial Contract Administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

**For the Agency:**

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Michele P. McCabe, Grants Coordinator State Historic Preservation Office 4617 Mail Service Center Raleigh, NC 27699-4617  Telephone: 919-814-6582 Email: <a href="mailto:michele.patterson.mccabe@ncdcr.gov">michele.patterson.mccabe@ncdcr.gov</a>	Michele P. McCabe, Grants Coordinator State Historic Preservation Office Archives and State Library Building 109 E. Jones St., Room 264 Raleigh, NC 27601

**For the Grantee:**

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Taurus Freeman, Assistant Director ECD City of Fayetteville 433 Hay Street Fayetteville, NC 28301  Telephone: 910-433-1933 Email: <a href="mailto:taurusfreeman@fayettevillenc.gov">taurusfreeman@fayettevillenc.gov</a>	Taurus Freeman, Assistant Director ECD City of Fayetteville 433 Hay Street Fayetteville, NC 28301

**12. Disbursements:**

As a condition of this Grant Contract, Grantee acknowledges and agrees to make disbursements in accordance with the following requirements:

- a. Implement adequate internal controls over disbursements;
- b. Pre-audit all vouchers presented for payment to determine
  - i. Validity and accuracy of payment
  - ii. Payment due date
  - iii. Adequacy of documentation supporting payment
  - iv. Legality of disbursement;
- c. Assure adequate control of signature stamps/plates;
- d. Assure adequate control of negotiable instruments; and
- e. Implement procedures to ensure that account balance is solvent.

**13. Outsourcing:** The Grantee certifies that it has identified to the Agency all jobs related to the Grant Contract that have been outsourced to other countries, if any. Grantee further agrees that it will not outsource any such jobs during the term of this Grant Contract without providing notice to the Agency.

**14. Signature Warranty:** The undersigned represent and warrant that they are authorized to bind their principals to the terms of this Grant Contract.

**In Witness Whereof,** the Grantee and the Agency have executed this Grant Contract in duplicate originals, with one original being retained by each Party.

**GRANTEE:**

**CITY OF FAYETTEVILLE**

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Signature \_\_\_\_\_ Date \_\_\_\_\_

---

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

**WITNESS:**

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

---

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

**AGENCY:**

**NORTH CAROLINA OFFICE OF ARCHIVES AND HISTORY**

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Signature \_\_\_\_\_ Date \_\_\_\_\_

---

Printed Name \_\_\_\_\_ Title \_\_\_\_\_



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3034

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 7.06

**TO:** Mayor and Members of City Council

**THRU:** Kelly Olivera, Assistant City Manager

**FROM:** Christopher Cauley, MPA - Economic and Community Development  
Director

Albert A. Baker - Community Relations Manager

**DATE:** November 14, 2022

**RE:**

Housing for People with AIDS (HOPWA) Contract with Robeson County Health Department (through Dogwood Health Care Network) for Housing Support Services

**COUNCIL DISTRICT(S):**

All Council Districts and the Fayetteville/Cumberland Metropolitan Statistical Area

**Relationship To Strategic Plan:**

GOAL IV: The City of Fayetteville will be a highly desirable place to live, work and recreate.

4.6: To reduce poverty and homelessness

**Executive Summary:**

City Council is asked to authorize the City Manager to execute a contract with the Robeson County Health Department (through Dogwood Health Care Network) to provide housing stability and support services to qualified populations within the Fayetteville/Cumberland Metropolitan Statistical Area (MSA). The amount of the contract will be \$534,528 and is funded through the Economic and Community Development Department's (ECD) Annual Action Plan (AAP) through the Department of Housing and Urban Development.

**Background:**

City Council authorized the AAP at the June 27, 2022 regular City Council meeting. This

is the first time the City of Fayetteville has become an entitlement community for the HOPWA grant. The HOPWA program aims to ensure affordable housing options and related housing services are available to low-income persons with HIV/AIDS and their families. Achieving and maintaining housing stability helps avoid homelessness and improves access to and engagement in HIV/AIDS treatment and care. Effective July 1, 2022, the MSA includes Cumberland, Harnett, and Hoke counties. The federal grantee for the region is the City of Fayetteville.

**Issues/Analysis:**

On August 1, 2022, the City of Fayetteville requested qualifications from qualified firms to provide supportive housing services, short-term rental, mortgage, and utility assistance, along with tenant-based rental assistance services for persons with HIV/AIDS within the MSA. The request closed on August 31, 2022 and two responses were received. The ECD appointed an evaluation committee whose responsibilities included performing independent technical evaluations of each qualified statement and making selection recommendations based on the criteria above. The review panel included the Director of the Cumberland County Health Department, the Chair of the Cumberland County AIDS Task Force, the Chair of the Fayetteville Redevelopment Commission, the Housing Program Manager, and the City's Homeless Response Analyst.

The City reviewed each qualified statement based on the following criteria:

- Overall experience with working with the identified at-risk population,
- Specific experience with housing support services, short-term rent, mortgage and utility assistance, and tenant-based rental assistance
- Ability to provide supportive services to include: permanent housing placement, housing case management and mental health services
- Ability to provide payment and submit reimbursement
- Demonstration of program collaboration with area agencies
- Sponsor capacity

**Budget Impact:**

The amount of the contract will be \$534,528 and is funded through the Program Year 2022 Annual Action Plan. No matching funds are required.

**Options:**

- Authorize the City Manager to execute a contract with the Robeson County Health Department (through Dogwood Health Care Network) to provide housing stability and support services to qualified populations within the Fayetteville/Cumberland Metropolitan Statistical Area (MSA)
- Do not authorize the City Manager to execute a contract with the Robeson County Health Department (through Dogwood Health Care Network) to provide housing

stability and support services to qualified populations within the Fayetteville/Cumberland Metropolitan Statistical Area (MSA).

- Direct staff to some other action.

**Recommended Action:**

Staff recommends that City Council move to authorize the City Manager to execute a contract with the Robeson County Health Department (through Dogwood Health Care Network) to provide housing stability and support services to qualified populations within the Fayetteville/Cumberland Metropolitan Statistical Area (MSA).

**Attachments:**

None



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3064

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 7.07

**TO:** Mayor and Members of City Council

**THRU:** Douglas J. Hewett, ICMA-CM, City Manager

**FROM:** Jackie Tuckey, Management Analyst  
Kelly Olivera, Assistant City Manager

**DATE:** November 14, 2022

**RE:**

**Authorization to Execute a Memorandum of Understanding with the North Carolina Civil War History Center Foundation and Adoption of Budget Ordinance Amendment 2023-7**

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

Goal 4: Desirable Place to Live, Work, and Recreate

**Executive Summary:**

Council is asked to authorize the City Manager to execute a Memorandum of Understanding (MOU) with the North Carolina Civil War History Center Foundation to reaffirm the City's funding commitment for the construction of the NC History Center for the Civil War, Emancipation and Reconstruction. Council is also asked to adopt Budget Ordinance Amendment (BOA) 2023-7 to appropriate \$3.3 million of General Fund fund balance for the project.

**Background:**

Beginning in 2012, the Foundation presented the idea of developing a 60,000+ square foot historical facility focused on the Civil War to be developed on the historic site of the Fayetteville Arsenal.

In October 2015, the City provided the Foundation \$100,000 to support the development

of project plans and estimates in order to support further project development and fundraising efforts.

On December 12, 2016, the Council adopted Resolution No. R2016-081 "A Resolution of the City Council of the City of Fayetteville in Support of the Proposed North Carolina Civil War History Center (attached)." The resolution expresses a willingness of the City to provide \$7.5 million in funding "contingent upon [the Foundation] receiving matching County support and State funding." Cumberland County did subsequently act to provide a matching commitment.

In 2018, the City donated 17 parcels to the North Carolina Civil War and Reconstruction History Center Foundation to create the campus for the History Center. Credit for the donation of land, valued at \$870,000, along with an earlier monetary grant brought the city's remaining pledge to approximately \$6.6M.

Since that time, the Foundation was allocated \$59.6M towards the construction of the History Center by the State of North Carolina with their FY 21-22 budget adoption. Additionally, on September 13, 2022 the Cumberland County Board of Commissioners reaffirmed their earlier \$7.5M pledge for construction of the History Center contingent upon the City reaffirming our funding pledge, too.

For several years there has been discussion about broadening and expanding the title of the history center to better reflect inclusiveness of this effort. At a community meeting held at Mt. Sinai Missionary Baptist Church on October 11, 2022, the Secretary of the NC Department of Cultural Resources stated that the name of the history center would be the "North Carolina History Center on the Civil War, Emancipation and Reconstruction."

The attached MOU incorporates the specific language requested by the City Council at its regular meeting on October 24, 2022.

**Issues/Analysis:**

None.

**Budget Impact:**

The requested BOA will appropriate \$3.3 million dollars of General Fund fund balance for the construction of the NC History Center for the Civil War, Emancipation & Reconstruction. Pending completion of the Fiscal Year 2022 financial statements, unassigned fund balance is an estimation based on year-end projections. After the adoption of this BOA, the estimated General Fund fund balance (11.96%) will fall slightly below Council's established fund balance policy amount of 12%.

**Options:**

- 1) Authorize the City Manager to execute the Memorandum of Understanding with the North Carolina Civil War History Center Foundation and adopt Budget Ordinance

Amendment 2023-7.

- 2) Do not authorize the City Manager to execute the Memorandum of Understanding or adopt Budget Ordinance Amendment 2023-7 and provide further direction to staff.

**Recommended Action:**

Staff recommends that Council move to authorize the City Manager to execute the Memorandum of Understanding with the North Carolina Civil War History Center Foundation and adopt Budget Ordinance Amendment 2023-7.

**Attachments:**

Memorandum of Understanding with the NC Civil War History Center Foundation  
Budget Ordinance Amendment 2023-7

**2022-2023 BUDGET ORDINANCE AMENDMENT  
CHANGE 2023-7**

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

That the City of Fayetteville Budget Ordinance adopted June 13, 2022 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, 2022, and ending June 30, 2023, 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>			
Fund Balance Appropriation	\$ 5,585,613	\$ 3,300,000	\$ 8,885,613
All Other General Fund Revenues and Financing Sources	185,023,482	-	185,023,482
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 190,609,095</u>	<u>\$ 3,300,000</u>	<u>\$ 193,909,095</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, 2022, and ending June 30, 2023, 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	\$ 136,043,221	\$ 3,300,000	\$ 139,343,221
All Other General Fund Expenditures and Other Financing Uses	54,565,874	-	54,565,874
Total Estimated General Fund Expenditures and Other Financing Uses	<u>\$ 190,609,095</u>	<u>\$ 3,300,000</u>	<u>\$ 193,909,095</u>

Adopted this 14th day of November, 2022.

**Memorandum of Understanding  
Between  
The City of Fayetteville  
And  
The North Carolina Civil War History Center Foundation d/b/a  
The NC History Center on the Civil War, Emancipation & Reconstruction Foundation**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered between the CITY OF FAYETTEVILLE (the “City”) and the NC HISTORY CENTER ON THE CIVIL WAR, EMANCIPATION & RECONSTRUCTION FOUNDATION (the “Foundation”).

WHEREAS, the existing State-supported Museum of the Cape Fear, located in the Museum of the Cape Fear Historical Complex (the “Complex”), is nearing the end of its life expectancy as an exhibit facility; and

WHEREAS, in 2007 the State of North Carolina awarded a \$1,000,000.00 grant toward the planning for a new museum complex; and

WHEREAS, the support foundation for the Museum of the Cape Fear used the State grant funds for the following purposes: to conduct an independent analysis of the existing Complex including its mission, facilities, and programs; to conduct an independent conceptual feasibility study; to create a comprehensive strategic plan; to create a program plan spanning the antebellum, Civil War, Emancipation, and Reconstruction periods; to create a comprehensive interpretive plan and digital master plan, a general site plan, and a building and landscaping master plan; to commission an independent economic impact analysis; to develop a business/operating plan; and to commission a fundraising feasibility study which yielded a comprehensive fundraising plan; and

WHEREAS, the Foundation has performed all necessary due diligence including commissioning a property survey; conducting an EPA Phase 2 study; conducting two separate archeological investigations to help in siting the main building; working with the North Carolina Department of Transportation in purchasing what was formerly right-of-way for the Martin Luther King, Jr. highway in order to build Phase 2 of the project, title searches and securing Quitclaim deeds from the 18 descendants of the Williams family in order to acquire easement rights in order to build Phase 2 of the project; and

WHEREAS, over the past decade the fundraising plan developed by the Foundation has resulted in more than \$15 million in operating and endowment support from private sources, \$5 million in State support to design and build Phases 1 and 2 of the project, an additional \$59.6 million in State support toward Phase 3 or the main facility, and \$7.5 million in support from Cumberland County which is contingent upon matching support from the City; and

WHEREAS, the \$59.6 million State grant is directly administered by the North Carolina Office of State Budget and Management, and funds may be used only for costs directly associated with construction and exhibits of the NC History Center for the Civil War, Emancipation & Reconstruction History Center (the “History Center”); and

WHEREAS, the 22-member state-wide Foundation Board of Directors, in consultation with the offices of the Deputy Secretary of the Department of Natural and Cultural Resources and the North Carolina Division of State History Museums, has identified and recruited more than 50 of North Carolina’s and the nation’s preeminent historians and scholars to advise in the development of the project; and

WHEREAS, the Foundation, in partnership and consultation with the State of North Carolina, conducted a nation-wide search to identify and secure the services of an interpretive design firm and architectural firm to develop plans for the History Center; and

WHEREAS, the Foundation, in consultation with the Capital Projects Unit of the Department of Natural and Cultural Resources, has negotiated contracts with the architectural firm and the exhibit design firm that include provisions requiring each to work with the appropriate State authorities to ensure that the facilities and exhibits are designed and built to State specifications; and

WHEREAS, the interpretive design and architectural teams have mandated as part of their respective planning processes to provide opportunities to update the general public and receive direct feedback on their plans; and

WHEREAS, the Foundation has appointed a diverse, Content Review Team of qualified and credentialed historians and museum professionals to develop and review plans prior to construction of the facilities and creation of the exhibit content; and

WHEREAS, this Content Review Team includes representatives from the North Carolina Division of Archives and History and the State's chief historian; the Director of the Office of the North Carolina Division of State History Museums; the former Interim Director of the Smithsonian's National Museum of African American History and Culture; the retired Deputy Secretary of the Department of Cultural Resources and former Director of the Division of Archives and History; a nationally recognized historian on Reconstruction and Abraham Lincoln from Clemson University; and a senior history professor from UNC Chapel Hill whose specialty is North Carolina history; and

WHEREAS, the Foundation has negotiated and executed contracts with all professionals including historians and scholars, and work is underway; and

WHEREAS, the State of North Carolina has made its commitment to accept the completed facilities and exhibits subject to being built to its specifications and has indicated such both in writing and orally in a presentation by the Secretary of the Department of Natural and Cultural Resources to the Fayetteville City Council at its September 6, 2022, work session.

NOW, THEREFORE, be it resolved and in consideration of the above as well as the gifts and pledges of the public and support by the State of North Carolina and Cumberland County, the City reaffirms its commitment of \$7,500,000.00—less the \$100,000.00 in cash and \$800,000.00 in land previously given—and both Parties agree to the following:

- The Foundation agrees to amend its bylaws to permanently include 1 (one) voting member to be appointed by the Fayetteville City Council and consistent with the bylaws of the Foundation this voting member term shall be three years in duration and he/she/they will enjoy all the rights, privileges and obligations as a full-board member;
- The Foundation agrees to appoint 1 (one) representative to the unincorporated History Center Advisory Board;

- The Foundation agrees that City funds shall only be used for costs directly associated with construction of the Civil War, Emancipation & Reconstruction History Center (the History Center);
- The Foundation agrees to present an honest, factual and historically accurate narrative and to otherwise put into its proper context the depiction of what historians have come to call “the Lost Cause” narrative;
- The Foundation affirms that the State of North Carolina, as the ultimate owners and operators of the History Center, has the sole legal right to designate the name of the History Center;
- The History Center shall not become the official or unofficial State repository for historical monuments;
- The History Center shall display publicly both the United States and North Carolina flags to the exclusion of all others in front of its building; and
- Upon completion, the Foundation shall gift the six (6) +/- acre History Center campus and its real property (also known as Arsenal Park) to the State of North Carolina to own, manage, and operate in perpetuity.

Representations and Warranties. The Parties each separately represent and warrant as follows:

- a. Existence and Authorities. Each Party is duly organized, validly existing, and in good standing under the laws of the state of its respective formation, and each has the full authority and corporate power pursuant to this MOU and to execute and deliver this MOU and any ancillary documents to perform its obligations hereunder.
- b. Authorization. Each Party has taken all necessary corporate actions to authorize execution and delivery of this MOU and the performance of its obligations hereunder.
- c. Execution and Delivery. This MOU has been executed and delivered by a duly authorized officer of each Party.
- d. Liability. Each Party acknowledges that it shall be responsible for any loss, cost, damage, claim, or other charge that arises out of or is caused by the actions of that Party or its affiliates, members, officers, employees, or agents. No Party shall be liable for any loss, cost, damage, claim, or other charge that arises out of or is caused by the actions of the other Party or its affiliates, members, officers, employees or agents.
- e. Relationship of the Parties. Neither Party shall have the power to bind the other Party by virtue of this MOU, except as provided herein, nor shall any Party make such representation to third parties. No Party nor its employees or agents shall be construed for any purpose to be an employee or agent of the other Party or subject to the control and direction of the other Party.
- f. Indemnification. To the extent allowed by law, each Party (the “Indemnifying Party”) shall indemnify the other Party and its members, officers, directors, employees, and agents (each an “Indemnified Party”) for all suits, actions, costs, expenses, losses, damages, or liabilities (including, without limitation, reasonable attorneys’ fees, consultants’ fees, reimbursements,

interest, and penalties) that the Indemnified Party incurs due to the Indemnifying Party's breach of this MOU or the Indemnifying Party's acts of negligence or intentional wrongdoing.

- g. Governing Law. This MOU shall be governed by and construed in accordance with the laws of the State of North Carolina applicable to agreements made and to be performed solely within the State.
- h. Amendments. This MOU may not be changed, amended, or modified except in writing signed by the Parties hereto.
- i. Entire agreement. This MOU constitutes the entire agreement between the Parties and supersedes all prior agreements and understandings, oral or written, between the Parties hereto with respect to the subject matter hereof, and the Parties are not bound by any agreements, understandings, or conditions other than as expressly set forth herein.

APPROVED by the Fayetteville City Council on the \_\_\_\_\_ day of November, 2022.

**CITY OF FAYETTEVILLE  
NORTH CAROLINA**

**NC HISTORY CENTER ON THE CIVIL  
WAR, EMANCIPATION &  
RECONSTRUCTION FOUNDATION**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
JODY PICARELLA, Chief Financial Officer



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3009

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Public Hearing  
(Public & Legislative)

**Agenda Number:** 9.01

**TO:** Mayor and Members of City Council

**THRU:** Kelly Olivera, Assistant City Manager

**FROM:** Christopher Cauley, Economic & Community Development Director  
Taurus Freeman, Assistant Economic & Community Development Director

**DATE:** November 14, 2022

**RE:**

**Public Hearing on Adoption of Fayetteville's Downtown Social District**

**COUNCIL DISTRICT(S):**

District 2

### Relationship To Strategic Plan:

Goal II: The City of Fayetteville will have a Responsive City Government supporting a diverse and viable economy.

- Objective 2.2: To invest in community places to ensure revitalization and increase the quality of life

Goal IV: Desirable Place to Live, Work and Recreate

- Objective 4.2: To enhance diverse recreation, leisure, and cultural opportunities

### Executive Summary:

On September 6, 2022, at the City Council Work Session, the City Council directed Staff to work with Cool Spring District, Inc. (CSDD) to bring back the required subsequent actions for implementation of a social district in the downtown footprint. Council is asked to approve a pilot program for six months from December 2022 to June 2023. After three months, Staff and CSDD will present a progress report on the impacts to both downtown businesses and the City's Departments. In June 2023, Staff will request direction from Council to rescind the pilot or create an ordinance amendment for a Social District. Pursuant to NCGS 160A-175, the proposed social district ordinance has to be presented

to the City Council twice on November 14th and 28th, since violation of the ordinance is a misdemeanor.

**Background:**

The Board of the Cool Spring Downtown District, Inc. (CSDD) requested City Council's consideration to establish a social district as authorized by legislation enacted by the North Carolina General Assembly in 2021. This was recommended as an Action Item in the Downtown Urban Design Plan adopted by City Council on February 24, 2020, which called for adopting an Entertainment Ordinance to better regulate open containers, amplified sound, retail sidewalk sales, etc., within the Municipal Service District. Social districts have been implemented in various towns and cities across the state since legislation was enacted allowing municipalities to designate areas where alcoholic beverages can be purchased from a licensed ABC permittee and then taken outdoors. A social district is a defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee. This term does not include the ABC permittee's licensed premises or an extended area allowed under G.S. 18B-904(h). A city may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.4. A social district must be maintained in a manner that protects the health and safety of the general public (G.S. 18B-904.1(c)(2)).

**Issues/Analysis:**

City Staff from Parks & Recreation, Police, and Economic & Community Development met with CSDD to develop an ordinance for the proposed district. Per General Statute, a city designating a social district is required to establish management and maintenance plans for the social district and post these plans, along with a drawing of the boundaries and the applicable days and hours of the social district, on the city's website.

The following is the Implementation Plan:

- District Map - Completed
- Ordinance - Completed
- Management & Maintenance Plan - Completed
- Signage Posted - By December 1, 2022
- Cups - By December 1, 2022
- Website Posting - By December 1, 2022.

**Social District Requirements**

The social district must meet the following requirements under North Carolina law:

- An alcoholic beverage purchased for consumption in the social district must:
  - be consumed in the social district.
  - be disposed of before exiting the social district unless entering a business within the social district that allows alcoholic beverages to be brought inside the business.

**ABC Permittee Requirements**

A permittee located and selling alcoholic beverages within the social district must meet the following requirements under North Carolina law:

- The permittee must:
  - only sell and serve alcoholic beverages on its licensed premises.
  - only sell alcoholic beverages for consumption in a container that meets all of the following requirements:
    - The container clearly identifies the permittee from which the alcoholic beverage was purchased.
    - The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
    - The container is not comprised of glass.
    - The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
    - The container shall not hold more than 16 fluid ounces.

### **Patron Requirements**

The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements of North Carolina law:

- Only alcoholic beverages purchased from a permittee located in the social district may be possessed and consumed.
- Alcoholic beverages must:
  - only be in designated social district containers.
  - only be possessed and consumed during the days and hours set by the City:
    - From 12 p.m. until 10 p.m., for two days, Friday and Saturday, or seven days a week\*.

Note: Staff is recommending operating two days a week; however, CSDD is requesting operating seven days a week.

- A single patron cannot be sold or delivered alcoholic beverage drinks in excess of:
  - Not more than two alcoholic beverage drinks at one time if any of the following:
    - A malt beverage, unfortified wine, fortified wine.
    - Not more than one alcoholic beverage at one time if an alcoholic beverage drink is a mixed beverage or contains spirituous liquor.
- A person must dispose of any alcoholic beverage before exiting the social district unless entering a business within the social district that allows alcoholic beverages to be brought inside the business.

The boundary will be located: (i) Hay Street between Winslow Street and Market Square; (ii) Franklin Street between Winslow Street and Gillespie Street; (iii) West Russell Street between Winslow Street and Donaldson Street; (iv) Segra Stadium access between Hay Street and Ray Avenue; (v) Person Street between Market Square and Ottis F. Jones Parkway; (vi) Winslow Street between West Russell Street and Hay Street; (vii) Williams Street between West Russell Street and Franklin Street; (viii) Ray Avenue between West Russell Street and Maiden Lane; (ix) Burgess Street between Hay Street and Old Street; (x) Anderson Street between Hay Street and Old Street; (xi) Green Street between Market Square and 225 Green Street; (xii) Gillespie Street between Market Square and Franklin Street; (xiii) Market Square; (xiv) Pittman Street; (xv) Maxwell Street; (xvi) Donaldson Street; (xvii) Old Street; (xviii) Bow Street; and (xix) Ottis F. Jones Parkway

Cool Spring Downtown District, Inc. is the entity responsible for managing the downtown Municipal Service District. They have held a downtown merchant meeting with over 60 attendees and recently conducted a survey with over 900 respondents, 88% of whom identify as shopping or attending events in the Downtown district. Over 72% of respondents agreed with the establishment of a social district, but respondents were evenly split on the frequency of days and hours allowed.

**Budget Impact:**

Staff could not determine a budget analysis for the financial impact for the Police Department. CSSD will pay for the signage, window decals for participating and non-participating businesses, and the first 5,000 cups.

**Options:**

1. Approve the creation of a temporary Downtown Social for six months, from December 2022 to June 2023, to operate seven days a week from 12 p.m. to 10 p.m. After three months, CSDD will present a progress report of the impact to City Council at the March 2023 Work Session. In June 2023, the action will be reintroduced to rescind the pilot, extend it for six months, or create an ordinance amendment for a Social District. (CSDD Recommendation)
2. Approve the creation of a temporary Downtown Social for six months, from December 2022 to June 2023, to operate two days a week, Friday and Saturday, from 12 p.m. to 10 p.m. After three months, CSDD will present a progress report of the impact to City Council at the March 2023 Work Session. In June 2023, the action will be reintroduced to rescind the pilot, extend it for six months, or create an ordinance amendment for a Social District. (Staff Recommendation)
3. Deny the request for a social district; or
4. Remand to Staff for additional information.

**Recommended Action:**

Staff recommends approval of the creation of a temporary Downtown Social for six months, from December 2022 to June 2023, from 12 p.m. until 10 p.m., for two days, Friday and Saturday, or seven days a week. After three months, CSDD will present a progress report of the impact to City Council at the March 2023 Work Session. In June 2023, the action will be reintroduced to rescind the pilot, extend it for six months, or create an ordinance amendment for a Social District.

**Attachments:**

- Ordinance for Downtown Social District (CSDD Recommendation)
- Ordinance for Downtown Social District (Staff Recommendation)
- North Carolina General Statute 18B-904.1.
- Social District Map - Proposed

- Social District Management & Maintenance Plan

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING CHAPTER 24, STREETS AND SIDEWALKS, BY CREATING A NEW ARTICLE XI, DOWNTOWN SOCIAL DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA** WHEREAS, the North Carolina General Assembly enacted legislation in 2021 allowing municipalities to designate social districts within their jurisdiction to allow alcoholic beverages sold by licensed premises to be consumed within the district, outside of the establishment where the beverage was purchased; and

WHEREAS, the City of Fayetteville and the Cool Spring Downtown District, Inc., have worked together to propose a social district in downtown Fayetteville; and

WHEREAS, the City of Fayetteville and the Cool Spring Downtown District, Inc., believe that a social district is a valuable tool to increase economic activity and the vibrancy of downtown Fayetteville; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina that:

Section 1. A new Article XI, Downtown Social District, be created as follows:

**ARTICLE XI. DOWNTOWN SOCIAL DISTRICT**

Sec. 24-350. Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

*Customer* means a person who purchases an alcoholic beverage from a permittee that is in a social district.

*Liquor* means "spirituous liquor," defined by G.S. §18B-101.

*Malt Beverages* means beer, lager, malt liquor, ale, etc., defined by G.S. §18B-101.

*Mixed-Use Development* means an integrated development containing both residential and nonresidential uses and adhering to a comprehensive plan and located on a single tract of land or on two or more parcels of land which may be separated only by a privately maintained street or other right-of-way or which may be contained in a single building.

*Multi-Tenant Establishment* means a building or structure, or multiple buildings and structures on the same property or within the same planned development project, that may be subject to a common declaration of restrictive covenants administered by a common property owners' association. Under common ownership, control, or property owners' association governance, that contains or contains multiple businesses that sell food, goods, services, or a combination of food, goods, and services, which include or are connected by common areas. The term multi-tenant establishment consists of a mixed-use development.

*Non-Permittee Business* is a business located in a social district and does not hold any North Carolina Alcoholic Beverage Control Commission (ABC) permit.

*Open Container* means a container that has a broken seal or a container other than the manufacturer's unopened original container.

*Permittee* means a person holding any of the following ABC permits:

- i. An on-premises malt beverage permit issued pursuant to G.S. §18B-1001(1).
- ii. An on-premises unfortified wine permit issued pursuant to G.S. §18B-1001(3).
- iii. An on-premises fortified wine permit issued pursuant to G.S. §18B-1001(5).
- iv. A mixed beverages permit issued pursuant to G.S. §18B-1001(10).
- v. A wine shop permit issued pursuant to G.S. §18B-1001(16).
- vi. A distillery permit issued pursuant to G.S. §18B-1100(5).

*Public Street* means any highway, road, street, avenue, boulevard, or another way within and under the control of the City or State and open to public use, including the sidewalks of any such street.

*Person* means an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

*Premises* means a fixed permanent establishment, including all areas inside or outside the licensed establishment, where the permittee has control through a lease, deed, or other legal processes.

*Social District* is defined as an outdoor area set by ordinance where alcoholic beverages sold by an establishment licensed for the sale of alcoholic beverages for on-premises consumption may be consumed in accordance with G.S. §18B-904.1 or other applicable State law. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours established for the social district. A social district may include privately owned property, permittees, non-permittee businesses, multi-tenant establishments, public streets, crosswalks, or parking areas, whether or not the streets or parking areas are closed to vehicle traffic.

*Wine* means "fortified or unfortified wine," defined by G.S. §18B-101.

Sec. 24-351. Downtown Fayetteville's Social District

- a. The social district established by the City Council pursuant to G.S. §18B-904.1 is described herein, along with the days and hours of operation. To the extent required by applicable State law, any portion of a social district described within this Section that overlaps with premises subject to a permit for on-premises consumption of alcohol issued by the North Carolina Alcoholic Beverage Control Commission for a special event shall be suspended during the event to the extent the social district and the permitted premises are in conflict.
  1. Boundary. A social district shall be established within the following boundaries: (i) Hay Street between Winslow Street and Market Square; (ii) Franklin Street between Winslow Street and Gillespie Street; (iii)

West Russell Street between Winslow Street and Donaldson Street; (iv) Segra Stadium access between Hay Street and Ray Avenue; (v) Person Street between Market Square and Ottis F. Jones Parkway; (vi) Winslow Street between West Russell Street and Hay Street; (vii) Williams Street between West Russell Street and Franklin Street; (viii) Ray Avenue between West Russell Street and Maiden Lane; (ix) Burgess Street between Hay Street and Old Street; (x) Anderson Street between Hay Street and Old Street; (xi) Green Street between Market Square and 225 Green Street; (xii) Gillespie Street between Market Square and Franklin Street; (xiii) Market Square; (xiv) Pittman Street; (xv) Maxwell Street; (xvi) Donaldson Street; (xvii) Old Street; (xviii) Bow Street; and (xix) Ottis F. Jones Parkway

2. The days and hours of operation for this social district shall be **Monday to Sunday**, from 12:00 p.m. to 10:00 p.m.

b. Sale of Open Containers of Alcoholic

It shall be unlawful for a permittee located in a social district to sell open containers of alcoholic beverages and allow customers to exit its licensed premises to the social district unless the permittee meets the following requirements:

1. The permittee is located in an ABC-approved and City of Fayetteville-approved social district.
2. The permittee shall only sell an open container of an alcoholic beverage (malt beverage, fortified wine, or liquor) for consumption in the social district and off the premises of the permittee in a container that meets all of the following requirements:
  - a) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
  - b) The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
  - c) The container is not comprised of glass.
  - d) The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
  - e) The container shall not hold more than 16 fluid ounces.
3. Nothing in this section shall be construed to authorize the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B- 1010.

c. Consumption in Public

Except as permitted in Chapter 5, Chapter 24 Article VIII, and Chapter 18 Article I of this section, no person shall consume any beer, wine, or liquor or upon or within the limits of any public street or sidewalk in the city or upon any transit platform.

d. Possession of Open Container In Public

Except as permitted in Chapter 5, Chapter 24 Article VIII, and Chapter 18 Article I of this section, no person shall consume any beer, wine, or liquor within the limits of any public street or sidewalk in the city or upon any transit platform.

e. Container Disposal

It shall be unlawful for any person to drop, throw, cast, or deposit any used beer, wine, or liquor container upon any public street or sidewalk or upon the private business premises of another without permission of the owner or person in control of such premises.

f. Responsibilities of Non-Permittee Businesses in Social Districts

Any non-permittee business that is part of the social district and allows customers to bring alcoholic beverages onto its premises is not responsible for enforcement of G.S. §18B but must comply with the following requirements:

1. Clearly, post signage at any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
2. Post the uniform signage provided to the non-permittee business indicating that customers may bring alcoholic beverages onto the premises of the non-permittee business during the days and hours that the social district is active.
3. Allow law enforcement officers access to the areas of the premises accessible by customers during the days and hours the social district is active.

g. Requirements for Possession and Consumption of Open Containers of Alcoholic Beverages in the Social District.

Except where otherwise allowed by local ordinance, it shall be unlawful to possess or consume an open container of an alcoholic beverage in a social district during the hours established for the social district unless:

1. The alcoholic beverage is purchased from a permittee located in the social district;
2. The customer-purchased open container of alcoholic beverage is in a container meeting the requirements set forth in Sec. C, except for open containers sold by a permittee for consumption on the permittee's premises.
3. The person does not possess at one-time open containers of alcoholic beverages in the social district in excess of the number of alcoholic beverages that may be sold and delivered by a retail permittee as set forth in G.S. §18B-1010.
4. The person does not enter the premises of a non-permittee business in the social district with an open container of an alcoholic beverage unless the

non-permittee business has the uniform sign for the social district as set forth in Sec. H displayed.

5. The person disposes of any open container of an alcoholic beverage purchased from a permittee in the person's possession prior to exiting the social district unless the person is reentering the licensed premises of the permittee where the alcoholic beverage was purchased.

Notwithstanding G.S. §18B-300 and G.S. §18B-301, a permittee or non-permittee business may allow a customer to possess and consume on the business's premises alcoholic beverages purchased from a permittee in the social district.

h. Multi-Tenant Establishments

Permittees and non-permittee businesses in a multi-tenant establishment located within a social district may participate in the social district regardless of whether the multi-tenant establishment has a common area entertainment ABC permit.

i. Standards and Provisions

Before beginning to operate, each social district's management and maintenance plan shall be approved by City Council. It shall be unlawful to operate a social district in violation of the standards and provisions adopted pursuant to this section.

j. Consumption And Possession Of Alcoholic Beverages On City Property Or Public Vehicular Areas.

Except as provided by this temporary downtown social district, it shall be unlawful for any pedestrian to consume malt beverages or unfortified wine on any City street, and it shall be unlawful for any person to possess an open container of malt beverages or unfortified wine on any property owned, occupied, or controlled by the City. It shall also be unlawful to possess malt beverages and unfortified wine on any street, alley, or parking lot which is temporarily closed to regular traffic for a special event unless the City Manager or designee approves the permit in accordance with the policies set forth in City Council's Special Event Policy closing the street, alley, or parking lot makes other provisions for the possession of malt beverages or unfortified wine. An open container is one whose seal has been broken or a container other than the manufacturer's unopened original container.

Notwithstanding the above, the provisions of this section shall not be applicable to any streets or sidewalks located within a social district during the hours of operation of the social district. The provisions of the section shall remain applicable for any property owned, occupied, or controlled by the City that is located within a social district unless that property has been designated by the City as eligible for the consumption of alcohol under the rules of the social district and applicable State law.

k. Exceptions

Any public, community-sponsored function or activity being conducted on public streets, alleys, or parking lots that are temporarily closed to regular traffic or other city-owned parks and facilities located within the Downtown Social District, as defined by Section 24-350 of this Section, upon approval of a special events permit pursuant to Section 24-15 of Article IV and all applicable ABC regulations.

Sec. 24-352. Enforcement

Any person who violates this Article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor as provided in G.S. § 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, imprisonment, or both.

Sec. 24-353. Severability

If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become effective on December 1, 2022, and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AMENDING CHAPTER 24, STREETS AND SIDEWALKS, BY CREATING A NEW ARTICLE XI, DOWNTOWN SOCIAL DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA** WHEREAS, the North Carolina General Assembly enacted legislation in 2021 allowing municipalities to designate social districts within their jurisdiction to allow alcoholic beverages sold by licensed premises to be consumed within the district, outside of the establishment where the beverage was purchased; and

WHEREAS, the City of Fayetteville and the Cool Spring Downtown District, Inc., have worked together to propose a social district in downtown Fayetteville; and

WHEREAS, the City of Fayetteville and the Cool Spring Downtown District, Inc., believe that a social district is a valuable tool to increase economic activity and the vibrancy of downtown Fayetteville; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina that:

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*Customer* means a person who purchases an alcoholic beverage from a permittee that is in a social district.

*Liquor* means "spirituous liquor," defined by G.S. §18B-101.

*Malt Beverages* means beer, lager, malt liquor, ale, etc., defined by G.S. §18B-101.

*Mixed-Use Development* means an integrated development containing both residential and nonresidential uses and adhering to a comprehensive plan and located on a single tract of land or on two or more parcels of land which may be separated only by a privately maintained street or other right-of-way or which may be contained in a single building.

*Multi-Tenant Establishment* means a building or structure, or multiple buildings and structures on the same property or within the same planned development project, that may be subject to a common declaration of restrictive covenants administered by a common property owners' association. Under common ownership, control, or property owners' association governance, that contains or contains multiple businesses that sell food, goods, services, or a combination of food, goods, and services, which include or are connected by common areas. The term multi-tenant establishment consists of a mixed-use development.

*Non-Permittee Business* is a business located in a social district and does not hold any North Carolina Alcoholic Beverage Control Commission (ABC) permit.

*Open Container* means a container that has a broken seal or a container other than the manufacturer's unopened original container.

*Permittee* means a person holding any of the following ABC permits:

- i. An on-premises malt beverage permit issued pursuant to G.S. §18B-1001(1).
- ii. An on-premises unfortified wine permit issued pursuant to G.S. §18B-1001(3).
- iii. An on-premises fortified wine permit issued pursuant to G.S. §18B-1001(5).
- iv. A mixed beverages permit issued pursuant to G.S. §18B-1001(10).
- v. A wine shop permit issued pursuant to G.S. §18B-1001(16).
- vi. A distillery permit issued pursuant to G.S. §18B-1100(5).

*Public Street* means any highway, road, street, avenue, boulevard, or another way within and under the control of the City or State and open to public use, including the sidewalks of any such street.

*Person* means an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

*Premises* means a fixed permanent establishment, including all areas inside or outside the licensed establishment, where the permittee has control through a lease, deed, or other legal processes.

*Social District* is defined as an outdoor area set by ordinance where alcoholic beverages sold by an establishment licensed for the sale of alcoholic beverages for on-premises consumption may be consumed in accordance with G.S. §18B-904.1 or other applicable State law. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours established for the social district. A social district may include privately owned property, permittees, non-permittee businesses, multi-tenant establishments, public streets, crosswalks, or parking areas, whether or not the streets or parking areas are closed to vehicle traffic.

*Wine* means "fortified or unfortified wine," defined by G.S. §18B-101.

Sec. 24-351. Downtown Fayetteville's Social District

- a. The social district established by the City Council pursuant to G.S. §18B-904.1 is described herein, along with the days and hours of operation. To the extent required by applicable State law, any portion of a social district described within this Section that overlaps with premises subject to a permit for on-premises consumption of alcohol issued by the North Carolina Alcoholic Beverage Control Commission for a special event shall be suspended during the event to the extent the social district and the permitted premises are in conflict.
  1. Boundary. A social district shall be established within the following boundaries: (i) Hay Street between Winslow Street and Market Square; (ii) Franklin Street between Winslow Street and Gillespie Street; (iii)

West Russell Street between Winslow Street and Donaldson Street; (iv) Segra Stadium access between Hay Street and Ray Avenue; (v) Person Street between Market Square and Ottis F. Jones Parkway; (vi) Winslow Street between West Russell Street and Hay Street; (vii) Williams Street between West Russell Street and Franklin Street; (viii) Ray Avenue between West Russell Street and Maiden Lane; (ix) Burgess Street between Hay Street and Old Street; (x) Anderson Street between Hay Street and Old Street; (xi) Green Street between Market Square and 225 Green Street; (xii) Gillespie Street between Market Square and Franklin Street; (xiii) Market Square; (xiv) Pittman Street; (xv) Maxwell Street; (xvi) Donaldson Street; (xvii) Old Street; (xviii) Bow Street; and (xix) Ottis F. Jones Parkway

2. The days and hours of operation for this social district shall be **Friday to Saturday**, from 12:00 p.m. to 10:00 p.m.

b. Sale of Open Containers of Alcoholic

It shall be unlawful for a permittee located in a social district to sell open containers of alcoholic beverages and allow customers to exit its licensed premises to the social district unless the permittee meets the following requirements:

1. The permittee is located in an ABC-approved and City of Fayetteville-approved social district.
2. The permittee shall only sell an open container of an alcoholic beverage (malt beverage, fortified wine, or liquor) for consumption in the social district and off the premises of the permittee in a container that meets all of the following requirements:
  - a) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
  - b) The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
  - c) The container is not comprised of glass.
  - d) The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
  - e) The container shall not hold more than 16 fluid ounces.
3. Nothing in this section shall be construed to authorize the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B- 1010.

c. Consumption in Public

Except as permitted in Chapter 5, Chapter 24 Article VIII, and Chapter 18 Article I of this section, no person shall consume any beer, wine, or liquor or upon or within the limits of any public street or sidewalk in the city or upon any transit platform.

d. Possession of Open Container In Public

Except as permitted in Chapter 5, Chapter 24 Article VIII, and Chapter 18 Article I of this section, no person shall consume any beer, wine, or liquor within the limits of any public street or sidewalk in the city or upon any transit platform.

e. Container Disposal

It shall be unlawful for any person to drop, throw, cast, or deposit any used beer, wine, or liquor container upon any public street or sidewalk or upon the private business premises of another without permission of the owner or person in control of such premises.

f. Responsibilities of Non-Permittee Businesses in Social Districts

Any non-permittee business that is part of the social district and allows customers to bring alcoholic beverages onto its premises is not responsible for enforcement of G.S. §18B but must comply with the following requirements:

1. Clearly, post signage at any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
2. Post the uniform signage provided to the non-permittee business indicating that customers may bring alcoholic beverages onto the premises of the non-permittee business during the days and hours that the social district is active.
3. Allow law enforcement officers access to the areas of the premises accessible by customers during the days and hours the social district is active.

g. Requirements for Possession and Consumption of Open Containers of Alcoholic Beverages in the Social District.

Except where otherwise allowed by local ordinance, it shall be unlawful to possess or consume an open container of an alcoholic beverage in a social district during the hours established for the social district unless:

1. The alcoholic beverage is purchased from a permittee located in the social district;
2. The customer-purchased open container of alcoholic beverage is in a container meeting the requirements set forth in Sec. C, except for open containers sold by a permittee for consumption on the permittee's premises.
3. The person does not possess at one-time open containers of alcoholic beverages in the social district in excess of the number of alcoholic beverages that may be sold and delivered by a retail permittee as set forth in G.S. §18B-1010.
4. The person does not enter the premises of a non-permittee business in the social district with an open container of an alcoholic beverage unless the

non-permittee business has the uniform sign for the social district as set forth in Sec. H displayed.

5. The person disposes of any open container of an alcoholic beverage purchased from a permittee in the person's possession prior to exiting the social district unless the person is reentering the licensed premises of the permittee where the alcoholic beverage was purchased.

Notwithstanding G.S. §18B-300 and G.S. §18B-301, a permittee or non-permittee business may allow a customer to possess and consume on the business's premises alcoholic beverages purchased from a permittee in the social district.

h. Multi-Tenant Establishments

Permittees and non-permittee businesses in a multi-tenant establishment located within a social district may participate in the social district regardless of whether the multi-tenant establishment has a common area entertainment ABC permit.

i. Standards and Provisions

Before beginning to operate, each social district's management and maintenance plan shall be approved by City Council. It shall be unlawful to operate a social district in violation of the standards and provisions adopted pursuant to this section.

j. Consumption And Possession Of Alcoholic Beverages On City Property Or Public Vehicular Areas.

Except as provided by this temporary downtown social district, it shall be unlawful for any pedestrian to consume malt beverages or unfortified wine on any City street, and it shall be unlawful for any person to possess an open container of malt beverages or unfortified wine on any property owned, occupied, or controlled by the City. It shall also be unlawful to possess malt beverages and unfortified wine on any street, alley, or parking lot which is temporarily closed to regular traffic for a special event unless the City Manager or designee approves the permit in accordance with the policies set forth in City Council's Special Event Policy closing the street, alley, or parking lot makes other provisions for the possession of malt beverages or unfortified wine. An open container is one whose seal has been broken or a container other than the manufacturer's unopened original container.

Notwithstanding the above, the provisions of this section shall not be applicable to any streets or sidewalks located within a social district during the hours of operation of the social district. The provisions of the section shall remain applicable for any property owned, occupied, or controlled by the City that is located within a social district unless that property has been designated by the City as eligible for the consumption of alcohol under the rules of the social district and applicable State law.

k. Exceptions

Any public, community-sponsored function or activity being conducted on public streets, alleys, or parking lots that are temporarily closed to regular traffic or other city-owned parks and facilities located within the Downtown Social District, as defined by Section 24-350 of this Section, upon approval of a special events permit pursuant to Section 24-15 of Article IV and all applicable ABC regulations.

Sec. 24-352. Enforcement

Any person who violates this Article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor as provided in G.S. § 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, imprisonment, or both.

Sec. 24-353. Severability

If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become effective on December 1, 2022, and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
MITCH COLVIN, Mayor

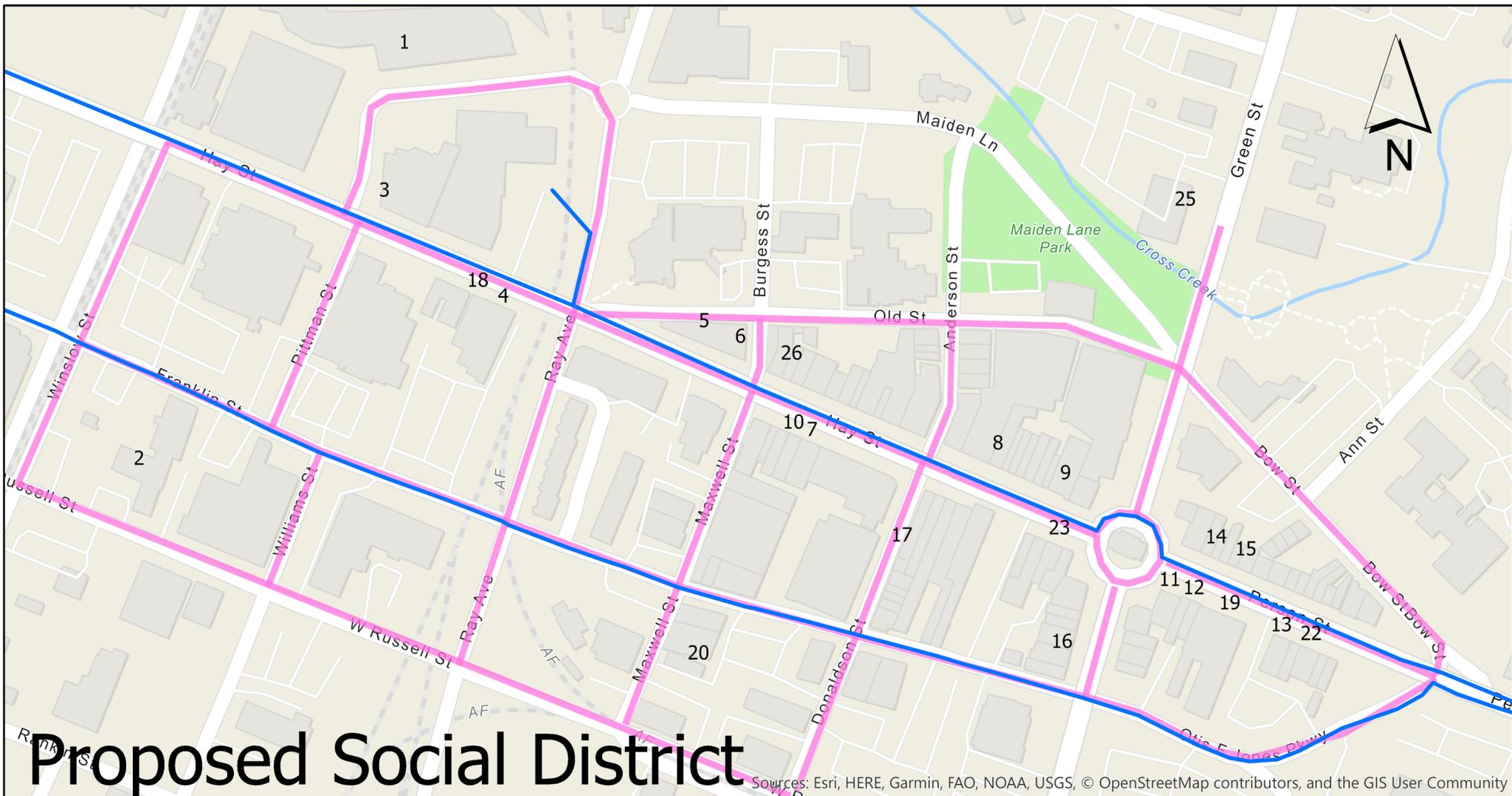
ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**§ 18B-904.1. Authorization and regulation of social districts.**

- (a) Definitions. – The following definitions apply in this section:
- (1) Permittee. – An establishment holding any of the following permits issued by the Commission:
    - a. An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
    - b. An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
    - c. An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
    - d. A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
    - e. A distillery permit issued pursuant to G.S. 18B-1100(5).
  - (2) Social district. – A defined outdoor area in which a person may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. 18B-904(h).
- (b) Authorization. – Pursuant to G.S. 153A-145.9, a county may adopt an ordinance designating a social district in the parts of the county outside any city. Pursuant to G.S. 160A-205.4, a city may adopt an ordinance designating a social district.
- (c) Requirements for Designation. – A social district designated under this section shall meet all of the following requirements:
- (1) The social district shall be clearly defined with signs posted in a conspicuous location indicating which area is included in the social district, the days and hours during which alcoholic beverages may be consumed in the social district, the telephone number for the ALE Division and the local law enforcement agency with jurisdiction over the area comprising the social district, and a clear statement that an alcoholic beverage purchased for consumption in a social district shall (i) only be consumed in the social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased. The hours set by a city or county during which alcoholic beverages may be consumed in a social district shall be in accordance with G.S. 18B-1004.
  - (2) The city or county shall establish management and maintenance plans for the social district and post these plans, along with a rendering of the boundaries of the social district and days and hours during which alcoholic beverages may be consumed in the social district, on the website for the city or county. The social district shall be maintained in a manner that protects the health and safety of the general public.
  - (3) Before allowing consumption of alcoholic beverages in a social district, the city or county shall submit to the Commission a detailed map of the social district with the boundaries of the social district clearly marked and the days and hours during which alcoholic beverages may be consumed in the social district.
- (d) Requirements for Sale of Alcoholic Beverages. – A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within the social district it is located in or contiguous to in accordance with the following requirements:
- (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.

- (2) The permittee shall only sell alcoholic beverages for consumption in the social district in a container that meets all of the following requirements:
    - a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
    - b. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
    - c. The container is not comprised of glass.
    - d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."
    - e. The container shall not hold more than 16 fluid ounces.
  - (3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.
- (e) Requirements for Possession and Consumption of Alcoholic Beverages. – The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements:
- (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed.
  - (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in subsection (d) of this section.
  - (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set by the city or county in accordance with subsection (b) of this section.
  - (4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. 18B-1010.
  - (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased.
- (f) Additional Requirements. – The Commission may adopt rules to impose requirements in addition to the requirements set forth in subsections (c) through (e) of this section. (2021-150, s. 20.3.)



# Proposed Social District

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

## Legend

- Social District Streets
- ★ District Trolley Stops
- District Trolley Route

Number	Address	Establishment Name	Number	Address	Establishment Name
1	460 Hay Street	Segra Stadium	14	107 Person Street	Agora Mediterranean Restaurant
2	444 W Russell Street	Bright Light Brewing Company	15	113 Person Street	Archway Burgers, Dogs, And Beer
3	450 Hay Street	The Coffee Scene	16	116 Gillespie Street	Walker's Hookah Cafe
4	405 Hay Street	Huske Hardware	17	113 Donaldson Street	Wine & Design
5	310 Hay Street	Blue Moon Cafe	18	411 Hay Street	The Taphouse at Huske
6	300 Hay Street	Antonella's Italian Ristorante	01	116 Person Street	Taste of West Africa
7	217 Hay Street	Pierros Italian Bistro	20	147 Maxwell Street	The Livery Cigar Emporium
8	124 Hay Street	Gaston Brewing Company	21	106 Person Street	Caruso's
9	106 Hay Street	Sip Room	22	132 Person Street	The Fried Turkey Shop
10	225 Hay Street	Cameo Art House Theatre	23	105 Hay Street	Pan Sandwiches
11	102 Person Street	Charley's Pub	24	108 Hay Street	Vagabond Cafe
12	108 Person Street	Circa 1800	25	333 Green Street	The Friends Table
13	126 Person Street	Bruce's Sportsbloc and Lounge	26	238 Hay Street	Winterbloom

## Social District Management & Maintenance Plan

### Public Waste Management:

- Department: Parks and Recreation
- Contact: Jonathan Jackson: [jonathanjackson@fayettevillenc.gov](mailto:jonathanjackson@fayettevillenc.gov)
- Schedule:
  - Sunday – Saturday, two (2) employees remove all waste from public receptacles
  - Existing service, no increase expected.
- Note: Sanitation receptacles will increase

### Security and Public Safety:

- Department: Fayetteville Police Department
- Contact: Assistant Chief James Nolette: [jnolette@fayettevillenc.gov](mailto:jnolette@fayettevillenc.gov)
- Schedule:
  - Monday – Friday, one (1) FTE Fayetteville Police Department Officer on duty in the downtown precinct
  - Additional officers: Assigned by the Chief of Police to work overtime shifts, as filled by off-duty officers, nights and weekends

### Downtown Management:

- Organization: Cool Spring Downtown District
- Contact: Bianca Shoneman: [bianca@coolspringfay.org](mailto:bianca@coolspringfay.org)
- Schedule:
  - Monday – Friday, three CSDD Staff members are on duty in the downtown Municipal Service District
  - Approach: Manage business participation, marketing, branding, and liase between City Departments, Alcohol Law Enforcement (ALE), businesses, and residents

### District Boundaries:

(i) Hay Street between Winslow Street and Market Square; (ii) Franklin Street between Winslow Street and Gillespie Street; (iii) West Russell Street between Winslow Street and Donaldson Street; (iv) Segra Stadium access between Hay Street and Ray Avenue; (v) Person Street between Market Square and Ottis F. Jones Parkway; (vi) Winslow Street between West Russell Street and Hay Street; (vii) Williams Street between West Russell Street and Franklin Street; (viii) Ray Avenue between West Russell Street and Maiden Lane; (ix) Burgess Street between Hay Street and Old Street; (x) Anderson Street between Hay Street and Old Street; (xi) Green Street between Market Square and 225 Green Street; (xii) Gillespie Street between Market Square and Franklin Street; (xiii) Market Square; (xiv) Pittman Street; (xv) Maxwell Street; (xvi) Donaldson Street; (xvii) Old Street; (xviii) Bow Street; and (xix) Ottis F. Jones Parkway



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3038

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Public Hearing  
(Public & Legislative)

**Agenda Number:** 9.02

**TO:** Mayor and Members of City Council

**THRU:** Kelly Olivera - Assistant City Manager  
Dr. Gerald Newton, AICP - Development Services Director  
Jennifer C Baptiste, CZO - Planning and Zoning Division Manager

**FROM:** Craig M. Harmon, CZO - Senior Planner

**DATE:** November 14, 2022

**RE:**

**P22-33.** Rezoning from Agricultural Residential (AR) to Limited Commercial (LC) 1.94 acres±, to be rezoned, located to the north of Raeford Road and west of Hoke Loop Road (REID # 9476572873000, 9476574127000), and being the property of Palmer Williams of Sycamore Corner LLC and represented by Lori Epler, Larry King & Assoc..

**COUNCIL DISTRICT(S):**

8 - Courtney Banks-McLaughlin

### Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2026

Goal II: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1 - To ensure a diverse City tax base
- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal III: City invested in Today and Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.
- Objective 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspection services

Goal IV: Desirable Place to Live, Work and Recreate

- Objective 4.3 - To improve mobility and connectivity through sidewalk, trail, and

- bike lane investments
- Objective 4.4 - To provide a clean and beautiful community with increased green spaces
- Objective 4.5 - To ensure a place for people to live in great neighborhoods

**Executive Summary:**

The applicant is seeking to rezone 1.94 acres ± of a 20.56 acre ± parcel from AR - Agricultural Residential to LC - Limited Commercial. The parcels are currently undeveloped. These properties sit at the northwest corner of the intersection of Hoke Loop and Raeford Roads. Originally part of a larger 25 acre ± lot that was rezoned and subdivided in 2018. A portion of the site was developed as the Fresenius Kidney Care - Rockfish Dialysis Center. Now the owners wish to rezone for possible development of the section of this property bordering Raeford Road.

The LC zoning district is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods.

On August 9, the Zoning Commission held a legislative hearing regarding this case. There was one speaker in favor and none in opposition. The Commission voted 5-0 to recommend approval.

This item was originally on the September 26, 2022 Consent Agenda, but was pulled for a Legislative Hearing.

On October 24, the City Council held a Legislative Hearing regarding this case. Ms. Lori Epler spoke in favor of the rezoning. There were no speakers in opposition. At the close of the hearing, the City Council voted to table this item to their November 14th regular meeting.

**Background:**

This property sits at the northwest corner of the intersection of Hoke Loop and Raeford Roads. This portion of the property is currently undeveloped.

Applicant: Lori Epler, Larry King & Assoc.

Owner: Palmer Williams, Sycamore Corner LLC.

Requested Action: AR to LC

Property Address: northwest corner of the intersection of Hoke Loop and Raeford Roads

Council District: 8 - Courtney Banks-McLaughlin

Status of Property: Undeveloped

Size: 1.94 acres ±

Adjoining Land Use & Zoning:

- North: LC - Commercial
- South: Raeford Road
- East: LC - Commercial
- West: AR & Hoke County - Undeveloped

Letters Mailed: 22

Land Use Plans:

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020. All properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the Plan, it is recommended that this portion of the city should be developed as Neighborhood Mixed Use (NMU).

Neighborhood Mixed Use is best described as Neighborhood-scale commercial uses.

Horizontal mix of uses: vertically in key location with buildings having 1-3 stories or smaller-scale multi-family, attached and small lot single family. Lower density on edges.

### **Issues/Analysis:**

#### History:

This property was originally part of a 25 acre ± tract. In February of 2018, 12.5 acres ± was rezoned from AR to LC. Since that rezoning, Fresenius Kidney Care - Rockfish Dialysis Center has been built on the property.

#### Surrounding Area:

The applicant's proposal is congruous with the types of zoning and development along Raeford Road and South Raeford Road as you travel east towards the center of town. It is also in keeping with the recommended zoning of the 2040 Future Land Use Plan. The properties to the north and to the east, across Hoke Loop Road, are already zoned for both commercial and office uses.

#### Rezoning Request:

The applicant is requesting to rezone an area currently zoned Agricultural Residential (AR) to Limited Commercial (LC) which would allow the development of commercial, office or multi-family. The zoning purpose of the LC District is to "serve groups of neighborhoods instead of just an individual neighborhood." In the existing zone, AR, uses are intended to accommodate a variety of rural uses, including agricultural support and very low density residential.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of many base zoning districts. Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2.C.

#### Straight Zoning:

The request is for a straight zoning from Agricultural Residential (AR) to Limited Commercial (LC).

The LC District is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood-e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or other business uses. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is compatible with surrounding residential neighborhoods.

The proposed zoning district is compatible with the area and this district is in keeping with the City's Future Land Use Plan. This rezoning would be a completion of the Limited Commercial zoning districts to the north, and east of the parcels.

The reclassification of land to a straight zoning district allows all of the uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider

conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations.

**Land Use Plan Analysis:**

According to Future Land Use Map & Plan, this area is recommended to be developed as a Neighborhood Mixed Use (NMU). Neighborhood Mixed Use is best described as Neighborhood-scale commercial uses with horizontal mix of uses, vertical development in key location, and buildings 1-3 stories. Smaller-scale multi-family, attached and small lot single family are encouraged with lower density on edges.

**Consistency and Reasonableness Statements:**

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application looks to follow the City's strategic, compatible growth strategies by meeting the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

**Budget Impact:**

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur due to taxes collected in the future.

**Options:**

1. City Council moves to approve the map amendment/rezoning as presented based on the evidence submitted and finds that the map amendment/rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement.
2. City Council moves to approve the map amendment/rezoning to a more restrictive zoning district based on the evidence submitted and finds that the map amendment/rezoning would be consistent with the Future Land Use Plan and an amended consistency and reasonableness statement.
3. City Council moves to deny the map amendment/rezoning based on the evidence submitted and finds that the map amendment/rezoning is inconsistent with the Future Land Use Plan.

**Recommended Action:**

The Zoning Commission and Professional Planning Staff recommend that the City Council approve the map amendment to LC based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as Neighborhood Mixed Use.
- The uses permitted by the proposed change in zoning district classification and standards apply to such use and will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and

- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

**Attachments:**

1. Plan Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos
7. Rezoning Request Map
8. Consistency and Reasonableness Statements

**Project Overview** **#811151**

<b>Project Title:</b> HOKE LOOP & RAEFORD	<b>Jurisdiction:</b> City of Fayetteville
<b>Application Type:</b> 5.1) Rezoning (Map Amendment)	<b>State:</b> NC
<b>Workflow:</b> Staff Review	<b>County:</b> Cumberland

**Project Location**

**Project Address or PIN:** 0 HOKE LOOP RD (9476572873000) **Zip Code:** 28,304

**GIS Verified Data**

<b>Property Owner: Parcel</b> • 0 HOKE LOOP RD: SYCAMORE CORNER LLC	<b>Acreage: Parcel</b> • 0 HOKE LOOP RD: 20.56
<b>Zoning District:</b>	<b>Subdivision Name:</b>
<b>Fire District:</b>	<b>Airport Overlay District:</b>
<b>Hospital Overlay District:</b>	<b>Coliseum Tourism District:</b>
<b>Cape Fear District:</b>	<b>Downtown Historic District:</b>
<b>Haymount Historic District:</b>	<b>Floodway: FloodWay</b> • 0 HOKE LOOP RD: AE
<b>100 Year Flood:</b>	<b>500 Year Flood:</b>
<b>Watershed:</b>	

**General Project Information**

<b>Has the land been the subject of a map amendment application in the last five years?:</b> No	<b>Previous Amendment Approval Date:</b>
<b>Previous Amendment Case #:</b>	<b>Proposed Zoning District:</b> LC
<b>Acreage to be Rezoned:</b> 1.94	<b>Is this application related to an annexation?:</b> No
<b>Water Service:</b> Public	<b>Sewer Service:</b> Public
<b>A) Please describe all existing uses of the land and existing structures on the site, if any:</b> VACANT	<b>B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:</b> LC AR CD SF15

**Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).**

**A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:**

THE FUTURE LAND USE PLAN CALLS FOR NEIGHBORHOOD MIXED USE AT THIS LOCATION. LIGHT COMMERCIAL ZONING IS VERY MUCH IN KEEPING WITH THAT USE.

**B) Are there changed conditions that require an amendment? :**

NO

**C) State the extent to which the proposed amendment addresses a demonstrated community need.:**

THIS LOCATION IS CONDUCIVE TO LC ZONING TO A GREAT EXTENT. THE ADJACENT PROPERTY IS CURRENTLY ZONED LC AND IT IS A GOOD TRANSITION FROM THE BUSINESS OF RAEFORD ROAD AND THE NEIGHBORHOODS TO THE NORTH AND SOUTH.

**D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:**

SEE THE PREVIOUS ANSWER.

**E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:**

LC IS A GOOD TRANSITIONAL ZONING BETWEEN THE TRAFFIC ON RAEFORD AND THE HOUSES TO THE NORTH. THOSE HOMES NEED SERVICES AVAILABLE TO THEM WITHOUT HAVING TO ENTER RAEFORD ROAD TRAFFIC.

**F) State the extent to which the proposed amendment might encourage premature development.:**

TO NO EXTENT

**G) State the extent to which the proposed amendment results in strip-style commercial development.:**

TO NO EXTENT

**H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:**

TO NO EXTENT

**I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:**

TO NO EXTENT. THIS OWNER OWNS THE SURROUNDING LAND.

**J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:**

WETLANDS AND THE STREAM ARE BEING PRESERVED WITHIN THE CORP OF ENGINEERS GUIDELINES.

### Primary Contact Information

**Project Contact - Agent/Representative**

LORIEPLER  
Larry King & Assoc.  
1333 Morganton Road, Fayetteville  
Fayetteville, NC 28305  
P:9104834300  
[LEPLER@LKANDA.COM](mailto:LEPLER@LKANDA.COM)

**NC State License Number:**

**As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :**

**Project Owner**

PALMER WILLIAMS  
  
2709 THORNGROVE CT  
FAYETTEVILLE, NC 28303  
P:910.864.1125  
[PWILLIAMS@C-SPROP.COM](mailto:PWILLIAMS@C-SPROP.COM)

**Project Contact - Primary Point of Contact for the Developer**  
PALMER WILLIAMS

2709 THORNGROVE CT  
FAYETTEVILLE, NC 28303  
P:910.864.1125

**Project Contact - Primary Point of Contact for the Surveyor**

LORIEPLER

Larry King & Assoc.

1333 Morganton Road, Fayetteville

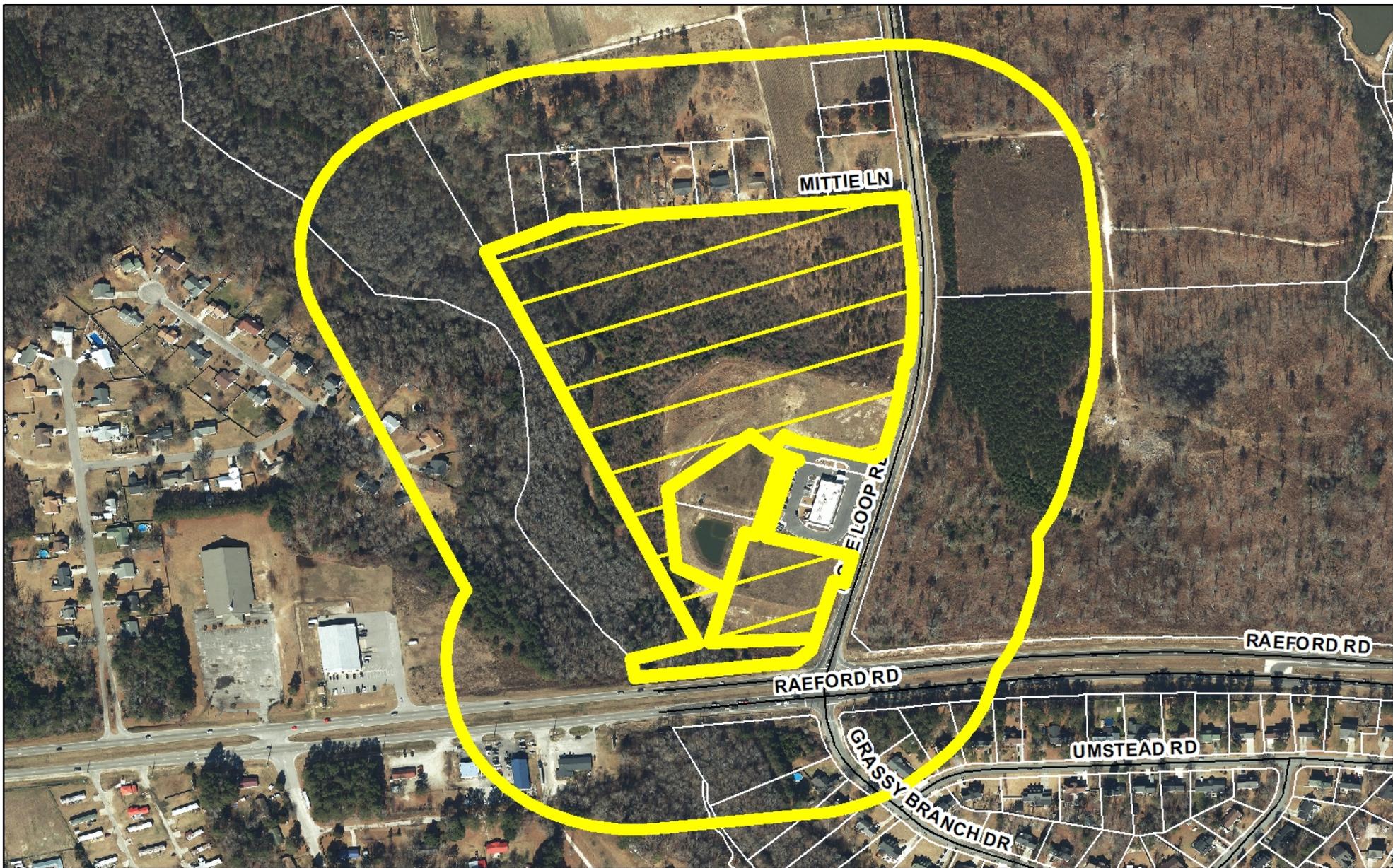
Fayetteville, NC 28305

P:9104834300

[LEPLER@LKANDA.COM](mailto:LEPLER@LKANDA.COM)

**Contractor's NC ID#:**

**Indicate which of the following project contacts should be included on this project:** Developer, Surveyor



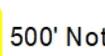
# Aerial Notification Map

P22-33

Request: AR to LC

Address: Hoke Loope Rd.

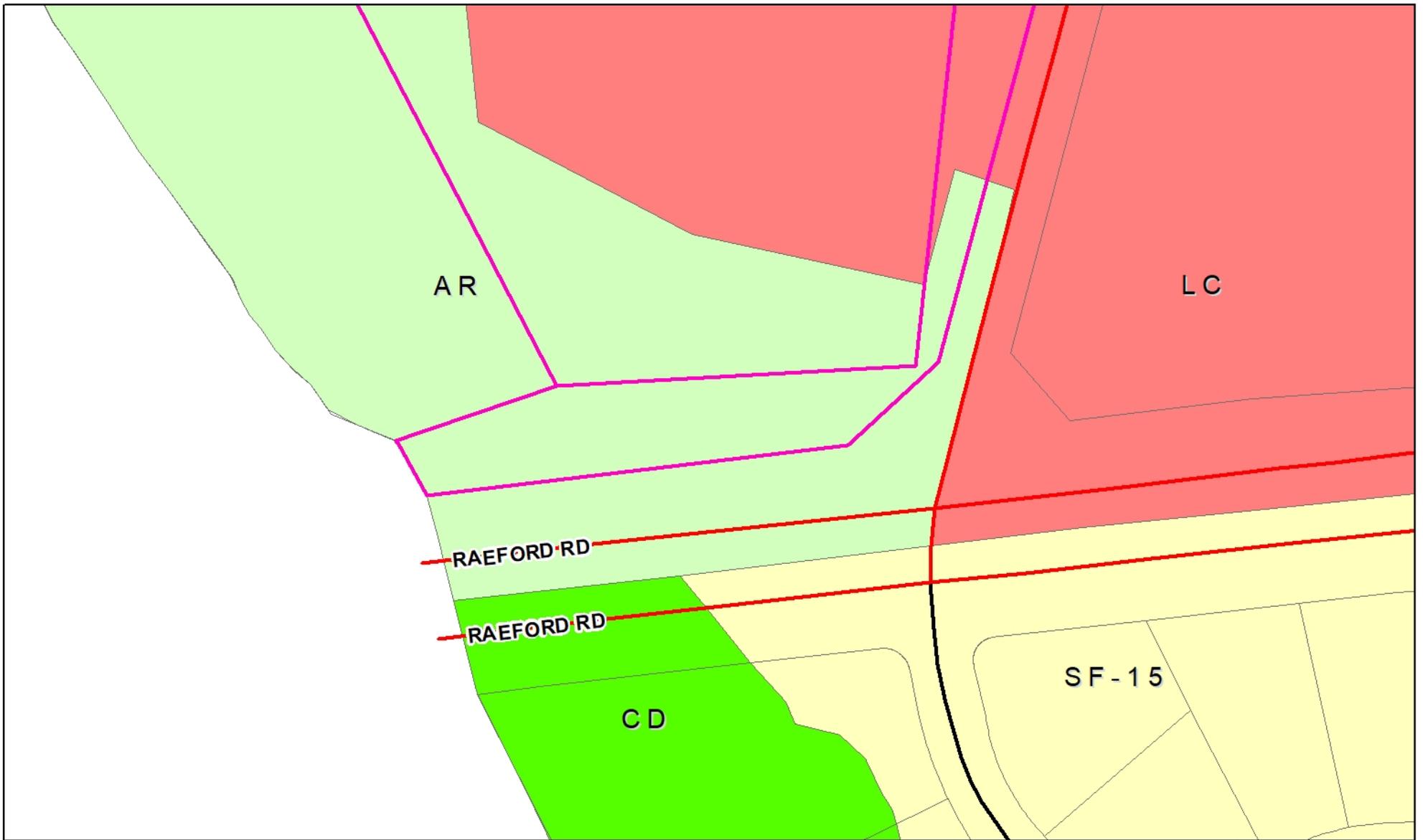
### Legend

-  500' Notification Area
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.





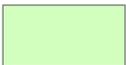
**Zoning Map**

P22-33

Request: AR to LC

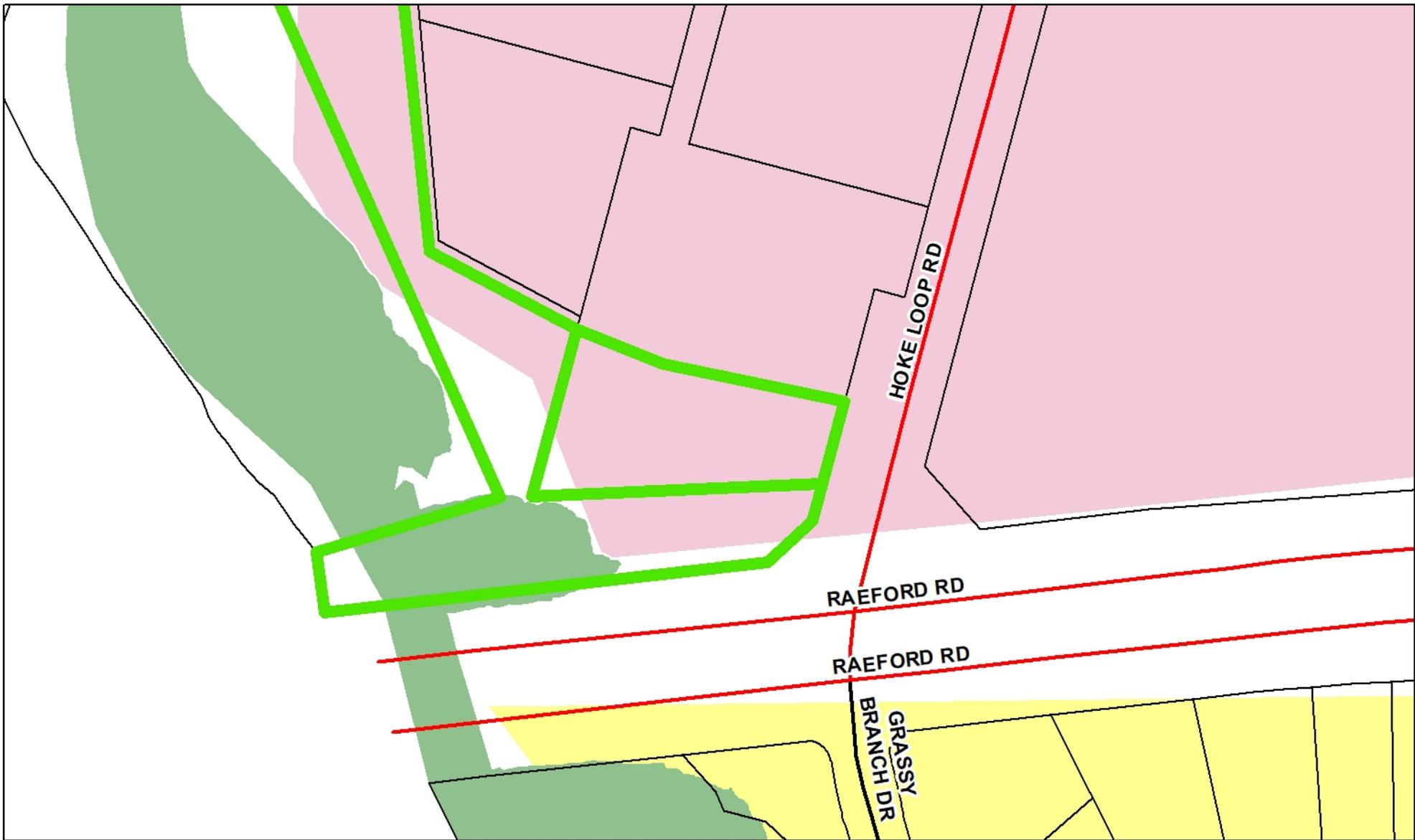
Address: Hoke Loope Rd.

**Legend**

- |   |        |   |       |
|---|--------|---|-------|
|  | County |  | LC    |
|  | AR     |  | SF-15 |
|  | CD     |   |       |



Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.



**Land Use Map**

**P22-33**

**Request: AR to LC**

**Address: Hoke Loope Rd.**

**Legend**

 Parcels

**Future Land Use 2040**

**Character Areas**

 PARKOS - PARK / OPEN SPACE

 LDR - LOW DENSITY

 NMU - NEIGHBORHOOD MIXED USE



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.







ENGINEERING - SURVEYING - DESIGNING - DRAFTING

**Larry King & Associates, R.L.S., P.A.**

P.O. Box 53787

1333 Morganton Road, Suite 201

Fayetteville, North Carolina 28305

P. (910) 483-4300 F. (910) 483-4052

[www.LKandA.com](http://www.LKandA.com)

NC Firm License C-0887



July 12, 2022

## LEGAL DESCRIPTION

### 2.22 Acres Hoke Loop and Raeford Road Rezone Area

**LYING** in Fayetteville, Cumberland County, North Carolina, this subject tract being bounded on the north by property conveyed to Sycamore Corner LLC described and recorded in Deed Book 10243, Page 0698, Cumberland County Registry; bounded on the east by the western right of way margin of Hoke Loop Road; bounded on the south by the northern right of way margin of NC Highway 401 South (Raeford Road); bounded on the west by property conveyed to Joseph H. Gillis, Betty Gillis, James D. Gillis and James McNatt Gillis, Jr. as described and recorded in Deed Book 10814, Page 0559, Cumberland County Registry and being more particularly described as follows:

**BEGINNING** at an existing iron rebar in the aforementioned right of way margin of Raeford Road, said iron rebar being the southwest boundary corner of the parcel of which this is a part, said parcel being the aforementioned Sycamore Corner LLC property and with said margin of Raeford Road;

**THENCE** North 07 degrees 49 minutes 46 seconds West for a distance of 59.12 feet to an iron pipe, said iron pipe being the southwestern boundary corner of the aforementioned Gills property;

**THENCE** and with the southern boundary line of said Gillis property North 73 degrees 19 minutes 34 seconds East for a distance of 187.04 feet to an iron rebar, said rebar being the southeastern boundary corner of said Gillis property;

**THENCE** and with the eastern boundary line of the Gillis property and the western boundary line of the parcel of which this is a part North 24 degrees 00 minutes 22 seconds West for a distance of 253.74 feet to a point in said common boundary lines;

**THENCE** North 65 degrees 59 minutes 38 seconds East for a distance of 48.00 feet to an existing iron rebar, said rebar being the southwest boundary corner of Lot 4, Hoke Loop Landing Phase One as described and recorded in Plat Book 141, Page 148 and also being in the current LC zoning line;

**THENCE** and with the southern boundary line of said Lot 4 and the LC zoning line, South 61 degrees 35 minutes 49 seconds East for a distance of 207.80 feet to the southeastern boundary corner of said Lot 4;

**THENCE** and with the said zoning line South 75 degrees 06 minutes 54 seconds East for a distance of 221.50 feet to a point in the aforementioned right of way margin of Hoke Loop Road;

**THENCE** and with the western margin of Hoke Loop Road and the northern margin of Raeford Road the following bearings and distances:

South 15 degrees 06 minutes 01 seconds West for a distance of 122.72 feet to a point;

South 47 degrees 17 minutes 22 seconds West for a distance of 59.50 feet to a point;

South 83 degrees 32 minutes 44 seconds West for a distance of 435.67 feet to a point, said point being the **TRUE POINT AND PLACE OF BEGINNING**.

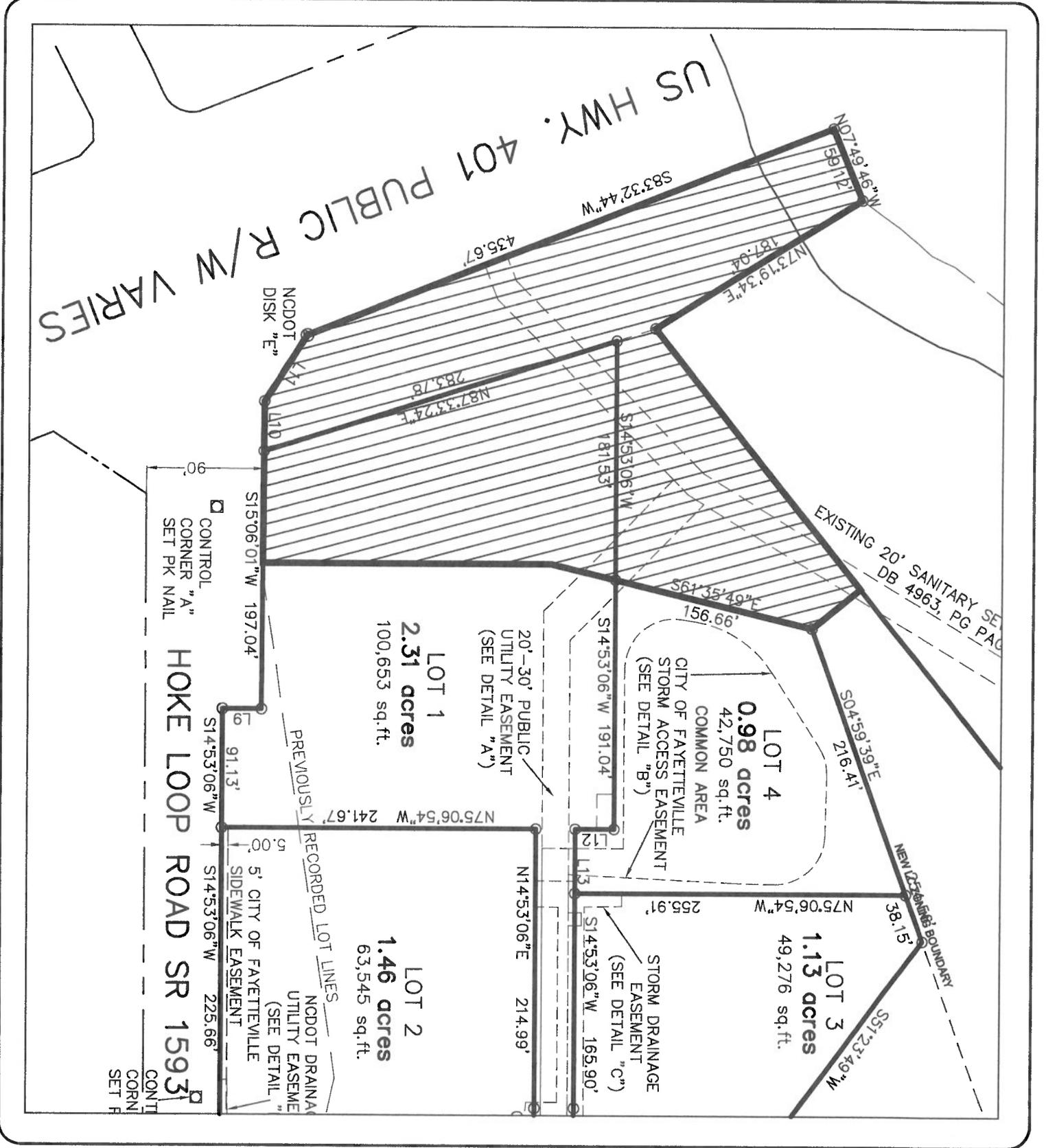
Together with and subject to covenants, easements, and restrictions of record.

Said property contains 2.22 acres (96650.30 square feet).

This description prepared by Larry King & Associates, R.L.S., P.A. on this 18<sup>th</sup> day of July, 2022, under the supervision of W. Larry King, a Professional Land Surveyor.

 7-18-22  
\_\_\_\_\_  
W. Larry King, P.L.S., L-1339





ENGINEERING - SURVEYING - DESIGNING - DRAFTING  
**Larry King & Associates, R.L.S., P.A.**  
 P.O. Box 53787  
 1333 Morganton Road, Suite 201  
 Fayetteville, North Carolina 28305  
 P. (910) 483-4300 F. (910) 483-4052  
 NC Firm License C-0887  
[www.LKandA.com](http://www.LKandA.com)

**Owner:**  
 SYCAMORE CORNER  
 LLC  
 CONTACT:  
 2709 THORNTON CT  
 FAYETTEVILLE, NC 28305

**Project:**  
 HOKE LOOP &  
 RAEFORD  
 REZONE  
 REQUEST

tax id #:	VARIES
township:	SEVENTY-FIRST
county:	CUMBERLAND
state:	NC
job no.:	P17-052
date:	07/18/2022
drawn by:	LSE
survey by:	
checked by:	

**PRELIMINARY**  
 DO NOT USE FOR  
 CONSTRUCTION  
 THIS DRAWING HAS NOT  
 BEEN REVIEWED BY ANY  
 GOVERNMENTAL AGENCY  
 FOR COMPLIANCE WITH ANY  
 APPLICABLE LAND  
 DEVELOPMENT OR OTHER  
 REGULATIONS.

# Consistency and Reasonableness Statement

## Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment to Limited Commercial (LC) in case **P22-33** is **consistent** with the City of Fayetteville’s Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### Consistency

#### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: FOCUS VALUE AND INVESTMENT AROUND INFRASTRUCTURE AND STRATEGIC NODES	<b>X</b>	

#### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 1: Encourage growth in areas well- served by infrastructure and urban services, including roads utilities, parks, schools, police, fire, and emergency services.</b>	<b>X</b>	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development. This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.	<b>X</b>	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development. Leapfrog development is development that occurs in areas away from existing development and in areas currently not served by infrastructure or adjacent to services, esp. water/sewer. This type of growth can lead to higher costs of providing urban services.	<b>X</b>	
<b>LUP 6: Encourage Development Standards that Result in Quality Neighborhoods</b>	<b>X</b>	
6.1: Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater, and open space.	<b>X</b>	

<b>LUP 8: Require the Reservation of Open Space and Unique Natural Features in New Developments</b>	X	
8.2: Preserve unique natural features through site design	X	
<b>LUP 10: Support Land Use, Site Design and Capital Improvement Initiatives That Increase Resiliency, and Reduce Impacts from Flooding and Natural Disasters</b>	X	
10.1: Encourage on-site stormwater control measures that reduce impacts of new development. Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new development on adjacent properties and reduce the rate of stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge	X	

3. The proposed amendment is consistent / inconsistent [select one] with the Future Land Use Map as follows:

X	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR		The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
X	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR		The proposed designation, as requested, would permit uses that are incongruous to those existing on adjacent tracts.

**Reasonableness**

The proposed zoning amendment is reasonable and in the public interest because it supports the polices of the Comprehensive Plan as stated above and the Strategic Plan as stated in the Staff Report, and because: [select all that apply]

- The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.
- The amendment includes conditions that limit potential negative impacts on neighboring uses.
- The proposed uses address the needs of the area and/or City.
- The proposal adapts the zoning code to reflect modern land-use trends and patterns.

The amendment is also in the public interest because it: [select all that apply]

improves consistency with the long-range plan.

improves the tax base.

preserves environmental and/or cultural resources.

facilitates a desired kind of development.

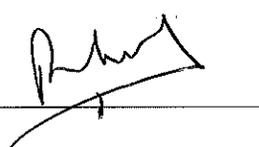
provides needed housing/commercial area.

Additional comments, if any (write-in):

June 14, 2022

Date

Chair Signature





# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3060

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Other Items of  
Business

**Agenda Number:** 10.01

**TO:** Mayor and Members of City Council

**THRU:** Douglas J. Hewett, ICMA-CM, City Manager  
Adam Lindsay, Assistant City Manager

**FROM:** Michael Gibson, Parks, Recreation and Maintenance Director  
Rob Stone, PE, Construction Management Director

**DATE:** November 14, 2022

**RE:**

**Parks and Recreation Bond Project - Cape Fear River Park Update**

**COUNCIL DISTRICT(S):**

District 2

**Relationship To Strategic Plan:**

Goal 4: Desirable Place to Live, Work, and Recreate

**Executive Summary:**

The design firm Moffat & Nichol will provide an update on the proposed Cape Fear River Park, one of the Parks and Recreation Bond Projects.

**Background:**

In March 2016, Fayetteville voters passed a \$35 million bond referendum for parks and recreation. To date, nine substantial projects, totaling over \$11 million, have been completed. The Cape Fear River Park, which is located on approximately 13 acres along the Cape Fear River on either side of N. Water Street, is currently in the design phase and nearing completion. When first imagined, this project was believed to cost \$6 million. That number has been reduced down for various reasons. The complete design, which includes walkways, community lawns, story gardens, restrooms, docks, playgrounds, and a parking lot, is expected to be in excess of the current project budget of \$2.3 million. A phasing plan will be developed to determine how to best utilize the current project budget

and to provide direction for any future funding decisions provided by Council.

**Issues/Analysis:**

The design phase of the Cape Fear River Park project is nearing completion. The all-inclusive design, including walkways, community lawns, story gardens, restrooms, docks, and a parking lot, is expected to be in excess of the current project budget of \$2.3 million. A phasing plan will be developed, with several construction bid alternates, to determine the most effective way forward with the approved funding.

**Budget Impact:**

The funding for the Cape Fear River Park comes from the Parks and Recreation Bond and has a current budget of \$2.3 million. At full buildout, including walkways, community lawns, story gardens, restrooms, docks, playgrounds, and a parking lot, the project is expected to be well in excess of the current approved funding. A phasing plan will be developed to determine the most effective use of the current budget and to provide direction for any future funding decisions provided by Council.

**Options:**

- Accept the Cape Fear River Park Update as provided by the design firm Moffatt & Nichol so staff can move forward with developing a phasing plan to meet the approved funding, or
- Reject the Cape Fear River Park Update and provide additional direction.

**Recommended Action:**

Staff recommends City Council accept the Cape Fear River Park Update so staff can move forward with developing a phasing plan to meet the approved funding.

**Attachments:**

Cape Fear Park Presentation by Moffat & Nichol



# CAPE FEAR RIVER PARK: REFINED MASTER PLAN CONCEPT

NOVEMBER 1, 2022



# 1

## OVERVIEW

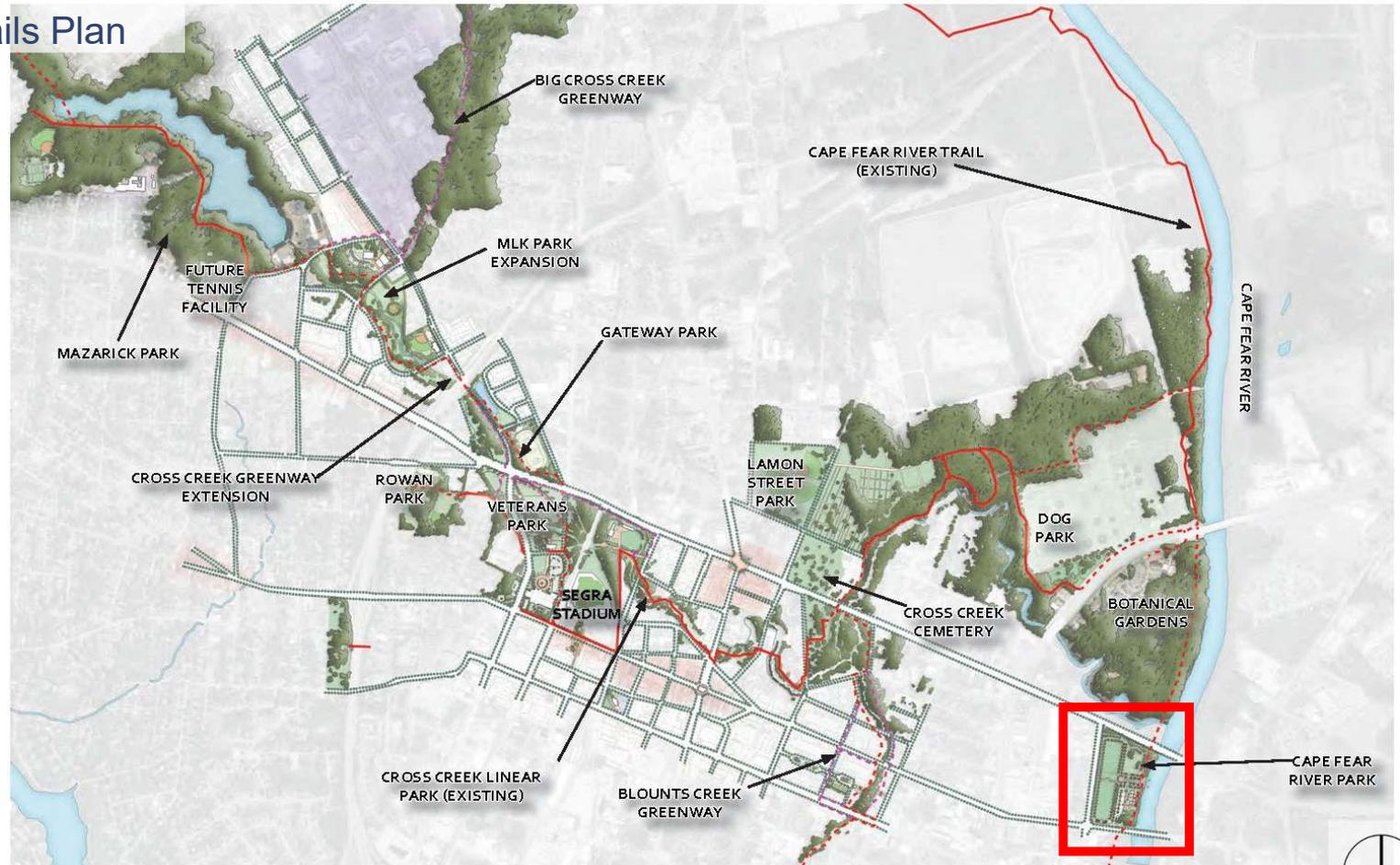
The Cape Fear River Park is an exceptional opportunity to create a riverfront park and southern terminus to the Cape Fear River Trail. The Park will offer a unique place to view and approach the riverbank as well as offer trails, picnic areas, and other recreational facilities to area residents and visitors.

The following master plan package presents the recommended long-term vision for the Cape Fear River Park. The master plan will be used to identify an initial cost-effective first phase to advance into more detailed design and permitting. The plan is also intended for use by the City in pursuit of grant monies for focused park projects and features.

# PROJECT AREA

## Center City Park & Trails Plan

The project area is located along the Cape Fear River, anchoring the eastern end of the planning Center City Parks and Trails System and just south of the Botanical Gardens.



# PROJECT AREA

## Survey and Aerial

The project area consists of ~13.1 acres of City-owned property between Grove and Person Streets along the west bank of the Cape Fear River. Over 1,000 feet of riverbank is included in the project.

-  STUDY AREA (+/- 19.74 AC)
-  CITY-OWNED LAND (+/- 13.1 AC)

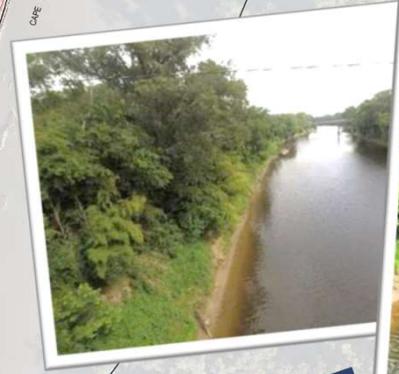
**Botanical Gardens**

**Cell Phone Tower (Outparcel)**

**Church Parking Lot (Outparcel)**

# PROJECT AREA

Existing Conditions

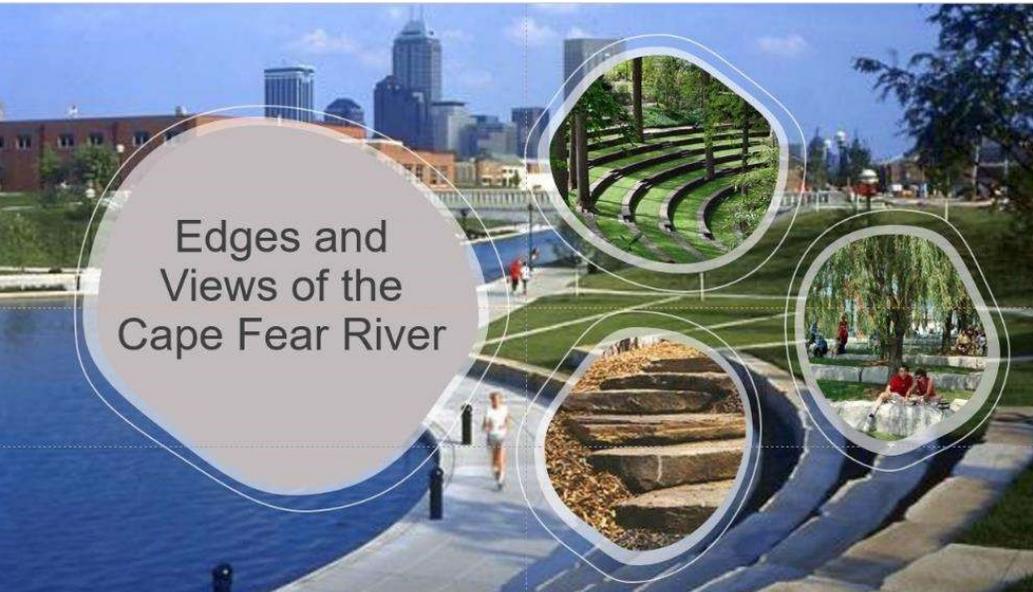


# 2

## PROGRAM EXPLORATION

The M&N planning team engaged with City staff to explore several preliminary options for the Cape Fear River Park. As part of that process, several park values and program elements were identified for inclusion initial planning ideas.

- Engage the river. Riverside trail(s), viewing areas, hand-powered recreational launching point.
- Key terminus point for the Cape Fear River Trail.
- Defined active and passive recreational zones for all ages.
- Looping recreational trail.
- Picnic area(s) and restroom facilities.
- Public parking.
- Memorial and heritage zones.
- Provide venue extension space for the Botanical Gardens.
- Preservation of the existing tree canopy.
- Ability to secure the park at night.
- Development over phases.



# 3

## PRELIMINARY CONCEPTS



# 4

## RIVER PARK MASTER PLAN

What makes a great riverfront park?

A place that is accessible, with an edge you can see, approach, and get onto. A safe and welcoming park and shoreline showcasing both natural areas and material use.

A place offering an array of active and passive recreational uses and spaces for the community.

A place that takes a moment to tell its story, delving into the memory and showcasing the spirit of its inhabitants.

A great riverfront park is all these things, but most importantly, it's one that is used and enjoyed. These elements are all found within the proposed Cape Fear River Park.



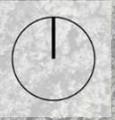
# River Park South End

- 1 Parking (Shared with Church)
- 2 Main Entry
- 3 Dropoff Area
- 4 Main Arrival Plaza (Restrooms, Concessions, etc.)
- 5 West Entry (Pedestrian Only)
- 6 Looping Recreational Trail
- 7 Open-Air Picnic Area
- 8 Covered Picnic Pavilion
- 9 Central Lawn
- 10 Meeting and Seating Area
- 11 Formal Lawn (Small Events)
- 12 Cape Fear River Trail
- 13 River Overlook
- 14 Riverfront Amphitheater
- 15 Riverfront Floating Dock
- 16 Wreck of U.S. Patrol Craft 1804
- 17 Shoreline Stabilization
- 18 Park Security Fence



# River Park North End

moffatt & nichol



CONNECTION  
TO FUTURE  
CAPE FEAR  
RIVER TRAIL

- 1 New Parking Off N Broad Street
- 2 Dogwood Grove
- 3 Flowering Arbor
- 4 Dog Park
- 5 Natural Berm
- 6 Looping Recreational Trail
- 7 West Entry (Pedestrian Only)
- 8 Covered Picnic Pavilion
- 9 Open-Air Picnic Area
- 10 Cape Fear River Trail
- 11 Ravine Bridge
- 12 Future Park Area
- 13 Park Security Fence

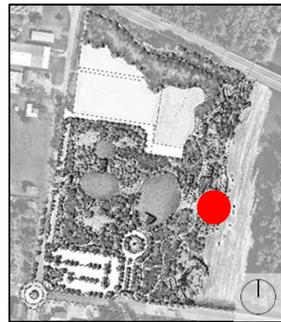


# FOCUS AREAS

## Riverfront Amphitheater and Floating Dock (Section)

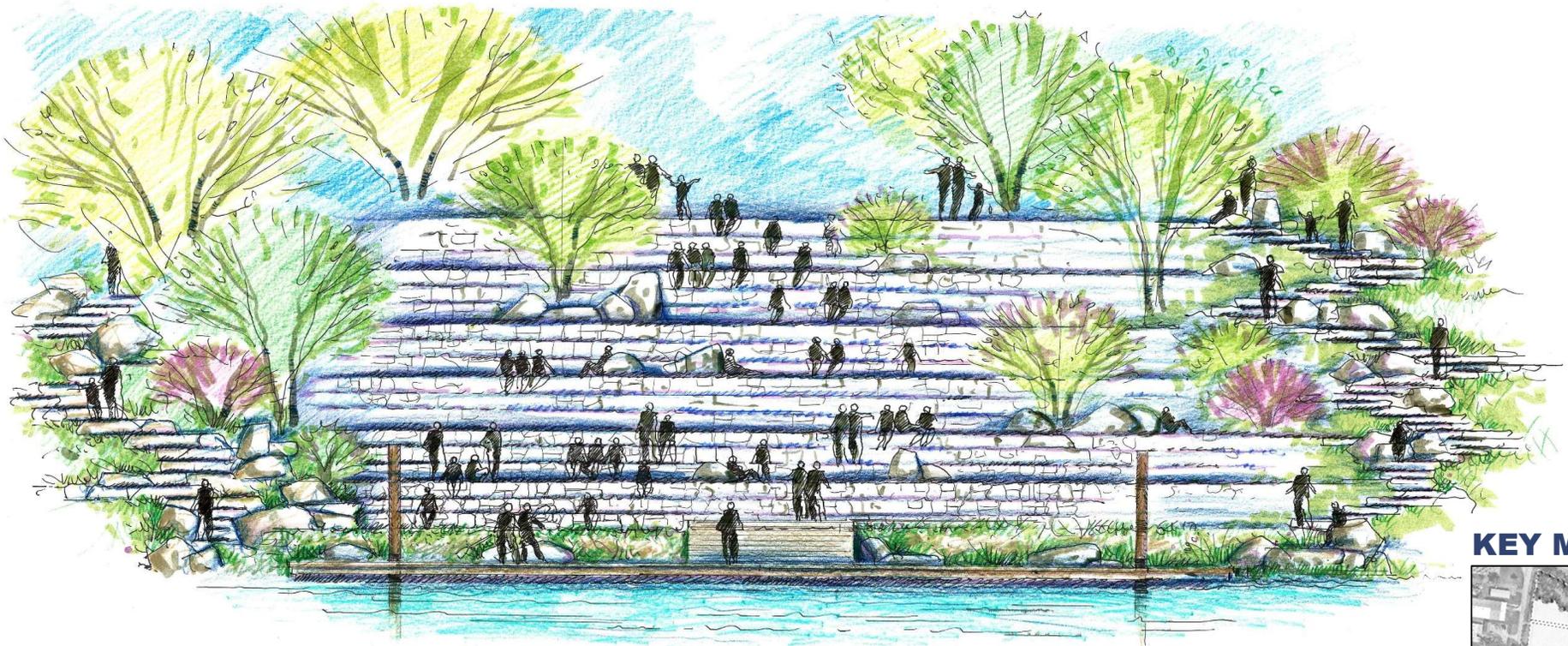


### KEY MAP

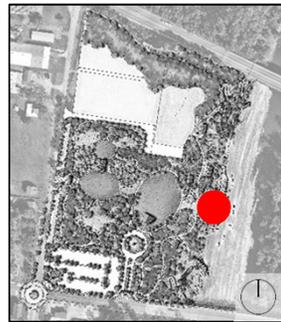


# FOCUS AREAS

## Riverfront Amphitheater and Floating Dock (Elevation)

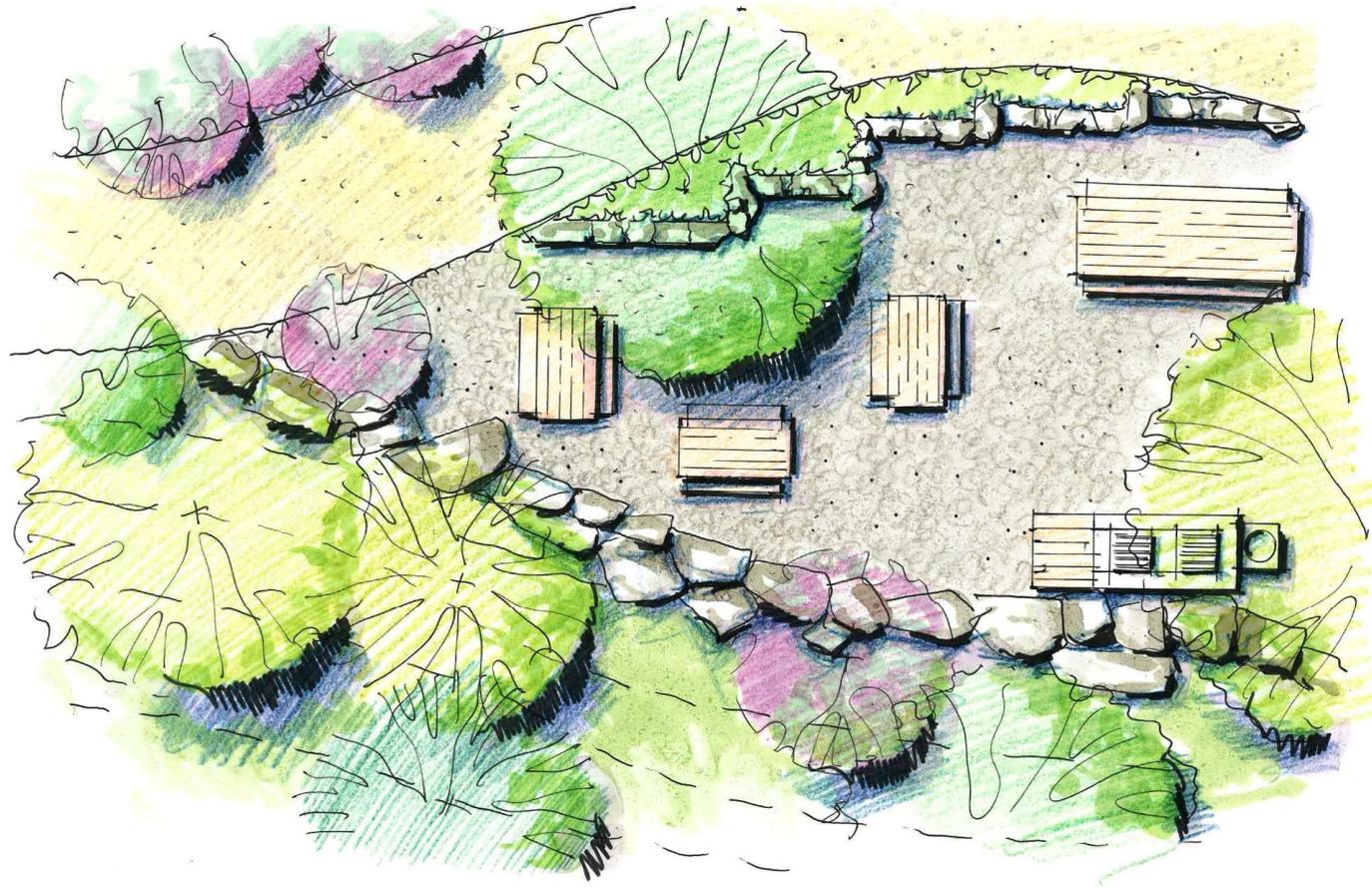


### KEY MAP

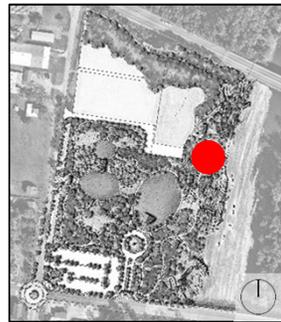


# FOCUS AREAS

## Open-Air Picnic Area (Plan)

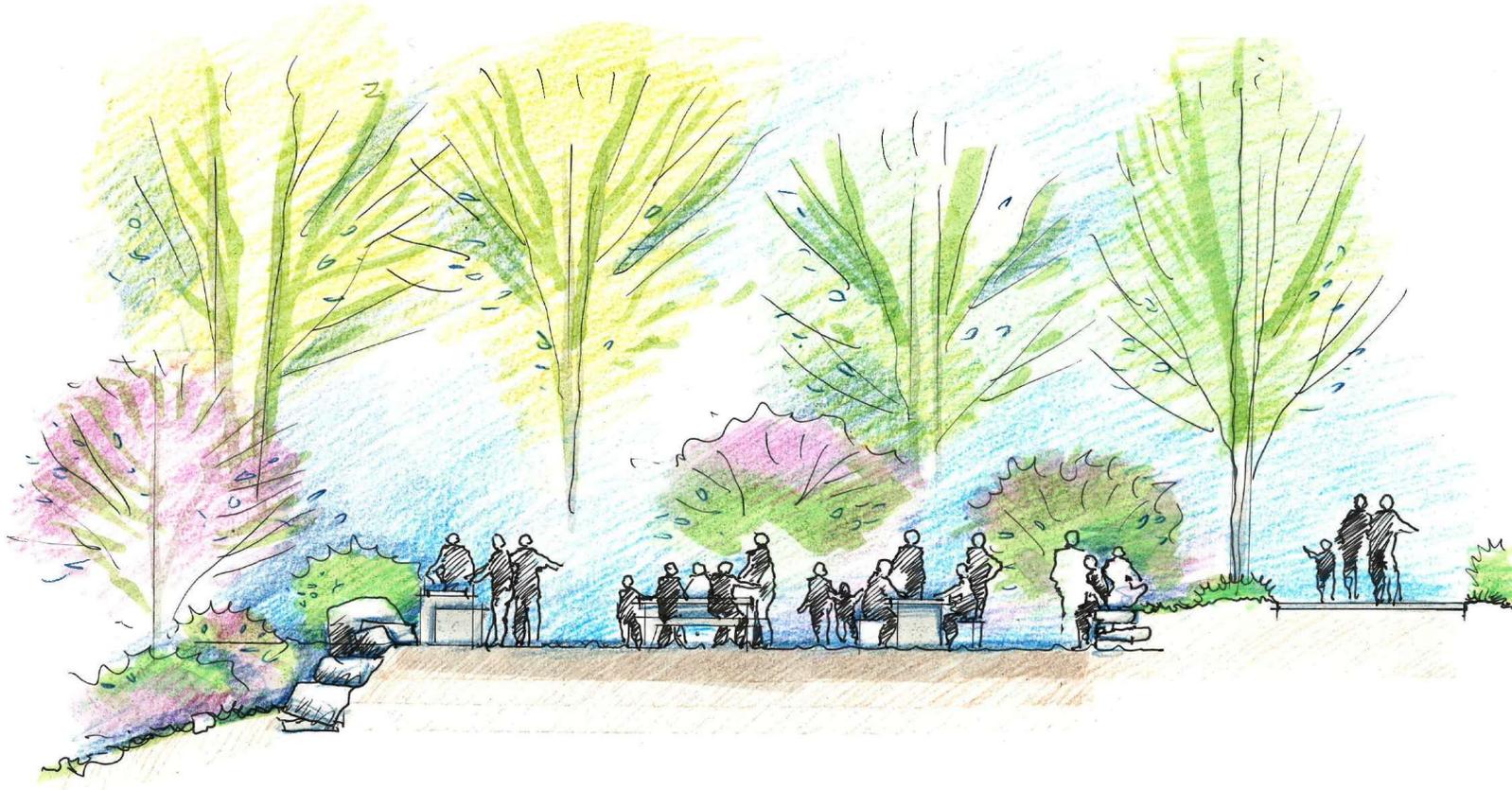


### KEY MAP

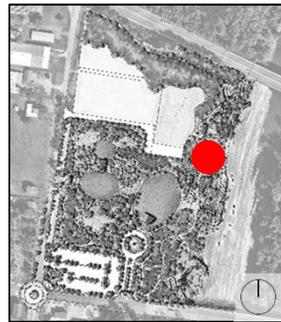


# FOCUS AREAS

## Open-Air Picnic Area (Section)

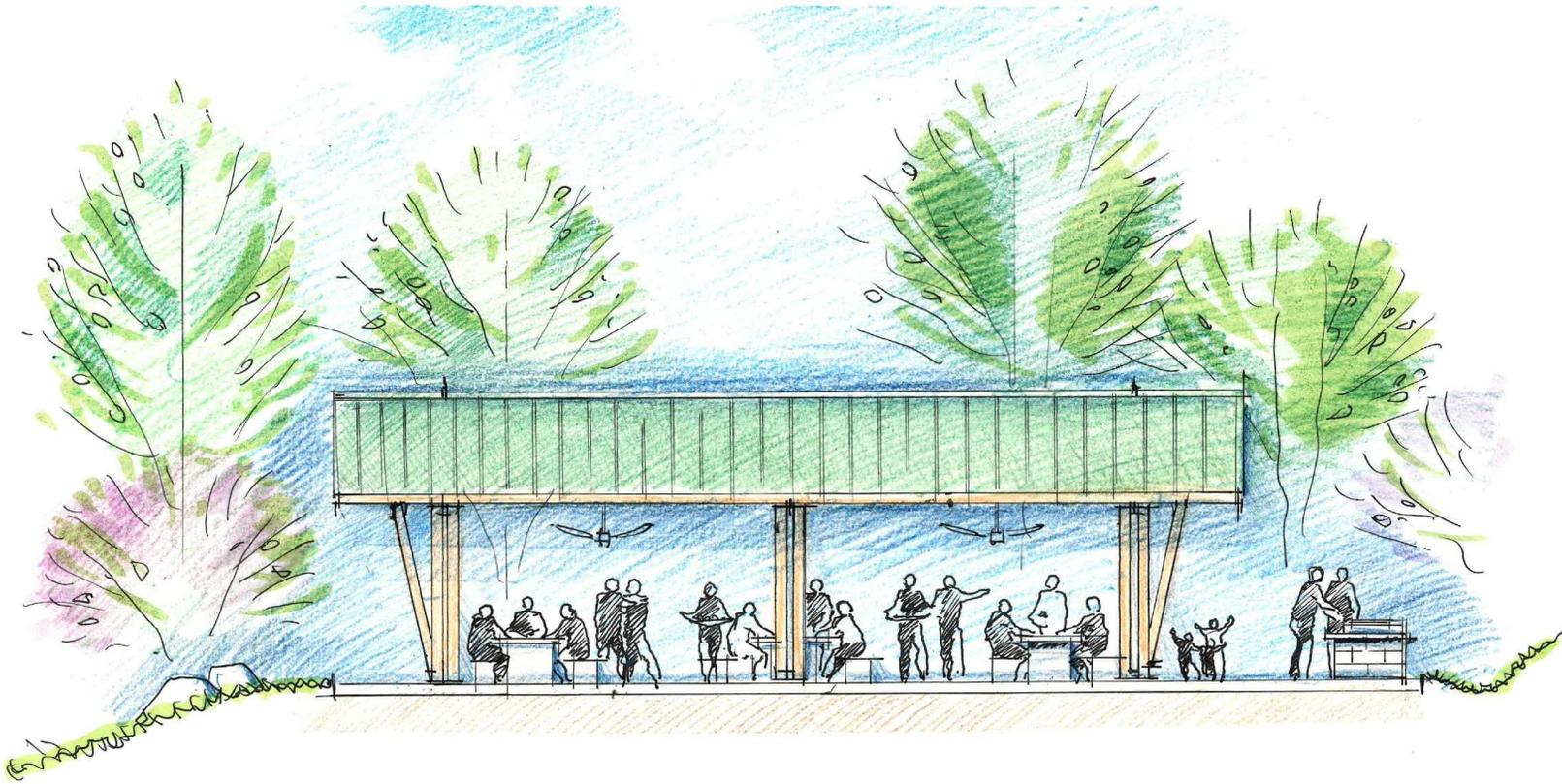


### KEY MAP

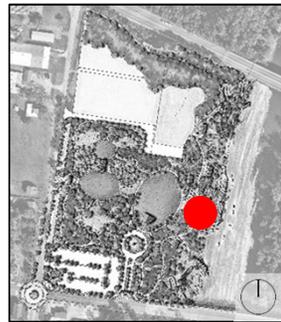


# FOCUS AREAS

## Covered Picnic Area (Section)



### KEY MAP

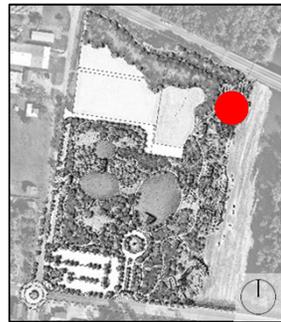


# FOCUS AREAS

## Cape Fear River Trail (Section)

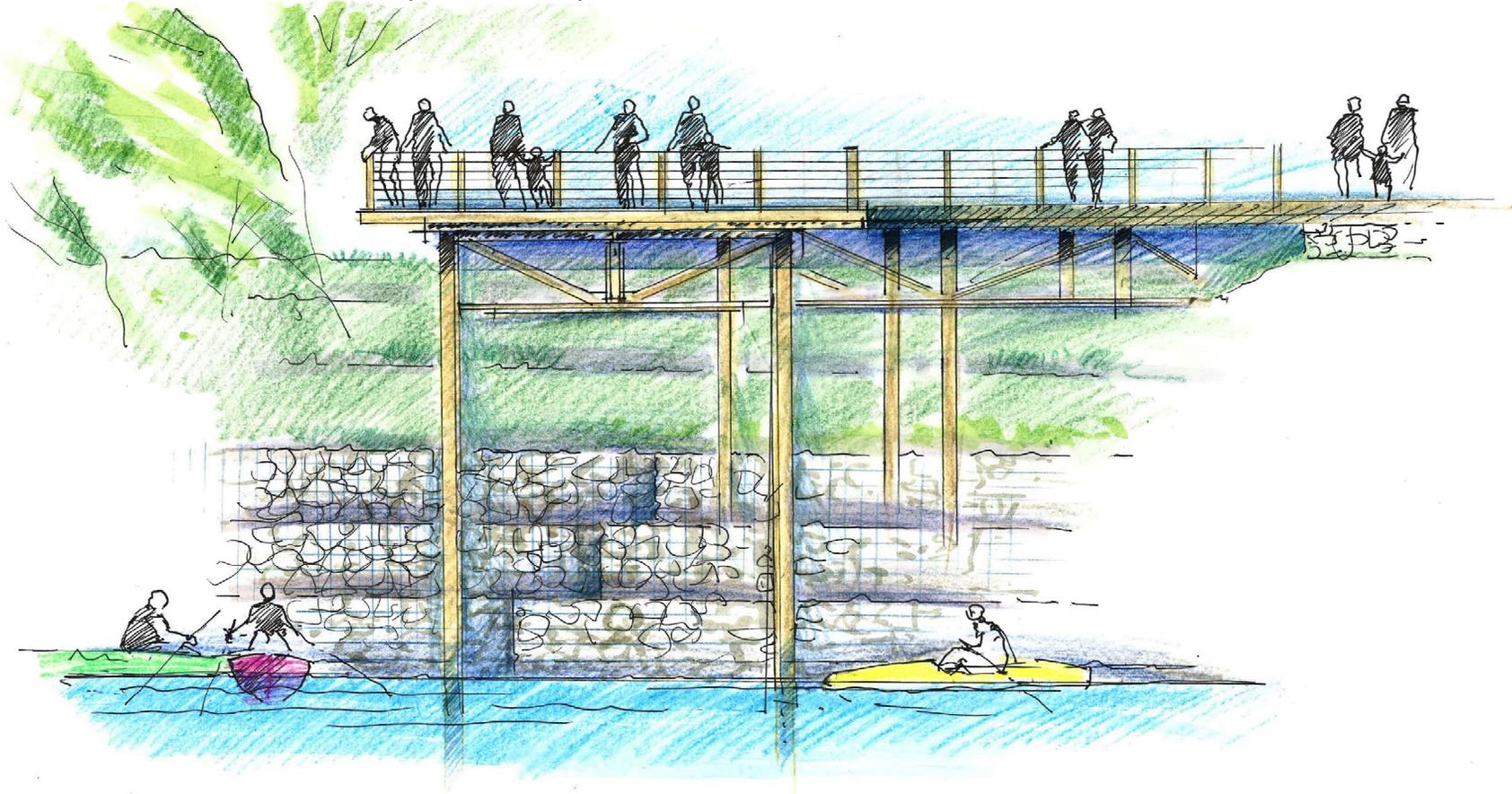


### KEY MAP

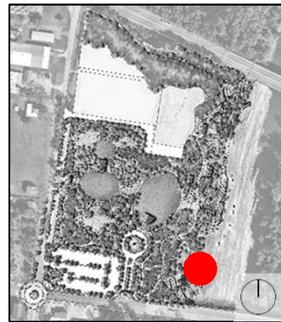


# FOCUS AREAS

Cape Fear River Overlook (Elevation)



## KEY MAP



# 5

# OPINION OF PROBABLE COST

No.	Description	QTY	UNIT	UNIT \$	TOTAL \$
<b>Site Preparation</b>					
1	Mobilization/Demobilization	1	LS	\$ 40,000.00	\$ 40,000
2	Site Clearing & Grubbing	13.1	AC	\$ 11,000.00	\$ 144,100
3	Site Grading	1	LS	\$ 250,000.00	\$ 250,000
4	Install, Maintain and Remove Temporary Chain-link Fence, (6' height, fence post in-ground mount)	4,278	LF	\$ 6.50	\$ 27,807
5	Select Granular Material (Screenings, Class II, Type 2 for Select Borrow Fill Material). Estimated 1' increase in fill.	8,700	CY	\$ 40.00	\$ 348,000
6	Temporary Silt and Tree Protection Combo Fence	10,000	LF	\$ 3.50	\$ 35,000
7	Other Demo and Traffic Control (Allowance)	1	LS	\$ 40,000.00	\$ 40,000
8	Construction Surveying	1	LS	\$ 25,000.00	\$ 25,000
	<b>Subtotal</b>				<b>\$ 909,907</b>
<b>Access Drive and Parking</b>					
9	Roadway and Church Parking Lot Resurfacing	6,696	SQYD	\$ 100.00	\$ 669,600
10	Roadway and Parking Asphalt Surface Course (2.5")	1,563	TN	\$ 162.00	\$ 253,206
11	Roadway and Parking ABC (6")	3,753	TN	\$ 158.40	\$ 594,475
12	Demo Road with C&G both sides (24' wide by 750' long by 10.5" deep)	1,181	TN	\$ 75.00	\$ 88,575
13	Construct new C&G	1,650	LF	\$ 29.00	\$ 47,850
14	Striping, Marking, and Pavement Patching (Allowance)	1	LS	\$ 20,000.00	\$ 20,000
	<b>Subtotal</b>				<b>\$ 1,673,706</b>
<b>Greenway and Walkways</b>					
15	Greenway Asphalt Surface Course (2")	645	TN	\$ 162.00	\$ 104,490
16	Greenway ABC (6")	2,322	TN	\$ 158.40	\$ 367,805
17	Gravel Walk ABC (4")	293	TN	\$ 158.40	\$ 46,411
18	Steel Pedestrian Bridge 45' x 10'	1	LS	\$ 250,000.00	\$ 250,000
	<b>Subtotal</b>				<b>\$ 768,706</b>
<b>Riverfront Dock and Overlook</b>					
19	Floating Dock (12' wide by 60' long)	1	LS	\$ 85,000.00	\$ 85,000
20	Steek Pipes	6	EA	\$ 3,000.00	\$ 18,000
21	Access Gangway (65' long)	1	LS	\$ 55,000.00	\$ 55,000
22	River Rock Edge and Shoreline Stabilization	660	LF	\$ 600.00	\$ 396,000
23	Timber Overlook (20' wide by 60' long)	1,200	SQFT	\$ 85.00	\$ 102,000
24	Debris Deflector for Patrol Boat (wreck)	1	LS	\$ 250,000.00	\$ 250,000
	<b>Subtotal</b>				<b>\$ 906,000</b>

No.	Description	QTY	UNIT	UNIT \$	TOTAL \$
<b>Buildings and Structures</b>					
25	Welcome Pavilion and Restrooms	1	LS	\$ 450,000.00	\$ 450,000
26	Water Valve Adjustment, New Meters	1	LS	\$ 2,500.00	\$ 2,500
27	New Water Tap and Extension to Bathrooms	1	EA	\$ 1,000.00	\$ 1,000
28	Lift Station	1	EA	\$ 30,000.00	\$ 30,000
29	Force Main	580	LF	\$ 15.00	\$ 8,700
30	Open Air Pavilions	4	EA	\$ 75,000.00	\$ 300,000
31	Picnic Areas	6	EA	\$ 15,000.00	\$ 90,000
	<b>Subtotal</b>				<b>\$ 882,200</b>
<b>Landscape Areas</b>					
32	Great Lawns / Sod	6,844	SQFT	\$ 4.00	\$ 27,376
33	Planting	1	LS	\$ 500,000.00	\$ 500,000
33	Misc. Seed and Straw	3	AC	\$ 6,500.00	\$ 19,500
34	Watering	1	LS	\$ 5,000.00	\$ 5,000
35	Erosion Control Blanket	1,000	SY	\$ 4.50	\$ 4,500
36	Signage, Wayfinding, Lighting (Allowance)	1	LS	\$ 125,000.00	\$ 125,000
	<b>Subtotal</b>				<b>\$ 681,376</b>
<b>Other Areas and Allowances</b>					
37	4" Concrete Sidewalk	5,840	CF	\$ 150.00	\$ 876,000
38	Staging Area Setup and Repair	1	LS	\$ 10,000.00	\$ 10,000
39	15" Class 3 RCP	500	LF	\$ 250.00	\$ 125,000
40	Stormwater Structures	5	EA	\$ 4,000.00	\$ 20,000
41	Gateway Monument at Person and N. Broad Streets	1	LS	\$ 25,000.00	\$ 25,000
42	Site Security / Decorative Fencing	2,440	LF	\$ 75.00	\$ 183,000
	<b>Subtotal</b>				<b>\$ 1,239,000</b>
	<b>Total Opinion of Probable Cost</b>				<b>\$ 7,060,895</b>
	Contingency (30% / Planning Level)				\$ 2,118,269
	<b>Total Opinion of Probable Cost with Contingency</b>				<b>\$ 9,179,164</b>

The cost estimate is an 'Opinion of Probable Cost' (OPC) made by a consultant. In providing opinions of construction cost, it is recognized that the consultant has no control over the cost of labor, equipment, and materials or over the contractor's means and methods of determining constructability, pricing, or schedule. The opinion of construction cost is based on the consultant's reasonable professional judgement and experience and does not constitute a warranty, expressed or implied, that the contractor's bids, negotiated prices, or actual execution of the work will not vary from the OPC.



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3061

**Agenda Date:** 11/14/2022

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Other Items of  
Business

**Agenda Number:** 10.02

**TO:** Mayor and Members of City Council

**THRU:** Douglas J. Hewett, ICMA-CM, City Manager

**FROM:** Gina V. Hawkins, Chief of Police

**DATE:** November 14, 2022

**RE:**

**Reconsideration of the Execution of a Contract for Gunshot Detection  
Technology Services**

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

Goal I: Safe and Secure Community

**Executive Summary:**

At the beginning of the September 12, 2022, regular City Council meeting, Council Member Hondros motioned to reconsider Item 7.07 - Execution of Shot Spotter Contract from the August 22, 2022, regular City Council meeting agenda. The motion was seconded by Council Member Benavente, and the motion passed by a vote of 6 in favor to 3 in opposition (Council Members Dawkins, Jensen, and Haire)

As a result, this matter is back before Council for reconsideration of Council's authorization to execute a contract with ShotSpotter, Inc., Fremont, CA..

**Background:**

Gunshot detection technology services were proposed as a part of the Police Department's violent crime reduction multi-strategy plan and the anti-gun violence program.

The initial request for bids was advertised on January 6, 2022 and closed January 31,

2022. No bids were received, and the request was advertised again on February 4, 2022. The bids received during the second solicitation were opened on February 15, 2022.

**BIDDERS TOTAL COST**

Acoem *	\$ 48,995.00
ShotSpotter Respond	\$197,500.00
The Digital Decision	\$315,650.00

ShotSpotter Respond was deemed the lowest responsible responsive bidder and staff recommended execution of a one-year contract. On August 22, 2022 a majority of Council authorized the execution of the contract. On September 12, 2022 a majority of Council voted to reconsider Council's previous action. As a result, this matter is back before Council.

**Issues/Analysis:**

Council's motion for reconsideration resulted in suspension of Council's original action. As a result, direction is needed from Council regarding execution of the contract.

**Budget Impact:**

A one year subscription for these services will be funded by ARPA funds. The amount requested (\$217,250) includes the bid of \$197,500 and a 10% contingency. Per the attached quote, the annual cost of the subscription is \$210,000. The bid of \$197,500 for the first year of service includes a one-time initiation fee of \$30,000 and a one-time onboarding fee of \$10,000, as well as a discount for the first 90 days of service of \$52,500.

**Options:**

- 1) Authorize staff to continue with execution of a one-year contract for services as recommended by staff.
- 2) Do not authorize staff to continue with the execution of a one-year contract and provide further direction to staff.

**Recommended Action:**

Staff recommends that Council reconsider the execution of the contract and provide direction to staff.

**Attachments:**

Bid submissions for Acoem, The Digital Decision and ShotSpotter

**Number** VARQ11130-03

**Date** 5/24/2022

**Exp. Date** 7/25/2022

**Terms** Net 30

**Delivery** 2-4 Weeks

**Quoted To**
**FAYETTEVILLE PD**

 Roberto Bryan  
 467 Hay Street  
 Fayetteville, North Carolina 28301  
 United States

**Phone** +19104331821  
**Email:** rbryan@ci.fay.nc.us

**Your Sales Rep**

**Mike Arnold**

225-304-3664

mike.arnold@acoem.com

Qty	Part #	Description	Unit Price	Ext. Price
5	100-ATD1001-B	Accoustical Threat Detection System - Black Sensor with windcap and bracket Single Sensor Threat Localisation and triangulation Azimuth and Elevation of the threat computed with one sensor 4 imbedded electret microphones Real time Alarm and Notifications providing instantaneous situational awareness No Outsourced or offsite control center to verify and filter data Free ATD sensor software and AI updates for life of the sensor No annual maintenance fees or contracts Teaming agreement which allows seamless integration between AXIS and ACOEM products  Alarm Notifications Http message send by pod to the VMS to provide notifications via text/email Specific API could be developed on the production server PTZ camera movement Direct control of the camera by the pod with ONVIF protocol Specific API to move camera through the VMS for cameras without ONVIF Real time Leq measurement (logging period 1s) Acoustic Threat Capabilities Gunshot ~500 foot direct line radius from sensor Firecracker ~150 foot direct line radius from sensor Identification of threat Embedded data Acoustic method based on Artificial Intelligence Dynamic range: 50-150 dB Real time Leq measurement (logging period 1s) Communication On Private CCTV IP network State of health message Communication status CPU temperature CPU usage Disk usage FW installed Ethernet connection Connector M12 coding-X Speed: 1 Gbits/s DHCP mode or fixed IP Time synchronisation NTP protocol Required Power Supply	\$8,500.00	\$42,500.00

Please Submit Orders to:

orders.us@acoem.com

**Acoem USA, Inc.**

530-G Southlake Blvd., Richmond, VA 23236-3067

 PRICING AND SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTIFICATION - \$100.00  
 MINIMUM ORDER - SHIPPING TERMS FOR ALL ITEMS OFFERED IS PRE PAY & ADD, FOB  
 RICHMOND, VA - ANY ONSITE TRAINING INCLUDED MUST BE SCHEDULED WITH 21 DAYS  
 ADVANCE NOTICE AND MUST BE SCHEDULED WITHIN 6 MONTHS OF PURCHASE DATE -  
 CANCELLATION OR RESCHEDULING OF ONSITE TRAINING IS SUBJECT TO \$1000  
 CANCELLATION/RESCHEDULING FEE - REQUEST FOR RETURNS ARE SUBJECT TO A 25%  
 RESTOCKING FEE - ALL TAX EXEMPTION FORMS MUST BE RECEIVED BEFORE ANY ITEMS

Qty	Part #	Description	Unit Price	Ext. Price
		PoE : 80.2.3af/802.3at Power consumption: 6W typical Operating temperature: -20°C to +45°C Environmental protection Design for outdoor use IP54 Aluminium Casing Microphone protected Foam windshield Dimension Diameter: 138mm/5.43 inches Height: 165mm/6.49 inches Weight: 1.2kg/2.6lb without bracket Mounting Bracket included Microphone oriented to the ground, minimum height of 2.5m/8ft Sensor Warranty 2 years		
1	387-91	ATD Sensor Startup and Integration (5 or less) -Onsite integration and calibration of ATD sensors to Camera/VMS system -Setup and Test ATD alert notifications -Training on ATD interface and alerts -Does not include physical installation of sensors -5 or less sensor/camera pairings -Includes T&E  <i>*(Item # 387-50 Does not include physical installation of sensors)</i>	\$2,995.00	\$2,995.00
1	387-40	One day on-site Sensors Installation	\$3,500.00	\$3,500.00
<b>Total</b>				<b>\$48,995.00</b>

**Please Submit Orders to:**  
**orders.us@acoem.com**  
**Acoem USA, Inc.**

530-G Southlake Blvd., Richmond, VA 23236-3067

PRICING AND SPECIFICATION SUBJECT TO CHANGE WITHOUT NOTIFICATION - \$100.00  
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 CANCELLATION/RESCHEDULING FEE - REQUEST FOR RETURNS ARE SUBJECT TO A 25%  
 RESTOCKING FEE - ALL TAX EXEMPTION FORMS MUST BE RECEIVED BEFORE ANY ITEMS



# TECHNICAL PROPOSAL

## City of Fayetteville, NC Gun Shot Detection Implementation and Installation

Prepared for:

City of Fayetteville, NC  
433 Hay Street  
Fayetteville, NC 28301

**Due: Monday, Jan 31<sup>st</sup>, 2:00 pm EST**

Prepared by:

The Digital Decision  
7579 Venture Drive  
Alexandria, Virginia 22315

ORIGINAL

**CITY OF FAYETTEVILLE**  
**Gun Shot Detection**  
**Implementation &**  
**Installation**  
**BID PROPOSAL PACKAGE**

The undersigned hereby proposes to furnish materials and perform the work for this project per the items listed herein in strict accordance with the Standard Specifications, contained in the documents for the consideration of prices quoted for the enclosed contract items.

THE CITY RESERVES THE RIGHT TO ELIMINATE OR ADD TO THIS CONTRACT.

ALL PRICES ARE TO INCLUDE NC SALES AND USE TAXES

**This Bid Package is executed by:**

Name Robert LeGrande II Title Founder and CEO

Company Name LeGrande Technical and Social Services dba "The Digital Decision"

Address 7579 Venture Drive, Alexandria, Virginia 22315

Email rlegrande@thedigitaldecision.com

Signature  Phone No. 703-344-1819

NC Sec of State ID: 2279793

License # C2021 271 01495 Bid Total \$ \$315,650 (Year 1)

Base Bid Total (Written) Three Hundred Fifteen Thousand, Six Hundred and Fifty Dollars

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**ACKNOWLEDGEMENT OF ADDENDA**

The Vendor has received, acknowledged, and used the following addenda in completing the Proposal.  
(Initial and Date as appropriate)

Addendum No. 1	<u></u>	Dated: <u>1/27/2022</u>
Addendum No. 2	_____	Dated: _____
Addendum No. 3	_____	Dated: _____
Addendum No. 4	_____	Dated: _____



**PURCHASING**

**January 10, 2022**

**MEMO TO:** Prospective Bidders  
**FROM:** Kimberly Toon, Purchasing Manager  
**SUBJECT:** **Addendum #1:** RFP – Gun Shot Detection & Installation  
**DUE DATE AND TIME:** **January 31, 2022; 2:00 p.m.**

1. The Bid Documents are hereby modified per the attached Addendum #1 dated January 10, 2022. To include the following:
  - a. **Changing the questions due date from January 10, 2022; 2:00 p.m. to January 14, 2022; 2:00 p.m.**
2. The foregoing changes shall be incorporated in the Bid Documents, and a copy of the Addendum #1, signed by the Bidder, must accompany the Bid to indicate the Bidder's familiarity with the changes.

**Bidder Acknowledgement:**

Bidder Name (Print): Robert LeGrande II  
Bidder Signature:   
Date of Signature: January 27, 2022

January 31, 2022

Kimberly Toon  
Purchasing Manager, Finance Department  
City of Fayetteville  
Purchasing Office  
422 Hay Street  
Fayetteville, NC 28301

Dear Ms. Toon,

On behalf of LeGrande Technical and Social Services, LLC, dba “The Digital Decision” (TDD), please accept our response to the City of Fayetteville, North Carolina (City) Request for Proposals (RFP) for Gun Shot Detection Implementation and Installation issued January 5, 2022.

**TDD** - registered MBE and SBA 8(a) firm founded in 2007 - is a premier public safety and public sector consultancy and solution integrator. TDD works with public agencies and private enterprises to deliver operational solutions from digital evidence management solutions to edge-based autonomous shot detection, to signals intelligence and sensor aggregation for advanced situational awareness. In all that we do, we strive to enhance public safety while improving public trust.

For this important project, TDD has teamed with EAGL Technology to provide City of Fayetteville with a solution that meets – and exceeds – the needs outlined in the RFP.

With our proposed solution, the City will have:

- ✓ Reliable and accurate state-of-the-art shot detection based on energy and waveform analysis,
- ✓ A cost-effective solution that is superior to competitors and easy to relocate as needed,
- ✓ Integration to existing systems & future solution capabilities, and
- ✓ A solid foundation of technology that is scalable and adaptable.

TDD appreciates your review of this proposal and would be honored to work on this critical public safety project. **Please note:** Dominic DeMark, TDD Sr. VP of Sales and Marketing, will serve as the point of contact for this project ([ddemark@thedigitaldecision.com](mailto:ddemark@thedigitaldecision.com), (248) 914-3360).

Respectfully,



Robert LeGrande, II  
CEO & Founder  
LeGrande Technical and Social Services, LLC “dba” The Digital Decision  
7579 Venture Drive, Alexandria, VA 22315  
[rlegrande@thedigitaldecision.com](mailto:rlegrande@thedigitaldecision.com) | (703) 344-1819

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Appendix A – EAGL Education Worksheet K-12

## 1 Executive Summary

The Digital Decision (TDD) is pleased to provide this response to City of Fayetteville, North Carolina (City), Request for Proposal (RFP) for Gun Shot Detection Implementation & Installation issued January 5, 2022.

TDD, headquartered in Alexandria and registered MBE and SBS 8(a) firm, is a premier public safety consultancy and solution integration firm bringing together experts in their respective fields to provide a technologically advanced solution in support of the mission of the City and the Fayetteville Police Department. The solution TDD proposes is a technologically sound and advanced offering from our partner, EAGL Technology Inc. (EAGL). We are very proud and honored to present our solution to you.

For this important public safety project, TDD will serve as the main point of contact for the City. With a deep law enforcement background, our team understand the needs and challenges of law enforcement agencies and cities, big and small.

The solution provided in this proposal by TDD includes EAGL's patented DragonFly® Outdoor Sensor, which is fully wireless and designed to work in outdoor environments. The core of EAGL's sensor technology (developed by the Department of Energy) uses advanced algorithms to analyze firearm discharge event energy. The patented algorithmic analysis provides EAGL Technology with the best accuracy in the industry and filters out unwanted and costly false alarms. There is no human interface required with EAGL technology (i.e., all autonomous alerting).

**The coverage area for this project was not provided in the RFP. After reviewing Fayetteville's Crime Mapping system, we determined the best way to ensure success is to identify the exact locations of the sensors after the contract is awarded and we meet with the police department for their input. This is possible based on the fact of EAGL sensors do not need to be hard wired in. Our pricing includes 150 sensors which typically covers an area of approximately one square mile. These sensors can be placed in multiple locations as determined with input from the City and the police department. They do not need to be placed all together covering a single area.**

### SHOT DETECTION AND PANIC BUTTONS FOR SCHOOLS:

As a part of this bid, TDD is including at no additional up-front cost, two (2) of the EAGL K-12 Packages, consisting of; four indoor shot detection sensors, one outdoor, and four panic buttons for each school (See Appendix A for details). The City of Fayetteville, in its discretion, can select any two schools in the city for the EAGL K-12 package to be installed. The annual subscription fees are included in the reoccurring costs provided in the Fee Proposal.

## 2 Profile

The Digital Decision (TDD) is pleased to provide this response to City of Fayetteville, North Carolina (City), Request for Proposal (RFP) for Gun Shot Detection Implementation & Installation issued January 5, 2022. Per the RFP, this proposal is organized into the following sections:

- Section 1: Cover Letter and Executive Summary (see previous)
- Section 2: Profile (this section)
- Section 3: Qualifications
- Section 4: List of Representative Projects
- Section 5: Project Management Approach / Project Methodologies
- Section 6: Financial Statements

Our understanding of the project is based on the RFP. We understand the City desires to acquire shot detection that augments the video surveillance solutions currently being implemented as part of the Violent Crime Initiative and to elevate situational awareness.

TDD is a premier public safety consultancy and solution integration firm bringing together experts in their respective fields to provide a technologically advanced solution in support of the mission of the City and the Fayetteville Police Department. The solution TDD proposes is a technologically sound and advanced offering combining the expertise of our partner, EAGL Technology Inc. (EAGL). We are very proud and honored to present our solution to you.

### 2.1 Company Backgrounds

Our team brings significant experience and expertise in security, public safety, consulting, and solution integration. It is always our goal to work *with* our clients and to put forth a solution that best addresses their needs.

For this important public safety project, TDD will serve as the main point of contact for the City. With a deep law enforcement background, our team understand the needs and challenges of law enforcement agencies and cities, big and small. TDD has relationships in place with our technology solution partner presented in this proposal. Collectively, we believe our combined solution not only meets the needs outlined in the RFP - but exceeds the expectations and provides a foundation that is scalable now, and in the future.

### 2.2 Company Profiles

The following sections provide a brief history of TDD and EAGL, our integrated solutions partner. We see ourselves as an extension of the City by working together to maximize the shot detection technology solution and foresee open lines of communication and transparency throughout this important project. It is our goal to work with you in support of your mission now, and in the future.

## The Digital Decision

The Digital Decision (TDD) is a registered MBE and certified SBA 8(a) firm and a premier public safety and public sector consultancy and solution integrator. Founded in 2007 and headquartered in Alexandria, Virginia, TDD has a proven track record of working with states/counties/municipalities, public agencies, and private enterprises to enhance safety, security, and operations by leveraging Smart, Safe, Connected solutions and IoT capabilities.



TDD's exceptional capabilities and expertise for supporting mission success are unique and unparalleled in today's market. From advanced situational awareness to gunshot intelligence and edge-based alerting capabilities, to COVID-19 solutions geared toward safe entry into buildings, TDD's solution portfolio includes options that work with - and enhance - your existing infrastructure.

At our core, TDD's passion is to support and safeguard communities, drive Comprehensive Cross-Carrier Interoperability (C3i), and integrate technological solutions that enhance public safety while improving public trust. Relevant to this proposal, the TDD team of 20+ employees include public safety subject matter experts whose expertise is unmatched in the market and creates significant 'hands-on' benefit that will be leveraged for this project. These experts include:

- Former State Highway Patrol Colonels and Lt. Colonels (Arizona, Michigan, Nevada, Ohio)
- Former Chief of Police (Winter Park, Florida)
- Former Deputy Fire Chief (Columbus, Ohio)
- Former Chief Technology Officers (Washington DC and Illinois State Police)

TDD has a long-standing history of serving in the public safety and public sector markets and we currently serve as a Verizon's chief public safety consultant, a role we are proud to have held for the past 11 years.

Please note, TDD is currently registered to do business in the State of North Carolina and has submitted the Vendor Registration Form to the City. As previously noted, TDD holds MBE and SBA 8(a) certifications.

## EAGL Technology

EAGL Technology was established in 2015 after acquiring gunshot ballistic science developed by the Department of Energy (DOE) Pacific Northwest National Laboratory (PNNL). EAGL has advanced this technology by creating a state-of-the-art gunshot detection and emergency notification system.



EAGL product lines use patented FireFly®, DragonFly® and BlueFly® ballistic sensor technology which can be integrated with existing CAD, dispatch, access control, video surveillance, intercom, notification, and public-address systems. With this technology development comes the expertise of over 100 years combined security experience.

EAGL Technology, Inc, now having 20+ employees, was originally founded with the express purpose of developing and bringing to market an accurate, affordable, and easily deployed technology that would save lives during random shooting incidents. The EAGL’s open API technology makes integration with other platforms seamless and can be placed on a network or stand alone. The wireless IoT capabilities provide ease of use and programming, flexibility, and scalability in fixed or mobile commands, in vehicles or body worn applications. This technology can autonomously execute a series of preprogrammed responses including sending unlimited texts, emails alerting of an event as well as unlimited autonomous telephone calls and conferencing.

EAGL Technology is a Smart City Technology (SMT) and the only solution that can be used in numerous configurations such as for indoor, outdoor, and body worn gunshot detection, panic and pull stations, vehicular accident detection, flood detection, and so on, all on one platform.

EAGL is **DHS Safety Act Certified**. The figure below provides additional information related to EAGL.



Figure 1 – EAGL Technology

### 3 Qualifications

Our team’s solution meets the items set forth in RFP, Section II, Scope of Services, and the following sections provide details.

The TDD proposal is no ordinary shot detection solution. It is a combination of best-in-class capabilities that will transcend Fayetteville’s positive policing capabilities and not only provide significantly enhanced situational awareness, but also a solid technological foundation to build upon.

With our solution, the City gains superior gunshot detection technology with centralized management for all gunshot detection devices and simple and open data Application Programming Interface (API) with video management systems and computer aided dispatch systems. Our solution also includes the ability to add indoor and body-worn shot detection if requested in the future.

There is no human interface required with EAGL technology (i.e., all autonomous alerting) and the City owns the data. EAGL gunshot detection technology is not an antiquated, wired, acoustic-based technology. EAGL uses new patented technology, developed by the DOE PNNL, and passive sensors. There are no audio recordings or use of “hot” mics making it superior to all competitors in the industry. Since there are no open microphones, citizen concerns about civil liberty violations are eliminated.

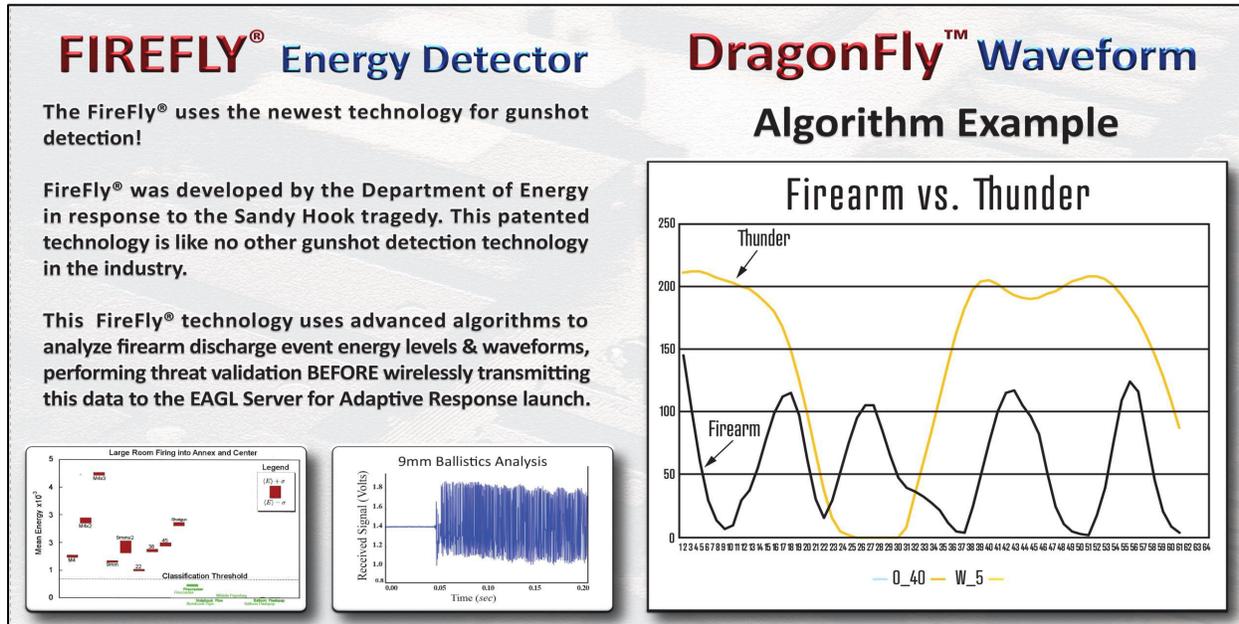
#### 3.1 Details of the EAGL Gun Shot Detection Solution

The proposed solution includes EAGL’s patented DragonFly® Outdoor Sensor, which is fully wireless and designed to work in outdoor environments. The core of EAGL’s sensor technology (developed by the Department of Energy) uses advanced algorithms to analyze firearm discharge event energy. The patented algorithmic analysis provides EAGL Technology with the best accuracy in the industry and filters out unwanted and costly false alarms. The sensors are small in size and are located close to street level, so shots are not missed including from 0.22 caliber.



Figure 2 – EAGL DragonFly Sensor

When the DragonFly is configured for gunshot detection it uses **ballistic energy to detect and verify a potential gunshot directly in the DragonFly sensor. No audio detection or audio-matching techniques are used.** Once the sensor determines the event to be a gunshot it passes a specific portion of the **digitized waveform data** to the EAGL System which then **re-verifies** and performs further analysis on the detection event using a multi-step process (see figure below).



**Figure 3 – EAGL Energy Detector and Waveform**

By using Six Sigma methodology, the EAGL System architecture is designed to prevent false positives from occurring. The EAGL System is the **ONLY** system offering wireless sensors including FireFly® (indoor), DragonFly® (outdoor), and BlueFly® (body worn) specifically designed to operate in **BOTH** indoor and outdoor environments.

***This unique approach for detecting gunshots gives the sensor the highest accuracy for every environment.***

**ADDITIONAL ITEMS TO CONSIDER**

- ✓ The project includes 150 sensors which will cover an area of approximately one square mile ubiquitously. These sensors can be placed in multiple locations as determined with input from the City and the police department. They do not need to be placed all together covering a single area. See Section 3.6 for additional shot detection and panic buttons for schools that are included in this proposal.
- ✓ Our solution is easily scalable to cover a larger or smaller geographic footprint as needed.
- ✓ Installation will be completed by a third party (TBD) with TDD oversight.
- ✓ Depending on the deployment area, we anticipate the need for at least three visits, including and initial site walk.
- ✓ With our solution, the City owns the data. This means Fayetteville Police Department can decide what to do with the data. There should not be a need for expert witness costs

- ✓ The gunshot detection technology is energy/waveform-based technology and not acoustic and does not rely on human interpretation or the use of “hot” mics. Eliminating all citizen civil liberty concerns.
- ✓ The recurring cost for gunshot detection compared to competitors is extremely low. In addition, since EAGL sensors are not hard wired in, moving them to address changes in crime patterns is easy and inexpensive.
- ✓ Solution has four levels of user levels: viewer, user, administrator, integrator. There is no limit to number of users.
- ✓ Available configuration options include on-premise server, a cloud based solution, or Software as a Service (SaaS) solutions. For this project we propose a cloud based SaaS configuration where the solution is deployed within an existing cloud platform. EAGL is cloud agnostic and can be run on any platform.
- ✓ Infrastructure needed depends on the solution. With IoT sensors and cloud, then no infrastructure is needed! The wireless sensors are self-contained.

#### EAGL GUNSHOT DETECTION – KEY FEATURES

1. System is completely wireless
2. Detection range of 150-foot radius from the sensor
3. System will report within seconds of an event
4. Daily self-test and heartbeat signals
5. Two level authentications to insure zero false alarms, Energy level and waveform analysis
6. Caliber type detection, i.e., shotgun, handgun, rifle
7. Battery/solar operated battery life of 9 years. Free batteries supplied from factory with up-to-date licensing
8. Very long RF range – 433 MHz
9. Easy to install and move to a new location
10. Full camera integration
11. The EAGL system includes at no extra charge:
  - a. Mass notification capability
  - b. Integration with any mass notification systems
  - c. Integrating with any VMS systems
  - d. Automatic 911 call within seconds of event
  - e. Autonomous Text, email, and phone notification
  - f. Live video streaming from the location to any mobile device
  - g. Very easy to expand
  - h. EAGL indoor sensors can be easily added and integrated with minimal cost
  - i. Five-year warranty on the server and three years warranty on all devices

#### **Nationally Recognized Detection!**

*EAGL Technology has been awarded **ASTORS Platinum Award** Four Years Running for Live Fire Demonstration, The Challenge of Protecting Schools, Live Fire EAGL Outdoor Demonstration, and Live Fire EAGL Indoor Demonstration.*

*American Security Today's comprehensive Annual Homeland Security Awards Program is organized to recognize the most distinguished vendors of physical, IT, port security, law enforcement, and first responders, in acknowledgment of their outstanding efforts to 'Keep our Nation Secure, One City at a Time.'*



Below is a table outlining EAGL components along with descriptions:

**Table 1.0 – EAGL Components and Descriptions**

EAGL COMPONENT	DESCRIPTION
<p><b>EAGL DragonFly IoT Non-Standard Battery Operated</b></p>	<p>Wireless, self-powered device with the choice of RF or LTE communication. The battery shall be rated for 7+-year operation life (with solar charging capability) for either communication path. The RF communication path is the 433MHz frequency band. The LTE communication option shall be low-power, low-data 4G LTE cell radio technology.</p> <p>The sensor shall determine the energy level of the acoustic event through algorithmic analysis of the waveform. If the resulting number representing energy level falls above the baseline threshold number, then the event is considered a threat (or gunshot). Any number below the baseline threshold shall be considered a non-threat. The degree of separation between threat and non-threat by this algorithm shall be classified Six Sigma. This means, statistically, there is a 99.99966% chance that the alarm is due to an actual gunshot</p> <p>The second step of validation shall be further analysis of the waveform. The result shall determine the weapon type – handgun, shotgun, or rifle. Once determination is made, the system enters the alarm state</p> <p>The sensor shall be mounted at, or close to, an elevation of 20 feet. Detection range shall be a 150 ft radius from the sensor, or approximately 70,685 ft<sup>2</sup> continuous spherical area.</p>
<p><b>SENSOR SUPERVISION</b></p>	<p>Any wireless sensor, duress button or panic (Pull) station shall have supervision capability. Per a determined schedule (e.g., once a day), the sensor shall conduct a self-test of its systems and report the results to the server. The server shall consider this communication a heartbeat signal affirming the presence and health of the device.</p>
<p><b>SENSOR TESTING</b></p>	<p>The sensor shall be capable of entering a test mode by command of the server in which the sensor can be tested by a hand-held testing device that produces non-audible noise. This feature allows full functional testing of the sensor and system without causing disturbance with loud gunshots or blanks.</p>
<p><b>MANUFACTURER</b></p>	<p>EAGL Technology, Inc. NO SUBSTITUTIONS.</p>

Source: EAGL Specification 2.0.2 July 2021

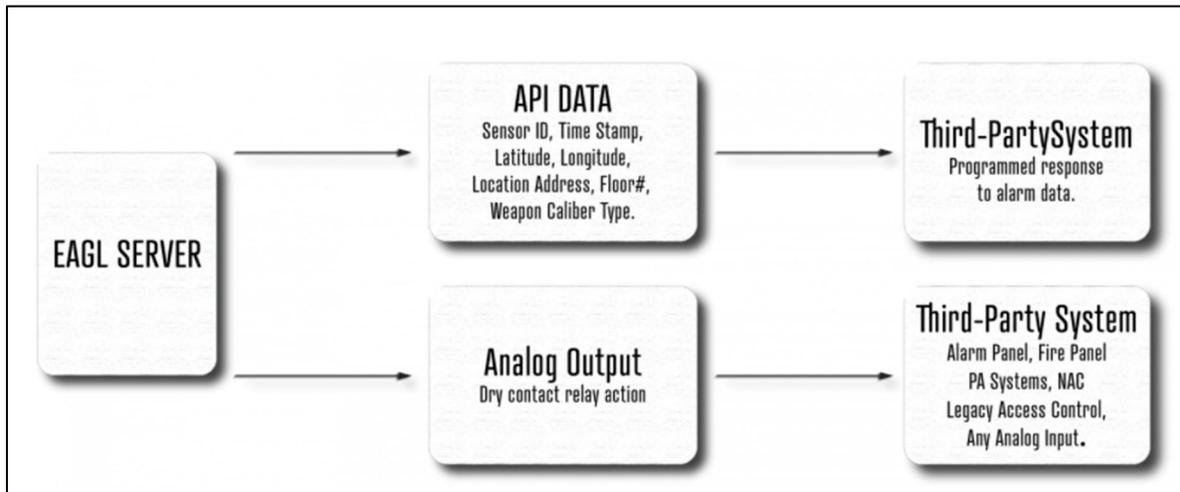
### 3.2 Measurement of Success

By using Six Sigma methodology, the EAGL System architecture is designed to achieve mission success and to prevent false positives from occurring. EAGL Technology uses energy levels and advanced wave form analytics to confirm shots fired that is 99.999999% accurate. All systems are programmed at the factory and bench tested before shipment.

In the event of a rare false-positive, EAGL Technology uses an advanced filter system that allows for updating the filters to include false-positive events that have identifiable characteristics to avoid future nuisance.

### 3.3 Integration with Fayetteville Police Department

Integration is in EAGL’s DNA and achieved through an open RESTful API and analog relate inputs/outputs. EAGL can integrate with any system that utilizes an open API.



**Figure 4 – EAGL Integrations**

If a 3<sup>rd</sup>-party system does not utilize an open API, EAGL can investigate developing against the product’s SDK if it is available. Once the 3<sup>rd</sup>-party system is identified, EAGL engineers will work with the 3<sup>rd</sup> party product and develop, test, and deploy API connectivity with the client’s local 3<sup>rd</sup>-party system. Integration may require assistance from the service custodian of the 3<sup>rd</sup>-party system at additional cost.

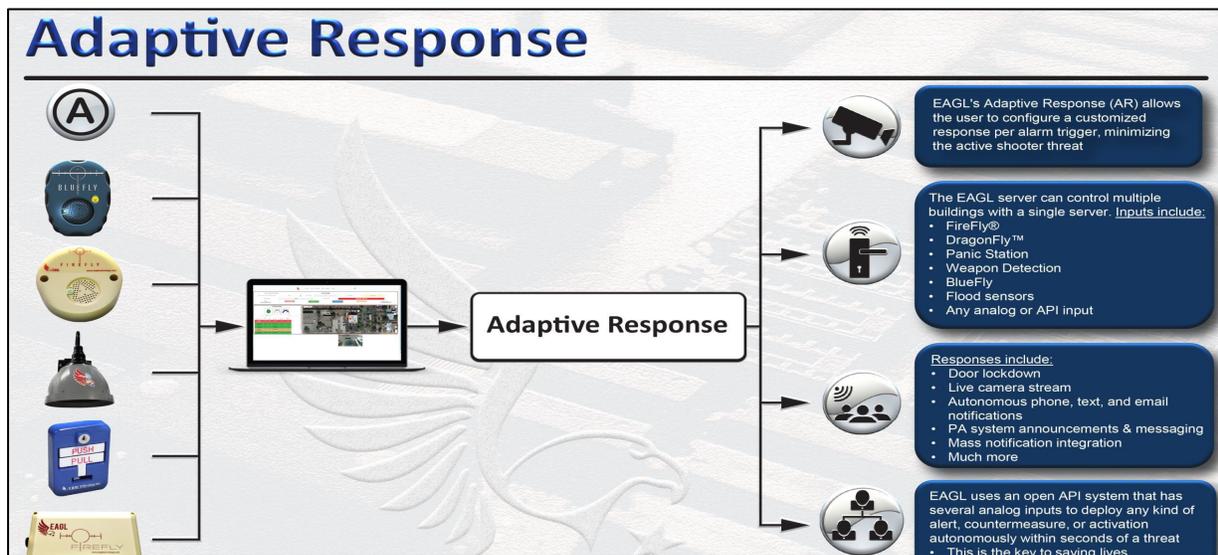
### 3.4 Notification Process

The notification process as a gunshot is detected depends on the communication path. If the notification is being sent software-to-software, then notification will occur within 4 seconds of the gunshot. Email notifications usually arrive within 5 seconds and texts arrive within 10 seconds, though this is carrier-dependent, and time (in seconds) can vary.



**Figure 5 – EAGL Options**

Just as response needs differ from site to site, so do the response needs within a site. Customize your response actions by groups of – or even individual – sensors with EAGL’s Adaptive Response architecture. Customized notifications, doors locked, relay actions, messaging, and more. The Adaptive Response architecture ensures that the maximum response benefits of an automated gunshot detection system are achieved. Configure groups of sensors, or even individual sensors, to respond specifically to your security plan requirements.



**Figure 6 – EAGL Adaptive Response**

### 3.5 System Upgrades and Unexpected Downtime

EAGL performs critical updates and patches in coordination with the integrator and the site. By setting up temporary remote access to the product, EAGL tech support can perform the update.

EAGL provides tech support for and at the integrator’s request (in this case, TDD). End-user will provide support requests to the integrator through integrator-provided channels and

agreements. The integrator will then request support from EAGL through phone or email request. EAGL technical support is available 8-5 MST, Monday – Friday.

### 3.6 Shot Detection and Panic Buttons for Schools

As a part of this bid, TDD is including at no additional up-front cost, two (2) of the EAGL K-12 Packages, consisting of; four indoor shot detection sensors, one outdoor, and four panic buttons for each school (See Appendix A for details). The City of Fayetteville, in its discretion, can select any two schools in the city for the EAGL K-12 package to be installed. The annual subscription fees are included in the reoccurring costs provided in the Fee Proposal.

### 3.7 Staffing and Organizational/Staff Experience

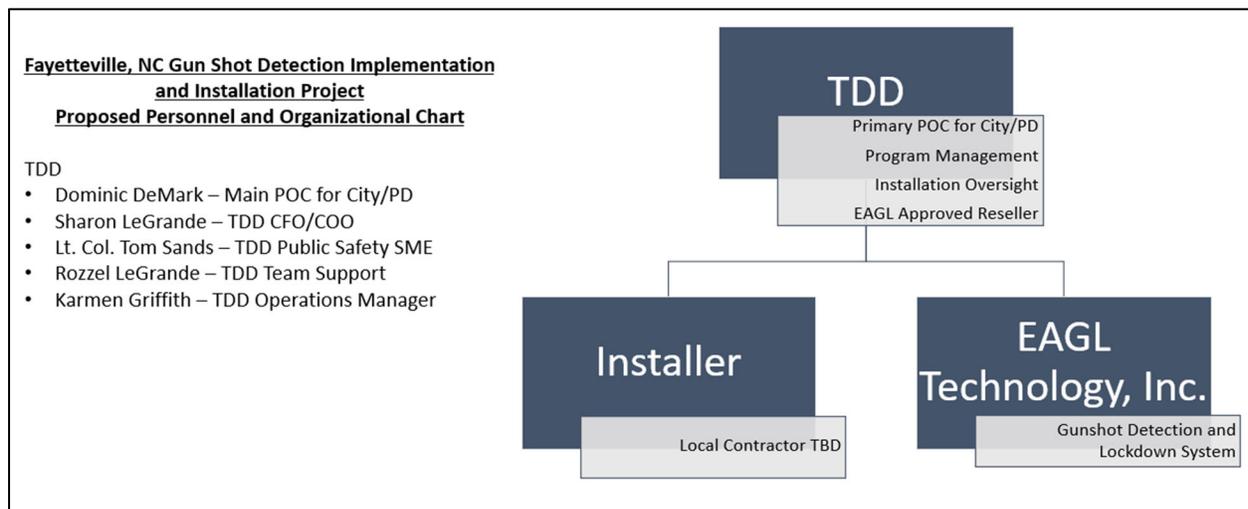
The following section provides a brief overview of the individuals assigned to manage projects and perform the work. Table 2.0 provides a list of personnel.

*Please note: TDD is an authorized reseller of EAGL Technology. EAGL personnel will play an integral part of this project; however, communication between the City and EAGL will filter through TDD as the technology integrator. As such, EAGL personnel are not listed in this section.*

**Table 2.0: Company, Role, and Personnel**

Company	Role in Project	Personnel	Title
TDD	Primary Contact for the City/Fayetteville PD Program Management EAGL Technology Authorized Reseller Installation (via third party)	Dominic DeMark	Sr. VP Sales and Marketing, Main POC
		Sharon LeGrande	CFO/COO
		Lt. Col. Thomas Sands (ret)	Public Safety SME
		Karmen Griffith	Operations Manager
		Rozzel LeGrande	Team Support

The following represents the proposal organizational chart for this project:



**Figure 7 – Proposed Personnel and Organizational Chart**

Brief biographies for proposed personnel are provided below:

**DOMINIC DeMARK**, TDD Sr. VP Of Sales and Marketing, will serve as the Primary Point of Contact (POC) for this project.

Dominic is a successful, results-driven business executive with over 25 years in sales leadership, business development and strategy and operations that drive incremental revenue and bottom-line growth. A technology veteran, Dominic has had a successful career with leading global organizations including Amphenol, Verizon, AirTouch, and Cellular One where he had positive impacts on sales strategies, execution, and revenue generation. Throughout his career, DeMark has held various positions of increasing responsibility across business sales, technology, operations and marketing functions. He has been a trusted advisor, mentor, facilitator, and team member and is credited with developing and running Verizon's Public Safety practice and their best-in-class Business Solution Alliance partner program.

Dominic earned a BS in Business, Marketing and Computer Science from Oakland University in Rochester, Michigan. Dominic is certified by EAGL.

**SHARON LEGRANDE**, TDD CFO/COO, will provide oversight and strategic financial/operational support.

Sharon is a versatile and resourceful management professional with over 20 years of experience in program administration. She has proven excellent abilities in financial management, operations, and project leadership. Sharon serves as the current CFO/COO for The Digital Decision where she continues to guide the company's financial and operation success and has successfully managed the business through four years of audits.

Throughout her career, Sharon has held various positions of increasing responsibility across the public service sector including non-profits and for-profit businesses; heading up departments that are vital to business operations of each. In each area, she has found success maintaining program funding year over year and managing projects with successful measurable outcomes.

Sharon holds an MSW with a concentration in Public Administration from Syracuse University in Syracuse, New York.

**LT. COL. THOMAS SANDS (RET)**, Public Safety Subject Matter Expert (SME), will provide strategic oversight.

Prior to entering the public sector, Lt. Col. Sands (Ret.) served as a Deputy Director of the Michigan State Police and commanded the Field Support Bureau. He was responsible for the effective management of major portions of the department and assisted the Director with policy formulation, strategic planning, and determining the course of direction for the agency. He provided executive direction and leadership in the areas of emergency management, homeland security, forensic science, traffic safety, and state 911 administration, regulation, and public safety communication interoperability. Prior to this position he commanded the Field Services Bureau providing executive direction and leadership to over 1,800 enlisted and civilian employees assigned to the department's seven districts, 30 posts, 22 multi-jurisdictional task forces and numerous special investigative teams.

Lt. Col. Sands (Ret.) is a graduate of the FBI National Academy and has a Bachelor of Science degree in Public Administration from Central Michigan University.

**KARMEN GRIFFITH**, TDD Operations Manager, will provide strategic operational project support.

Karmen has 20 years of consulting experience, primarily in the environmental and sustainability fields. She has a successful history supporting government and private sector clients. She has proven excellent abilities in leadership, program and project management, technical writing, compliance, and operations. She has considerable experience with multi-disciplinary teams involving projects in a broad array of fields. Her experience includes working with small and large private/public sector clients and federal/state government entities including the US Environmental Protection Agency, US Army Pueblo Chemical Depot, and the Colorado Department of Public Health and Environment.

Karmen holds a Master of Science degree in Environmental Policy and Management (Energy/Sustainability focus) from the University of Denver and a Bachelor of Science degree in Environmental Health from Ohio University.

**ROZZEL LEGRANDE**, TDD Installation Manager, will provide overall project support.

Rozzel has eight years of experience and is trained in installation and portal management on the Intelligent Platform system. He currently serves as Project Lead for TDD's Clark Atlanta University project, where all the solutions presented in this proposal are currently in place. In past years, Rozzel supported TDD on several projects as an intern, research assistant, project liaison, business analyst and is an essential part of the company's activities. He participated in the architectural design and creation of TDD's first website, conducted education and outreach calls to stakeholders on various projects, completed software and application testing of TDD's Requirements Checklist Portal for state review and adoption, and researched SMART Fairfax County Initiative and creation of The SMART Fairfax County Presentation material.

Rozzel holds a bachelor's degree from Virginia Commonwealth University in Richmond, Virginia in Business Information Technology. Rozzel is a certified EAGL installer.

## 4 List of Representative Projects

Collectively, our team has worked on – and/or is currently working on – several projects. TDD, as a public safety consultancy and solution integrator that has been in business since 2007, has long-standing relationships with clients including Verizon, Pennsylvania State Police, Fairfax County (VA), and the Michigan Public Safety Broadband Program. TDD has deep expertise in law enforcement and program management that we will leverage to ensure successful execution of this important project.

EAGL has been an industry leader in gunshot detection technology since 2015 and has performed similar projects over the years. List of clients include school districts in Massachusetts, Rhode Island, Virginia, and New Mexico. EAGL has also worked with municipalities and federal entities.

Most recently, TDD and EAGL, along with two additional solution partners (Blueforce Development and Wireless Guardian), completed installation including the EAGL gunshot detection technology on the campus of Clark Atlanta University in Atlanta, Georgia. The final phase of installation was complete in the Fall 2021 and the system is operational today.

Below are the two requested references, plus an additional reference for Clark Atlanta University:

### Reference #1:

Project: Clark Atlanta University	Project Description: Shot Detection, Signals Intelligence, Centralized Command, COVID-19 solutions
Customer: Clark Atlanta University	Address: 223 James P. Brawley Dr. SW Atlanta, Georgia 30314
Customer Contact: Chief Debra Williams Associate VP and Chief of Police	Telephone and Email: 404-880-6412 dwilliams@cau.edu
<i>Original Contract Value: \$264,000</i>	<i>Donation to University</i>
<i>Final Contract Value: \$264,000</i>	<i>Donation to University</i>
Explanation of Variance: NA	
Start Date: January 2021	Completion Date: October 2021
Key Personnel: TDD	

**Reference #2:**

Project: City of Houston	Project Description: Gunshot Detection
Customer: City of Houston PD	Address: 1200 Travis Street, Houston TX
Customer Contact: Jack Hanagriff	Telephone and Email: 713-410-6906 Jack.Hanagriff@houstontx.gov
Original Contract Value: Ongoing	
Final Contract Value: Ongoing	
Explanation of Variance: Ongoing	
Start Date: Ongoing	Completion Date: Ongoing
Key Personnel: EAGL	

**Reference #3:**

Project: Cicero Police Department	Project Description: Gunshot Detection
Customer: Cicero Police Department	Address: 4901 W Cermak Road, Cicero IL
Customer Contact: Dominic Schullo	Telephone: 708-652-2130
Original Contract Value: NA	
Final Contract Value: NA	
Explanation of Variance: Completed pilot (9 sensors, performed well and detected 3 verified gunshots). Requested quote for larger area and funding pathway fell through.	
Start Date: NA	Completion Date: NA
Key Personnel: EAGL	

## 5 Project Management Approach / Project Methodologies

The sections below provide information related to project methodologies, approach, and timeline.

### 5.1 Project Methodologies

The standard approach and methodology employed for projects includes initiating, planning, executing, monitoring/controlling, and closing. The same approach will be utilized for this important project.

### 5.2 Project Approach

Our approach to this project depends highly upon collaboration with the City and the police department. The area of deployment, which was not provided in the RFP, is best determined with input from the City and police department. As such, the team is providing pricing for 150 sensors which typically covers an area equivalent to one square mile. As previously mentioned, they can be placed in multiple areas. In addition, see Section 3.6 for the Education Package for two schools.

The team will perform a review and assessment, including a strategic and performance analysis of current systems (e.g., video, etc.), to identify capability and potential gaps. This process allows our team to assess the existing system and structures/utility poles and build upon best practices to identify and fill gaps related to efficient deployment. It may be best, depending on the size of the deployment area, to complete the project in phases, depending on the needs of the City and the police department. As such, a phased strategy can be adjusted (as needed) to ensure the systems are operating in alignment within mission and goals set forth.

Specifically, our team will:

1. Examine the day-to-day activities of the systems related to both the operational use and technological support. This includes the existing camera system, existing shot detection systems, current IT support/helpdesk, etc.
2. Consider the ideal future state including upcoming projects, expected population increase, etc. and define goals and outcomes for this project to set the stage for that future state.
3. After consultation and a site walk with the City and the police department on the best locations for the system, a Network Architecture Plan will be completed to show the architectural design as it relates to the data network infrastructure, storage and communication methods.

Our approach for implementing a robust Gun Shot Detection Solution is to use the best-in-class technology (energy based) with ease of installation, API integration, and the best quality assurance in the industry.

By using Six Sigma methodology, the EAGL System architecture is designed to achieve mission success and to prevent false positives from occurring. EAGL Technology uses energy levels and advanced wave form analytics to confirm shots fired that is 99.999999% accurate. All systems are programmed at the factory and bench tested before shipment.

In the event of a rare false-positive, EAGL Technology uses an advanced filter system that allows for updating the filters to include false-positive events that have identifiable characteristics to avoid future nuisance.

No other manufacturer can match EAGL’s accuracy rate or identify the specific calibers of the weapons fired so first responders know the addition risks if they are responding to a shots fired call involving a high-powered rifle.

*Open lines of communications are key to project success and the team envisions regular and periodic updates provided to the City.*

Also, as mentioned previously in Section 3.6, as a part of this bid, the City of Fayetteville can select any two schools in the city to receive at no additional up-front cost, EAGL’s Basic K-12 Package (See Appendix A for details). The annual subscription fees are included in the reoccurring cost proposal. This package includes four indoor, one outdoor, and four panic buttons for each school.

### 5.3 Proposed Timeline and Work Breakdown Structure

The period of performance for this project was not detailed in the RFP. Please note that the proposed timeline presented is subject to change according to project specifics. Communication among all parties involved is critical to project success.



**Figure 8 – Proposed Timeline and Work Breakdown Structure**

## 6 Financial Statements

Should our team be short listed, TDD can provide Financial Statements if requested.

## Appendix A – EAGL Education Worksheet K-12

# K-12 Education Program\*

## EAGLK12

This BASIC package uses a cloud based server and includes the following site devices and functionality. Sensor information is transmitted / received via cloud server using EAGL gateway technology.

**“Affordable cloud based gunshot detection and emergency management solution!”**

### Site Devices:

- ▶ 4 - Wireless Panic Stations
- ▶ 4 - Wireless FireFly® Indoor Sensors
- ▶ 1 - Wireless DragonFly™ Outdoor Sensor
- ▶ 2 - EAGL Gateways



### Functions / Services accessible via browser:

- ✓ Emergency Response Manager
- ✓ Adaptive Response Technology
- ✓ 3<sup>rd</sup> Party VMS Integration
- ✓ Email Notifications
- ✓ Voice Message
- ✓ Facility Map
- ✓ Text Alerts

All functions are available on a variety of multimedia devices such as mobile phones, tablets, or computers.

\* Package requires 3 year contract

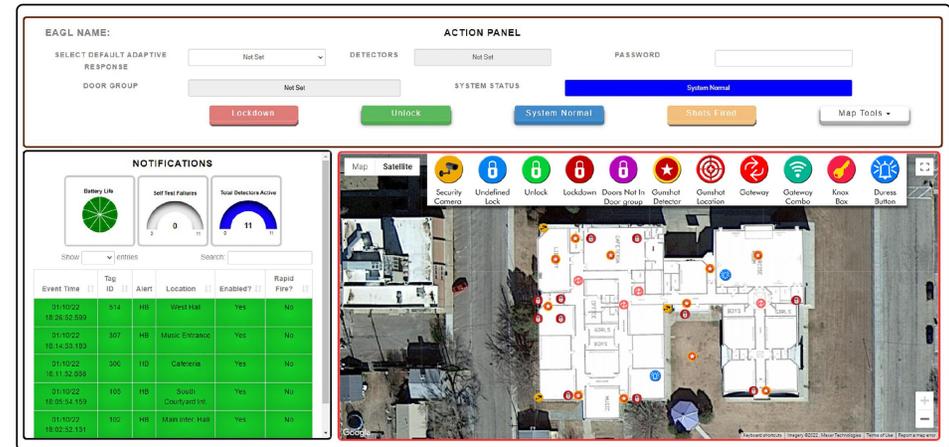
 eagltechnology.com

 (877) 566-1700

## EAGLK12

# K-12 Education Program\*

## EAGL Graphic User Interface (GUI)



### Available Options, K-12 Education Program\*

Option(s) may require site device(s). For example, the EAGL-VOX device is needed for PA System integration functionality.

### Optional Functions / Services:

- ✓ Video integration
- ✓ PA System integration
- ✓ Access Control / doors integration
- ✓ 911 PSAP (automatic police dispatch phone call)

\* Package requires 3 year contract

 eagltechnology.com

 (877) 566-1700





# Quotation

39300 Civic Center Dr., Suite 300  
Fremont, CA 94538-2337  
Phone: 888.274.6877 Fax: 650.887.2106

**DATE** 7/20/2022  
**Quotation #** FAYNCPD072022  
**Customer ID** Fayetteville PD

**Quotation For:**  
Ms. Kimberly Toon, Purchasing Manager  
City of Fayetteville Finance Department - Purchasing Office  
433 Hay Street  
Fayetteville, NC 28301

Quotation valid until: 10/18/2022  
Prepared by: D Lashley

**Comments or Special Instructions:** Respond Annual Subscription Services for 1 year for 3 mi<sup>2</sup> of coverage. The proposed services will be delivered according to the terms and conditions contained in the ShotSpotter Respond Services Agreement. Upon acceptance of this price quote, and once funding is approved, ShotSpotter will develop a formal proposal that includes specific coverage areas.

SALESPERSON	P.O. NUMBER	SHIP DATE	SHIP VIA	TERMS	
Pontious			Electronic	Net 30	
QUANTITY	DESCRIPTION		UNIT PRICE	TAXABLE?	AMOUNT
3 mi <sup>2</sup>	ShotSpotter Respond Annual Subscription Services		\$70,000 per mi <sup>2</sup>		\$210,000
3 mi <sup>2</sup>	One-time ShotSpotter Service Initiation fee		\$10,000 per mi <sup>2</sup>		\$30,000
1	One-time ShotSpotter Onboarding fee		\$10,000		\$10,000
1	Subscription Service Fee Waiver (applied to first 90 days of the Annual Subscription)		(\$52,500)		(\$52,500)
				<b>SUBTOTAL</b>	\$197,500
				TAX RATE	
				SALES TAX	\$0
				OTHER	\$0
				<b>TOTAL</b>	\$197,500

Please contact Jack Pontious at 202.258.0141 or [jpontious@shotspotter.com](mailto:jpontious@shotspotter.com) with any questions or to accept this quote and request a formal proposal.

**THANK YOU FOR YOUR BUSINESS!**



# City of Fayetteville

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

## City Council Action Memo

File Number: 22-3062

Agenda Date: 11/14/2022

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Other Items of  
Business

Agenda Number: 10.03

**TO: Mayor and Members of City Council**

**THRU: Jeffrey Yates, Assistant City Manager**

**FROM: Pamela J. Megill, MMC, City Clerk**

**DATE: November 14, 2022**

**RE:**

**Appointment of a Public Works Commissioner**

**COUNCIL DISTRICT(S):**

ALL

**Relationship To Strategic Plan:**

GOAL VI - Collaborative Citizen and Business Engagement

**Executive Summary:**

The Appointment Committee met on September 7, 2022, to discuss and make recommendations of appointments to Boards and Commissions for the Fall 2022 Appointments.

On September 12, 2022, City Council accepted the Appointment Committee appointment recommendations for all Boards and Commissions with the exception of an appointment to the Public Works Commission.

A separate vote was taken for the Public Works Commission:

September 12, 2022 minutes:

**MOTION: Council Member Haire moved to appoint Mr. Chris Davis to the Public Works Commission.**

**SECOND: Council Member Thompson**

**VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members**

**Jensen, Ingram, Benavente, McNair, Banks-McLaughlin, and Hondros)**

Discussion ensued.

**MOTION: Council Member Ingram moved to delay the appointment of a Public Works Commissioner.**

**SECOND: Council Member Hondros**

**VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Colvin, Haire, Thompson, and Banks-McLaughlin)**

At the November 7, 2022, Work Session, Mayor Colvin requested this item be brought back to November 14, 2022, Regular City Council meeting agenda; to move this item out of limbo and have it back on the radar.

**Background:**

There were eight (8) qualified applicants for the Fall 2022 - Public Works Commission vacancy. One has been appointed to the Planning Commission and one has been appointed to the Zoning Commission. The list of the six (6) applicants and their respective application forms/resumes are attached for your review.

**Issues/Analysis:**

**Budget Impact:**

**Options:**

1. Appoint one (1) applicant to serve on the Public Works Commission.
2. Do not appoint an applicant to the Public Works Commission, and provide direction to staff.

**Recommended Action:**

Appoint one (1) PWC applicant to the Public Works Commission for a term of office, effective immediately until September 30, 2026.

**Attachments:**

PWC Fall 2022 Applications

## PWC Applicants

Fall 2022

1. Davis, Christopher
2. Gothard, William
3. Hallatschek, Josef
4. Mohn, Theodore
5. Stewart, Peter
6. Vause, Robert



## Board Details

"§ 6A.2. Qualifications of Commissioners. The members of the Commission shall be residents of the City of Fayetteville at the time of their initial appointment and must remain so throughout their tenure on the Commission and shall be persons of recognized ability and good business judgment and standing who, in the opinion of the City Council, can and will perform their official duties (i) in accordance with prudent management and sound financial principles, (ii) in the manner provided for in this Chapter, and (iii) to the best interest of the City. If it is determined that a member of the Commission is no longer a resident of the City, that seat shall immediately become vacant and a successor shall be appointed in accordance with Section 6A.1(b) of this Chapter.

## Overview

 **Size** 4 Seats

 **Term Length** 4 Years

 **Term Limit** 2 Terms

## Additional

### Enacting Resolution Website

<http://www.ncga.state.nc.us/gascripts/SiteSearch/SiteSearch.asp?cx=016444635331331191208%3A2jn1cirfegg&cof=FORID%3A11&q=2016-47&sa=Go>

### Enacting Resolution

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015 SESSION LAW 2016-47 HOUSE BILL 392 (effective July 1, 2016)

### Statement of Purpose

"§ 6A.7. Powers and duties of Commission. The powers and duties of the Commission are as provided in this Chapter, including all of the following: (1) In general. – Insofar as management, control, and operation of the electric utility plant, waterworks, sewerage, and any other utility the Commission is authorized to undertake under this Chapter, the Commission is a public authority within the meaning of G.S. 159-7(b)(10) or as defined by State statute except as expressly provided in this Chapter and in any Financing Documents. (2) Policy matters. (3) Rates. (4) Supervision of utility plants. (5) Management of utility property. (6) Power to sue and be sued. (7) Limitation on expending funds and offering financial incentives. (8) Not a public utility. – For the purposes of Chapter 62 of the General Statutes, the Commission shall be considered a municipality.

### Composition of Members

The number of members shall be four. The terms of office of each member shall be four years, and the terms shall expire four years from the date on which the appointment was originally made, provided that a member shall continue to serve until a successor is appointed. A new appointment shall be made in September of 2016, and it shall be for a term of four years. As each appointment expires, the City Council shall, at its regular meeting in September of each year, elect a member of the Commission for a term of four years to replace the expiring member. In addition, the Mayor shall annually designate a member of the City Council to serve on the Commission as an ex officio, nonvoting member. (b) No member of the Commission may serve more than two consecutive terms. Except for the ex officio designee appointed by the Mayor, no person shall be eligible for appointment to the Commission who is an elected

official of the City of Fayetteville or an employee of the City or the Commission. If a member resigns, dies, or otherwise becomes incapable of performing his or her duties, the City Council shall appoint a person to fill the remainder of the term. The four members appointed to the Commission by the City Council and the Mayor's ex officio designee shall constitute the entire Fayetteville Public Works Commission.

#### **Administration Support**

Venus C. Durant, Public Works Commission, Senior Executive Assistant, (910)223-4001

#### **Additional Notes**

"§ 6A.4. Bonds of members of the Commission. Each voting member of the Commission shall give bond to the City in the following amounts: the sum of fifty thousand dollars (\$50,000) in the case of the treasurer and twenty-five thousand dollars (\$25,000) for all other members. All bonds required by this section shall be filed with the City Clerk. The provisions of Article 72 of Chapter 58 of the General Statutes shall apply to bonds given under this section. "

§ 6A.8. Delegation of authority to officers or employees; appointment of general manager. (a) The Commission may delegate authority to officers or employees of the Commission as it deems necessary or convenient for the operation of the utilities authorized in this Chapter. However, the Commission shall not delegate the authority to approve budgets or set rates. (b) The Commission shall appoint and employ a general manager who shall be qualified by training and experience to supervise and manage the day-to-day operation of the utilities authorized in this Chapter. The general manager shall serve under the direction and control of the Commission and at the pleasure of the Commission, which shall fix the general manager's salary.

#### **Frequency of Meetings**

2nd and 4th Wednesday at 8:30 a.m.<br>In the the PWC Administration Building<br>955 Old Wilmington Road<br>Fayetteville, NC

Please use proper capitalization as this will be a permanent record of your name and address. If you have submitted an application in the past please enter your e-mail address to receive a link to update your current information. Submit Date: Jul 08, 2022

---

## Profile

\_\_\_\_\_  
Prefix

Christopher  
First Name

G  
Middle Initial

Davis  
Last Name

\_\_\_\_\_  
Suffix

ruckus94@gmail.com  
Email Address

3009 Carula Lane  
Street Address

3009 CARULA LANE  
Suite or Apt

FAYETTEVILLE  
City

NC  
State

28306  
Postal Code

**Have you resided within Fayetteville City limits for at least 6 months?**

Yes  No

**What district do you live in? \***

6

Mobile: (803) 546-1047  
Primary Phone

Mobile: (803) 477-0170  
Alternate Phone

City of Fayetteville  
Employer

City COUNCILMAN  
Job Title

---

**Which Boards would you like to apply for?**

Fayetteville Public Works Commission: Eligible

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**Are you related by birth or marriage to anyone now employed or serving as an elected or appointed official for the City of Fayetteville?**

Yes  No

**If yes, provide the name and relationship to you:**

---

## Demographics

**Ethnicity**

---

African American

**Gender**

---

Male

Question applies to multiple boards

**Please Select all positions you have experience in. \***

---

Supervisor/Manager

Realtor, developer or general contractor

**Do you have a contract with the city?**

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Yes  No

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**Community Leadership Training**

Please indicate year completed and add any additional leadership training in the final space of the section

**Fayetteville Area Ambassador Program Fayetteville Area Convention and Visitor's Bureau**

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**Multi-Cultural Leadership Development Program - United Way of Cumberland County**

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YES - presently 2016 LDP

**Leadership Fayetteville Youth Academy – Fayetteville-Cumberland County Chamber of Commerce**

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**Small Business Technology & Development Center – Fayetteville-Cumberland County Chamber of Commerce**

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**Citizens' Academy, City of Fayetteville**

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10/19

**Citizens' Police Academy, City of Fayetteville Police Department**

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**Fayetteville Institute for Community Leadership - Methodist College/ Fayetteville Technical Community College**

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### **Other training events not listed above**

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PLEASE SEE ATTACHED RESUME US Army Engineer Operations and Plans Officer 2002-2013 Reservist (2002-2006) Active Duty (2007-2013) Automotive Engineer/Quality Engineer/Supplier Quality Manager (Siemens) 2001-2007 Six Sigma Green Belt Quality Certified (2004) Us Army Fiscal Law Certification (2009)

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### **Relevant Experience & Education**

**Please explain the reasoning for your Boards and Commissions selections. Your response may include qualifications, skills, and attributes and any other information that you might distinguish your application for other candidates.**

---

I have served as an elected official and as an Ex- Oficio member of the PWC Commission as well as the City Council Liason to PWC

**Summarize education, special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities.**

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Operations and Plans Officer (Asst S3), 178th Engineer Battalion May 2008 – May 2009 Led Battalion Operations and Plans section as primary Staff Officer responsible for the training, readiness, and leadership development of 8 junior leaders and senior enlisted soldiers. Developed multi-phased pre-mobilization training plan and implemented nonstandard mission specific skills program for 2 engineer companies, comprised of 220 enlisted soldiers, officers, and non-commissioned officers. Planned and implemented battalion post-deployment soldier reintegration training program for 350 soldiers returning from OEF 2009-2010 (Afghanistan). Spearheaded the Operations and Plans process implemented in support of the 178th Engineer Battalion transition from a Divisional Mechanized Engineer Battalion to a modular Engineer Battalion. Served as Primary Engineer Battalion Liaison responsible for driving the integration of Engineer resources Military Support Plans with Civilian Authorities as part of South Carolina National Guard Disaster Relief and Homeland Security Task Force. Force Integration Readiness Officer, Operations, Planning and Training (G-3) August 2008 – Present Federal Government Employee (GS 11-3), South Carolina Military Department Promoted from Battalion Training Officer (GS 9) to State Level Force Integration and Readiness Officer (GS 11) within 12 months of original hire. Challenged to restructure three state level equipment distribution and training programs. Reduced the SC National Guard New and Displaced Equipment Fielding Process timeline by 25%. Enhanced and restructured the appropriated Managed the SC National Guard multi-million dollar New Equipment Training/Displaced Equipment Training (NET/DET) Program. Selected as most junior member of the SC National Guard Force Structure and Military Personnel Management, and Training Team, focused on “Building the Force, Training the Force, and Sustaining the Force”. Planned and facilitated 4 Total Package Fielding Projects valued at \$4.5 Million for mission essential equipment in support of 2500 SC National Guard Soldiers deploying to OEF and OIF theatres. Recognized by State level G3 for spearheading the integration of state level equipment distribution priorities and the supporting Mission Support Database, dramatically increasing program efficiency. Siemens VDO-Diesel Systems and Technologies, Columbia SC January 2002 – October 2006 Proven top performer as a Quality Management Professional instrumental to the successful development, validation, and high volume production of more than 12 Million fuel injectors presently being used in the Ford “Power Stroke” 6.4 Liter Diesel Fuel Injection System. Earned the opportunity to receive specialized training in product and process quality management, and continuous improvement. Completed Six Sigma Green Belt Certification within 6 month period. Promoted to corporate purchasing within a span of 4 years. Supplier Quality Engineer, Corporate Purchasing May 2005 – October 2006 Served as primary facilitator of new product and process development for Siemens Diesel Systems automotive component suppliers during. Responsible for benchmarking automotive component supplier product quality and performance, while facilitating the continual development of their product and process quality management systems. Managed 4 major component suppliers, and 3 minor component suppliers’ product as lead contact for supplier quality issues through pre-launch phase to high volume production with no negative impact to final production start date. Recruited for early entry into the Siemens Automotive Leadership Academy and Manufacturing Project Managers Program. Quality Engineer, R&D, Prototype Assembly and Test January 2002 – May 2005 Developed extreme condition performance tests for prototype diesel fuel injections systems in support of pre-launch final validation. Facilitator of failure mode analysis and root cause investigations using Six Sigma problem solving principles and techniques in support of prototype to production performance criteria validation. Responsible maintaining strong and positive customer to supplier relationships as lead customer to supplier interface, in order to manage problem solving teams in support of failure resolution and product quality improvement efforts for prototype level injectors. Led Six Sigma Green Belt quality team leader in product waste, scrap reduction, and start-up fallout projects. Saved company over \$300k from June 2003 – May 2004. Received 2 out of cycle merit raises for product and process quality improvement and sustainment accomplishments. EDUCATION and CERTIFICATIONS SECURITY CLEARANCE TYPE: SECRET Bachelor of Science, Physics and Mathematics - 1999 South Carolina State University - Orangeburg, South Carolina Six-Sigma Green Belt – 2004 Quality Management Systems Institute – Columbia, South Carolina Engineer Officers Basic Course – 2003 Engineer Officers Captains Career Course – 2009 United States Army School of Engineers - Fort Leonard Wood, Missouri

**Due to your financial interests, property ownership and/or other matters, personal conflicts of interest may arise during your appointment term. How would you handle a personal conflict of interest?**

---

As a sworn in board member, the LAW and guidelines which we give our duties and responsibilities would always be the standard Operating procedure. I would also exclude my input from any issues that would potentially cause any conflict.

**If you have previously served on a major board or commission, please describe the scope of your appointment and share a few of the board's successes.**

---

Updated UDO for FY 2019 Passed IMPORTANT Index Amendments Updated Longterm City Plan

Question applies to Fayetteville Public Works Commission

**What is your specific interest in serving as a PWC commissioner?**

---

Over the last nearly 3 years I have had the honor of serving as an Ex-Oficio member and City Council Liason to PWC; I hope to enhance the already much improved relationship between the city and PWC leadership. My commitment to economic grow and prosperity for this region will depend greatly on how well PWC continues to perform as a City asset. I beleive that my engineering, project management, and governing experience have uniquely equipped my to be a value added member of the commission.

Question applies to Fayetteville Public Works Commission

**What experience do you have in the electric, water and sanitary sewer utility services?**

---

I have served as the City Liason and Ex-Oficio member of the Commission for nearly 3 years. I have also taken graduate environmental engineering courses, and served as AN engineering Officer in the US Army.

Question applies to Fayetteville Public Works Commission

**How will your participation as a PWC commissioner help the City Council achieve their vision and goals as outlined in the City's strategic plan and better align PWC actions with the City's strategic plan?**

---

My experience as an elected official who has led during the phase 5 annexation projects have provided me with the opportunity to work with both agencies in service to the citizens. My experience as an elected official allows me to ability to work from both ends of the spectrum.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on city-owned water and sewer utility and how will your participation ensure effective communication between the two organizations?**

---

Expectations and agreements must be made clear and be adjusted as needed. Synergy between the two institutions must be aimed towards CUSTOMER SERVICES, and ensuring that Fayetteville is a place to Live, Work, and Recreate. The citizens desire to City and PWC leaders work more closely together and develop the type of infrastructure grid that guarantees growth and a high quality of living. As an asset of the city.its a commissioner duty to work with city officials while following the charter guidelines.

Question applies to Fayetteville Public Works Commission

**Do you believe that a City owned utility should provide the necessary financial resources to extend water and sewer service to newly annexed areas?**

---

YES...But these newly annexed areas should also contribute via assessments in order to complete the required installation.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on extending water and sewer service to non-city residents?**

---

Any agreements to extend services to non-city residents should be subjected to feasibility studies and under certain situations..environmental studies; such, may require state and regional financial support to supplement. This should not be done at the expense.of city residents, or existing customers

Question applies to Fayetteville Public Works Commission

**What experience do you have in business enterprise management with financial planning, personnel management or contract negotiations?**

---

I have proven experience in All of these areas; during my 3 years as Fayetteville City COUNCILMAN; 6 yrs with Siemens in Supplier Quality Mgmt, and Engineering, 22 years as an US Army Engineer Officer. In each of these occupations I successfully managed through accomplishments and demonstration of my expertise that I am well capable of performing at a high.level in these areas.

Question applies to Fayetteville Public Works Commission

**What experience and contacts do you have with the legislature at the State and Federal level?**

---

I have Multiple contacts with Legislative leaders..to include US House of Representative WHIP (Honorable Jim Clyburn), Also have contacts with State Delegates.

Question applies to Fayetteville Public Works Commission

**Are you willing to devote the time necessary to fulfill the duties and expectations of a PWC Commissioner? Will your employer allow time away from your work on a regular basis?**

---

YES. I AM RETIRED Army Officer, I will be fully engaged as a PWC Commissioner. The opportunity to serve this great community in this capacity very high honor.

Question applies to Fayetteville Public Works Commission

**Please disclose any personal, professional/business or political relationships with PWC, the City of Fayetteville, City Council Members, or legislative delegation that could create the perception of undue influence or conflict of interest.**

---

I AM A CITY COUNCIL MEMBER, UNTIL AUGUST INAUGURATION. At that time I will no longer be the CITY COUNCIL - PWC LIASON. My tenure as PWC LIASON has afforded me the opportunity to work professionally with the PWC Team. But Under no conditions is there any undue influence or conflict of interest.

Question applies to Fayetteville Public Works Commission

**Please disclose any property ownership within the City of Fayetteville.**

---

3009 Carula Lane, Fayetteville NC 28306 PRIMARY RESIDENCE 6072 Lakeway Drive, Fayetteville NC 28306 RENTAL.PROPERTY 2415 Gart Street, Fayetteville NC 28311 Commercial Property

[2CHRISTOPHER\\_G\\_DAVIS\\_new\\_resume.pdf](#)

Please attach any additional information you believe may aid in the consideration of your application.

---

## **Acknowledgement and Certification**

Please state whether you agree with the Following Statement:

---

I affirm that I understand that incomplete applications will not be considered. I understand that this application may be considered a public record and as such, portions may be subject to release under North Carolina General Statute Chapter 132, Public Records. I certify that the facts contained in this application are true and correct to the best of my knowledge and that I understand applicants must reside inside the Fayetteville City limits per Sections 35 of the City of Fayetteville Code of Ordinances. <http://www.fayettevillenc.gov> I agree that by my submission of this application form, I shall be deemed to have affixed my electronic signature hereto.

---

I Agree \*

# CHRISTOPHER G. DAVIS

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3009 Carula Lane, FAYETTEVILLE, NC•803.546.1047Cell / christophergdavis@att.net•ruckus94@gmail.com

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## TECHNOLOGY FOCUSED OPERATIONS AND MANAGEMENT PROFESSIONAL

22 Years of dynamic, results oriented leadership with a strong track record of performance in the United States Army and high paced technology driven environments. Superior leadership skills, adept at building, training, and directing multi-level cross-functional teams designed to drive organizational improvements and deploy best practice methodologies. Excel at technology and methodology integration, project management, strategic planning and continuous improvement programs. Certified Six Sigma Green Belt. Proven areas of expertise:

- Team Building
- Government Regulations and Relations
- Performance Benchmarking and Improvement
- Product and Process Development
- Technology Integration
- Strategy, Vision & Mission Planning
- Supplier Quality Development
- Training and Development
- Policy and Procedure Development
- Operations Management

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## PROFESSIONAL EXPERIENCE

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### United States Army National Guard

August 2006 – Present

Earned multiple fast track promotions to leadership positions of increased responsibility based on consistently exceeding goals and expectations.

### Company Commander, Route Clearance Company (Southern Afghanistan) May 2009 – Present

Selected first among peer group of 25 Captains, by 59<sup>th</sup> Troop Command Group and 178<sup>th</sup> Engineer Battalion Commander to lead troops into combat as a Route Clearance Company Commander during the critical phase of Operation Enduring Freedom. Awarded the Bronze Star Medal for Superior Leadership, Purple Heart Medal for wounds sustained in combat, and Combat Action Badge for Close Combat Action while deployed.

- Established and Maintained Freedom of Movement Corridors as Commander of 105 Soldier Engineer Company consisting of 2 Route Clearance Platoons (RCPs), 1 Maintenance Platoon, and 1 Operational Support Platoon.
- Company awarded Route Clearance Company of the Week Award 5 times during deployment for finding and reducing 40 IEDs and clearing more than 15,000 KM of Roadway.
- Leadership led to unit being awarded 16 Bronze Stars, 14 Purple Hearts, 6 ARCOMS w/Valor, 70 Close Combat Action Badges, and over 400 other Combat Operation Awards through multi-level leadership development, command and control, training, and emphasis on combat readiness.
- Expanded trafficable roadways and Major Supply Routes by 50% through an aggressive operational tempo, full-scope command guidance and the seamless integration of Route Clearance Tactics, Techniques, and Procedures (TTPs), new technologies, and coordination with outside agencies.
- Served as Regimental Level Route Clearance, and Counter Improvised Explosive Devices (C-IED) Operations Advisor and Subject Matter Expert (SME), in support of the 7<sup>th</sup> Marines Regimental Combat Team conducting Counter-Insurgency (COIN) operations in Marjah City, Helmand Province, Afghanistan.
- Company was recognized by 1<sup>st</sup> Marine Division Commander for reducing the number of IED events from 30 per week to 1-2 per week within a 60 day period, during Operation Mostarak.
- Maintained a “Battalion Best” combat equipment readiness rating of 94%, through the implementation of an aggressive combat equipment maintenance and accountability program for 50 Route Clearance vehicles, valued at more than \$50 million.

**Operations and Plans Officer (Asst S3), 178<sup>th</sup> Engineer Battalion May 2008 – May 2009**

Led Battalion Operations and Plans section as primary Staff Officer responsible for the training, readiness, and leadership development of 8 junior leaders and senior enlisted soldiers.

- Developed multi-phased pre-mobilization training plan and implemented nonstandard mission specific skills program for 2 engineer companies, comprised of 220 enlisted soldiers, officers, and non-commissioned officers.
- Planned and implemented battalion post-deployment soldier reintegration training program for 350 soldiers returning from OEF 2009-2010 (Afghanistan).
- Spearheaded the Operations and Plans process implemented in support of the 178<sup>th</sup> Engineer Battalion transition from a Divisional Mechanized Engineer Battalion to a modular Engineer Battalion.
- Served as Primary Engineer Battalion Liaison responsible for driving the integration of Engineer resources Military Support Plans with Civilian Authorities as part of South Carolina National Guard Disaster Relief and Homeland Security Task Force.

**Embedded Tactical Trainer (ETT)/Operations Mentor, 1<sup>st</sup> Infantry Division January 2007- May 2008 Herat Province, Afghanistan**

Selected by 178<sup>th</sup> Engineer Battalion Commander to serve as Embedded Tactical Trainer and Mentor to the Operations Officer (S3), 4 Company Commanders, and 2 Kandahar Military Training Corps (KMTC) Officers of the 207<sup>th</sup> Corps Regional Basic Warrior Training Kandak (RWBT), Afghan National Army.

- Led as Mission Commander for over 40 Combat Support, Security and Logistical Support missions within the Herat and Farah Provinces.
- Provided command guidance and leadership development training that led to the successful graduation of over 1300 ANA Basic Trainees over 2 training cycles.
- Provided fiscal oversight of monthly project budget of \$30,000.00, as Project Management Mentor and Budget Officer, for 7 Senior Afghan Army Staff Officers.
- Awarded 2 United States Army Commendation Medals for leadership, guidance and project management training accomplishments leading to the completion 6 facility expansion projects, including a medical station, dining facility, weapons rooms, barracks, and other mission essential life support systems exceeding \$300K on Camp Zafar, Afghanistan.

**Force Integration Readiness Officer, Operations, Planning and Training (G-3) August 2008 – Present Federal Government Employee (GS 11-3), South Carolina Military Department**

Promoted from Battalion Training Officer (GS 9) to State Level Force Integration and Readiness Officer (GS 11) within 12 months of original hire. Challenged to restructure three state level equipment distribution and training programs.

- Reduced the SC National Guard New and Displaced Equipment Fielding Process timeline by 25%.
- Enhanced and restructured the appropriated Managed the SC National Guard multi-million dollar New Equipment Training/Displaced Equipment Training (NET/DET) Program.
- Selected as most junior member of the SC National Guard Force Structure and Military Personnel Management, and Training Team, focused on “Building the Force, Training the Force, and Sustaining the Force”.
- Planned and facilitated 4 Total Package Fielding Projects valued at \$4.5 Million for mission essential equipment in support of 2500 SC National Guard Soldiers deploying to OEF and OIF theatres.
- Recognized by State level G3 for spearheading the integration of state level equipment distribution priorities and the supporting Mission Support Database, dramatically increasing program efficiency.

**Siemens VDO-Diesel Systems and Technologies, Columbia SC**

**January 2002 – October 2006**

Proven top performer as a Quality Management Professional instrumental to the successful development, validation, and high volume production of more than 12 Million fuel injectors presently being used in the Ford "Power Stroke" 6.4 Liter Diesel Fuel Injection System. Earned the opportunity to receive specialized training in product and process quality management, and continuous improvement. Completed Six Sigma Green Belt Certification within 6 month period. Promoted to corporate purchasing within a span of 4 years.

**Supplier Quality Engineer, Corporate Purchasing May 2005 – October 2006**

- Served as primary facilitator of new product and process development for Siemens Diesel Systems automotive component suppliers during.
- Responsible for benchmarking automotive component supplier product quality and performance, while facilitating the continual development of their product and process quality management systems.
- Managed 4 major component suppliers, and 3 minor component suppliers' product as lead contact for supplier quality issues through pre-launch phase to high volume production with no negative impact to final production start date.
- Recruited for early entry into the Siemens Automotive Leadership Academy and Manufacturing Project Managers Program.

**Quality Engineer, R&D, Prototype Assembly and Test January 2002 – May 2005**

- Developed extreme condition performance tests for prototype diesel fuel injections systems in support of pre-launch final validation.
- Facilitator of failure mode analysis and root cause investigations using Six Sigma problem solving principles and techniques in support of prototype to production performance criteria validation.
- Responsible maintaining strong and positive customer to supplier relationships as lead customer to supplier interface, in order to manage problem solving teams in support of failure resolution and product quality improvement efforts for prototype level injectors.
- Led Six Sigma Green Belt quality team leader in product waste, scrap reduction, and start-up fallout projects. Saved company over \$300k from June 2003 – May 2004.
- Received 2 out of cycle merit raises for product and process quality improvement and sustainment accomplishments.

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**EDUCATION and CERTIFICATIONS**

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**SECURITY CLEARANCE TYPE: SECRET**

Bachelor of Science, Physics and Mathematics - 1999  
South Carolina State University - Orangeburg, South Carolina

Six-Sigma Green Belt – 2004  
Quality Management Systems Institute – Columbia, South Carolina

Engineer Officers Basic Course – 2003  
Engineer Officers Captains Career Course – 2009  
United States Army School of Engineers - Fort Leonard Wood, Missouri

Please use proper capitalization as this will be a permanent record of your name and address. If you Submit Date: Jul 12, 2022 have submitted an application in the past please enter your e-mail address to receive a link to update your current information.

---

## Profile

Bg William J. Gothard  
Prefix First Name Middle Initial Last Name Suffix

wjaygo@gmail.com  
Email Address

224 Hillside Avenue  
Street Address Suite or Apt

Fayetteville NC 28301  
City State Postal Code

**Have you resided within Fayetteville City limits for at least 6 months?**

Yes  No

**What district do you live in? \***

2

Mobile: (910) 309-8326  
Primary Phone Alternate Phone

U.S. Army Brigadier General (Retired)  
Employer Job Title

---

**Which Boards would you like to apply for?**

Fayetteville Public Works Commission: Eligible

---

**Are you related by birth or marriage to anyone now employed or serving as an elected or appointed official for the City of Fayetteville?**

Yes  No

**If yes, provide the name and relationship to you:**

---

## Demographics

**Ethnicity**

---

Caucasian/Non-Hispanic

**Gender**

---

Male

Question applies to multiple boards

**Please Select all positions you have experience in. \***

---

- Supervisor/Manager
- Historic preservationists
- Historic district property owner
- Business sector

**Do you have a contract with the city?**

---

Yes  No

---

**Community Leadership Training**

Please indicate year completed and add any additional leadership training in the final space of the section

**Fayetteville Area Ambassador Program Fayetteville Area Convention and Visitor's Bureau**

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**Multi-Cultural Leadership Development Program - United Way of Cumberland County**

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**Leadership Fayetteville Youth Academy – Fayetteville-Cumberland County Chamber of Commerce**

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**Small Business Technology & Development Center – Fayetteville-Cumberland County Chamber of Commerce**

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**Citizens' Academy, City of Fayetteville**

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**Citizens' Police Academy, City of Fayetteville Police Department**

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**Fayetteville Institute for Community Leadership - Methodist College/ Fayetteville Technical Community College**

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**Other training events not listed above**

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**Relevant Experience & Education**

Bg William J. Gothard

**Please explain the reasoning for your Boards and Commissions selections. Your response may include qualifications, skills, and attributes and any other information that you might distinguish your application for other candidates.**

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40 year customer of PWC. 36 Year Army Officer service with leadership experience from small unit to General Officer-level command. Qualified U.S. Army Acquisition Corps Officer Professional-level Program Manager and Contracting Officer. Extensive experience in real property management for a 9 state and 2 U.S. Territory military region (1200+ facilities). First Chairperson of the Fayetteville Zoning Commission. Former member of the Historic Resources Commission. Former Chief of Staff of the U.S. Army Reserve Command supervising a 1200+ military and civilian staff and an \$8.2 Billion budget. Experience managing multi-year and multi-million dollar classified procurement and research programs.

**Summarize education, special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities.**

---

Two Master's Degrees (Management and National Security Strategy). Senior leadership training and non-profit management certificate, both at the Notre Dame Mendoza Business School. Graduate of the Defense Acquisition Management College. Former Chief of Science and Technology for the Army Special Operations Command. Current President of the Defense Alliance of North Carolina (DANC) Management Council. Current President, Ft. Bragg Armed Services YMCA Board of Directors.

**Due to your financial interests, property ownership and/or other matters, personal conflicts of interest may arise during your appointment term. How would you handle a personal conflict of interest?**

---

I would immediately disclose any known or perceived conflict of interest and either recuse myself or tender my resignation, depending upon the nature of any verified conflict.

**If you have previously served on a major board or commission, please describe the scope of your appointment and share a few of the board's successes.**

---

I was the first Chairperson of the Fayetteville Zoning Commission when it was established. I believe our greatest success was the drafting and establishment of the procedures for the Commission. I also believe we served the intent of the City Council and the citizens of Fayetteville well during my tenure.

Question applies to Fayetteville Public Works Commission

**What is your specific interest in serving as a PWC commissioner?**

---

I am specifically interested in ensuring the city owned utility meets the specific goals of the City of Fayetteville. I want to ensure that PWC remains forward looking to ensure quality service at reasonable rates in our service area as the region, customer service area, and energy and water management technologies evolve.

Question applies to Fayetteville Public Works Commission

**What experience do you have in the electric, water and sanitary sewer utility services?**

---

First, I'm a customer of these services, so I know what the experience is and what is expected at the consumer-level. Secondly, I served as the Deputy Commanding General of an Army Regional Support Command responsible for real property planning, construction, and maintenance in a 9 state and 2 U.S. Territory region (Southeast). This required extensive travel and coordination with installations and local governments, utilities, and the Army Corp of Engineers for all services and monitoring connections and use of all utilities.

Question applies to Fayetteville Public Works Commission

**How will your participation as a PWC commissioner help the City Council achieve their vision and goals as outlined in the City's strategic plan and better align PWC actions with the City's strategic plan?**

---

I am an experience strategic planner and know how to integrate visions and goals into realistic outcomes. I believe my training and experience will inform and assist the PWC's implementation of Council's plans and goals while making sound business decisions that continue to provide premier utility services to residents.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on city-owned water and sewer utility and how will your participation ensure effective communication between the two organizations?**

---

I believe in complete transparency in government transactions. My intention is to have regular communication with Council members and other PWC Commissioners and staff to ensure a complete understanding of business issues and City goals and legal requirements.

Question applies to Fayetteville Public Works Commission

**Do you believe that a City owned utility should provide the necessary financial resources to extend water and sewer service to newly annexed areas?**

---

I believe that certain infrastructure is a responsibility of the utility but that certain costs need to be shared with the taxpayers and customers. For example, initial costs of expansion of sewage treatment facilities to accommodate growth needs to be a negotiated plan by PWC and the city with the PWC bearing the majority of the cost. However, depending upon the size of the project, it could require the City to request a bond referendum to finance some initial costs. Customers eventually help defray the cost through utility bills and taxes but they cannot bear the entire burden upfront.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on extending water and sewer service to non-city residents?**

---

I think extending water and sewer outside the city should be a legal decision by the City Council. Once a decision is made to support an extension, implementation would be a business decision by the PWC. This is one of those situations requiring close coordination between the Council and PWC to ensure that any decision to extend services is economically viable for PWC and does not adversely affect the residents and businesses in the City of Fayetteville. Some factors for determine the business case might be future annexation plans or the costs of expanded major infrastructure (substations, water treatment, etc.) required beyond simply running water or sewer lines to an area.

Question applies to Fayetteville Public Works Commission

**What experience do you have in business enterprise management with financial planning, personnel management or contract negotiations?**

---

I have experience in the negotiation of major defense contracts with multiple corporations and various contract forms, sole-source, research and development, procurement, fixed-cost, cost+. etc. I have years of personnel management experience.

Question applies to Fayetteville Public Works Commission

**What experience and contacts do you have with the legislature at the State and Federal level?**

---

I have met with most of our local state delegation and with both of our U.S. Senators at various times for different reasons. I feel I can represent our community well and speak intelligently about issues with any of our elected officials.

Question applies to Fayetteville Public Works Commission

**Are you willing to devote the time necessary to fulfill the duties and expectations of a PWC Commissioner? Will your employer allow time away from your work on a regular basis?**

---

I am retired, so without question I have the the time to devote to all requirements and expectations of a PWC Commissioner.

Question applies to Fayetteville Public Works Commission

**Please disclose any personal, professional/business or political relationships with PWC, the City of Fayetteville, City Council Members, or legislative delegation that could create the perception of undue influence or conflict of interest.**

---

I do not currently have any professional, business, or political relationships with the PWC, City of Fayetteville, City Council, or legislative delegation. To the best of my knowledge I do not have any conflicts of interest.

Question applies to Fayetteville Public Works Commission

**Please disclose any property ownership within the City of Fayetteville.**

---

My wife and I own our home at 224 Hillside Avenue in Fayetteville.

---

Please attach any additional information you believe may aid in the consideration of your application.

---

---

**Acknowledgement and Certification**

Bg William J. Gothard

Please state whether you agree with the Following Statement:

---

I affirm that I understand that incomplete applications will not be considered. I understand that this application may be considered a public record and as such, portions may be subject to release under North Carolina General Statute Chapter 132, Public Records. I certify that the facts contained in this application are true and correct to the best of my knowledge and that I understand applicants must reside inside the Fayetteville City limits per Sections 35 of the City of Fayetteville Code of Ordinances. <http://www.fayettevillenc.gov> I agree that by my submission of this application form, I shall be deemed to have affixed my electronic signature hereto.

---

I Agree \*

Please use proper capitalization as this will be a permanent record of your name and address. If you have submitted an application in the past please enter your e-mail address to receive a link to update your current information. Submit Date: Jul 05, 2022

---

## Profile

\_\_\_\_\_  
Prefix

Josef  
First Name

R  
Middle Initial

Hallatschek  
Last Name

\_\_\_\_\_  
Suffix

hallatschekj@gmail.com  
Email Address

366 Shawcroft Road  
Street Address

\_\_\_\_\_  
Suite or Apt

Fayetteville  
City

NC  
State

28311  
Postal Code

**Have you resided within Fayetteville City limits for at least 6 months?**

Yes  No

**What district do you live in? \***

1

Home: (910) 229-3651  
Primary Phone

Mobile: (210) 875-9941  
Alternate Phone

U.S. Army; Installation  
Management Command -  
Readiness  
Employer

Chief, Public Works  
Job Title

---

**Which Boards would you like to apply for?**

Fayetteville Public Works Commission: Eligible

---

**Are you related by birth or marriage to anyone now employed or serving as an elected or appointed official for the City of Fayetteville?**

Yes  No

**If yes, provide the name and relationship to you:**

\_\_\_\_\_

---

## Demographics

**Ethnicity**

---

Caucasian/Non-Hispanic

**Gender**

---

Male

Question applies to multiple boards

**Please Select all positions you have experience in. \***

---

Supervisor/Manager

**Do you have a contract with the city?**

---

Yes  No

---

**Community Leadership Training**

Please indicate year completed and add any additional leadership training in the final space of the section

**Fayetteville Area Ambassador Program Fayetteville Area Convention and Visitor's Bureau**

---

**Multi-Cultural Leadership Development Program - United Way of Cumberland County**

---

**Leadership Fayetteville Youth Academy – Fayetteville-Cumberland County Chamber of Commerce**

---

**Small Business Technology & Development Center – Fayetteville-Cumberland County Chamber of Commerce**

---

**Citizens' Academy, City of Fayetteville**

---

12/2018

**Citizens' Police Academy, City of Fayetteville Police Department**

---

**Fayetteville Institute for Community Leadership - Methodist College/ Fayetteville Technical Community College**

---

**Other training events not listed above**

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**Relevant Experience & Education**

**Please explain the reasoning for your Boards and Commissions selections. Your response may include qualifications, skills, and attributes and any other information that you might distinguish your application for other candidates.**

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I provide Public Works oversight for 24 Army Installations. This includes all construction, maintenance, and services in order to maintain and operation all of the real property on the installations. I would like to leverage my knowledge, skills, and abilities to make my new hometown a place where people want to live, work, and retire to as a city of choice.

**Summarize education, special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities.**

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Engineer Degree - United States Military Academy; Civil Engineer - Professional Engineer License in NC; Director of Public Works - U.S. Army Garrison in Germany; Chief, Master Planning - Installation Management Command - West Region; Chief, Engineering for Installation Management Command - Central Region; Chief, Public Works for Installation Management Command - Atlantic Region; now Chief, Public Works - Installation Management Command - Forces Command

**Due to your financial interests, property ownership and/or other matters, personal conflicts of interest may arise during your appointment term. How would you handle a personal conflict of interest?**

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Ensure that I understand the issue and if there is any doubt, I would recuse myself.

**If you have previously served on a major board or commission, please describe the scope of your appointment and share a few of the board's successes.**

---

Most recently, I have served on the Fayetteville Storm Water Advisory board. Since I have become a member, the City of Fayetteville has completed nearly \$28 million in storm water infrastructure improvements, with more in progress and more planned for the future. Previously, in my last home in San Antonio, I served on the Bicycle Mobility Advisory Committee (BMAC) for 2015-16 and participated in the Long Term Planning for 2020-2024 Bicycle Plan. Previous to that, I lived in Harrisburg, NC and served on the Storm Water Advisory Board from 2007-08

Question applies to Fayetteville Public Works Commission

**What is your specific interest in serving as a PWC commissioner?**

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Provide the benefit of my Public Works education and experience to make Fayetteville a better place to live and work for residents and a destination of choice for employers.

Question applies to Fayetteville Public Works Commission

**What experience do you have in the electric, water and sanitary sewer utility services?**

---

As a Director of Public Works I had the responsibility of providing all utility services to my military community. In my current position, I provide the oversight for utility capital improvement programming for 24 Army installations.

Question applies to Fayetteville Public Works Commission

**How will your participation as a PWC commissioner help the City Council achieve their vision and goals as outlined in the City's strategic plan and better align PWC actions with the City's strategic plan?**

---

Of the six goals, I would be most effective in contributing to the "High Quality Built Environment" and a "Desirable Place to Live, Work and Recreate" goals. My successful experience in Master Planning for Army Installations can contribute to these strategic goals by ensuring Public Works is optimally integrated into the planning, programming, budgeting and operations of Fayetteville. After reviewing the Fayetteville PWC Strategic Plan, I see that the Strategic Goals and Priorities line up well with the City's strategic plan. I would cross-walk the metrics to ensure that progress in the PWS strategy also contributed to the progress for the City's strategic plan.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on city-owned water and sewer utility and how will your participation ensure effective communication between the two organizations?**

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City-owned water and sewer utility services are in the City's best interests when the organization is efficient and provides more value than any out-sourcing option. My participation will facilitate the decision-making process that translates decisions into services, both future and present. Key to successful communication between these two groups is a transparent balanced budgeting process that accounts for all expenditures and income and is approved by our Elected Officials and can be executed by the PWC.

Question applies to Fayetteville Public Works Commission

**Do you believe that a City owned utility should provide the necessary financial resources to extend water and sewer service to newly annexed areas?**

---

Yes. In cases where an annexation decision is made by our Elected Officials where water and sewer service are not possible due to annual spending limits, then a future plan to provide these services should have been established when the annexation decision was made.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on extending water and sewer service to non-city residents?**

---

This is a City master planning and programming challenge. If the plan is to annex surrounding communities, then these services should precede annexation.

Question applies to Fayetteville Public Works Commission

**What experience do you have in business enterprise management with financial planning, personnel management or contract negotiations?**

---

I provide oversight to over \$500M in facilities sustainment funding to the 24 Army installations assigned to my headquarters. As far as personnel management, I have been the Memphis Deputy District Engineer (Corps of Engineers) for over 700 personnel with oversight of the personnel division. In addition, I have served as a Director of Public Works for approximately 300 personnel.

Question applies to Fayetteville Public Works Commission

**What experience and contacts do you have with the legislature at the State and Federal level?**

---

None.

Question applies to Fayetteville Public Works Commission

**Are you willing to devote the time necessary to fulfill the duties and expectations of a PWC Commissioner? Will your employer allow time away from your work on a regular basis?**

---

Yes, within reason. I expect that this will require at least one full day every two weeks plus several hours of work in-between.

Question applies to Fayetteville Public Works Commission

**Please disclose any personal, professional/business or political relationships with PWC, the City of Fayetteville, City Council Members, or legislative delegation that could create the perception of undue influence or conflict of interest.**

---

I am currently on the Fayetteville Storm Water Advisory and Citizens Action Committees. if chosen for the PWC, I would resign from that volunteer activity.

Question applies to Fayetteville Public Works Commission

**Please disclose any property ownership within the City of Fayetteville.**

---

I own a home at 366 Shawcroft Road, Fayetteville, NC 28311.

[Hallatschek Resume 2020.pdf](#)

Please attach any additional information you believe may aid in the consideration of your application.

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## **Acknowledgement and Certification**

**Please state whether you agree with the Following Statement:**

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**I affirm that I understand that incomplete applications will not be considered. I understand that this application may be considered a public record and as such, portions may be subject to release under North Carolina General Statute Chapter 132, Public Records. I certify that the facts contained in this application are true and correct to the best of my knowledge and that I understand applicants must reside inside the Fayetteville City limits per Sections 35 of the City of Fayetteville Code of Ordinances. <http://www.fayettevillenc.gov> I agree that by my submission of this application form, I shall be deemed to have affixed my electronic signature hereto.**

---

I Agree \*

Please use proper capitalization as this will be a permanent record of your name and address. If you have submitted an application in the past please enter your e-mail address to receive a link to update your current information. Submit Date: Jul 17, 2022

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## Profile

\_\_\_\_\_  
Prefix      Theodore      \_\_\_\_\_  
First Name      Middle Initial      Last Name      \_\_\_\_\_  
\_\_\_\_\_  
Suffix

tmohn@aol.com  
\_\_\_\_\_  
Email Address

6961 BONE CREEK DR      \_\_\_\_\_  
Street Address      Suite or Apt

FAYETTEVILLE      NC      28314  
City      State      Postal Code

**Have you resided within Fayetteville City limits for at least 6 months?**

Yes  No

**What district do you live in? \***

8

Home: (910) 495-3634      \_\_\_\_\_  
Primary Phone      Alternate Phone

Retired U.S. Army      Retired  
Employer      Job Title

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**Which Boards would you like to apply for?**

Fayetteville Public Works Commission: Submitted

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**Are you related by birth or marriage to anyone now employed or serving as an elected or appointed official for the City of Fayetteville?**

Yes  No

**If yes, provide the name and relationship to you:**

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## Demographics

## Ethnicity

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Caucasian/Non-Hispanic

## Gender

---

Male

Question applies to multiple boards

**Please Select all positions you have experience in. \***

---

Supervisor/Manager

**Do you have a contract with the city?**

---

Yes  No

---

## Community Leadership Training

Please indicate year completed and add any additional leadership training in the final space of the section

**Fayetteville Area Ambassador Program Fayetteville Area Convention and Visitor's Bureau**

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**Multi-Cultural Leadership Development Program - United Way of Cumberland County**

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**Leadership Fayetteville Youth Academy – Fayetteville-Cumberland County Chamber of Commerce**

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**Small Business Technology & Development Center – Fayetteville-Cumberland County Chamber of Commerce**

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**Citizens' Academy, City of Fayetteville**

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**Citizens' Police Academy, City of Fayetteville Police Department**

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**Fayetteville Institute for Community Leadership - Methodist College/ Fayetteville Technical Community College**

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**Other training events not listed above**

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UNC School of Government Local Elected Officials Ethics Training. 2008, 2010, 2014, 2016, 2018. NC State Board of Elections Campaign Finance Training. 2007, 2009, 2013, 2015, 2017.

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## Relevant Experience & Education

**Please explain the reasoning for your Boards and Commissions selections. Your response may include qualifications, skills, and attributes and any other information that you might distinguish your application for other candidates.**

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I applied to become a FAYPWC Commissioner because I understand the importance of the Commission working with the Fayetteville City Council to support council's goals. FAYPWC's Strategic Plan should directly support City Council's Strategic Plan. As a former councilmember, I've worked with current and previous FAYPWC Commissioners on funding agreements for Phase V Annexation, Fayetteville charter revision, economic development funding associated with the charter revision and previously approved FAYPWC budgets. Utility companies like FAYPWC have a complex budget similar to a city budget. I have experience working on such multifaceted budgets. I'll invest the time and energy required to oversee such an organization and its budget for the best interest of the city, our citizens and the FAYPWC utility ratepayers.

**Summarize education, special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities.**

---

I served as a Fayetteville City Council Member in District 8 for ten (10) years. Elected in 2007, 2009, 2013, 2015 and 2017. I served on City Council when Fayetteville and FAYPWC came to agreement on the Phase V sewer/water extensions. I also served with Mayor Colvin on the City Council Committee where we negotiated with FAYWC and our General Assembly concerning the City Charter updated. I served twenty-two (22) years in the U.S. Army and another eleven (11) years as a Department of Defense Civilian within a Two-Star and Three-Star General Officer Headquarters. Leadership, budget analysis and team building were integral aspects of the various teams I've served on over the past thirty-five plus years between my Army career, Department of Defense Civilian career and my ten (10) years on the Fayetteville City Council representing the concerns of all City of Fayetteville residents. While serving as Department of Defense Civilian I worked in the United States Army John F. Kennedy Special Warfare Center and School (USAJFKSWCS) and then United States Army Special Operations Command. In addition to serving as Deputy Director for the Operations of the Special Operations Mission Training Center, I served as a Contracting Office Representative (COR) and approved invoices for multi-year, multi-million dollars contracts after reviewing and verifying each invoice. Budget approval and oversight was key providing quality services to our customers. While serving the citizens of Fayetteville as a Fayetteville City Council Member I participated in ten (10) Annual Strategic Retreats with a diverse group of City Council Members and Senior Staff to identify short, mid and long-term priorities for Fayetteville. I then worked with City Councils and Senior Staffs each of those ten (10) years on budget priorities to move forward with various short, mid and long-term priorities identified during the various Strategic Retreats. The FAYPWC and FAYPWC Senior Staff use a similar two-part process each year to set short, mid and long-term priorities and then adopts annual budgets that supports Fayetteville City Council established priorities and the best interests of the FAYPWC ratepayers.

**Due to your financial interests, property ownership and/or other matters, personal conflicts of interest may arise during your appointment term. How would you handle a personal conflict of interest?**

---

I currently have one single-family home that I'm still paying the mortgage. Should a conflict of interest arise I would seek legal advice and request recusal from voting on any such matter.

**If you have previously served on a major board or commission, please describe the scope of your appointment and share a few of the board's successes.**

---

I have not previously served on a Fayetteville board or commission. Just the City Council. I presently serve as secretary for The National Special Forces Green Beret Memorial Foundation (TNSFGBMF). We are a relatively new 501C(c)(3) based in North Carolina and have begun our fundraising campaign to create this memorial in Fayetteville, NC. This is a multi-year project to honor our incredible U.S. Army Special Forces Soldiers. I'm also a board member on the Cool Spring Downtown District (CSDD) in Fayetteville's Historic Downtown. Since first approving their initial budget, while serving on the Fayetteville City Council the CSDD has increased arts and entertainment events in Fayetteville's downtown. It is exciting to serve on this board and seeing all the wonderful activities bringing to our downtown area year over year.

Question applies to Fayetteville Public Works Commission

**What is your specific interest in serving as a PWC commissioner?**

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My specific interest is looking out for the City of Fayetteville and its citizens, the FAYPWC utility rate payers and future economic development/growth for our community. FAYPWC Commissioners and City Council Members must work as a cohesive team with common goals to move our city forward. Our FAYPWC Commissioners must be supportive of the goals of our City Council Members. Understanding how the Fayetteville City Council and FAYPWC budget works, I know I can bring the required knowledge and dedication to be an effective and efficient FAYPWC Commissioner on behalf of the Fayetteville City Council and utility's rate payers. FAYPWC Commissioners and Fayetteville City Council Members must be teammates in collectively moving our city forward. The future of our City and its utility's infrastructure expansion depends upon continuous and close collaboration between the entire City Council and the FAYPWC. Achievable shared goals between the City Council and FAYPWC Board Members should take center stage as we continue to move our city forward and provide the most affordable utility rates possible.

### **What experience do you have in the electric, water and sanitary sewer utility services?**

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My experience comes from spending ten (10) years on the Fayetteville City Council. It started with the Phase V Annexation utility extension agreement, approving FAYPWC budgets/major purchases, updating the City Charter and general oversight of their finances. Transitioning from a Fayetteville City Council Member to a FAYPWC Commissioner would be a relatively easy for me based on my years of experiences working between the previous Fayetteville City Council's and FAYPWC Commissioners. I learned from all of them. During my first seven (7) years on Fayetteville City Council, I had budget authority over the FAYPWC annual budget as city council members had to approve FAYPWC's budget as part of approving the city's overall budget. That changed with the city's 2017-2018 annual budget because of the city charter updates by our NC General Assembly. I personally embraced my dual fiduciary responsibility to approve the Fayetteville City Council budget and the FAYPWC Commissioner's budget. Below is a summary of the total budgets minus the city's Internal Service fund (Risk Management) that is often used for interfund city loans and repayments. Budget Year 2008-09: Total Budget: \$418,677,770; FAYPWC Budget: \$260,097,770; City Budget: \$158,580,000 Budget Year 2009-10: Total Budget: \$419,135,651; FAYPWC Budget: \$260,411,185; City Budget: \$158,724,466 Budget Year 2010-11: Total Budget: \$421,094,625; FAYPWC Budget: \$264,904,025; City Budget: \$156,190,810 Budget Year 2011-12: Total Budget: \$461,177,576; FAYPWC Budget: \$299,002,450; City Budget: \$162,175,126 Budget Year 2014-15: Total Budget: \$544,522,047; FAYPWC Budget: \$355,139,100; City Budget: \$189,382,947 Budget Year 2015-16: Total Budget: \$545,229,801; FAYPWC Budget: \$350,900,869; City Budget: \$194,328,932 Budget Year 2016-17: Total Budget: \$548,767,832; FAYPWC Budget: \$341,634,700; City Budget: \$207,133,132 Budget Year 2017-18: City Only Budget: \$204,695,712 Budget Year 2018-19: City Only Budget: \$ 215,369,370 Budget Year 2019-20: City Only Budget: \$229,669,609 NOTE: All members of the Fayetteville Appointment Committee and the collective Fayetteville City Council understands an initial approved annual budget is simply a starting point for the upcoming budget year based on revenue assumptions and initial Senior Staff proposed expenditures. Budget ordinance amendments are common practice for FAYPWC and Fayetteville City Council annual budgets. The final annual audit and Comprehensive Annual Finance Report (CAFR) reconciles actual revenues and expenditures throughout the budget year. One can simply think back to the Fayetteville tornado in April 2011, the past two hurricanes and the millions of dollars coming into Fayetteville from the Federal Government because of COVID relief. Should I be appointed as a FAYPWC Commission I will continue to do my research and makes decisions that support the Fayetteville City Council goals and protect the FAYPWC rate paying customers.

### **How will your participation as a PWC commissioner help the City Council achieve their vision and goals as outlined in the City's strategic plan and better align PWC actions with the City's strategic plan?**

---

I participated in and approved ten (10) Fayetteville City Council strategic plans since 2008. I fully understand the importance of the City Council's annual strategic plan. As a FAYPWC Commissioner I will push hard to ensure the FAYPWC Commission does all it can to support the City Council's annual strategic plan during the FAYPWC annual strategic retreat. The FAYPWC Members are a subordinate commission appointed by the Fayetteville City Council and should do everything it can to support the City's strategic plan, economic development efforts and FAYPWC's utility rate payers. Example: Should the Fayetteville City Council determine areas east of the Cape Fear River (Cedar Creek Road) are ripe for development, the FAYPWC Commission should do everything legally possible to safely make this happen. FAYWPC utility extension(s) should be considered under current economic development policies the City and FAYPWC have. If updated polices are required, the City Council and FAYPWC Members should consider policy updates required to work as a cohesive team to bring future economic development opportunities targeted by the Fayetteville City Council.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on city-owned water and sewer utility and how will your participation ensure effective communication between the two organizations?**

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The City of Fayetteville and FAYPWC are unique in North Carolina because of the City's Charter crafted and updated over the years by the North Carolina General Assembly. While it's nice to have a single Fayetteville City Council Member act as a liaison to the FAYPWC Commission meeting I personally believe the FAYPWC Commission should provide a quarterly update to the entire Fayetteville City Council during a regularly scheduled City Council Work Session or a specially called meeting just for this type discussion/communication between the two organizations. The Fayetteville City Council can easily make this a mandatory quarterly reporting requirement to improve and ensure effective communications between the FAYPWC and City Council. As a FAYPWC Member I would make myself available to every Fayetteville City Council Member to answer questions and/or get answers to their questions. We are all "Team Fayetteville".

Question applies to Fayetteville Public Works Commission

**Do you believe that a City owned utility should provide the necessary financial resources to extend water and sewer service to newly annexed areas?**

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Yes, with a caveat. There have been no recent involuntary annexations since the City's Phase V Annexation that took effect in 2005. Past financial models for completed involuntary Phase V Annexation projects are secured and in progress. Future Phase V Involuntary Annexation projects yet to be constructed can be adjusted but a cost benefit analysis would need to occur to determine the impact on system-wide sewer/water customers to absorb the cost should the Fayetteville City Council decide not to charge the individual customer a portion of this cost. Currently, FAYPWC customers and rate payers are absorbing all the costs associated with the Phase V annexation. No money is coming from the City's General Fund. It truly is Fayetteville City Council's decision to increase, decrease or eliminate the \$5,000 assessment to the typical single-family home for Phase V sewer and water extensions. Voluntary annexations are a completely different conversation in my personal opinion. Developers should provide sewer and water infrastructure for any new developments they want to build inside or outside Fayetteville City Limits and then tie into our FAYPWC utility system(s) like they currently do and also must be annexed to receive FAYPWC sewer. Receiving FAYPWC water without annexation is a bit more complicated but must make financial sense for that specific enterprise fund.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on extending water and sewer service to non-city residents?**

---

The framework of the current system to expend FAYPWC water and sewer outside City limits as outlined within the City Charter is sound. To receive sewer, one has to request voluntary annexation before connecting into our city's sewer system. This helps bring additional ad-valorem tax revenues to the City of Fayetteville through orderly growth. We must ensure extra care when extending water service outside our city limits without the request for voluntary annexation as to not place an undue burden on in-city water customers. Having customers outside Fayetteville City limits pay a higher rate makes sense to me.

Question applies to Fayetteville Public Works Commission

**What experience do you have in business enterprise management with financial planning, personnel management or contract negotiations?**

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During my ten (10) years on the Fayetteville City Council and eleven (11+) years as a Department of Defense Civilian I engaged in numerous negotiations related to enterprise financial planning, personnel management and contract negotiations. There are parallels between my financial planning, personnel management and contract negotiations as a Department of Defense Civilian and those of me serving as a Fayetteville City Council Member. To avoid inadvertently exposing protected financial data, personnel records and contract trade secrets I can say my overarching concern when making my decision(s) was to ensure the tax/rate payer received the best deal at the time.

Question applies to Fayetteville Public Works Commission

**What experience and contacts do you have with the legislature at the State and Federal level?**

---

For the past fifteen (15) years I have worked with and maintained professional contact with our North Carolina Local Delegation Members to help support the goals of the Fayetteville City Council. Maintaining relationships with these individuals is of paramount importance to garner their legislative support in the North Carolina General Assembly for "Local Bills" and monies coming to our city.

Question applies to Fayetteville Public Works Commission

**Are you willing to devote the time necessary to fulfill the duties and expectations of a PWC Commissioner? Will your employer allow time away from your work on a regular basis?**

---

Yes. I will devote the necessary time to fulfill the duties and expectations of a FAYPWC Commissioner. I am fully retired and would like to keep supporting the citizens of Fayetteville as a FAYPWC Commissioner.

Question applies to Fayetteville Public Works Commission

**Please disclose any personal, professional/business or political relationships with PWC, the City of Fayetteville, City Council Members, or legislative delegation that could create the perception of undue influence or conflict of interest.**

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I have no professional/business relationship with anyone at FAYPWC, the City of Fayetteville, Fayetteville City Council Members or our State and Federal delegation members that could be perceived as a conflict of interest or undue influence. Because of my ten (10) years serving on the Fayetteville City Council I have a semi-personal relationship with several persons but nothing that raises to the level of anything that can create the perception of undue influence or conflict of interest.

Question applies to Fayetteville Public Works Commission

**Please disclose any property ownership within the City of Fayetteville.**

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The only property I own is the home I live within and I'm still paying the mortgage on the house to the lending company.

---

Please attach any additional information you believe may aid in the consideration of your application.

---

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**Acknowledgement and Certification**

Please state whether you agree with the Following Statement:

---

I affirm that I understand that incomplete applications will not be considered. I understand that this application may be considered a public record and as such, portions may be subject to release under North Carolina General Statute Chapter 132, Public Records. I certify that the facts contained in this application are true and correct to the best of my knowledge and that I understand applicants must reside inside the Fayetteville City limits per Sections 35 of the City of Fayetteville Code of Ordinances. <http://www.fayettevillenc.gov> I agree that by my submission of this application form, I shall be deemed to have affixed my electronic signature hereto.

---

I Agree \*

Please use proper capitalization as this will be a permanent record of your name and address. If you have submitted an application in the past please enter your e-mail address to receive a link to update your current information. Submit Date: Jul 07, 2022

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## Profile

Mr. Peter B Stewart  
Prefix First Name Middle Initial Last Name Suffix

pbstewart4u@gmail.com  
Email Address

125 Dundee Rd  
Street Address Suite or Apt

Fayetteville NC 28303  
City State Postal Code

**Have you resided within Fayetteville City limits for at least 6 months?**

Yes  No

**What district do you live in? \***

9

Mobile: (910) 977-5770  
Primary Phone Alternate Phone

Franklin Johnson Commercial  
Real Estate Sales  
Employer Job Title

---

**Which Boards would you like to apply for?**

Fayetteville Public Works Commission: Eligible

---

**Are you related by birth or marriage to anyone now employed or serving as an elected or appointed official for the City of Fayetteville?**

Yes  No

**If yes, provide the name and relationship to you:**

---

## Demographics

## Ethnicity

---

Caucasian/Non-Hispanic

## Gender

---

Male

Question applies to multiple boards

**Please Select all positions you have experience in. \***

---

None

Supervisor/Manager

Realtor, developer or general contractor

**Do you have a contract with the city?**

---

Yes  No

---

## Community Leadership Training

Please indicate year completed and add any additional leadership training in the final space of the section

**Fayetteville Area Ambassador Program Fayetteville Area Convention and Visitor's Bureau**

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**Multi-Cultural Leadership Development Program - United Way of Cumberland County**

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**Leadership Fayetteville Youth Academy – Fayetteville-Cumberland County Chamber of Commerce**

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**Small Business Technology & Development Center – Fayetteville-Cumberland County Chamber of Commerce**

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**Citizens' Academy, City of Fayetteville**

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**Citizens' Police Academy, City of Fayetteville Police Department**

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**Fayetteville Institute for Community Leadership - Methodist College/ Fayetteville Technical Community College**

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**Other training events not listed above**

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Ethics training and Municipal government training upon election to Fayetteville City Council

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## Relevant Experience & Education

Mr. Peter B Stewart

**Please explain the reasoning for your Boards and Commissions selections. Your response may include qualifications, skills, and attributes and any other information that you might distinguish your application for other candidates.**

---

I worked at and managed Stewart Nissan Oldsmobile from 1978 till 1999. It was a family owned automotive dealership. I became dealer in 1986. We sold the business in 1999. I operated Stewart Superstore from 1999 till 2010. I opened and operated Stewart Super Dog and Dairy Bar from 2010-2012. At Beasley Media (2012 - 2020) Franklin Johnson Commercial (2020 - present) In all these businesses part of your success or failure is your ability to hire, train and retain employees. I was taught by my father, the late George C. Stewart Jr, three key principles to success. Take care of your customers, your employees and your community. No matter your product or service, these three keys never change. I have volunteered to serve the Fayetteville - Fort Bragg community my entire adult life. I am proud to be from our community and have always worked to make it a better place. I understand finance, physical structure management, marketing - public relations, personell management and hard work. In 1991 I met General Henry Hugh Shelton. He was the commander of the 82nd Airborne Division at the time. As an active member of the Military Affairs committee and an N C State graduate, we had a lot in common and became great friends. Over the years General Shalton moved up the ranks to become Chairman of the Joint Chief of Staff. Toward the end of his military service I visited General Shelton with David Hayes, to ask him if he would consider letting us set up a scholarship program in his honor at NC State. The answer was yes. Today this program has grown into a major scholarship, leadership and educational Center at N C State. This year we celebrated our 20th anniversary. This is the proudest accomplishment of my volenteer work.

**Summarize education, special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities.**

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Peter B. Stewart: Lifetime resident, Born and raised in Fayetteville. Graduated from North Carolina State University in 1978 with a degree in Business Management and Economics. For the first 30 years worked in the Family Automotive Business. Worked 8 years with Beasley Media Group in Account Sales and Marketing. Then joined the Franklin Johnson Group. Have managed and sold personal and family residential and commercial property for over 20 years. An involved active community leader serving with different organization throughout my business career. United Way volunteer and campaign Chair. Boy Scouts Council Dinner Chair, Chairman of the Military Affairs and Small Business council of The Fayetteville Area Chamber of Commerce. Schools and Roads Bond, Campaign Chair. Youth soccer coach. Haymount United Church, Building co-chair for \$5,000,000 expansion. Past Pastor parrish, finance and property member and chair . Current member: North Carolina State University, "General Hugh Shelton Leadership Center" and past Board Chair. The Salvation Army board member and past Board Chair. 82nd Airborne Division Honorary Member. 82nd Airborne Division Association Lifetime member. Married to Paula Davenport Stewart, 4 children all married with 6 grandchildren. I have a personal desire to make Fayetteville and our community a great place to live, work and play. I know Fayetteville and the Fort Bragg Community. Let me assist in you in your needs.

**Due to your financial interests, property ownership and/or other matters, personal conflicts of interest may arise during your appointment term. How would you handle a personal conflict of interest?**

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Should I encounter a situation where I had a personal conflict of interest, I would recuse myself from the decision-making process. I would make it clear what I believe the conflict of interest to be so that there would be complete transparency.

**If you have previously served on a major board or commission, please describe the scope of your appointment and share a few of the board's successes.**

---

I currently serve on The Salvation Army (TSA) Board. I have served for over 20 years. As a member the TSA Board I have headed the Finance, public relations and Family Store committees. I have worked on fund raising, feeding and membership. Day in and day out the Salvation Army is the most effective charity in our community. It feed the hungry, shelters those in need, provides social services, has a year around childrens program and always raises money to support the Christmas program, giving toys and clothing to those who have none. This is Success! I was active with the Chamber of Commerce serving on agriculture and Chairing small business and the Military Affairs. I was Honored in the first group of community volunteers to become an Honorary Member of the 82n Airborne Division. While in the automotive business I provided and arranged transportation vehicles for the dignitaries during " All American Week". this went on from the 1980s till the end of my automotive business in 2010. For over 30 years I have been a member of the "Bragg Special Activity Committee" . Whenever Fort Bragg have a special need, BSAC is there to help. Ongoing success! As co-chair with Bill Hurley, we successfully campaigned and raised the money and pledges for Haymount United Methodist Church to build it expansion, The New Life Center. Haymount UMC along with other churches and houses of worship provide spiritual, social and economic support to thousands and thousands of the Fayetteville - Fort Bragg Community. Success!

Question applies to Fayetteville Public Works Commission

**What is your specific interest in serving as a PWC commissioner?**

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I believe that I can bring a policy perspective to the commission that will seek to balance the long-term health of the organization with the short-term needs to optimize the value of the city's largest asset to the citizens of the entire city. Ensuring that the utility is financially sound and operating efficiently is key to the long term value to our citizens. I have a desire to insure that the commission fulfills its charter obligation to seek to serve the interests of the city within the scope allowed by the charter.

Question applies to Fayetteville Public Works Commission

**What experience do you have in the electric, water and sanitary sewer utility services?**

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As the owner and manager of commercial property, I have dealt with electric, water and sanitary utility services for over 45 years as an adult. I have been involved with permits, construction, repairs, replacements and utility easements. I understand single-phase and three-phase services. Water and sewer set up, back up and fix up. In short I have a good general knowledge and understanding of the work PWC in involved in.

Question applies to Fayetteville Public Works Commission

**How will your participation as a PWC commissioner help the City Council achieve their vision and goals as outlined in the City's strategic plan and better align PWC actions with the City's strategic plan?**

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I believe I can help the PWC see its role as a strategic asset of the city that serves the interest and goals of the city, with its strategic plan. I will have a good business perspective with our communities best interest always in mind. I am one to speak up and don't mind asking questions.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on city-owned water and sewer utility and how will your participation ensure effective communication between the two organizations?**

---

I believe it is vitally important to have a financially stable utility that strives to bring the best value to its customers while understanding that it must also do its best to meet the vision and goals of the City as set by the City Council. I understand, however, that the ultimate responsibility for determining the vision and goals for the City rests with the City Council. It is vital for the policy boards communicate with each other through the appropriate liaisons, who encourage transparent communication and cooperation between staffs. I also believe that in the past and going forward into the future PWC should not be sold but remain a city-owned utility.

Question applies to Fayetteville Public Works Commission

**Do you believe that a City owned utility should provide the necessary financial resources to extend water and sewer service to newly annexed areas?**

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Yes. The utility should extend the services as expeditiously as practical using good prudence to not jeopardize the long-term financial stability of the utility.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on extending water and sewer service to non-city residents?**

---

I believe the purpose of the commission is to serve the interests of the city, and the current city policy is to extend water and sewer service to non-city residents only after they petition to be annexed and their petition is approved by city council and the annexation occurs. I believe that Council should consider other alternatives, but that is a decision that the Council must make.

Question applies to Fayetteville Public Works Commission

**What experience do you have in business enterprise management with financial planning, personnel management or contract negotiations?**

---

I have owned and managed business property my entire life. 929 Bragg Blvd., 935 Bragg Blvd., 715 - 723 W Rowan Street. I have also been involved in a major building project with Haymount United Church. I have years of enterprise management experience with financial planning, personnel management and contract negotiation.

Question applies to Fayetteville Public Works Commission

**What experience and contacts do you have with the legislature at the State and Federal level?**

---

I have a personal and positive relationship with Richard Hudson on the national level. Over the years I have known many of our state legislators and been involved as needed for our community. When the US congress wanted to change the name of "All American Freeway" to ..... road, I personally contacted every North Carolina National House and Senate representative. I explained what "All American" stood for and how it Honored the 82nd Airborne "All American" Division. I was told the name was a done deal but it's still "All America Freeway". I am very proud of what you can do with understanding, conviction and no fear to contact anyone.

Question applies to Fayetteville Public Works Commission

**Are you willing to devote the time necessary to fulfill the duties and expectations of a PWC Commissioner? Will your employer allow time away from your work on a regular basis?**

---

I will put in the time as needed. I work my own schedule.

Question applies to Fayetteville Public Works Commission

**Please disclose any personal, professional/business or political relationships with PWC, the City of Fayetteville, City Council Members, or legislative delegation that could create the perception of undue influence or conflict of interest.**

---

I know Bevan Grice of PWC. I know Wade Fowler of the PWC board who recommended me to apply for the board. I know Johnny Dawkins of the City Council.

Question applies to Fayetteville Public Works Commission

**Please disclose any property ownership within the City of Fayetteville.**

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I own my home at 125 Dundee Road. I own 715, 719, 721, & 723 W Rowan Street. I own along with multiple family, members 929 Bragg Blvd.

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Please attach any additional information you believe may aid in the consideration of your application.

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## **Acknowledgement and Certification**

**Please state whether you agree with the Following Statement:**

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**I affirm that I understand that incomplete applications will not be considered. I understand that this application may be considered a public record and as such, portions may be subject to release under North Carolina General Statute Chapter 132, Public Records. I certify that the facts contained in this application are true and correct to the best of my knowledge and that I understand applicants must reside inside the Fayetteville City limits per Sections 35 of the City of Fayetteville Code of Ordinances. <http://www.fayettevillenc.gov> I agree that by my submission of this application form, I shall be deemed to have affixed my electronic signature hereto.**

---

I Agree \*

Please use proper capitalization as this will be a permanent record of your name and address. If you have submitted an application in the past please enter your e-mail address to receive a link to update your current information. Submit Date: Jul 29, 2022

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## Profile

Prefix First Name Middle Initial Last Name Suffix  
Robert C Vause Jr

vauseb@aol.com  
Email Address

310 STONEBROOK PLACE  
Street Address Suite or Apt

FAYETTEVILLE NC 28305  
City State Postal Code

**Have you resided within Fayetteville City limits for at least 6 months?**

Yes  No

**What district do you live in? \***

6

Mobile: (910) 624-0566  
Primary Phone Alternate Phone

VAUSE EQUIPMENT COMPANY, INC OWNER  
Employer Job Title

---

**Which Boards would you like to apply for?**

Fayetteville Public Works Commission: Eligible

---

**Are you related by birth or marriage to anyone now employed or serving as an elected or appointed official for the City of Fayetteville?**

Yes  No

**If yes, provide the name and relationship to you:**

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## Demographics

**Ethnicity**

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Caucasian/Non-Hispanic

**Gender**

---

Male

Question applies to multiple boards

**Please Select all positions you have experience in. \***

---

Business sector

**Do you have a contract with the city?**

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Yes  No

---

**Community Leadership Training**

Please indicate year completed and add any additional leadership training in the final space of the section

**Fayetteville Area Ambassador Program Fayetteville Area Convention and Visitor's Bureau**

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**Multi-Cultural Leadership Development Program - United Way of Cumberland County**

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**Leadership Fayetteville Youth Academy – Fayetteville-Cumberland County Chamber of Commerce**

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**Small Business Technology & Development Center – Fayetteville-Cumberland County Chamber of Commerce**

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**Citizens' Academy, City of Fayetteville**

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**Citizens' Police Academy, City of Fayetteville Police Department**

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**Fayetteville Institute for Community Leadership - Methodist College/ Fayetteville Technical Community College**

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**Other training events not listed above**

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**Relevant Experience & Education**

**Please explain the reasoning for your Boards and Commissions selections. Your response may include qualifications, skills, and attributes and any other information that you might distinguish your application for other candidates.**

---

I AM THE SECOND GENERATION TO OWN AND OPERATE VAUSE EQUIPMENT COMPANY THAT STARTED IN 1945.

**Summarize education, special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities.**

---

BS/BA IN BUSINESS FROM ECU; SITS ON ECU ENDOWMENT BOARD FROM 2005-PRESENT. ECU BOARD OF VISITORS. NC CATTLEMAN'S ASSOCIATION. FORMER PRESIDENT OF COUNTY 4H. MEMBER OF COMMERCE CLUB AT ECU. PAST PRESIDENT OF CUMBERLAND COUNTY FAIR. PAST DEALER COUNCIL FOR NEW HOLLAND. PAST DEALER FOR FORD NEW HOLLAND. MEMBER OF NC LIVESTOCK ASSOCIATION.

**Due to your financial interests, property ownership and/or other matters, personal conflicts of interest may arise during your appointment term. How would you handle a personal conflict of interest?**

---

ANY FINANCIAL TRANSACTIONS WOULD BE HANDLED BY ANOTHER MEMBER OF THE BUSINESS.

**If you have previously served on a major board or commission, please describe the scope of your appointment and share a few of the board's successes.**

---

FINANCE CHAIRMAN WHEN THE COUNTY BUILT THE CROWN COLISEUM.

Question applies to Fayetteville Public Works Commission

**What is your specific interest in serving as a PWC commissioner?**

---

GIVE BACK TO MY COMMUNITY WITH MY BUSINESS EXPERIENCE AND TO BE A VALUABLE ASSET TO PWC MANAGER.

Question applies to Fayetteville Public Works Commission

**What experience do you have in the electric, water and sanitary sewer utility services?**

---

SELL CONTRACTORS EQUIPMENT TO PROVIDE THESE SERVICES.

Question applies to Fayetteville Public Works Commission

**How will your participation as a PWC commissioner help the City Council achieve their vision and goals as outlined in the City's strategic plan and better align PWC actions with the City's strategic plan?**

---

I HAVE THE EXPERIENCE AND ABILITIES TO VIEW SITUATIONS AND ADJUST ACCORDINGLY.

Question applies to Fayetteville Public Works Commission

**What is your philosophy on city-owned water and sewer utility and how will your participation ensure effective communication between the two organizations?**

---

I BELIEVE EVERYONE CAN BENEFIT THROUGH COMMUNICATION AND TEAM WORK.

Question applies to Fayetteville Public Works Commission

**Do you believe that a City owned utility should provide the necessary financial resources to extend water and sewer service to newly annexed areas?**

---

YES

Question applies to Fayetteville Public Works Commission

**What is your philosophy on extending water and sewer service to non-city residents?**

---

IN THINK WE NEED TO BECOME ANNEXED INTO THE CITY. THEY SHOULD THEN PAY FOR. MAYBE GRANTS CAN BE OFFERED.

Question applies to Fayetteville Public Works Commission

**What experience do you have in business enterprise management with financial planning, personnel management or contract negotiations?**

---

44 YEARS ON MY OWN.

Question applies to Fayetteville Public Works Commission

**What experience and contacts do you have with the legislature at the State and Federal level?**

---

VERY ACTIVE WITH POLITICS FOR THE PAST 35 YEARS.

Question applies to Fayetteville Public Works Commission

**Are you willing to devote the time necessary to fulfill the duties and expectations of a PWC Commissioner? Will your employer allow time away from your work on a regular basis?**

---

YES

Question applies to Fayetteville Public Works Commission

**Please disclose any personal, professional/business or political relationships with PWC, the City of Fayetteville, City Council Members, or legislative delegation that could create the perception of undue influence or conflict of interest.**

---

NONE

Question applies to Fayetteville Public Works Commission

**Please disclose any property ownership within the City of Fayetteville.**

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VAUSE EQUIPMENT COMPANY 310 STONEBROOK PLACE

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Please attach any additional information you believe may aid in the consideration of your application.

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## Acknowledgement and Certification

Please state whether you agree with the Following Statement:

---

I affirm that I understand that incomplete applications will not be considered. I understand that this application may be considered a public record and as such, portions may be subject to release under North Carolina General Statute Chapter 132, Public Records. I certify that the facts contained in this application are true and correct to the best of my knowledge and that I understand applicants must reside inside the Fayetteville City limits per Sections 35 of the City of Fayetteville Code of Ordinances. <http://www.fayettevillenc.gov> I agree that by my submission of this application form, I shall be deemed to have affixed my electronic signature hereto.

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I Agree \*