



City of Fayetteville

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

Meeting Agenda - Final City Council Regular Meeting

Monday, November 24, 2025

6:30 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 CITY MANAGER REPORT

6.0 APPROVAL OF AGENDA

7.0A CONSENT AGENDA

7.0A1 [25-5032](#)

Approve Meeting Minutes:
November 10, 2025 - Work Session
November 10, 2025 - Discussion of Agenda Items
November 10, 2025 - Regular

Recommendation: Approve the draft minutes.

7.0A2 [25-4946](#)

Adopting Council Policy 160.09.2 - The Policy for Residents to
Request "No Parking" in Multi-Use Lanes

Recommendation: 1) Adopt Council Policy 160.09.2 - The Process for Residents
to Request "No Parking" in Multi-Use Lanes.

- 7.0A3** [25-5027](#) Approve Ordinances for Uninhabitable Structures: Demolition Recommendations
- 827 E. Orange Street District 2
4714 Ashton Road District 5
- Recommendation:** Staff recommends that Council adopt the ordinances authorizing demolition of these structures. We will continue to engage with the property owners up to the scheduled demolition date, offering opportunities for voluntary compliance, self-demolition, or grant-supported abatement through the Community Development Department.
Should a property come into compliance voluntarily, staff will present a demolition rescission ordinance to Council to formally remove the order from the property deed.
Prompt approval of the demolition ordinances is essential, as it enhances our leverage with property owners and is the only available mechanism to stay or suspend demolition proceedings once an order has been adopted.
- 7.0A4** [25-4830](#) Adopt Resolution supporting “No Parking” on Broadfoot Avenue to NCDOT
- Recommendation:** Staff recommends Council move to adopt the "No Parking" resolution.
- 7.0A5** [25-5028](#) Fire Station No. 9 Professional Architectural Services Selection
- Recommendation:** Authorize the City Manager to negotiate and enter into a contract for professional architectural services with Davis Kane Architects.
- 7.0A6** [25-5038](#) Approve Use of ARPA Interest Funds for Electric Buses, Maker’s Space, and Grant Matches
- Recommendation:** City staff recommend that the City Council approve the Capital Projects Ordinance allocating the remaining ARPA interest earnings to the electric bus grant match, the Maker's Space build-out, and the grant match reserve. This approach aligns with the one-time nature of the funds, advances key Council priorities, and positions the City to maximize external funding opportunities for the benefit of Fayetteville residents.
- 7.0A7** [25-4876](#) Accept and Appropriate the Governors Crime Commission Criminal Justice Improvement Committee Law Enforcement Equipment Grant Award
- Recommendation:** Staff recommends that Council accept the award and adopt Special Revenue Fund Project Ordinance 2026-9 as presented.

- 7.0A8** [25-5033](#) Adopt Capital Project Ordinance for Stadium View Project
- Recommendation:** Adopt the CPO as presented approving the allocation of \$5.7 million from the General Fund fund balance to support the public infrastructure improvements required for the Stadium View project and authorize the City Manager to finalize and execute all necessary funding agreements. This action ensures the City can fulfill its obligations under the updated development agreement with Lansing Melbourne Group (LMG) and move the project forward on schedule. If the General Fund balance falls below the City's 12% policy threshold at the time funds are needed, authorize the use of limited obligation debt as a contingency funding mechanism.
- 7.0A9** [25-5029](#) Adopt Resolution of the Fayetteville City Council Authorizing the City Manager to Acquire the Real Property Located at 920 and 922 Washington Drive
- Recommendation:** Staff recommends that the City Council proceed with acquisition and adopt a resolution authorizing the City Manager to execute all related documents necessary to acquire the parcel.
- 7.0A10** [25-5039](#) PWC - Adoption of Resolution in Opposition to Interbasin Transfer (IBT) Certificate
- Recommendation:** Adopt the Resolution and direct staff to prepare a formal communication to the State of North Carolina.

7.0B ITEMS PULLED FROM CONSENT

8.0 EVIDENTIARY HEARINGS

- 8.01** [25-5016](#) SUP25-07 Evidentiary Hearing for a Special Use Permit to allow changes to a Major Utility located at 6787 Bailey Lake Road (Reid # 0406046357000) owned by LUMBEE RIVER ELECTRIC MEMBERSHIP CORP.
- Recommendation:** Staff recommends that City Council hold an Evidentiary Hearing and base their decision on the evidence and testimony provided.

9.0 OTHER ITEMS OF BUSINESS

- 9.01** [25-5041](#) Authorize Central Park Villas Affordable Housing Contingent Loan Commitment
- Recommendation:** Staff recommends that Council move to authorize a contingent loan commitment letter and subsequent loan documents in the amount of \$2,883,811 from HOME and Housing Opportunity General Obligation Bond Funds to Central Park Villas.

10.0 ADMINISTRATIVE REPORTS

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

- 10.01** [25-4980](#) Administrative Report on Downtown Municipal Service District Boundary and Inclusion of Park View Townhomes
- Recommendation:** For information only, no action required unless Council moves to add to an upcoming Work Session.
- 10.02** [25-4983](#) American Rescue Plan Act (ARPA) Final Phase and Next Steps
- Recommendation:** For information only, no action required unless Council moves to add to an upcoming Work Session.
- 10.03** [25-5036](#) Festival Park Security Protocol Implementation Update
- Recommendation:** For information only, no action required unless Council moves to add to an upcoming Work Session.

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@fayettevillenc.gov or by calling 910-433-1989 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 24, 2025 - 6:30 p.m.
Cable Channel 7 and streamed "LIVE" at FayTV.net

Notice Under the Americans with Disabilities Act (ADA):

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Human Relations at yamilenazar@fayettevillenc.gov, 910-433-1696, or the Office of the City Clerk at cityclerk@fayettevillenc.gov, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.



Five Council Strategic Priorities





City of Fayetteville

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

City Council Action Memo

File Number: 25-5032

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A1

TO: Mayor and Members of City Council

THRU: Jodi Phelps, Assistant City Manager

FROM: Jennifer Ayre, MMC, City Clerk

DATE: November 24, 2025

RE:

Approve Meeting Minutes:

November 10, 2025 - Work Session

November 10, 2025 - Discussion of Agenda Items

November 10, 2025 - Regular

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal IV: The City of Fayetteville will continue to have a collaborative citizen and business engagement base

Executive Summary:

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

Background:

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

Issues/Analysis:

None.

Budget Impact:

None.

Options:

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

Recommended Action:

Approve the draft minutes.

Attachments:

Three sets of draft minutes

**FAYETTEVILLE CITY COUNCIL
WORK SESSION SPECIAL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
NOVEMBER 10, 2025
4:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3) (arrived at 4:11 p.m.); D. J. Haire (District 4); Lynne Greene (District 5); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent Council Member Derrick Thompson (District 6)

Others Present: Douglas Hewett, City Manager
Lisa Harper, Senior Assistant City Attorney
Kelly Strickland, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jeffery Yates, Assistant City Manager
Kevin Dove, Fire Chief
Roberto Bryan, Police Chief
Gerald Newton, Development Services Director
Jerry Clipp, Human Resources Director
Loren Bymer, Marketing & Communications Director
John Jones, Office of Community Safety Director
Albert Baker, Economic & Community Development Assistant Director
Kimberly Toon, Purchasing Manager
Brook Redding, Senior Assistant to the City Manager
Jennifer Ayre, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 4:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Haire.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 CITY MANAGER REPORT

No report provided.

5.0 APPROVAL OF AGENDA

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

6.0 OTHER ITEMS OF BUSINESS

6.01 City Council Agenda Item Request – Request Audit of CIP Projects – Council Members Hondros, Davis, & Greene

Council Member Hondros stated many members of Council have received questions about the stalled Capital Improvement Projects (CIP Projects), such as the three Mohammad Mohammad projects, the Fire Station 4 project, and the Hay Street Parking Deck. The request is to request the State Auditor complete a performative or forensic audit as they deem appropriate.

Council Member Davis stated this is an effort to have transparency. Many of the projects are in District 2 and he has heard great concerns from many of the District 2 residents and the community.

Council Member Greene stated the spirit of the request is to have transparency around the Mohammad project and other CIP projects.

Mayor Colvin stated the City Attorney requested Mr. Billy West, District Attorney's involvement and Mayor Colvin also sent a letter to the State Legislative Delegation briefing them on the situation as well as informing them of the request to involve the District Attorney. Discussion ensued regarding the viewing of a video Mayor Colvin received from District Attorney in closed session at the end of the meeting.

Consensus of Council was to formally request the State Auditor come and complete a performative or forensic audit, as they see fit, on the stalled CIP Projects.

6.02 City Council Agenda Item Request – FPD Quarterly Report Public Upload Date Consistency – Council Member Benavente

Council Member Benavente stated the request is regarding the Police Department quarterly report. Departments are required to have their items and presentations into the City Clerk's Office by a specific date and time in order to be included in the agenda packet. Dr. Douglas Hewett, City Manager stated the Police Department quarterly reports are sent to Council first in order to allow them time to review the information and ask questions. Mr. Roberto Bryan, Chief of Police, stated staff likes to provide the information to the City Council first prior to the public so that Council can review to answer questions.

Council Member Benavente stated the request is to include the presentations in the agenda packets in line with the rest of the departments in order to allow for transparency and to allow staff ample time to respond to any questions from Council regarding the report.

There was no consensus to move this item forward.

6.03 City Council Agenda Item Request – Research Tenants Rights Ordinance – Council Member Benavente

Council Member Benavente stated the cities of Durham and Charlotte have instituted policies for tenants that are facing evictions while living in uninhabitable properties. There are multiple habitability requirements for properties and if properties are not habitable either they should not be rented, or the rent should be abated until the issues are addressed. The other municipalities have put forth tenant right ordinances to address these issues, making it so residents do not need to find the money to try and take the landlord to court.

Some of the protections of the State are included in the local ordinances to allow for renters to advocate for themselves more effectively and creates a way so that a magistrate or District Court Judge is not required to abate rent for uninhabitable properties.

Discussion ensued.

Consensus of Council was to direct staff to research tenant right ordinance options. Council Member Hondros was opposed to the consensus motion.

6.04 City Council Agenda Item Request – Dinner Meeting Reform – Council Member Benavente

Council Member Benavente requested moving forward, an agenda for the dinner meeting be established.

Discussion ensued.

There was no consensus to move this item forward.

6.05 City Council Agenda Item Request – Disclose City Council Conflict of Interest Forms – Mayor Colvin

Mayor Colvin stated this request is an effort to be transparent and allow for Council and the residents to be more informed. If individuals serve on a State board, they are required to complete a conflict of interest form which is public record and posted online. The request is for the City of Fayetteville conflict of interest forms to be more aligned with the State forms and to identify best practices on how to create a consistent unified form.

Consensus of Council was to direct staff to create best practices for a consistent process with a unified form. Council Member Benavente opposed to the consensus motion.

6.06 City Council Agenda Item Request – Arts Council Alleyway Improvement – Council Members Benavente and Davis

Council Member Davis stated the request originated from the Arts Council regarding an alleyway to the right of the Arts Council. The request is to request Parks and identify a plan and funding to make the alleyway better and more inviting for use. This would allow for it to be cleaned up and have better upkeep.

Discussion ensued regarding the alleyway and identifying a plan for all downtown alleyways.

Consensus of Council was to direct staff to come back with cost associated with making all downtown alleyways for residents use but the Arts Council alleyway with the chessboard tables a priority and identify funding whether private or public.

7.0 ADJOURNMENT

There being no further business, the meeting was adjourned at 4:58 p.m.

Respectfully submitted,

JENNIFER L. AYRE
City Clerk
111025

MITCH COLVIN
Mayor

DRAFT

**FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD CONFERENCE ROOM, CITY HALL
NOVEMBER 10, 2025
5:30 P.M.**

Present: Mayor Mitch Colvin;

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3); D.J. Haire (District 4); Lynne Greene (District 5); Brenda McNair (District 7); Deno Hondros (District 9)

Absent: Council Member Derrick Thompson (District 6)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Kelly Strickland, Assistant City Manager
Adam Lindsay, Assistant City Manager
Roberto Bryan, Jr., Police Chief
Kevin Dove, Fire Chief
Tiffany Murray, Chief Financial Officer
Gerald Newton, Development Services Director
Sheila Thomas-Ambat, Public Services Director
Loren Bymer, Marketing & Communications Director
John Jones, Office of Community Safety Director
Albert Baker, Economic & Community Development Director
Brook Redding, Senior Assistant to the City Manager
Jennifer Ayre, City Clerk
Connor Bath, Real Estate Development Associate at LMG
Howard Rhodes, Outside Counsel
Media
Members of the Public

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:30 p.m.

2.0 APPROVAL OF THE AGENDA

MOTION: Council Member Jensen moved to approve the dinner meeting agenda

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

3.0 ITEMS OF BUSINESS

3.1 Review of the November 10, 2025 Regular Meeting Agenda

Mayor Colvin asked the Council to review the regular agenda for the November 10, 2025, meeting.

Council Member Greene thanked staff for being quick to provide responses to questions she had on consent items.

Council Member Benavente stated he is unable to attend the whole meeting and has requested Council Member Hondros mention an upcoming Heal The 'Ville event.

Mayor Pro Tem Jensen stated she also will have an announcement during Announcements and Recognitions.

Council Member Benavente asked Mr. John Jones, Office of Community Safety Director about the slides focused on rapid response in the presentation for Item 9.01 – Receive the Office of Community Safety Quarterly Update. Mr. Jones stated in the report there is identified rapid response and there is also an incorporated incident response protocol and how to take care of the community after a tragic incident. Furthermore, the progress of the behavioral health response model will also be presented.

Ms. Lachelle Pulliam, City Attorney, stated for purposes of Item 10.01 – Legislative

DRAFT

Hearing on Amended and Restated Proposed Stadium View Downtown Development Agreement is before the Council for a legislative/public hearing in order to receive comments from the public with a presentation from Dr. Douglas Hewett, City Manager. Mr. Peter Flotz with LMG will be available remotely for any questions. Staff are requesting Council give authorization to the City Manager to execute the development agreement pursuant to any amendments the Council directs or approves as well as any ancillary agreements, particularly the loan agreement which will outline the City's obligations of the loan to the developer.

Discussion ensued regarding the ability to refile the PCH lawsuit. Dr. Hewett stated the outstanding taxes is an estimated \$280,000.00 and will be settled at the financial closing and sale between the private parties, LMG and PCH. Ms. Pulliam stated Council approved the assignment in January 2025, and now the parties need to consummate the sale through the City and LMG entering into the new development agreement.

Mr. Connor Bath, Real Estate Development Associate at LMG introduced himself.

CLOSED SESSION

MOTION: Council Member Hondros moved to enter into closed session for economic development pursuant to NCGS 143.18.11(a)(4)
SECOND: Council Member Haire
VOTE: PASSED by a vote of 8 in favor to 1 in opposition. (Council Member Benavente)

The regular meeting recessed at 5:45 p.m.

MOTION: Council Member Hondros moved to come out of closed session.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

The meeting reconvened at 6:21 p.m.

4.0 ADJOURNMENT

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

Respectfully submitted,

JENNIFER L. AYRE
City Clerk
111025

MITCH COLVIN
Mayor

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
NOVEMBER 10, 2025
6:30 P.M.**

Present: Mayor Mitch Colvin;

Council Members Katherine K. Jensen (District 1); Malik Davis (District 2); Mario Benavente (District 3) (arrived at 6:56 p.m. via TEAMS); D. J. Haire (District 4); Lynne Greene (District 5); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Council Member Derrick Thompson (District 6)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, City Attorney
Kelly Strickland, Assistant City Manager
Jeffrey Yates, Assistant City Manager
Adam Lindsay, Assistant City Manager
Roberto Bryan, Police Chief
Kevin Dove, Fire Chief
Tiffany Murray, Chief Finance Officer
Loren Bymer, Marketing and Communications Director
John Jones, Office of Community Safety Director
Albert Baker, Economic and Community Development Assistant Director
Kimberly Toon, Purchasing Manager
Nichelle Gaines, OCS Program Manager
Orlando Smith, OCS Behavioral Health Lead
Njeri Fikes, OCS Community Engagement Lead
Deanna Braggs, OCS Rapid Response Lead
Howard Rhodes, Outside Counsel
Peter Flotz, LMG Owner
Connor Bath, Real Estate Development Associate with LMG
Jennifer Ayre, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 6:30 p.m.

2.0 INVOCATION

The invocation was offered by Dr. Ron Godbolt, Senior Pastor of One Church Covenant Fellowship.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Troop 740G of Scouting America

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Council member Hondros announced Heal the Ville will host a Stop the War event on Saturday, November 15, 2025, 4:00 p.m. to 7:00 p.m. at 454 E. Russel Street, Fayetteville, NC.

Mayor Pro Tem Jensen announced Saints Constantine and Helen Greek Orthodox Church is holding their 68th Annual Spaghetti Dinner on November 19, 2025, at the Hellenic Center, 614 Oakridge Avenue.

Council Member Davis acknowledged Junior Mayor Rylen Mack.

Council Member Greene announced the Fayetteville Really Really Market is scheduled for Saturday, November 15, 2025, from 11:00 a.m. to 2:00 p.m.

Mayor Colvin stated Ms. Musik Blyther has been missing since November 7, 2025, and requested if anyone knows or hears something to call.

Mayor Colvin presented the City Key and Coin to Dr. Ron Godbolt for his unwavering commitment to the community.

5.0 CITY MANAGER REPORT

Dr. Douglas Hewett, City Manager, announced City administrative offices will be closed, Tuesday, November 11, 2025, in observance of Veterans Day. Solid waste will be picked up on Wednesday instead of Tuesday.

Dr. Hewett announced the next Fayetteville Outfront on transportation is scheduled for Thursday, November 13, 2025, at 6:00 p.m. at Lewis Chapel Middle School at 2150 Skibo Road, Fayetteville, NC.

6.0 APPROVAL OF THE AGENDA

MOTION: Council Member Haire moved to approve the agenda.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (8-0)

7.0 PUBLIC FORUM

Ms. Lauren Anderson, 2900 Domino Dr., Fayetteville, NC, expressed thanks for Council approving the microgrant for the Outlaw Horse Club.

Mr. Matthew Jones, 310 Bladen Cir., Fayetteville, NC, expressed concerns regarding actions of the community, elected officials, and businesses.

Mr. Chad McKeown, 822 Shannon Dr., Fayetteville, NC, expressed concerns regarding Sycamore Square.

Mr. Melvin Harlee, 3236 Dunn Rd., Eastover, NC, expressed interest in how he can give back to the community.

Mr. Konchan Khamone, 206 Campbell Ave., Fayetteville, NC, expressed concerns regarding the demolition of his property at 206 Campbell Avenue.

Mr. Benjamin Hultquist, 801 Rim Rd., Fayetteville, NC, provided recommendations for public transit and adequate crosswalks.

8.0A CONSENT AGENDA

MOTION: Council Member Greene moved to approve the consent agenda.

SECOND: Council Member Davis

VOTE: UNANIMOUS (9-0)

8.0A1 Approval of Meeting Minutes:

October 22, 2025 – Agenda Briefing

October 27, 2025 – Discussion of Agenda Items

October 27, 2025 – Regular

8.0A2 Approve P25-46. Rezoning of a property currently zoned as Community Commercial (CC) and Light Industrial (LI) to Light Industrial/Conditional Zoning (LI/CZ), addressed as 5236 Murchison Road, (REID # 0429159291000) totaling 2.36 acres ± and being the property of Everhart, LLC. Represented by Lori Epler of Larry King and Associates.

City Council approved the rezoning of 2.36 acres located at 5236 Murchison Road from Community Commercial (CC) and Light Industrial (LI) to Light Industrial/Conditional Zoning (LI/CZ). There are no permanent structures on the property. The proposed conditional rezoning from CC and LI to LI/CZ is consistent with the City of Fayetteville's 2040 Future Land Use Plan, which designates the area for Industrial/Employment Center (EC) development. The request aligns with the Plan's goals to support employment centers that include larger industrial uses or business parks. Restricting such uses as bars, nightclubs, adult entertainment, and gaming establishments helps maintain the overall character of the surrounding area and takes advantage of the parcels proximity to the I-295 access point.

8.0A3 Approve the Watershed Master Plan Overview and Final Deliverables

City Council approved the Watershed Master Plan overview and final deliverables. The Watershed Master Plan program was initiated in FY 2019 to provide a comprehensive City-wide evaluation of the flooding issues in Priority 1 areas and to develop proposed solutions. The Beaver Creek 2 and Little Rockfish Creek 1 watershed studies have now been completed. These watersheds cover 16.5 square miles of the City, and 5.37 square miles have been studied. Through the studies, 43 proposed solutions have been developed for an estimated total cost of \$143 million. These proposed solutions collectively mitigate 13.1 miles of impacted lane length, 29 road-crossing risks, 128 disconnected structures, and up to 185 impacted structures. Council has previously approved incorporating the proposed solutions into the CIP.

8.0A4 Adoption of Special Revenue Fund Project Ordinance 2026-11 and the Associated Resolution to Appropriate and Direct the Expenditure of \$163,800 of Opioid Settlement Funds

City Council approved the direction of \$163,800.00 in opioid settlement funds via a resolution and appropriate with a Special Revenue Ordinance (SRO 2026-11) for the enrollment of 364 officers in the Operational Readiness for Police Offices: Effective Strategies & Practical Techniques for Addressing Opioid Use Disorder & Co-occurring Conditions training course through Fayetteville State University (FSU).

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS. RESOLUTION NO. R2025-039

8.0A5 Approval of Replacement for Damaged Fire Apparatus

City Council approved the replacement of Ladder Truck Unit 2009/230, a 2009 Pierce Velocity 100-foot rear-mounted aerial and approve the advance purchase of a 2026 Pierce Enforcer 107-foot aerial using Fiscal Year 2027 capital funds. Ladder Truck Unit 2009/230 has reached the end of its reliable service life, due to sustaining significant structural damage and no longer meeting the current NFPA 1901 safety standards for frontline operations.

8.0A6 Approve Resolution to Appointment Deputy Finance Officers for the Purpose of Signing Certain Purchase Orders, Contracts, and Agreements

City Council adopted the resolution authorizing the City's Assistant CFO- Procurement and Assistant CFO - Financial Reporting to execute the preaudit certificate on purchase orders, contracts and agreements, act as designees in the CFO's absence, and remove the Purchasing Manager and Special Assistant to the City Manager as deputy finance officers.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DESIGNATING THE ASSISTANT CFO-PURCHASING AND ASSISTANT CFO-FINANCIAL REPORTING AS DEPUTY FINANCE OFFICERS. RESOLUTION NO. R2025-040

8.0A7 Adopt Resolution Declaring 434 Old Wilmington Road Surplus Property and Authorizing the Upset Bid Process and Sale of the Property

City Council adopted a resolution declaring 434 Old Wilmington Road surplus property and accept the bid amount of \$18,000.00 for the property from Combined Unified Services, Inc. The City of Fayetteville was deeded 434 Old Wilmington Road from Cumberland County on January 29, 2009. This parcel was included in the Hope VI area which was identified for redevelopment. The City has never developed the property and has no plans to utilize the lot.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINGA DECLARING 434 OLD WILIMINGTON ROAD SURPLUS PROPERTY AND AUTHOLRIZING THE UPSET BID PROCESS AND SALE OF PROPERTY. RESOLUTION NO. R2025-041

8.0A8 PWC – Approve Bid Recommendation – Granular Carbon Media for P.O. Hoffer & Glenville Lake Water Treatment Facilities

City Council approved the bid recommendation purchase award of Granular Carbon Media for P. O. Hoffer & Glenville Lake Water Treatment Facilities to Calgon Carbon Corporation, Moon Township, PA, the lowest responsive, responsible bidder and in the best interests of PWC in the total amount of \$15,213,853.35 and authorize the CEO/General

Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its purchase.

8.0B ITEMS PULLED FROM CONSENT

There were no items pulled from the Consent Agenda.

9.0 STAFF REPORTS

9.01 Receive the Office of Community Safety Quarterly Update

Mr. John Jones, Office of Community Safety Director, presented this item with the aid of a PowerPoint presentation and stated today is the first ever quarterly report for the Office of Community Safety (OCS) and thanked the City Council for the decision they made to move forward with community safety with a holistic approach.

Mr. Jones provided an overview of the mission and purpose for OCS and introduced the staff.

The four pillars of OCS are Community-Based Violence Prevention, Homelessness Response, Youth Initiatives, and Mental Health Response and Diversion. Under the Community Violence Intervention and Youth Programming pillar there were 59 community engagement events, 3 youth night outs, OCS supported the first youth night out organized by the PROOVE Project, and 20 community safety micro-grants were awarded for a total of \$84,500.00 in neighborhood safety initiatives. Under the Behavioral Health and Homelessness Response pillars OCS coordinated 214 behavioral health and homelessness-related calls, completed 52 referrals made to partner mental health providers, and conducted 84 on-site outreach visits to connect residents with services.

Behavioral Health

OCS focused on expanding interagency collaboration through partnerships with law enforcement, behavioral health, and public health systems. OCS has created active participation with regional crisis and diversion initiatives with Alliance Health's Crisis Collaborative, Sequential Intercept Task Force, and LEAD Case Reviews. Furthermore, OCS created a crisis intervention standard operating procedure to guide coordinated response for individuals while positioning the department to act as a bridge between systems, improving coordination, data sharing, and care linkage.

Mr. Jones stated they have started focusing on behavioral health and will continue to address barriers in the second quarter through a Fayetteville-Cumberland County Behavioral Health Summit.

Violence Prevention

Community violence intervention means a trusted messenger has the ability to influence someone who is about to cause violence and is able to deescalate and remove the concern of the individual, so an act of violence does not take place. OCS is focused on violence preventions and intervention, youth and family engagement, workforce and skills development, community partnership expansions, and PROOVE's work within the zip codes 28301, 28303, and 28305. PROOVE has hosted 13 community events, engaging over 600 residents, distributed 425 backpacks, 3 dorm packages and 2 scholarships. Additionally, PROOVE has taken part in identifying 11 conflicts, interrupted 3 conflicts, provided 8 referrals to supportive services and established 7 new street outreach connections.

OCS has partnered with the National Institute for Criminal Justice Reform (NICJR) to guide Fayetteville's Community Violence Intervention through strategic planning, capacity building, and landscape analysis.

Homelessness

OCS has supported individuals experiencing homelessness through on-site responses, coordination with partner agencies, completing follow-up care planning to strengthen safety, stability, and community well-being. There were 32 referrals directly from the Fayetteville Police Department, 182 direct calls to the OCS Rapid Response Lead Ms. Deanna Braggs, conducted 84 field outreach on-site visits, and provided 52 mental health related referrals.

Youth Programming

The Youth Night events engaged over 100 individuals between the ages of 12-17. The youth night out events included financial literacy, cooking, basketball, gaming, mentoring,

resume building, professional headshots, and restorative justice circles all with transportation provided through multiple community partners.

Mr. Jones provided a list of priorities for the second quarter.

Discussion ensued.

MOTION: Council Member Hondros moved to accept the Office of Community Safety Quarterly Update
SECOND: Council Member Benavente
VOTE: UNANIMOUS (9-0)

10.0 PUBLIC HEARINGS

10.01 Legislative Hearing on Amended and Restated Proposed Stadium View Downtown Development Agreement

Dr. Douglas Hewett, City Manager, presented this item with the aid of a PowerPoint presentation and stated this is a public hearing for the Stadium View Downtown Development Agreement (DDA) for the towers above the Hay Street Parking Deck.

Dr. Hewett presented the history of Project Homerun for Segra Stadium. As part of the project, was a parking garage and towers above the parking garage creating unique urban design elements through a public-private partnership with Prince Charles Holdings (PCH). The vision of the two towers was for one to be a hotel and one to be residential units.

In order to complete the vision, a public hearing must be held on the amended and restated DDA between the City of Fayetteville and Fay Hay Master Venture LLC an LMG affiliate. It is to revitalize the downtown core and completes the original mixed-use vision. It will support the existing City Investments of the \$37.9 million SEGRA Stadium and \$17.8 million Hay Street Parking Garage.

The City's financial commitment would be a loan up to \$5.7 million for public improvements, the developer would include 124 residential units, 119 hotel units, ground-floor retail space, and elevators. The development schedule will start with finalizing the budget in January 2026 and substantial construction completed in May 2028.

The City is protected through performance milestones, developer guarantees with possible bonding, and City oversight through compliance reviews and progress reporting. The minimum assessed tax value guarantee is an estimated \$45 million. The developer is responsible to meet or exceed the minimum assessed value guarantee, complete the construction per the approved design and timeline, and maintain compliance with zoning, environmental, and building regulations. The community will benefit through new housing, hotel, and retail opportunities downtown while activating underused areas and supporting local businesses while expanding tax base and creating local jobs.

This is the advertised public hearing set for this date and time; the public hearing was opened.

Mr. John Malzone, 1100 Claredon St., Fayetteville, NC, spoke in favor of this item.

Ms. Bobbie Burgess, 2108 Constitution Dr., Fayetteville, NC, spoke in favor of this item.

There being no further speakers, the public hearing was closed.

Mr. Howard Rhodes, Outside Counsel stated LMG will acquire the land that the parking deck sits on and the area above the deck, the City will continue to own the parking deck.

Mr. Peter Flotz, LMG Owner, stated he can commit to meetings with the Downtown Alliance through coordination with the City.

Discussion ensued.

MOTION: Council Member Greene moved to authorize the City Manager to execute the amended and restated downtown development agreement, subject to any necessary amendments, as well as any ancillary agreements necessary to implement the project

SECOND: Council Member Davis

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Benavente)

MOTION: Council Member Benavente moved to direct staff to work with the Downtown Alliance and the Cool Springs Downtown District to coordinate regular meetings with LMG

SECOND: Council Member Greene

VOTE: UNANIMOUS (9-0)

11.0 ADMINISTRATIVE REPORT

11.01 Receive an Administrative Report on the Day Resource Center for the First Quarter of Fiscal Year 2026

This item was for information purposes only and not presented.

11.02 Receive Administrative Report on District 2 New Splash Pad – Project Update

This item was for information purposes only and not presented.

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:43 p.m.

Respectfully submitted,

JENNIFER L. AYRE
City Clerk
111025

MITCH COLVIN
Mayor



City of Fayetteville

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

City Council Action Memo

File Number: 25-4946

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A2

TO: Mayor and Members of City Council

THRU: Adam Lindsay, ICMA-CM, Assistant City Manager

**FROM: Sheila Thomas-Ambat, PE, CCM, CFM, Public Services Director
Brian McGill, PE, PTOE, Assistant Public Services Director - Traffic
Services**

DATE: November 24, 2025

**RE:
Adopting Council Policy 160.09.2 - The Policy for Residents to Request “No
Parking” in Multi-Use Lanes**

COUNCIL DISTRICT(S):

All Districts

Relationship To Strategic Plan:

Goal IV: Be a highly desirable place to live, work, and recreate.

Executive Summary:

Council requested staff develop a process for “No Parking” in multi-use lanes, similar to the speed hump process. This request is the result of discussion from the June 2, 2025 Council Work Session, where staff provided the Bicycle Lane Ordinance Clarifications and Recommendations presentation.

Staff presented research, and asked for guidance from Council, at the September 2, 2025 Council Work Session. The unanimous Council approval from that work session of the recommendations has led to the creation of the attached policy.

Staff recommend the adoption of Council Policy 160.09.2, which is the policy for residents to request “No Parking” in multi-use lanes in their neighborhoods.

Background:

History of recent “No Parking” policies:

- 08/23/2023 - Brunswick Road “No Parking” zone is enacted [Most recent “No Parking” zone]
- 06/02/2025 - Council requested staff develop a process for multi-use lanes “No Parking” requests
- 09/02/2025 - Staff presented “No Parking” information at Council Work Session
- 11/18/2025 - Staff presented Council Policy 160.09.2 to the City Council Policy Review Committee
- 11/24/2025 - Staff present process for residents to request “No Parking” in multi-use

lanes for adoption

The City of Fayetteville does not have a defined policy for residents to request “No Parking” in neighborhoods with multi-use lanes. To-date, for “No Parking” to be applied, Council members were required to request “No Parking” on behalf of their constituents. After reviewing the location, staff would make a recommendation and pursuant to any discussion, a “No Parking” zone could be enacted. The most recent “No Parking” zone was Brunswick Road on August 23, 2023.

The City documents “No Parking” zones as part of traffic schedule Number 9 - Parking Prohibited. The ordinance which authorizes the traffic schedules, Chapter 16, Article III, Section 16-61, *Traffic Schedules Adopted; City Manager Authorized to Compile*. is attached to this agenda item as “16-61 Traffic Schedules.pdf”.

It was requested at the June 2, 2025 Council Work Session, prior to the presentation for Bicycle Lane Ordinance Clarifications and Recommendations, that staff provide a process for “No Parking” in multi-use lanes following a process similar to speed humps.

Staff presented File 25-4864 (attached to this agenda item) at the September 2, 2025 Council Work Session, which included a presentation (attached to this agenda item as “No Parking Presentation_20250902.pdf”) showing research and documentation behind recommendations for a potential policy. Staff requested guidance from Council based on the recommendations and information from the presentation. Council provided guidance through unanimous approval of the recommendations from the presentation and directed staff to return with a policy or ordinance allowing “No Parking” to be established in multi-use lanes.

Staff created Council Policy 160.09.2 in response to the recommendations from the presentation on September 2, 2025 and File 25-4864. This policy was presented to the City Council Policy Review Committee on September 18, 2025 where it was approved and recommended to proceed to the November 24, 2025 meeting for approval.

Issues/Analysis:

It was determined during the review and clarification surrounding bicycle lane ordinances that there is a desire by some communities to enact “No Parking” in multi-use lanes. Some communities may have used bicycle lanes as a de facto “No Parking” multi-use lane, however, with clarification of what is/is not permitted in bicycle lanes, defining a “No Parking” request process was requested.

Eight (8) municipalities were reviewed for their “No Parking” process. These municipalities are as follows: Apex, Concord, Durham, Greenville, High Point, Huntersville, Raleigh, Wilmington. More detail on the research behind the recommendations behind this policy can be found in File 25-4864, which was summarized in the presentation presented to Council on September 2, 2025. A short summary of our review of those eight (8) municipalities identified the following:

- 6 of 8 municipalities have a formal “No Parking” policy.
- While all allow “No Parking” to be requested for Safety Concerns, only 6 of 8 allow

non-safety/resident requests to proceed.

- Signature thresholds vary between municipalities, ranging from 51% to 100%.
- 3 of 8 municipalities do not require Council approval to enact “No Parking” zones.

The recommendations for the policy are summarized below. These items are formalized in the “Residential Traffic Management Program: No Parking Request in Multi-Use Lanes” attachment and presented as City Council Policy number 160.09.2.

- “No Parking” can be requested by residents in multi-use lanes per this policy. “No Parking” in multi-use lanes for non-safety reasons will only be applied where residents request it and per this policy.
- “No Parking” will be evaluated on a block-by-block basis, to be measured from intersection to intersection. If the road ends (such as a cul-de-sac) then the “block” will be defined as the entire length of the multi-use lane. Evaluation areas will be applied to both sides of the road regardless of which side(s) “No Parking” is requested for.
- A signature threshold of 70% is required for “No Parking” to be approved in a multi-use lane. Signatures from owners, renters, tenants, etc. are valid. When in dispute, the owner’s signature overrides the renter/tenant. For multi-family properties, the units directly adjacent to the street receiving “No Parking” shall be counted for the number of signatures needed. Abandoned houses/vacant lots are excluded from the number of needed signatures but may be counted in support of a “No Parking” zone should a mailed ballot be returned or online petition be signed by the owner of the property. Should their status change, the contact person must request staff to review and re-solicit approval of the “No Parking” zone. Staff will be required to review each “No Parking” zone request in person to verify the property is not abandoned, or a vacant lot.
- Mailed ballot cards will be mailed to the “No Parking” area for signature approval. Signatures are required from both sides of the street, regardless of which side(s) “No Parking” is applied to. The signature threshold of 70% applies to both sides of the street and is measured independent of each other; The 70% signature threshold is not for the entire evaluation area, but for each side of the road.
- A “No Parking” request is valid for 60 calendar days from the day the mailed ballot cards are placed in the mail. A new request for “No Parking” will be entertained by staff upon request after six (6) months have elapsed from the most recent request for the subject evaluation area.
- A “No Parking” zone can be requested to be rescinded once it has been in place for one (1) year. It follows the same thresholds and signature process as above, to include deadlines. The difference between this mailed ballot card and the original mailed ballot card is this one will ask if the resident wishes to remove the “No Parking” zone instead of create one.
- All changes to “No Parking” zones will be submitted to the next available Council Regular session for approval and amendment into the Traffic Schedule.

While we serve at the pleasure of Council and City Manager, staff do have two main concerns which are identified as follows:

- Without knowing resident interest in the program, the funding requirement and staff time is unknown at this time when considering the following:

- Time and materials necessary for this program, to include but not be limited to the following:
 - Staff time visiting proposed “No Parking” zones
 - Costs for fabricating and sending mailers/ballots
 - Staff time validating the returned mailer/ballot signatures
 - Staff time for updating Council with the necessary information to update the traffic schedule
 - Costs for fabricating metal signs and the purchase of signposts
 - Costs and staff time for installation of “No Parking” sign assemblies in “No Parking” zones
- Staff becoming involved in neighborhood civil disputes. While staff are cognizant of residents desires for “No Parking” citing safety concerns and ordinance violations, disagreements between neighbors may escalate.

Should the policy be adopted, staff will work to roll-out the process online and begin preparing materials. When preparation work is complete, staff will coordinate with other City Departments and Council to inform the public of this new policy.

Budget Impact:

This item discusses starting a new policy to address an unknown amount of resident demand for “No Parking” zones across City neighborhoods. The impact on the budget is unknown at this time.

Options:

- 1) Adopt Council Policy 160.09.2 - The Process for Residents to Request “No Parking” in Multi-Use Lanes.
- 2) Decline Council Policy 160.09.2 and return to staff with direction.

Recommended Action:

- 1) Adopt Council Policy 160.09.2 - The Process for Residents to Request “No Parking” in Multi-Use Lanes.

Attachments:

Council Policy 160.09.2.pdf

File 25-4864.pdf

No Parking Presentation_20250902.pdf

16-61 Traffic Schedules.pdf

Other Municipalities Policies.pdf

SUBJECT – STREETS, TRAFFIC, AND PARKING Residential Traffic Management Program: No Parking Request in Multi-Use Lanes	Number 160.9.2	Revised	Effective Date 11-24-25	Page 1 of 5
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It shall be the policy of the City Council of the City of Fayetteville that the Residential Traffic Management Program (RTMP) be applicable to all City-owned public roads. Upon the request of a contact person to study the road upon which they live, it will be the responsibility of the Public Services Department to determine if the road qualifies for the installation of a “No Parking” zone as outlined in the RTMP. The Public Services Department will notify the contact person as to the result of the outcome of the study. Should the road qualify for the installation of a “No Parking” zone, it will be the responsibility of the City to collect the necessary support via mailed ballots before a “No Parking” zone can be installed. Should a road not qualify for “No Parking” as outlined in the RTMP, the contact person may choose to request the road be studied again after six months have elapsed from the previous study.

SUBJECT – STREETS, TRAFFIC, AND PARKING Residential Traffic Management Program: No Parking Request in Multi-Use Lanes	Number 160.9.2	Revised	Effective Date 11-24-25	Page 2 of 5
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RESIDENTIAL TRAFFIC MANAGEMENT PROGRAM

GUIDELINES TO MANAGE RESIDENTIAL TRAFFIC

GOALS

1. Improve residential livability by encouraging multi-modality by restricting the parking of vehicles in specific areas.
2. Maintain access, safety and comfort for alternative transportation users on residential streets.
3. Encourage citizen involvement in solutions to residential traffic problems.
4. Appropriately channel public resources by prioritizing no parking requests according to documented criteria.

POLICIES

A request to consider modification of parking on public streets containing multi-use lanes **shall meet all** of the following criteria:

- The street must be classified as a local street and be primarily residential in nature.
- The street must have multi-use lanes installed to be eligible for this policy.
- **The Citizens Association or the Neighborhood must designate a contact person(s) who will be the primary contact in the neighborhood for answering residents' questions.**

This policy shall not prevent City Staff from proposing No Parking Zones – regardless of the presence of multi-use lanes – on the basis of safety concerns.

SUBJECT – STREETS, TRAFFIC, AND PARKING Residential Traffic Management Program: No Parking Request in Multi-Use Lanes	Number 160.9.2	Revised	Effective Date 11-24-25	Page 3 of 5
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PETITION ACCEPTANCE & SUPPORT REQUIREMENTS

The City Traffic Services Division determines the boundary of the “affected area” to be included in the petition directly and indirectly affected areas. The petition requesting parking modifications must be supported by 70 percent of the number of households on each side of the road affected by the proposed changes; one (1) household, one (1) signature minimum. The City will mail ballot cards to addresses within the affected area requesting a response from the occupant regarding approval for restriction of parking within the multi-use lanes on the specified side(s) of the requested street(s). All petitions have a deadline of 60 calendar days from the day the ballot cards are placed in the mail. A new request for “No Parking” will be entertained by staff upon request after six (6) months have elapsed from the most recent request for the subject evaluation area.

An eligible household is a single residential or commercial unit and shall include property owners, tenants, businesses and long-term tenants such as mobile park residents within the “affected area”. In case of conflict between property owner and tenant, the property owner’s vote takes precedence over the tenant.

NO PARKING IN MULTI-USE LANE APPLICATION POLICY

Staff Evaluation – An evaluation for any no parking request will be made to determine if guidelines listed below are met. No parking zones can have a wide-ranging impact not only on the tenants and property owners, but also on the residents living on the immediate and nearby streets. Therefore, their installation will be evaluated within an overall residential management study. The “affected area” for mailed ballots **may** be larger than the just the street(s) receiving the no parking request. **The Citizens Association or the Neighborhood must designate a contact person(s) who will be the primary contact in the neighborhood for answering residents’ questions concerning no parking zones in multi-use lanes.**

No parking requests will be handled in the order in which they were received. The city will fund locations based on the annual funding and provided they meet all criteria.

Streets – No parking requests will be considered for installation only on residential, local streets. A local street is defined as one whose abutting land use is at least 85% residential when considered in segments. **The street must have multi-use lanes to be eligible for a no parking request.** There is no minimum length for the street or street segment for consideration of a no parking request. No parking requests will be evaluated on a block-by-block basis, to be measured from intersection to intersection. If the road ends (such as a cul-de-sac) then the “block” will be defined as the entire length of the multi-use lane. Evaluation areas – those receiving mailed ballots – will be applied to both sides of the road at a minimum, regardless of which side(s) a no parking zone is requested for.

SUBJECT – STREETS, TRAFFIC, AND PARKING Residential Traffic Management Program: No Parking Request in Multi-Use Lanes	Number 160.9.2	Revised	Effective Date 11-24-25	Page 4 of 5
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Residential Surveys – City staff will determine the evaluation area and circulate mailed ballots in order to determine the approval of a no parking zone request. The concurrence of not less than 70 % (one signature per household) is required on each side of the street(s) receiving a no parking request. **The signature threshold of 70% applies to both sides of the street and is measured independent of each other; The 70% signature threshold is not for the entire evaluation area, but for each side of the road.** For multi-family properties, the units directly adjacent to the street receiving no parking shall be counted for the number of signatures needed. Abandoned houses/vacant lots are excluded from the number of **required** signatures but **may** be counted in support of a no parking zone should a mailed ballot be returned or online petition be signed by the owner of the property. Should the status of a parcel change, (such as vacant to occupied) the contact person must request for staff to review and re-solicit approval of the no parking zone.

City staff shall review each no parking zone request in person to verify a property is not abandoned or a vacant lot.

Non – Compliant Installation – A non-compliant no parking zone will not be permitted to be installed in a multi-use lane through this policy.

No Parking Zone(s) Approval – Should a no parking zone be approved through this policy, the no parking zone must be submitted and approved by City Council prior to going into effect. Upon confirmation of a successful resident survey, the no parking zone will be submitted to City Council for approval at the next regular Council meeting which staff can submit items for. The no parking zone approval will be submitted as a consent item.

No parking zones which have been approved by Council shall be installed within ten (10) business days of Council Approval.

No Parking Zone(s) Installation – After obtaining all reviews, surveys, and approvals, the city will install no parking zones. Residents are to be reminded that mandatory signage will be installed with these zones. If no parking is approved for one (1) side of the street, there will be a minimum of two (2) no parking signs installed. If no parking is approved for two (2) sides of the street, there will be a minimum of four (4) no parking signs installed. There shall be no limit to the number of no parking signs to be installed.

No Parking Zone Removal – For no parking zones installed through this policy, once the no parking zone(s) has been in place for one (1) year, a neighborhood can revisit their decision to have no parking zone(s). If the residential survey reveals a 70% support from the residents to remove the no parking zone(s), they will be removed.



City of Fayetteville

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

Master

File Number: 25-4864

File ID: 25-4864	Category: Other Items of Business	Status: Agenda Ready
Version: 1	Case Number:	Mtg Type: City Council Work Session
		File Created: 08/14/2025
File Name:	Final Action: 10/15/2025	
Title: Resident Request for “No Parking” in Neighborhoods		
Notes:		
Agenda Date: 09/02/2025		
Agenda Number: 6.06		
Sponsors:	Enactment Date:	
Attachments: No Parking Presentation.pdf, 16-61 Traffic Schedules.pdf, Other Municipalities Policies.pdf	Enactment Number:	
Contact:	Hearing Date:	
Entered by:	Effective Date:	

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 25-4864

TO: Mayor and Members of City Council

THRU: Adam Lindsay, ICMA-CM, Assistant City Manager

FROM: Sheila Thomas-Ambat, PE, Public Services Director
Brian McGill, PE, PTOE, Assistant Public Services Director - Traffic Services

DATE: September 2, 2025

RE:
Resident Request for “No Parking” in Neighborhoods

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:

Goal IV: Be a highly desirable place to live, work, and recreate.

Executive Summary:

Council requested staff develop a process for “No Parking” down multi-use lanes, similar to the speed hump process. This request is the result of discussion from the June 2, 2025 Council Work Session, where staff provided the Bicycle Lane Ordinance Clarifications and Recommendations presentation.

Staff plan to return at a future Council Work Session with the process for residents to request “No Parking” along multi-use lanes, pending Council guidance based on the suggestions from the presentation.

Background:

History of “No Parking”:

- 08/23/2023 - Brunswick Road “No Parking” zone is enacted [Most recent “No Parking” zone]
- 06/02/2025 - Council requested staff develop a process for multi-use lanes “No Parking” requests
- 09/02/2025 - Staff presents “No Parking” information at Council Work Session

The City of Fayetteville does not have a defined policy for citizens to request “No Parking” in neighborhoods with multi-use lanes. To-date, for “No Parking” to be applied, Council members were required to request “No Parking” on behalf of their constituents. After reviewing the location, staff would make a recommendation and pursuant to any discussion, a “No Parking” zone could be enacted. The most recent “No Parking” zone was Brunswick Road on August 23, 2023.

The City documents “No Parking” zones as part of traffic schedule Number 9 - Parking Prohibited. The ordinance which authorizes the traffic schedules, Chapter 16, Article III, Section 16-61, *Traffic Schedules Adopted; City Manager Authorized to Compile*. is attached.

It was requested at the June 2, 2025 Council Work Session, prior to the presentation for Bicycle Lane Ordinance Clarifications and Recommendations, that staff provide a process for “No Parking” in multi-use lanes following a process similar to speed humps.

Issues/Analysis:

It was determined during the review and clarification surrounding bicycle lane ordinances that there is a desire by some communities to enact “No Parking” in multi-use lanes. Previously some communities may have used bicycle lanes as a de facto “No Parking” multi-use lane, however, with clarification of what is/is not permitted in bicycle lanes, defining a “No Parking” request process was requested.

Eight (8) municipalities were reviewed for their “No Parking” process. These

municipalities are as follows: Apex, Concord, Durham, Greenville, High Point, Huntersville, Raleigh, Wilmington. Of those eight (8) municipalities, we identified the following:

- 6 of 8 municipalities have a formal “No Parking” policy.
- All municipalities allow “No Parking” to be requested based on safety concerns.
- 6 of 8 municipalities have some form of “No Parking” requests based on non-safety concerns/resident request.
 - 1 municipality said non-safety-related requests only move forward if they come from HOA’s.
 - 1 municipality’s program for non-safety-related requests requires 8 adjoining blocks in a neighborhood and a parking study.
 - 1 municipality has stated signs are only placed when safety concerns arise or repeated ordinance violations are documented.
- 5 of 8 municipalities have signature thresholds, ranging from 51% to 100%
- 3 of 8 municipalities do not require Council approval to enact a “No Parking” zone/update their traffic schedule.
- All municipalities reviewed above 95,000 population (6 of 8) has a “Parking Coordinator” or “Parking Manager”.

From reviewing those municipalities formal policies, staff suggest the following:

- Provide residents a formal process to request “No Parking” for City streets with multi-use lanes, with community engagement like the speed hump process. Community engagement “like the speed hump process” means the use of mailers and ballots to determine resident approval for their “No Parking” zone.
- This process would only be applicable to City streets with multi-use lanes.
- “No Parking” restriction areas should be applied by block, from intersection to intersection. This avoids applying “No Parking” zones on a “house-by-house” basis, which can be cumbersome and difficult to manage and document appropriately.
- A time limit for “No Parking” requests should be established to prevent resident abuse of the system as well as prevent overburdening staff. To align with the speed hump request process, staff recommend 60 days for the mailer/ballot time period to be permitted, and then 6 months where additional requests will not be permitted. If one side of the road is requested and fails to meet the signature threshold, then no new requests would be enabled for one side or both sides of the street during the following 6 months.
- To match the speed hump neighborhood signature threshold, staff recommend a signature threshold of 70%. This threshold should be required for both sides of the street, regardless of which side(s) “No Parking” is applied to. The signature threshold should be applied to both sides equally. If “No Parking” is applied to only one side of the street, it is expected that visitors and residents may begin to use the other side of the street. Therefore, requiring both sides of the street to approve the “No Parking” zone should be required.
- For the signature thresholds, abandoned houses/vacant lots should be excluded

from number of needed signatures, as they would not be affected by the “No Parking” zone. Should their status change, they may ask for staff to review and re-solicit approval of the “No Parking” zone. Staff will be required to review each “No Parking” zone request in person to verify the property is not abandoned, or a vacant lot.

- To match the speed hump request process, the owner, renter, tenant, etc. may sign. In the case of conflicting desires, the owner’s signature overrides the renter/tenant signature. Only one signature per residential unit or property is permitted; Multiple signatures for one address will only be counted as one signature.
- For multi-family properties, the units directly adjacent to the street receiving “No Parking” should be counted for the number of signatures needed.

Finally, staff have two main concerns regarding enacting a formal policy for “No Parking”.

- Without knowing resident interest in the program, the availability of funds and staff time is uncertain as the following is considered:
 - Visiting proposed “No Parking” zones
 - Preparing and sending mailers/ballots
 - Validating the returned mailer/ballot signatures
 - Updating Council with the necessary information to update the traffic schedule
 - The cost of metal for sign fabrication and the purchase of signposts
- Staff becoming involved in neighborhood civil disputes. While staff are cognizant of residents desires for “No Parking” citing safety concerns and ordinance violations, disagreements between neighbors may escalate.

As this item was addressing the ability to request “No Parking” in multi-use lanes, staff will request Council’s direction and proceed as directed. If directed to create this new program, it will come back to Council for formal adoption.

Staff consider staff-initiated “No Parking” requests based on safety concerns to be independent from this agenda item but has identified the desire to establish clarity on the staff-initiated requests process with a future presentation.

Budget Impact:

This item discusses starting a new policy to address an unknown amount of resident demand for “No Parking” zones across City neighborhoods. The impact on the budget is unknown at this time.

Options:

This item is for informational purposes only and is for staff to receive guidance from Council.

Recommended Action:

This item is for informational purposes only and is for staff to receive guidance from Council.

Attachments:

No Parking Presentation.pdf

16-61 Traffic Schedules.pdf

Other Municipalities Policies.pdf

Resident Request for “No Parking” in Neighborhoods

September 2, 2025



Request & Background

During discussion on bicycle and multi-use lanes, Council requested staff review the process for making a “No Parking” request.

City does not currently have a formal “No Parking” request process.

City has Traffic Schedule #9 (Parking Prohibited) which must be updated each time a “No Parking” zone is created.

Last “No Parking” zone created was on Brunswick Road (8/28/2023).

Staff are requesting Council guidance based on presentation suggestions.

"No Parking" Municipal Peer Review

Municipality	Pop.	Has Formal Policy?	Basis of Install...		Signatures Required	Requires Council?	Other Note
			Safety Issue	Resident Request			
Huntersville	67,000	✓	✓	✓	100%	X	
Apex	76,000	X	✓	✓ ^A	X	✓	
Greenville	95,000	✓	✓	✓	51%	X	Parking Coordinator
Concord	112,500	✓	✓	✓	75%	✓	Parking Manager
High Point	118,500	✓	✓	✓	75%	✓	Parking Coordinator
Wilmington	125,000	X	✓	X	X	✓	Parking Manager
Fayetteville	209,500	X	✓	X	X	✓	
Durham	302,000	✓	✓	X	X	X	Parking Manager
Raleigh	500,000	✓	✓	✓ ^{B C}	70%	✓	Parking Manager

^A Only if HOA Requests

^B Residential Permit Parking Area (minimum of 8 adjoining blocks in a neighborhood)

^C Requires Parking Study

Legend

✓ Yes
X No

Provide residents a formal process to request "No Parking" for City streets with multi-use lanes, with community engagement like the speed hump process.

The following slides are suggestions; Staff will return with specifics pending Council guidance.

Presentation on staff initiated "No Parking" requests based on safety issues to come, independent from this topic.

Can be requested for City streets with multi-use lanes only.

Restriction area applied by block, from intersection to intersection.

Mailers/ballots sent to restriction area for signature approval of "No Parking".
[matches speed hump process]

"No Parking" requests will be considered for 60 days, then no new request will be entertained for that block for 6 months. [matches speed hump process]

Signature Threshold = 70%. [\[matches speed hump neighborhood signature threshold\]](#)

Signatures required from both sides of the street, regardless of which side(s) “No Parking” is applied to; Threshold applies to both sides equally.

Abandoned houses/vacant lots are excluded from number of needed signatures.

Owner, renter, tenant, etc. may sign. Owner’s signature overrides renter/tenant.
[\[matches speed hump process\]](#)

For multi-family properties, the units directly adjacent to the street receiving "No Parking" shall be counted for the number of signatures needed.

Staff capacity and program requirements for funds, materials, and time when scaled.

Staff becoming involved in neighborhood civil disputes.



“No Parking” Example

✓ ELIGIBLE

✗ NOT ELIGIBLE



“No Parking” Example

✓ ELIGIBLE

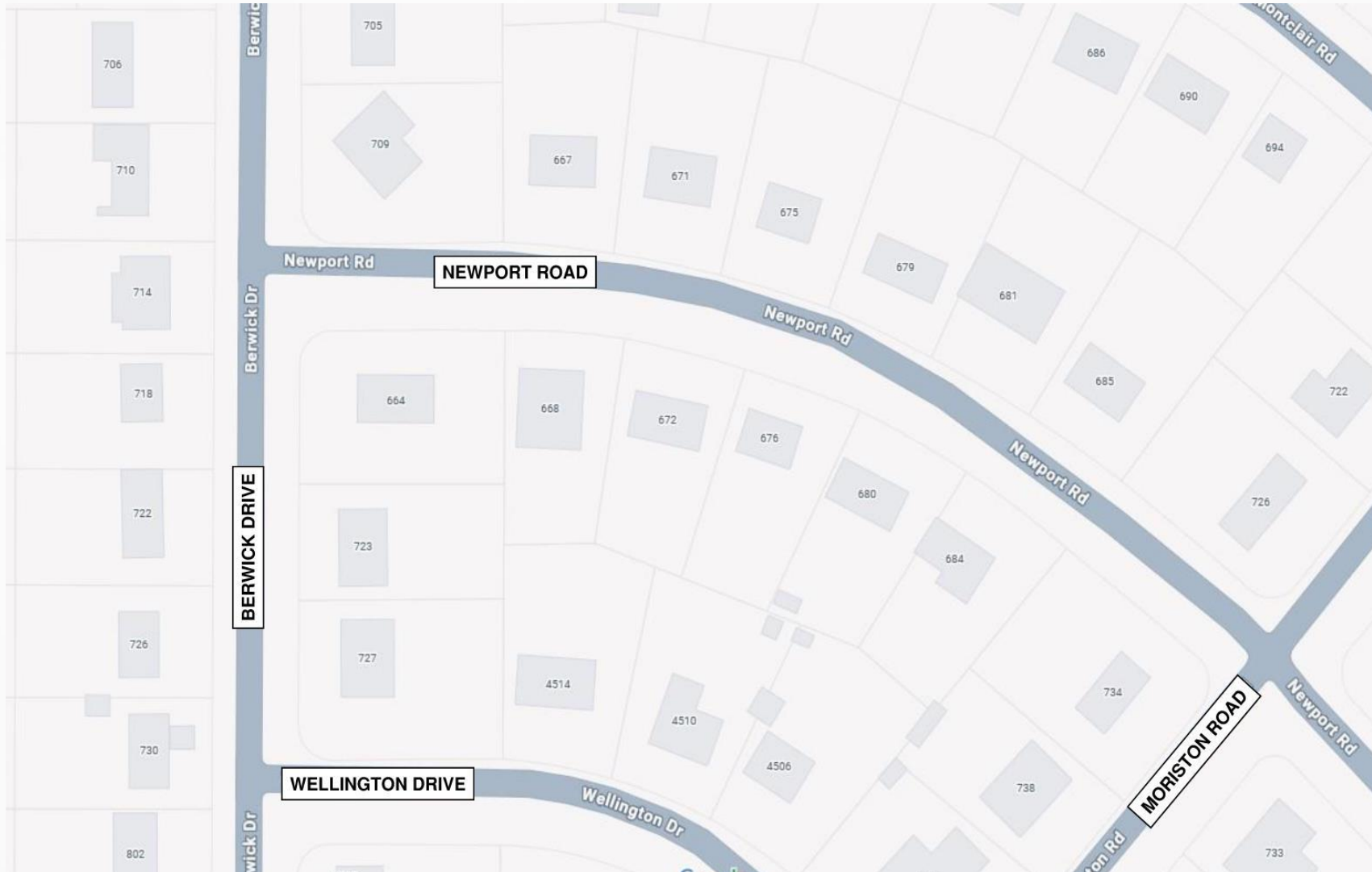
✗ NOT ELIGIBLE



“No Parking” Example

✓ SIGNS

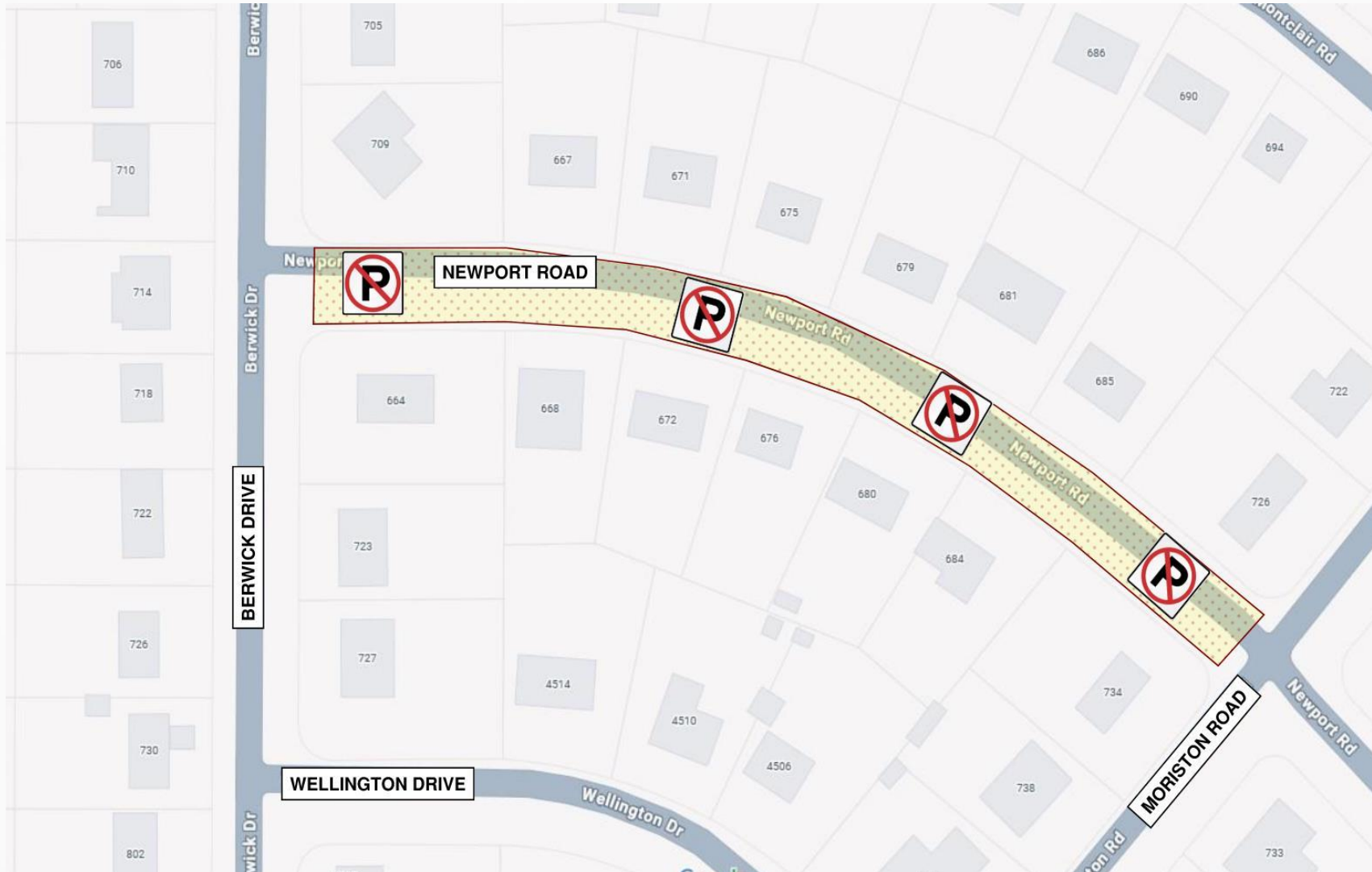
✗ DOESN'T SIGN



“No Parking” Example

✓ SIGNS

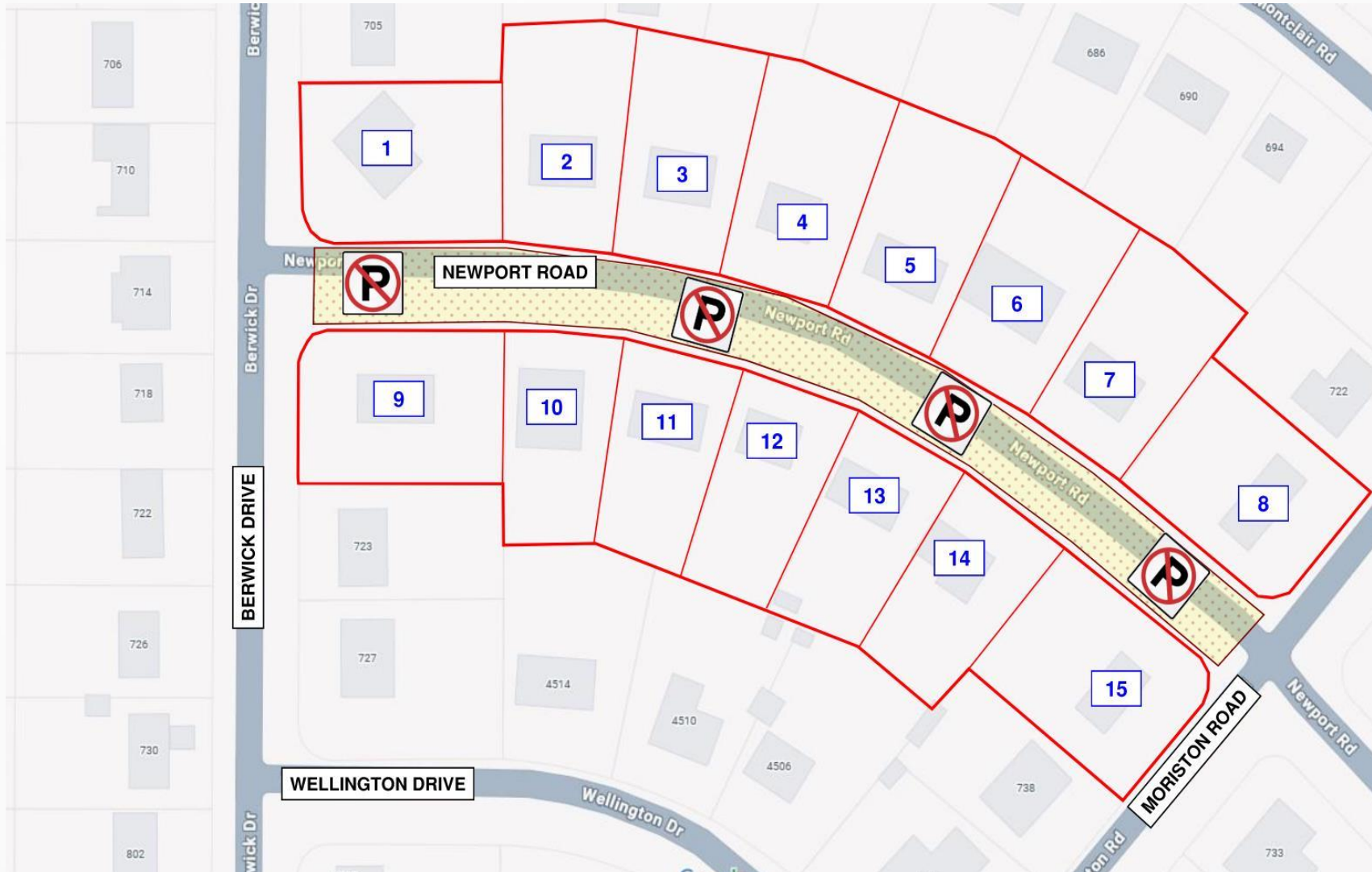
✗ DOESN'T SIGN



“No Parking” Example

✓ SIGNS

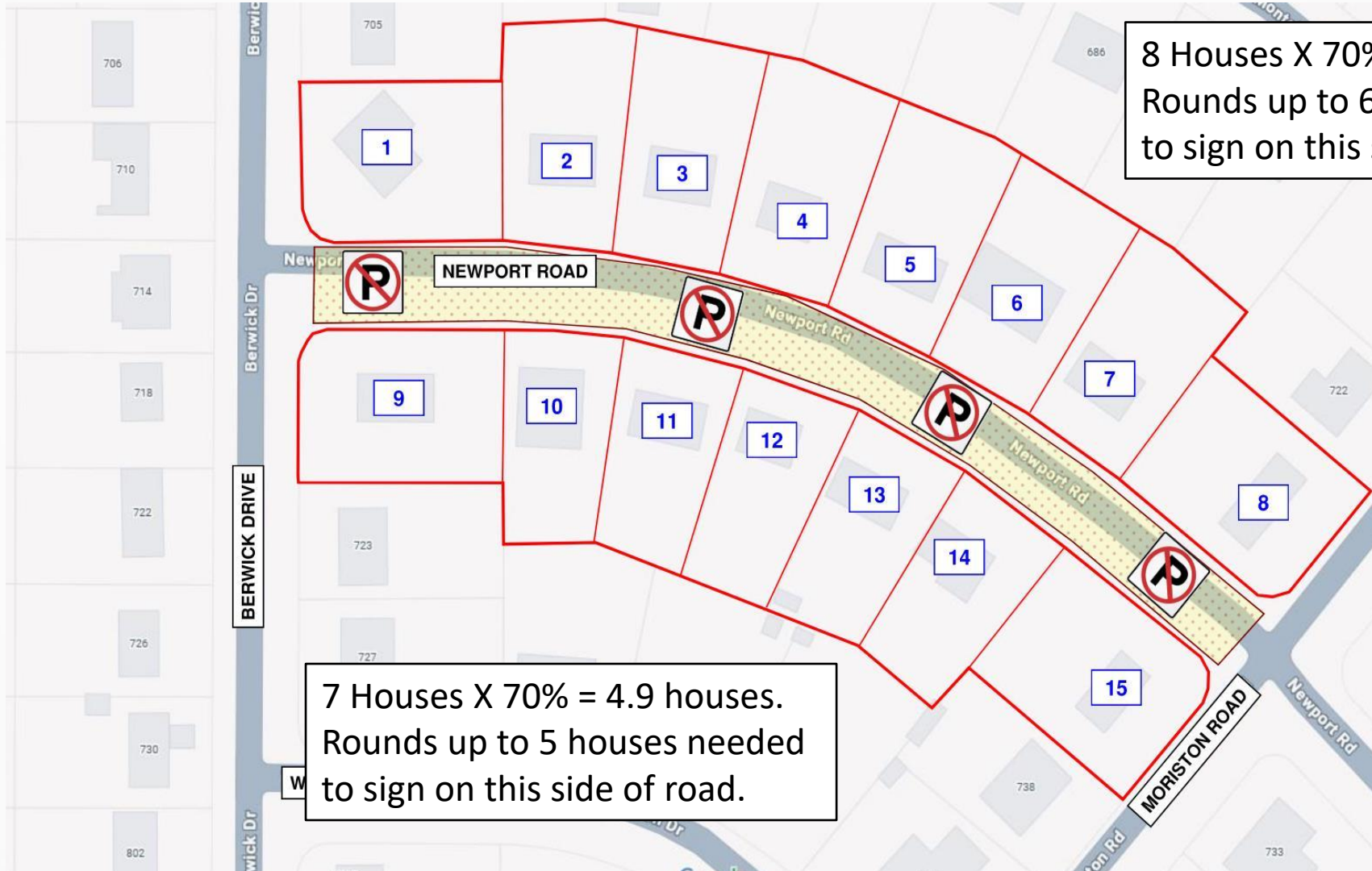
✗ DOESN'T SIGN



“No Parking” Example

✓ SIGNS

✗ DOESN'T SIGN



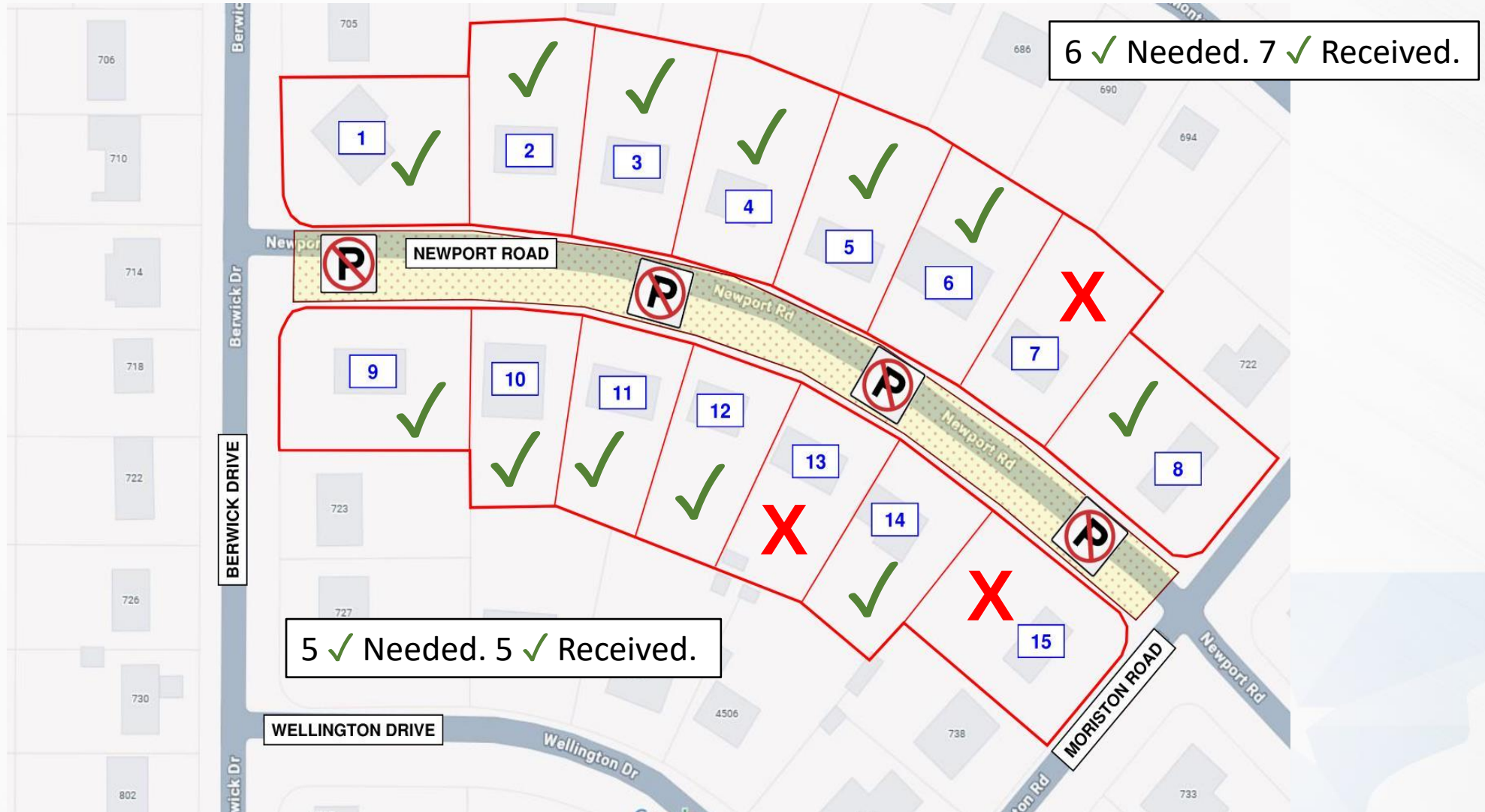
8 Houses X 70% = 5.6 houses.
Rounds up to 6 houses needed
to sign on this side of road.

7 Houses X 70% = 4.9 houses.
Rounds up to 5 houses needed
to sign on this side of road.

“No Parking” Example

✓ SIGNS

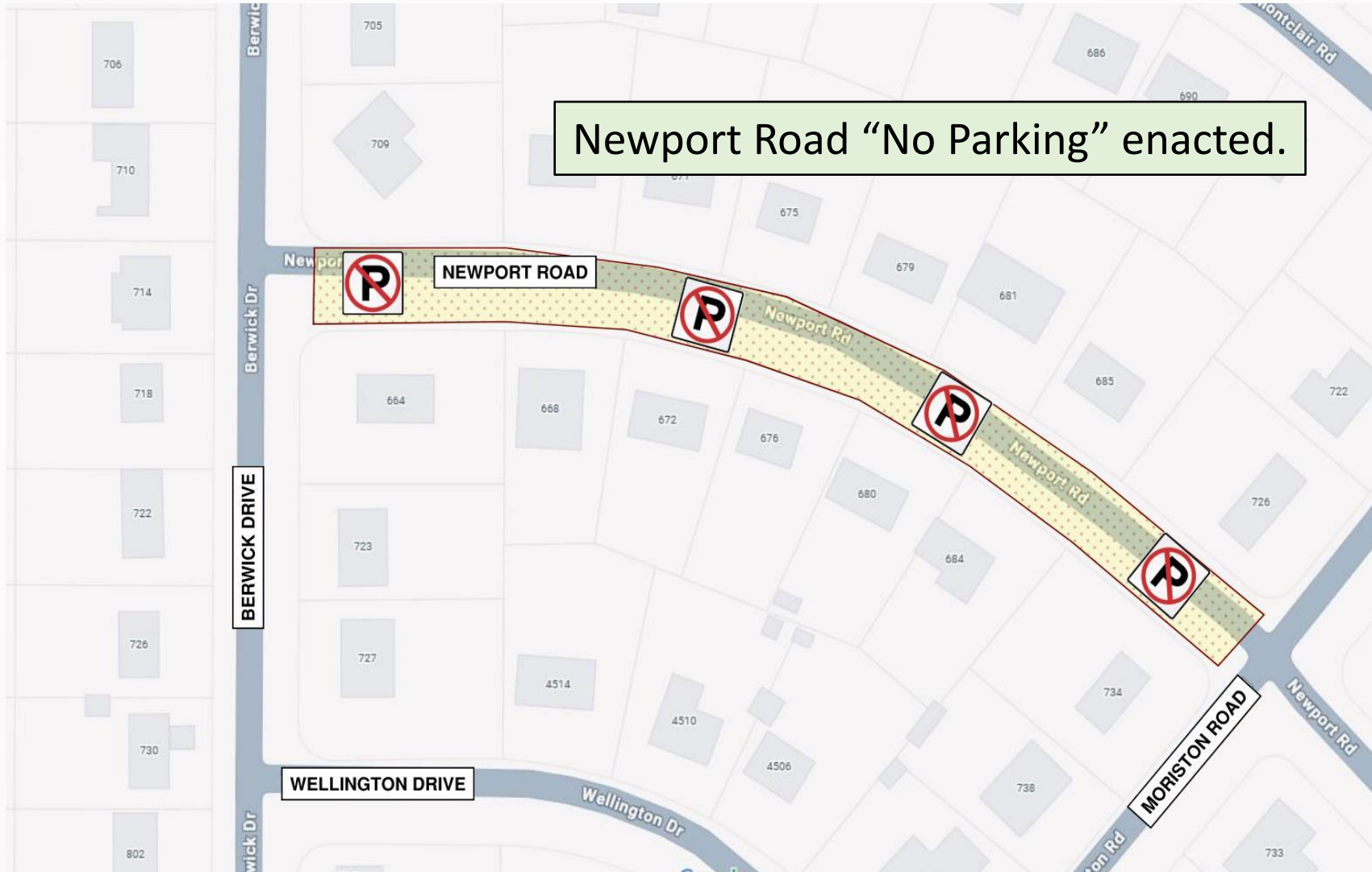
✗ DOESN'T SIGN



“No Parking” Example

✓ SIGNS

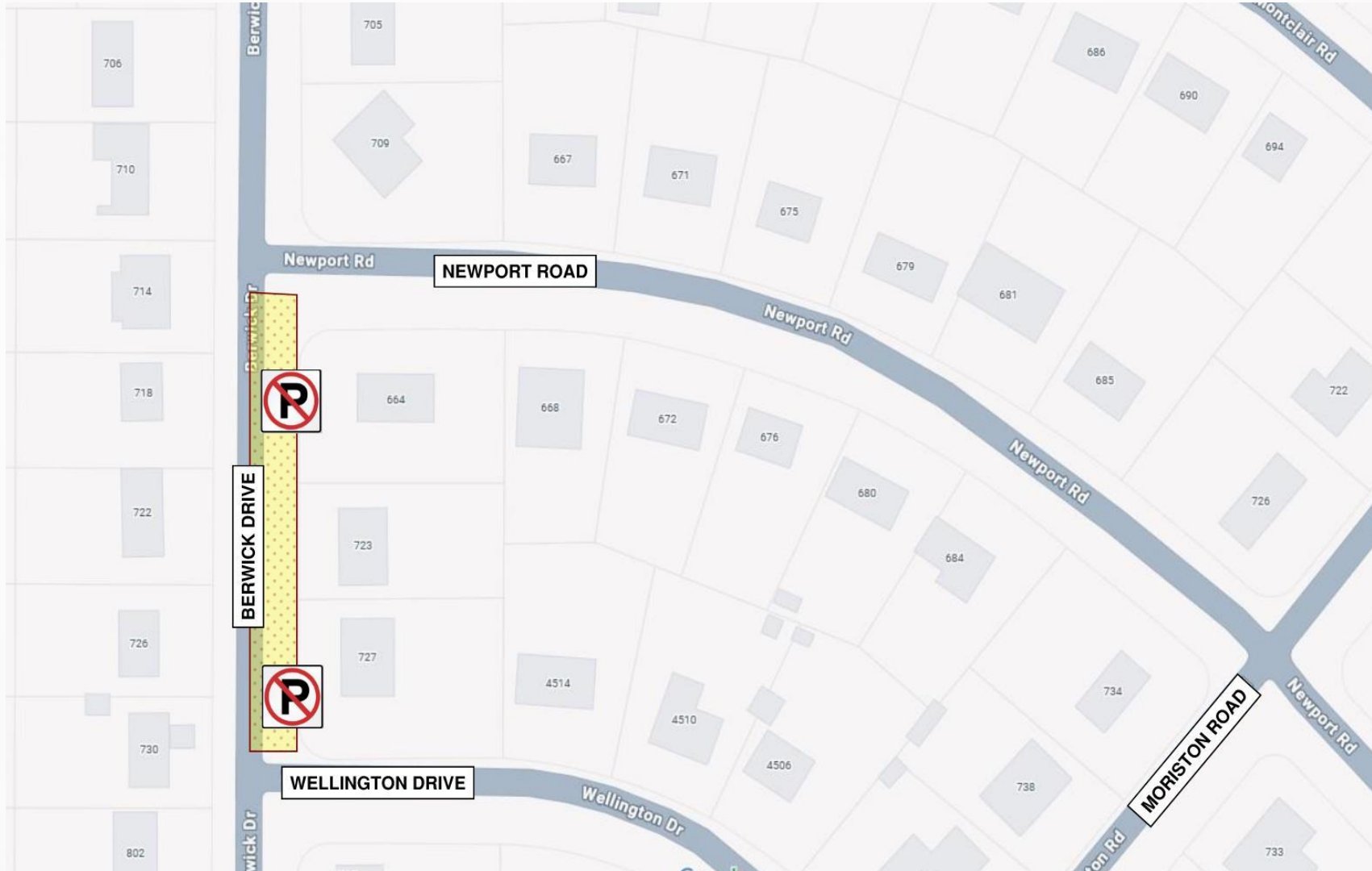
✗ DOESN'T SIGN



“No Parking” Example

✓ SIGNS

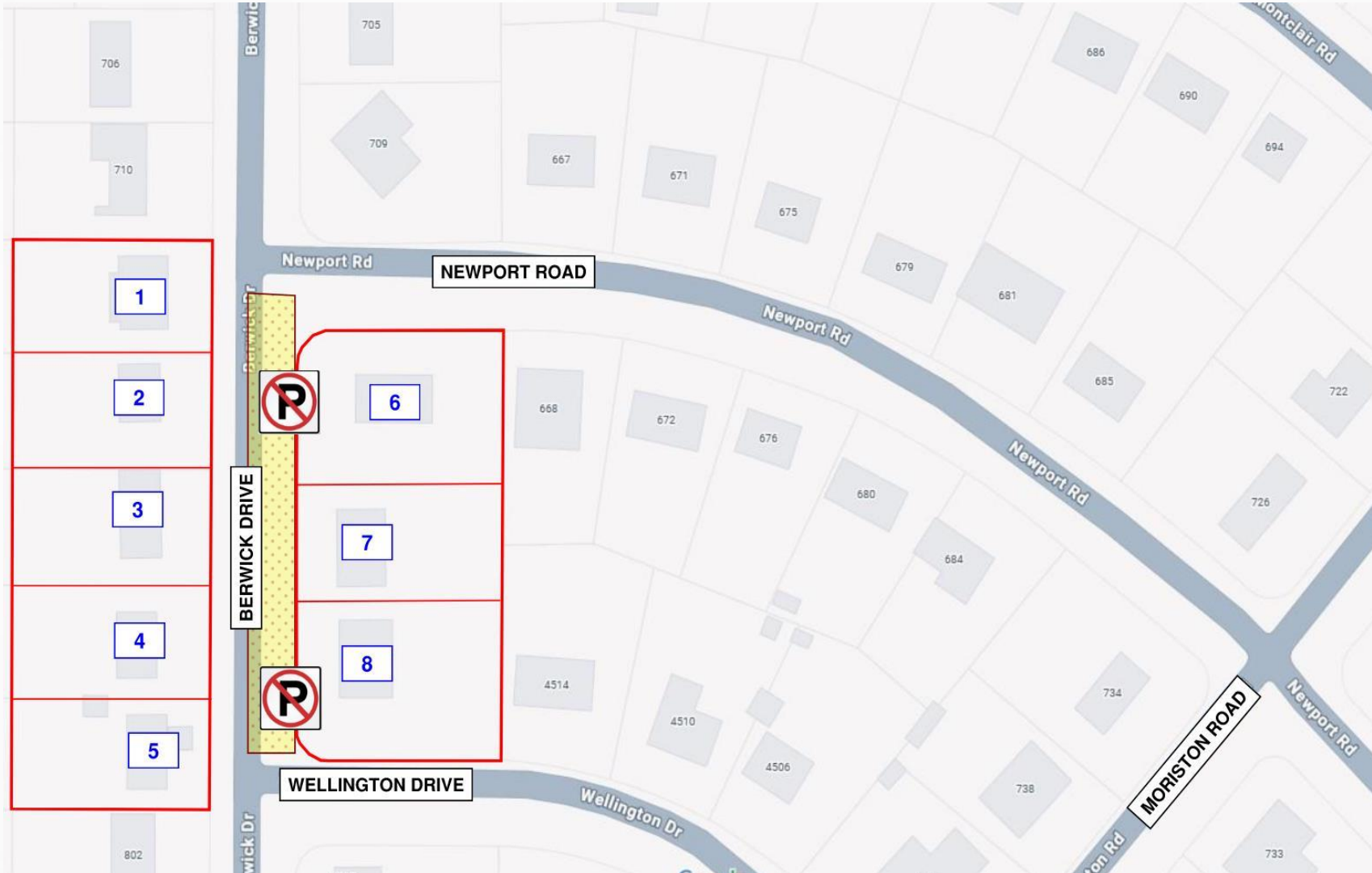
✗ DOESN'T SIGN



“No Parking” Example

✓ SIGNS

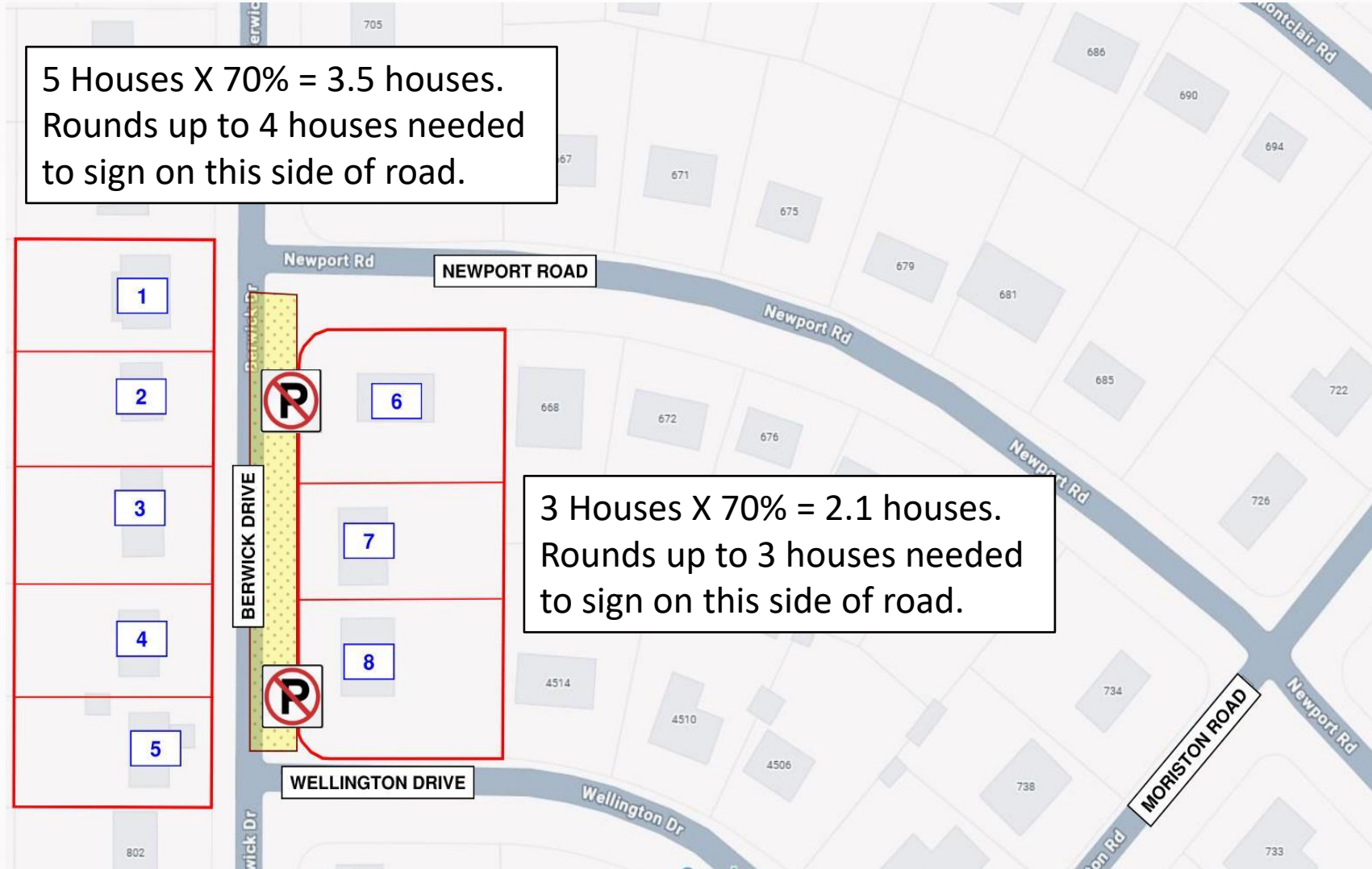
✗ DOESN'T SIGN



“No Parking” Example

✓ SIGNS

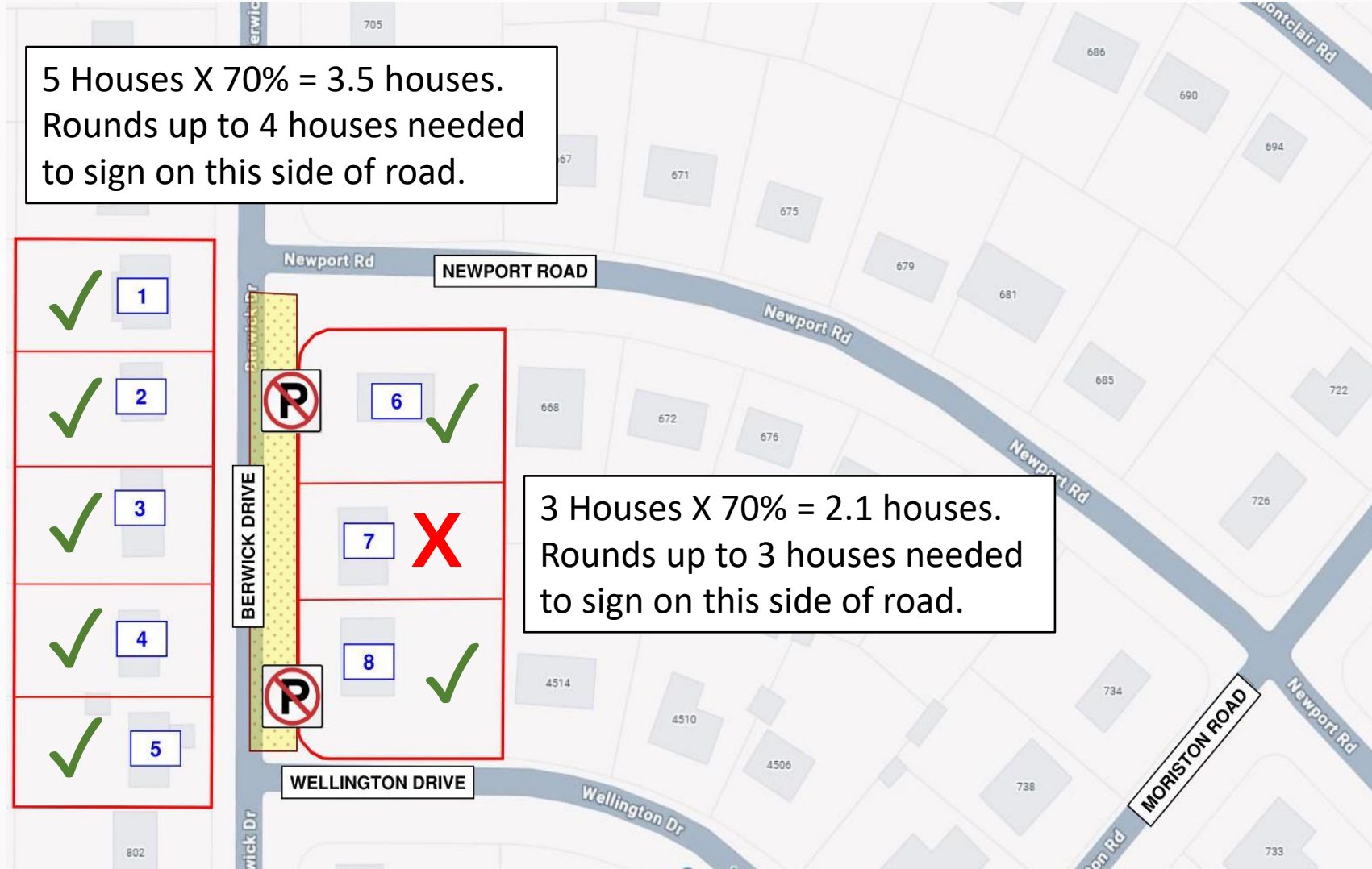
✗ DOESN'T SIGN



“No Parking” Example

✓ SIGNS

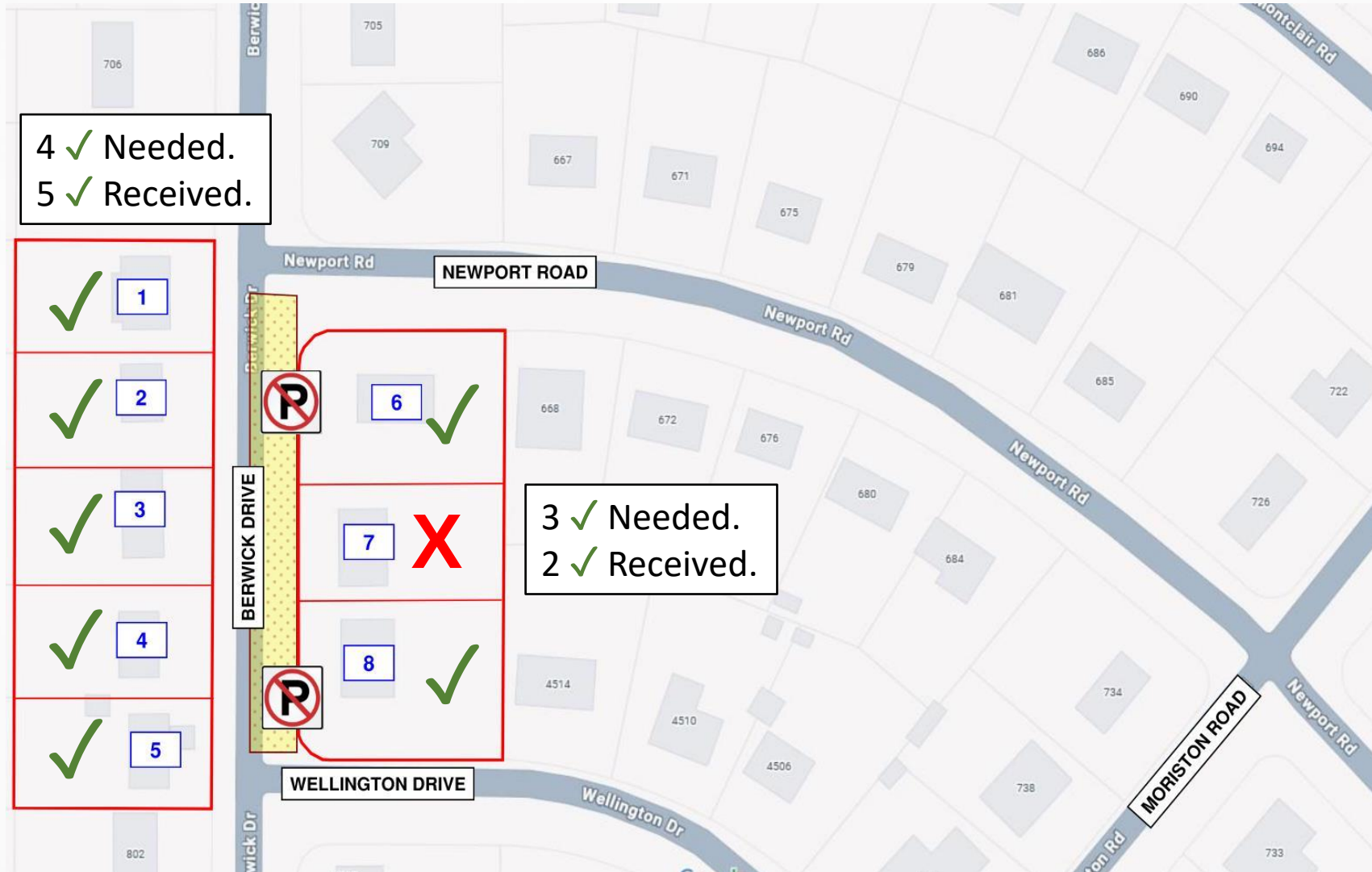
✗ DOESN'T SIGN



"No Parking" Example

✓ SIGNS

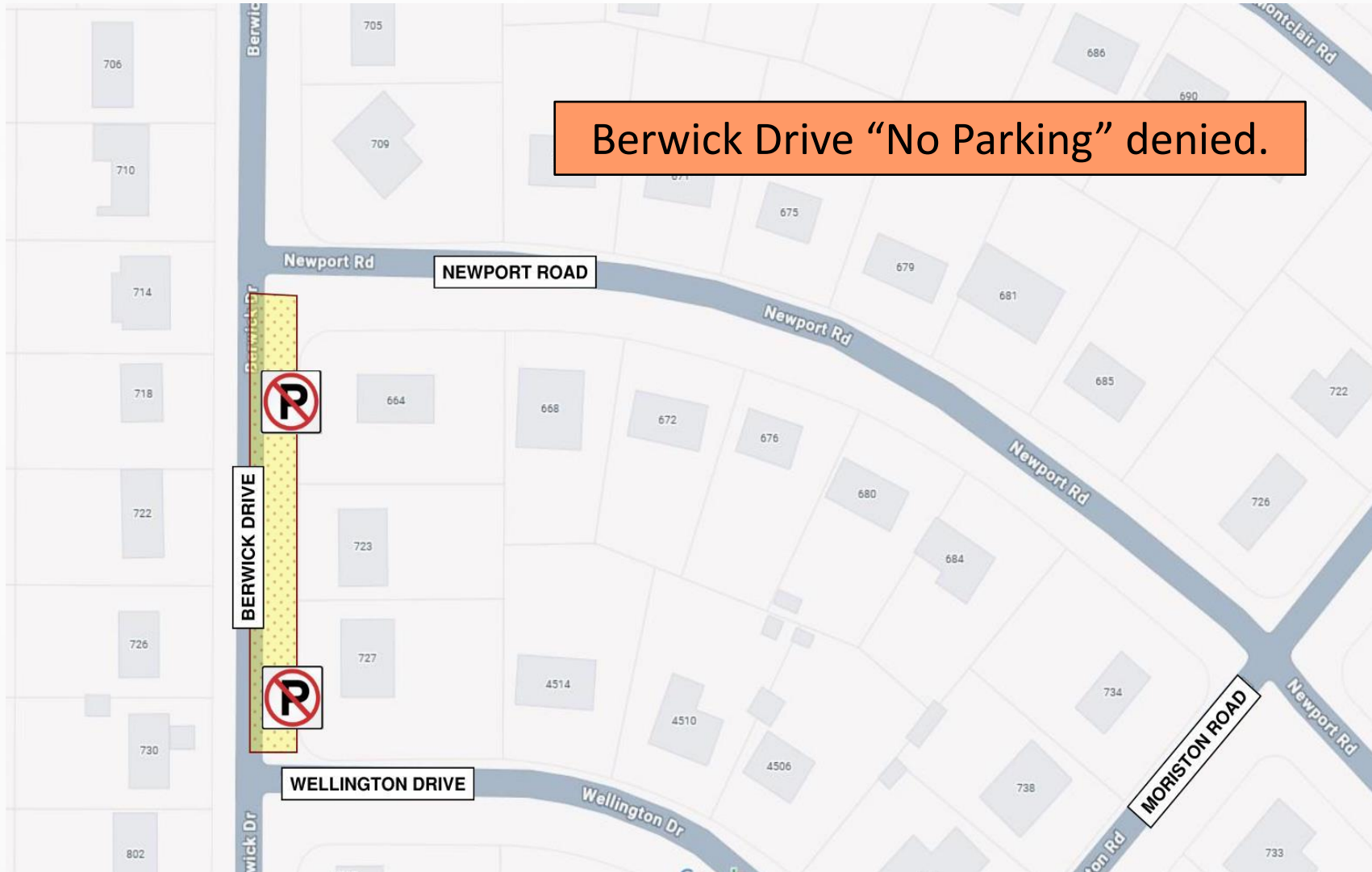
✗ DOESN'T SIGN



“No Parking” Example

✓ SIGNS

✗ DOESN'T SIGN





FayettevilleNC.gov

PART II - CODE OF ORDINANCES

CHAPTER 16 - MOTOR VEHICLES AND TRAFFIC

Article III. - Traffic Schedules

Sec. 16-61. Traffic Schedules Adopted; City Manager Authorized to Compile.

The following traffic schedules, compiled under the authorization and direction of the city manager, and kept on file in the offices of the city manager and city traffic engineer and police department, are hereby adopted and made a part of this chapter:

1. Bus stops.
2. Downtown Business District parking:
 - a. On-street pay parking.
 - b. Off-street, leased and reserved parking areas (including parking decks).
 - c. Attendant lots and event parking.
3. Fire lanes.
4. Leased and reserved parking areas.
5. Light truck traffic.
6. Loading and unloading zones.
7. Local truck routes.
8. One-way streets.
9. Parking prohibited.
10. Prohibition of right turn on red signal.
11. Restricted parking.
12. Speed control.
13. Stop intersections.
14. Through truck routes.
15. Turn control.
16. Yield right-of-way.

(Code 1961, § 20-21; Ord. No. S2001-020, § 1, 11-19-2001; Ord. No. S2019-056, 1, 11/25/2019)

Effective on: 11/18/2013

Secs. 16-62—16-90. Reserved.

Effective on: 11/18/2013

Memorandum

To: Petitioners
From: Traffic Engineering Division
Date:
Subject: Petition Procedures/Policy

The Traffic Engineering Division's current policy requires a petition be submitted when requesting changes in the current parking status and or traffic operational improvement.

In order for the change in the current parking status to be approved, the petitioner must be able to show that there is general support for the change. Support should be from the legal property owners. Because changes in parking affect renters, employees, and business owners along, and on both sides of the affected streets, these signatures will also be reviewed.

When collecting signatures, the petitioners should include their names in the first column, address in the second column, phone number in the third column, and the fourth column should be the signature to show the relationship to the property. Signatures should be collected from as many people as possible along, and on both sides of the street, that will be affected by the requested change. **(See Attached Instructions)**

Please remember that submittal of the petition does not automatically mean the requested change will be approved. The Traffic Engineering Division must make decisions based on the traffic flow, safety, and overall traffic operations of the entire system. Following review by the engineering staff, the request will be considered by the Director of Engineering.

If you have any questions related to the petition form or the policy, please contact Stacey L. Pigford, Assistant Traffic Engineer at (252) 329-4678.

We, the undersigned, do hereby certify that we reside, own property, or work at the address described below following each name subscribed hereto. This petition represents residents, property owner, or employees from both sides of the street(s) that will be affected by this request.

We respectfully petition the Traffic Engineering Division to take such actions as may be required to implement the following parking or traffic operational improvement:

Location: _____

Submitted by: _____
Address: _____
Telephone No: _____

Name (Printed)	Address	Phone Number	Signature

NOTES:

All requested information must be provided for each signature to be valid. **Signatures must be received from residents of at least fifty-one percent (51%) of the living units** contained in each block of proposed location and desired action.

ADDRESS:

Information should be provided in the numerical order of address (i.e., 100 Elm Street 101 Elm Street, 103 Elm Street, etc.). The "type" of living unit (see definition below) should be specified as

1. a single family dwelling
2. an apartment
3. a duplex
4. other dwelling.

Addresses of apartments should be listed.

SIGNATURE:

The signature of the representative of the living unit should be provided above this typed or printed name. The full name of the signee should be given. The signee must be at least 18 years of age. **No more than one person for each living unit may sign the petition.**

LIVING UNIT:

A living unit is a (1) single family or (2) an apartment. Each of the following also represents one living unit; (3) a rooming house, a boarding house, a fraternity house, a sorority house, a rest home, or a representative of living unit for which he/she is signing. Boarding or rooming facilities should be represented preferably by the resident or non-resident manager.

PHONE NUMBER:

The employer's phone number is needed for purposes of verifying the residents address. The phone number provided must be one where the signee's address can be verified between the hours of 8:00 a.m. and 5:00 p.m. This should be a business number, a school registrar's number, or a home phone number for retired persons or housewives.

EMPLOYER:

This should be the name of the employer whose phone number is request above.

If any questions arise concerning any items on this petition, please call 252-329-4066.

Please return all completed petitions to:

City of Greenville
Traffic Engineering Department
P.O. Box 7207
Greenville, NC 27835-7207

CITY OF HIGH POINT
DEPARTMENT OF TRANSPORTATION
PARKING POLICY FOR NEIGHBORHOOD STREETS
(Approved by City Council - 10/01/92)

This document establishes the policy for controlling parking on neighborhood streets. Neighborhood streets are non-thoroughfare, non-commercial streets.

A street which is a thoroughfare, as defined by the Adopted High Point Thoroughfare Plan, and has residential property along it, is not subject to this policy. Parking is generally not permitted along collector streets nor minor or major thoroughfares.

Parking restrictions on a block or street may be initiated upon:

1. Request of the residents of the block.
2. Staff identification of a verified need.
3. Request of a City Department or the City Council.

Citizens requesting parking restrictions will be referred to the Department of Transportation where their request will be evaluated.

REQUESTS FROM RESIDENTS

Parking restrictions will be considered at the request of residents of a block or street upon submittal of a petition signed by 75 percent of the residents of the block(s) of street where the restriction is requested. Residents on both sides of the street must sign the petition. The 75 percentage is consistent with the other city policies, such as 25 mph speed limit and block party street closings. The petition must specify the side or sides of the street where the restrictions should apply. The petition constitutes notification to the residents of a pending change in parking. Prior to any parking control, not based on safety considerations, staff must be assured of support by the residents affected by the proposed controls. For the purpose of determining the attainment of the 75 percentage, businesses, churches and vacant lots/houses are excluded from the total number needed.

With regard to multi-family properties, the number of units directly adjacent to the street where the restrictions are to be installed are to be counted in the totals needed. Either the residents of the units, the owner or the president-chairman of the board of a condominium association may petition.

Restrictions will be considered for a minimum of a full block to avoid confusing piece-meal house-by-house restrictions. Once the signed petition is returned to the Transportation

Department, it will be validated as to the signatures and if all applicable criteria is satisfied, then the appropriate signs will be installed.

STAFF INITIATED

Parking restrictions may be implemented by the Department of Transportation without a 75 percent petition based on the following criteria:

1. Safety
2. Emergency Vehicle Access
3. Traffic Operational Needs

Residents along the area of the restrictions will be notified of the restrictions prior to installation of the signs.

Parking restrictions on residential streets may be warranted if:

1. Traffic is heavy, or exceeds 2,500 vehicles per day.
Typically, these streets are the major neighborhood collectors, and may require control in order to ensure safety and traffic flow.
2. An identifiable accident problem exists, for which removal of onstreet parking would help to reduce the number of accidents.
3. Vehicle access is a problem (driveways).
4. There is insufficient room for the passage of Police, Fire and Emergency Vehicles, Buses and Sanitation Vehicles.

Parking may be restricted on one or both sides of the street. If the street is less than 26' wide, restrictions should be placed on both sides. Availability of off-street parking and access to residential driveways will be considered as part of the decision to restrict parking.

REMOVAL OF PARKING CONTROLS

Removal of controls is based on the same procedure by which it was installed. If the controls were installed originally by the petition process, then they can only be removed by the petition process, subject to a safety evaluation. If the controls were installed at Staff initiative, the removal must be based on a change in the conditions under which they were originally installed. Removal in this case is not subject to the petition process.

APPEAL OF RESTRICTIONS

A resident not in favor of the 75% petition or staff initiated restrictions may appeal the restrictions to City Council.

LISTING OF RESTRICTIONS

Those streets where parking restrictions are implemented will be added to the appropriate list of schedules in Article P, Chapter 10 of the Code of Ordinance.

CITY OF HIGH POINT
PETITION REQUESTING PARKING RESTRICTIONS
FOR RESIDENTIAL STREETS

We, the undersigned, request that the City of High Point install parking restrictions (No Parking Tow-In signs) on our street as indicated below:

Street

Street between _____
Street Street

We agree and understand that once parking restrictions are installed, requests by petitioner to alter or void the petition require a similar petition of 75 percent of the residents of the street (s) affected.

_____ Printed Name of Lead Petitioner	_____ Address	_____ Telephone
---	------------------	--------------------

Signature of Lead Petitioner

Property Owner/Resident Signatures	Address	Telephone #
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PLEASE RETURN PETITION FORM TO:

Director of Transportation
City of High Point
P. O. Box 230
High Point, N. C. 27261



PARKING RESTRICTIONS POLICY

PARKING RESTRICTIONS POLICY

PARKING RESTRICTIONS POLICY

PURPOSE:

It is the intent of the City of Concord to maintain safe and unobstructed flow of traffic along City maintained streets. The purpose of this policy is to establish clear guidelines for citizens and City staff to address requests and concerns related to parking along City streets.

POLICY:

- Requests/concerns related strictly to enforcement of parking violations (i.e. parking in front of a fire hydrant, blocking a driveway, parking on a sidewalk, etc.) should be directed to the Code Enforcement Division of the Concord Police Department at (704)-920-5150. Further contact information can be found on the City web page located at: <https://www.concordnc.gov/Departments/Police/Operations-Bureau/Code-Enforcement>.
- Parking Ordinances are covered under Chapter 58 – Article VII of the City of Concord Code of Ordinances.
- In accordance with the Code of the City of Concord Section 58-249, the Transportation Director is authorized to designate up to 200 feet of length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay in traffic.
- Requests will be considered in the order in which they are received unless any Traffic Safety Advisory Committee (TSAC) member determines a particular area merits immediate consideration due to public safety concerns.
- Any newly erected sign will be mounted on a standard u-channel post. Neighborhoods, or other entities with decorative signs will be responsible for installing decorative materials in accordance with their respective encroachment agreements.
- If it is discovered that decorative signs exist in neighborhoods or other areas and a valid encroachment agreement does not exist, the HOA or other organization will be required to request an agreement from the City of Concord or remove all decorative elements and replace them with standard materials at the expense of the HOA or other entity.
- Repeat requests for parking restrictions will not be considered within a 36 month time period without sufficient cause. Sufficient cause is determined at the discretion of the Transportation Director and/or the Traffic Safety Advisory Committee (TSAC).
- Requests for parking restrictions to address law enforcement issues other than traffic safety will not be considered under this policy.

IMPLEMENTATION:

Step One:

Parking restrictions on a block or street may be initiated upon the following:

- Request of a City of Concord Department or City Council directive.
- Request of the residents (resident owners or lessees) of the street or block.
- Request of any user of the street facility.
- Identification by Transportation staff of a potential problem.

Citizens or Neighborhood Organizations (hereinafter “Applicant”¹) requesting parking restrictions for a specific area should submit a Parking Restrictions Request Form to the Transportation Department where their request will be registered. A copy of the Parking Restrictions Request Form is available on the Policies

¹ Applicant – Resident, petitioners, neighborhood association, or other entity initiating the request

PARKING RESTRICTIONS POLICY

and Regulations section of the Transportation Department's page: <https://www.concordnc.gov/Departments/Transportation/Policies-and-Regulations>. Staff will initiate a study to investigate the request(s) in question and make a determination as to whether or not the need for signage or other measures is present.

- 1) If an especially hazardous condition or unusual delays in traffic are identified, the Transportation Department will determine if the request warrants immediate action and, if necessary, will implement measures in accordance with Section 58-249 of the City of Concord Code of Ordinances.
- 2) If no especially hazardous conditions or unusual delays in traffic are identified, the request will be forwarded to the Code Enforcement Division of the Concord Police Department to be evaluated for enforceability.

Step Two:

Once an evaluation of the request has been completed, the request will be discussed at the next feasible monthly TSAC meeting. The Applicant will be notified of any recommendations within 5 business days from the TSAC meeting in which the request is discussed. Typical recommendations include but are not limited to:

- 1) The identified concerns have been determined to be especially hazardous or cause unusual delays and TSAC is taking appropriate actions to help alleviate the issues.
- 2) The identified concerns have been determined to be enforceable violations and TSAC has recommended additional signage to reinforce driver knowledge of potential violations along with referral to Code Enforcement for targeted enforcement.
- 3) The identified concerns have been determined to be enforceable violations and the request has been referred to the Code Enforcement Division of the Concord Police Department for targeted enforcement. No additional measures are recommended at this time.
- 4) The identified concerns have not been determined to be parking code violations, nor have they been identified as causing hazardous conditions or unusual delays in traffic.

Step Three:

If a request warrants recommendations # 3 or # 4 above, or a request pertains to more than 200 feet of street, and the Applicant desires to continue a request for additional signage or other measures, a petition will be required. It is the Applicant's responsibility to obtain the signatures of at least 75% of the property owners² (one per property) on the entire street(s). Names, addresses, and telephone numbers are required on the Parking Restrictions Petition Form. The petition must state and/or show the location, including which side of the street the proposed restriction(s) is to apply. Property owners on both sides of the street must sign the petition. Once the petition form is returned to the Transportation Department along with a verification statement from the Applicant, City staff will validate the petition and will schedule a Public Hearing before City Council.

Failure to return a complete and valid petition in support of the proposed restrictions containing the required 75% of property owners represented within 6 months of notification will cause the request to be denied and ineligible for re-evaluation for a period of 36 months.

Step Four:

If approved, appropriate regulatory signs will be installed and Concord Police will be advised of the change.

² Property Owner – Individual or entity in possession of title for the land, building, or other. Renters/ Tenants will not be considered.



Request for Parking Restrictions

(Please Read the City's Parking Restrictions Policy Prior to Submitting Request)

Name of Applicant: _____

Subdivision (if applicable): _____

Address: _____

Day phone #: _____

E-mail address: _____

Neighborhood association (HOA) if applicable: _____

Does your neighborhood have decorative signs? _____ (Yes/No/Unsure)

Does a valid encroachment agreement exist for decorative signs? _____ (Yes/No/Unsure)

Please tell us the location of the requested parking restrictions (addresses, cross streets, etc.). Be as specific as possible:

Please tell us about the reason for the Parking Restrictions request:

I have read the City of Concord Parking Restrictions Policy and agree to be the named Applicant for this request. _____ Date: _____

Signature of Applicant

Please submit your request by mail, or email to edwardsg@concordnc.gov. Further contact information for the Administrative Division can be found on the Transportation Department Contacts page on the City of Concord website at <https://www.concordnc.gov>.

Transportation

635 Alfred Brown Jr. Court SW., P.O. Box 308, Concord, NC 28026

Phone (704) 920-5338 • Fax (704) 795-0404



PARKING RESTRICTIONS PETITION VERIFICATION STATEMENT

There are a total of _____ properties along _____.
There are _____ valid signatures on the Parking Restrictions Petition Form, which represent
_____ % of the properties along the identified street segment(s).

I verify the signatures on the Parking Restrictions Petition Form are those of the property owners of record, that they are valid, and that only one signature per property/business has been considered in the above percentage.

Signature of Applicant

Date: _____



PARKING RESTRICTIONS PETITION FORM

(This form may be reproduced if necessary)

We the undersigned, petition the City of Concord under the **Parking Restrictions Policy** to restrict parking and install appropriate signage on the listed streets and locations as indicated below:

STREET	FROM	TO	SIDE OF ROAD

☐ Check here if Optional map showing restriction area is attached.

Support from 75% of the property owners (one per property) along each street segment is required for the parking restrictions request to move forward in the approval process.

By signing below I certify that I support the requested Parking Restrictions Request		
PROPERTY OWNER PRINTED NAME & SIGNATURE	ADDRESS	TELEPHONE #



NEIGHBORHOOD STREET PARKING RESTRICTION REQUEST POLICY

The Town of Huntersville's *Neighborhood Street Parking Restriction Request Policy* was developed to guide Town Engineering Staff and inform residents about the processes and procedures for implementing parking restrictions on neighborhood residential streets. Under this policy, the Town Engineering Department will work with a Neighborhood Representative at their initiation, to identify parking issues in their neighborhood and develop appropriate solutions. A neighborhood representative must be a Home Owners Association (HOA) Board member and endorsed by the HOA by official letter; or in neighborhoods without an HOA, have the support of all other households along the street (must provide names, address, and signatures of supporting household representatives).

This *Neighborhood Street Parking Restriction Request Policy* incorporates **Education**, **Enforcement**, and **Engineering** into resolving parking issues in neighborhoods. Residents can actively participate through neighborhood committees providing education and awareness of the issues and solutions available. Increased education and enforcement of existing Town Ordinances may reduce the need for further restrictions. Where increased education and enforcement do not resolve the issue, additional parking restrictions through signage may be explored.

What Streets will be addressed under this Policy?

Residential Local streets make up the majority of Huntersville's street system. These streets serve local circulation needs for motor vehicle, bicycle, and pedestrian traffic and primarily provide access to residences and on occasion, businesses. These streets are typically found within larger subdivisions.

Neighborhood Awareness Efforts

Many people may not be aware of parking restrictions within the Town Code of Ordinances. These restrictions apply town wide and do not require signs for enforcement. HOA's and residents should take it upon themselves to make neighbors aware of current parking restrictions.

Process for a neighborhood parking restriction request:

1. A Neighborhood Representative (HOA Board member, HOA Board designee, resident with support of neighbors) should contact the Town of Huntersville Engineering Department at (704) 766-2220 or submit a request form to request an

evaluation. The form for such a request is attached or can be downloaded from the Town of Huntersville website.

2. Engineering staff will discuss with the Neighborhood Representative the issue and the process that will be followed.
3. Engineering staff will collect and analyze information related to the issue(s) identified and present the findings to the representative. The police department and fire department will be contacted for input on the request.
4. If a new parking restriction is found to be acceptable by the Director of Engineering, Engineering staff will develop a plan for implementation. Implementation is subject to the following options:
 - The requesting entity is responsible for installation of the signs (signs to be provided by the Town at no cost) if the HOA wants to install the signs on decorative sign posts.
 - The town can install the signs at no cost on standard town sign posts for each sign location.
5. The parking restrictions for the neighborhood will be subject to future periodic evaluation to determine if the restrictions are still needed.

Signage request Warrants

To qualify for a restriction, the following warrants must be met:

- The street must be classified as a Town maintained two-lane Residential Local street.
- The width of the street pavement (if there are no pavement markings) or marked travel lane is less than 19 feet for restrictions on one or both sides of the street.
- The width of the street pavement (if there are no pavement markings) is 25 to 19 feet for restrictions on one side of the street.



Petition For Residential Parking Permit Program

Updated: Dec 17, 2024

Jump To:

[Criteria for a New Residential Permit Parking Area](#)

[Initial Application Process](#)

[Completion of Parking Study](#)

[Approval of New Parking Program](#)

A Residential Permit Parking Program is created in a neighborhood at the request of the community. We review requests for new programs each year.

Criteria for a New Residential Permit Parking Area

The minimum criterion for incorporation into the program is that the requested area must contain at **least eight (8) adjoining block faces** that are bounded by property in residential zoning districts, or the area is a continuation/expansion of an existing controlled residential parking area.

Note: a "block face" means one side of a street between two (2) intersecting streets.

The City will provide guidance and assistance to any resident(s) interested in establishing a residential permit parking program in their area.

Please contact us at [919-996-3996](tel:919-996-3996)

(tel:919-996-3996)

for more information.

Initial Application Process

A petition identifying the boundaries and streets of the area within the proposed controlled residential parking area must be made to the Department of Transportation requesting such designation. The petition must have the **signatures of at least 70%** of all affected property owners in favor of the program.

Completion of Parking Study

[Privacy](#) - [Terms](#)

Following receipt of the petition by the Department of Transportation, a parking study may be conducted at various times of the day or week. This study shall consider:

- The effect on the safety of residents of the area under consideration from intensive use by nonresidents for parking of vehicles, including the storage of vehicles.
- The need of the residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence.
- The difficulty or inability of residents of the area to secure adequate on-street parking adjacent to or close by their places of residence because of widespread use of available parking spaces in that area by nonresident transient motorists.
- The impact of major public facilities and programs on the health, safety, and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs.
- The likelihood of alleviating, by use of a parking permit system, any problem of unavailability of residential parking spaces.
- The desire of the residents in the area for the institution of a parking permit system and the willingness of those residents to bear the administrative costs incidental to the issuance of permits authorized by this section.
- The need for all residential permit spaces to be available in the area under consideration for use by visitors and the general public for at least sixteen (16) hours, with or without time restriction.
- Such other factors as the Director shall deem relevant.

Approval of New Parking Program

Upon satisfactory review of the petition by parking administration and approval by City Council, the Department of Transportation will issue residential parking permits to all affected property owners and/or tenants who are legally and physically residing in the controlled residential parking area.

The cost to residents is **\$20 per decal per calendar year**. No pro-rated discount is given for a partial year. Guest passes can be purchased for a fee.

It must be understood by all residents that once incorporated into the program, the City will also be routinely enforcing all on-street parking regulations which will include permitted vehicles.

PARKING RESOURCES

 [Residential Parking Permits](https://parking/services/parking-customer-service/residential-parking-permits)
[\(/parking/services/parking-customer-service/residential-parking-permits\)](https://parking/services/parking-customer-service/residential-parking-permits)

- [Residential Parking Permit FAQs](#)
(</transportation/services/new-residents-information/residential-parking-permit-faqs>)
- [Parking Customer Service](#)
(</parking/services/parking-customer-service>)
- [Find Parking Downtown](#)
(</parking/services/find-parking-downtown>)
- [Pay for Parking](#)
(</parking/services/pay-parking>)

CONTACT

raleighparking@raleighnc.gov
(<mailto:raleighparking@raleighnc.gov>)

[919-996-3996](tel:919-996-3996)
(<tel:919-996-3996>)

SUPPORTED SERVICES

[Parking Customer Service](#)
(</parking/services/parking-customer-service>)

[Back to Transportation](#)
(</transportation>)

DEPARTMENT:

[Transportation](#)
(</transportation-department>)

SERVICE CATEGORIES:

[Parking Services](#)
(</transportation/service-unit/parking-services>)

RELATED SERVICES:

[Parking Customer Service](#)
(</parking/services/parking-customer-service>)

From: Nicholas, Peter <Peter.Nicholas@durhamnc.gov>
Sent: Monday, August 18, 2025 2:16 PM
To: Brian . McGill
Cc: Tracey, Leslie
Subject: [EXTERNAL]RE: [EXTERNAL]Re: [EXTERNAL]Voicemail

Brian,

Durham Transportation is permitted to evaluate and install regulatory signage on city streets **without City Council approval**. A former administration approved a "delegation of authority" to the Public Works Director, who ultimately authorized the City Traffic Engineer to implement regulatory sign changes.

The parking petition process Durham had in place prior to 2024 was cumbersome for staff. It required signatures from 50% of homeowners, which had to be secured within 90 days. If feasible, Homeowners Associations (HOAs) were enlisted to ensure all streets within a given neighborhood were evaluated equitably. Non-HOA requests in established or organized neighborhoods were typically a major burden on staff resources. The years immediately following COVID-19 were particularly problematic, as staff were brought into neighborhood disputes to act as arbiters for a wide array of transient parking matters.

In early 2024, the Transportation Department initiated a new standard operating procedure (SOP) and requested that the Development Review team require "No Parking" signs, where applicable, for all new residential and commercial developments. This was done to address parking issues before on-street parking patterns were established. The time-consuming exercise of routing petitions ended, and the team was able to shift time/attention to addressing Departmental/Citywide Goals.

Here is the SOP:

Engineering evaluates two categories of parking matters within established neighborhoods 1) **Safety** Issues (Emergency/Public Health) and 2) **Non-Safety** Issues (General Requests)

1. **Safety** requests from DPD, DFD, Solid Waste, Maintenance teams and sight distance are considered an Emergency/Public Health issues and are reviewed/confirmed by Engineering Staff
 - When safety matters are received/confirmed, Engineering will partner with DPD/DFD to acknowledge and request a written commitment to enforce an Emergency/Public Health issues
 - If confirmed and supported by DPD, a letter of notification will be distributed to the impacted residences with frontage (and adjacent) to the impacted area
 - No Parking signs for safety matters are typically posted within 30 days
2. **Non-Safety** requests from residents are field reviewed, historic aerials/roadway images are evaluated, CityWorks Service Requests are queried, and the applicable ordinance(s) is/are evaluated to determine if the matter is a legitimate/correctable issue (missed solid waste pickup, history of SR's pertaining to maintenance conflicts, and content of previous SR's).
 - It is typical for residents to initiate isolated Service Request's with spillover parking (multiple car families, driveway conflicts, homes with teenage drivers, rentals, attached garages used for storage), neighborly disputes, and/or aesthetics
 - General requests typically reference emergency vehicle access concerns, parking of private delivery services (Amazon/FedEx, UPS), private maintenance services (lawn care, deliveries), long term parking of large/commercial vehicles, sight distance issues created by parked cars and when vehicles are required to momentarily yield to oncoming traffic due to the presence of a parked vehicle

- Most locations are low volume roadways with sufficient roadway width for safe passage of vehicles, emergency services, maintenance operations, solid waste pickup, and the temporary yielding condition offers traffic calming benefits
- For Non-Safety issues, Engineering denies the request to install regulatory parking signs and issues the “FAQ” response
 - If the parking conflict persists, DPD can elevate a matter from a “Non-Safety” issue to a Safety issue

FAQ - Issuing citations for illegal parking is a Durham Police Department enforcement matter. Residents are directed to contact the Non-Emergency Durham Police Department at 919-560-4600 and reference the applicable ordinance of [The City of Durham Municipal Code - Sec. 66-171](#). Regulatory parking signs are *not required* to enforce violations of Sec. 66-171 of the municipal code (additional municipal codes will be evaluated when/where applicable).

Over the past 18 months, two residents have requested to appear before the city council to discuss on-street parking matters. In both instances, the Engineering staff attempted to work with the requestors, but to no avail.

The team still receives about two to three parking requests per week, but the clearly defined Departmental Standard Operating Procedure (SOP) amongst Engineering, DPD, DFD, and Solid Waste is proving to be a streamlined and effective process. This new procedure benefits Transportation by eliminating petitions and DPD by preventing the need for additional enforcement resources generated by the installation of petition generated regulatory signage.

Hope this helps...

Respectfully,

Pete Nicholas, P.E.
 Transportation Engineer
 Department of Transportation, City of Durham
 101 City Hall Plaza, 4th Floor, Suite 4304
 Durham, NC 27701

P [919-560-4366](tel:919-560-4366), ext. 36436
 F [919-560-4561](tel:919-560-4561)

peter.nicholas@durhamnc.gov
www.DurhamNC.gov

E-mail correspondence to and from this sender may be subject to the North Carolina Public Records Law and can be disclosed to third parties.

From: Tracey, Leslie <Leslie.Tracey@durhamnc.gov>
Sent: Monday, August 18, 2025 11:38 AM
To: Brian . McGill <BrianMcGill@FayettevilleNC.Gov>; Nicholas, Peter <Peter.Nicholas@durhamnc.gov>
Subject: Re: [EXTERNAL]Re: [EXTERNAL]Voicemail

Hi Brian. This is best answered by Pete, since I'm not involved in most of the No Parking requests. I copied him. If you want to call, best way is to reach him on his cell, 919-218-6479.

Leslie

Leslie Tracey, PE, PTOE, RSP₁

Transportation Engineer

City of Durham

From: Brian . McGill <BrianMcGill@FayettevilleNC.Gov>

Sent: Monday, August 18, 2025 9:52 AM

To: Tracey, Leslie <Leslie.Tracey@durhamnc.gov>

Subject: RE: [EXTERNAL]Re: [EXTERNAL]Voicemail

Hi Leslie,

I just tried calling but reached your voicemail and got another call I had to answer.

My main question is, for “No Parking” in residential neighborhoods, do yall have a citizen driven process for requests that isn’t justified by safety concerns?

I’ve talked with Apex and they’re saying that if it isn’t a safety or operational issue, and if an HOA doesn’t make the request, then they don’t bring the request to Council.

Wilmington says if there’s a safety reason with repeated violations then they’ll take it to Council to post the sign, but their process isn’t at the request of citizens either really.

I’ve reached out to Raleigh but we’re playing phone-tag at the moment.

Thank you,
Brian



Brian McGill, PE, PTOE

Assistant Public Services Director for Traffic Services

Public Services Department

339 Alexander Street | Fayetteville, NC 28301

910-433-1170 (O)

BrianMcGill@fayettevillenc.gov

www.FayettevilleNC.gov

All communication not specifically exempted by North Carolina law is a public record and subject to release upon request.

From: Tracey, Leslie <Leslie.Tracey@durhamnc.gov>

Sent: Thursday, August 7, 2025 10:32 AM

To: Brian . McGill <BrianMcGill@FayettevilleNC.Gov>

Subject: [EXTERNAL]Re: [EXTERNAL]Voicemail

Hi Brian. I don't think we've had a chance to connect yet. Do you want to set up a call for tomorrow? I'm free in the afternoon.

Leslie

Leslie Tracey, PE, PTOE, RSP₁
Transportation Engineer
City of Durham

From: Brian . McGill <BrianMcGill@FayettevilleNC.Gov>
Sent: Wednesday, July 30, 2025 3:15 PM
To: Tracey, Leslie <Leslie.Tracey@durhamnc.gov>
Subject: RE: [EXTERNAL]Voicemail

Hi Leslie,

Yes, my City is working on getting some processes updated to better facilitate resident requests. I was reaching out to a handful of municipalities and wanted to reach out to yall. I don't have availability this afternoon, but can talk briefly tomorrow or more in-depth on Friday. It's mainly regarding requests for "No Thru Trucks" signs in neighborhoods, as well as how No Parking requests from citizens (and Council Members) are handled where yall are.



Brian McGill, PE, PTOE
Assistant Public Services Director for Traffic Services
Public Services Department
339 Alexander Street | Fayetteville, NC 28301
910-433-1170 (O)
BrianMcGill@fayettevillenc.gov
www.FayettevilleNC.gov

All communication not specifically exempted by North Carolina law is a public record and subject to release upon request.

From: Tracey, Leslie <Leslie.Tracey@durhamnc.gov>
Sent: Wednesday, July 30, 2025 3:10 PM
To: Brian . McGill <BrianMcGill@FayettevilleNC.Gov>
Subject: [EXTERNAL]Voicemail

Hi Brian. I checked my voicemail yesterday for the first time in a few weeks, and I had one from you from July 21. Something about a peer review? Do you still need to talk? I can call later this afternoon.

Thanks,
Leslie

Leslie Tracey, PE, PTOE, RSP₁
Transportation Engineer



101 City Hall Plaza, 4th Floor
Durham, NC 27701
P: 919-560-4366, ext. 36437

[Chat with me on Teams](#)

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

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City of Fayetteville

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

City Council Action Memo

File Number: 25-5027

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A3

TO: Mayor and Members of City Council

THRU: Kelly Strickland, Assistant City Manager
Dr. Gerald Newton, AICP, Development Services Director
David Steinmetz, Development Services Assistant Director

FROM: Dereke D. Planter Jr., Code Enforcement Supervisor

DATE: November 24, 2025

RE:
Uninhabitable Structures: Demolition Recommendations

827 E. Orange Street - District 2
4714 Ashton Road - District 5

COUNCIL DISTRICT(S):
2,5

Relationship To Strategic Plan:

Goal 1: Safe & Secure Community
Goal 4: Desirable Place to Live, Work & Recreate

Executive Summary:

Staff requests Council approval of demolition ordinances for two residential buildings identified as Dangerous.

Background:

827 E. Orange Street PIN: 0437-59-7316

This vacant residential structure was condemned as dangerous on April 30, 2025, due to fire. The City Inspector cited major repair needs: floor framing and flooring, ceiling and ceiling joists, walls, doors and frames, windowpanes, frames and sashes, roofing material, flashing, trim and fascia, roof rafters and sheathing.

The hearing was held on August 28, 2025, and the property owner was present.

Following the hearing, an order was issued on September 2, 2025, directing the owner to either repair or demolish the structure within 60 days. The notice included information on programs available through the City's Economic & Community Development Department to help cover repair or demolition expenses.

As of today, there is no record of enrollment in the Blight Removal Program, and the property has not been brought out of its condemned status.

There have been three emergency calls related to the property in the past 24 months. The property has 11 code violations, no City assessments, and \$884.12 in outstanding taxes. It holds a demolition score of 81.5 points on the matrix.

4714 Ashton Road

PIN: 0416-32-2823

The City Inspector is obligated to address conditions that violate the Dwellings and Buildings Minimum Standards Code of Fayetteville, NC. This vacant residential structure was inspected and condemned as dangerous on February 13, 2023, due to fire. The structure requires repairs to floor framing and flooring, ceiling and ceiling joists, walls, doors and frames, roofing material, flashing, trim and fascia, roof rafters and sheathing. A hearing notice was published in *The Fayetteville Observer* on August 17, 2025. The hearing was held on August 29, 2025, but the property owner failed to attend. An order was issued on September 2, 2025, directing the owner to either repair or demolish the structure within 60 days. The notice also included information about the City's Economic & Community Development Department and available programs to assist with repair or demolition costs.

To date, there has been no enrollment in the Blight Removal Program, and no repairs have been made. The property remains in its condemned state. Over the past 24 months, there have been one emergency call related to the property. It has accumulated two code violations, no City assessments, and \$1,064.74 in outstanding taxes.

This property has a demolition score of 74 points on the matrix.

Issues/Analysis:

These substandard properties contribute significantly to neighborhood blight and public nuisance, directly undermining the City's Strategic Operating Plan-specifically Goal 1, which prioritizes community safety and neighborhood quality.

Budget Impact:

The demolition costs for these structures will be established through a competitive bidding process conducted after the adoption of the demolition ordinance. Please note that additional, yet-to-be-determined expenses for asbestos testing and abatement may also be required.

Options:

Adopt the ordinance and demolish the structures.

Abstain from any action and allow the structures to remain.

Defer any actions for a later date.

Recommended Action:

Staff recommends that Council adopt the ordinances authorizing demolition of these structures. We will continue to engage with the property owners up to the scheduled demolition date, offering opportunities for voluntary compliance, self-demolition, or grant-supported abatement through the Community Development Department.

Should a property come into compliance voluntarily, staff will present a demolition rescission ordinance to Council to formally remove the order from the property deed.

Prompt approval of the demolition ordinances is essential, as it enhances our leverage with property owners and is the only available mechanism to stay or suspend demolition proceedings once an order has been adopted.

Attachments:

Aerial Maps, Violation Photos, Proposed Ordinances, Scoring Matrix and PowerPoint Presentation

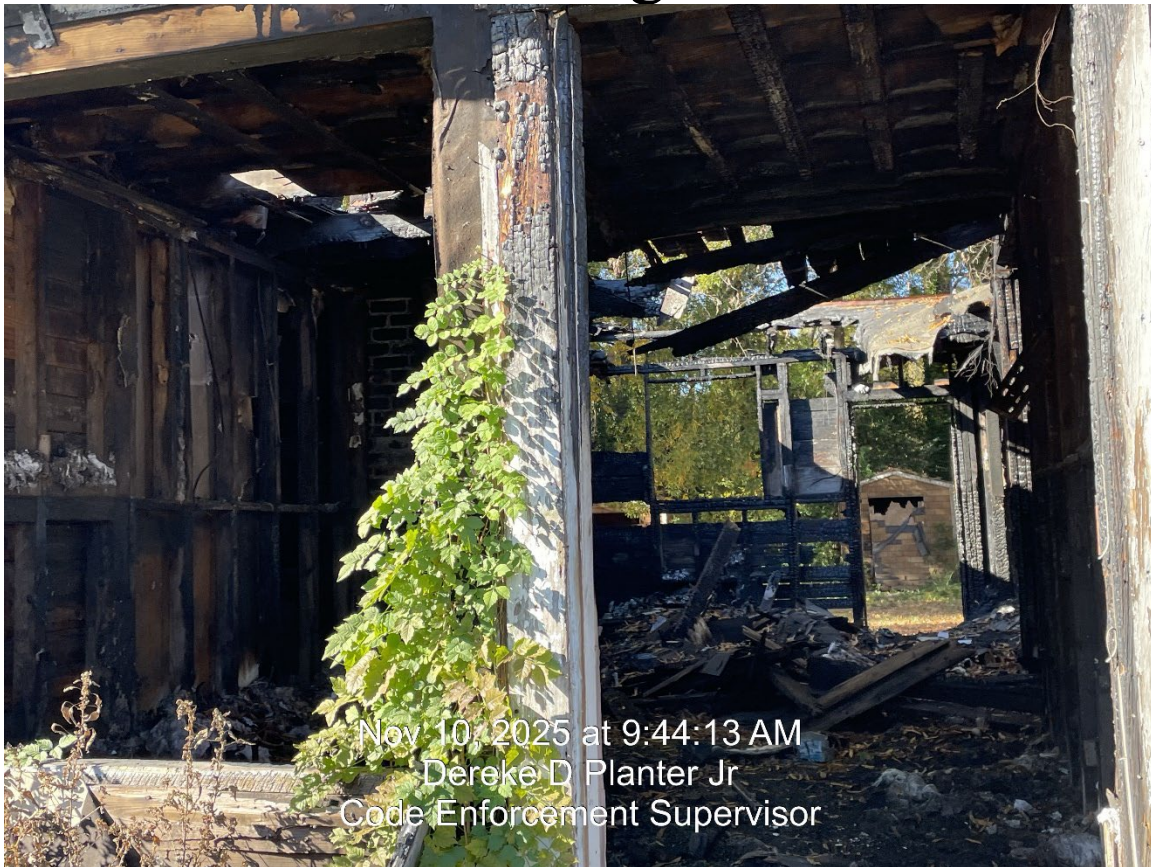


827 E. Orange Street



(Complete roof system and walls casualty of fire)

827 E. Orange Street



(All exterior finish shall be weathertight without excessive holes, cracks or rotted boards which permit air or water to penetrate rooms. Roof covering shall not be loose, nor have holes or leaks.)

827 E. Orange Street



(All exterior finish shall be weathertight without excessive holes, cracks or rotted boards which permit air or water to penetrate rooms..)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City of Fayetteville, NC**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City of Fayetteville, NC, concerning certain real property described as follows:

827 E. Orange Street
PIN 0437-59-7316-

LEGAL: Being all of Lots 102, 103, 104 and 105 in a subdivision known as PLEASANT VIEW PARK, a plat of which is duly recorded in Book of Plats 10, Page 76, of the Cumberland County Registry, North Carolina.

The owner(s) of and parties in interest in said property are:

NC Property Center, LLC
4030 Wake Forest Road, Suite 349
Raleigh, NC 27609

Registered Agents, Inc.
4030 Wake Forest Road, Suite 349
Raleigh, NC 27609

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City of Fayetteville, NC having been followed, the Hearing Official duly issued and served an order requiring the owners of said property to complete certain repairs or demolish the structure on or before November 1, 2025.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Code Enforcement Official is authorized by said Code, and the North Carolina General Statutes § 160D-1203(5),

when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.

- (4) The City Council has been provided with information regarding the entire record of said Hearing Official, and finds, that all findings of fact and all orders of said Hearing Official are true and authorized.
- (5) That pursuant to the North Carolina General Statutes § 160D-1203(7), the cost of the demolition shall be a lien against the real property upon which the cost was incurred.

Whereupon it is ordained that:

SECTION 1

The Code Enforcement Official is ordered forthwith to accomplish, with respect to said property, precisely and fully what was ordered by said Hearing Official as set forth fully above, except as modified in the following particulars:

This property is to be demolished, and all debris removed from the premises, and the cost of said removal shall be a lien against the real property as described herein.

SECTION 2

The lien as ordered herein and permitted by the North Carolina General Statutes § 160D-1203(7), shall be effective from and after the date the work is completed and shall have priority as provided by law, and a record of the same shall be available in the office of the City of Fayetteville Finance Department, Collections Division, 2nd Floor - City, 433 Hay Street, Fayetteville, NC 28301.

SECTION 3

This ordinance shall be in full force and effect from and after its adoption.

Adopted this 24th day of November 2025.

CITY OF FAYETTEVILLE

BY: _____
Mitch Colvin, Mayor

ATTEST:

Jennifer L. Ayre, City Clerk

City Council Initiated Demolition Score Matrix							
TIER	FACTOR	SUBFACTOR	AVAILABLE POINTS	MAXIMUM POINTS UP TO	MULTIPLYING FACTOR	ASSIGNED POINTS	TOTAL
1	Structural Damage	Burned Out or Major Fire Damage and Uninhabitable Or	150	150	30%	150	45
		Minor Fire Damage but Habitable	75				
		Obvious Visual Structural Damage Or	100				
		No Obvious Visual Structural Damage	50				
2	Time on Demolition List	Over one year (365 days and over)	80	80	30%	50	15
		Under one year (up to 364 days)	50				
3	Ordinance	Demolition Ordinance Signed by City Council	20	20	30%		0
4	Financial Cost	Cost of Demolition is Over 10% of the Annual Demolition Budget	40	80	20%	80	16
		Cost of Demolition is Under 10% of the Annual Demolition Budget	80				
5	Crime	Frequent Police Calls Or	20	20	15%	10	1.5
		Code Enforcement Complaints - over 5	10				
6	Location	Located Within the 100 year Floodplain or Other Environmental Sensitive Area	60	60	10%	40	4
		School/Park/Public Facility located Within 1/2 mile	40				
		Within a Neighborhood Revitalization Area	40				
TOTAL POINTS							81.5

Definitions

The spreadsheet shows the maximum points allowed for each factor. If there are multiple subfactors, then only **one** subfactor can be scored. The scorer is allowed to give less than the maximum points for any factor, if necessary.

1	Structural Damage - In this section, the scorer uses the fire department structural evaluation to score the property. If the property is gutted by fire and uninhabitable, then the maximum points can be assigned. A minor fire, but habitable structure receives less points and should be used when the owners of the property have not made substantial improvements to the property.
	Visual Structural Damage - Obvious structural damage refers to the missing element from a structure such as a collapsed roof system, missing support beams, damaged foundations, or damaged/missing exterior wall elements. Points can also be awarded in this section for exterior fire damage. No obvious visual structural damage refers to damage to a structure that is interior to the structure or within the walls.
2	Time on the Demolition List signifies how many days the property has been identified as a nuisance/blighted property. The 365 days time frame starts the day that the hearing order is signed.
3	Demolition Ordinance - This spreadsheet will be used on projects with demolition ordinances and future demolitions. This factor will be removed and the points reallocated once all prior demolitions have been completed.
4	Financial Cost allows the department to manage its resources. Higher points are awarded to projects that utilize under 10% of the department's current annual demolition budget. Projects that require over 10 % of the budget, receive less points due to the fact that those projects diminish the department's ability to mitigate additional projects.
5	Crime - The frequency of police calls shall get full points if the number of calls is over five in a three month time period. The subject property can receive full Code Enforcement points if the project receives over five Code Enforcement complaints in a 24 month period.
6	Location -



4714 Ashton Road



(All exterior finish shall be weathertight without excessive holes, cracks or rotted boards which permit air or water to penetrate rooms. Roof covering shall not be loose, nor have holes or leaks.)

4714 Ashton Road



(Interior finish shall be free of holes and excessive cracks which permit air to penetrate rooms)

4714 Ashton Road



(All exterior finish shall be weathertight without excessive holes, cracks or rotted boards which permit air or water to penetrate rooms; roofing material, flashing and trim/fascia and walls. Windows shall be reasonably weathertight with no broken glass.)

**AN ORDINANCE OF THE CITY COUNCIL
OF
FAYETTEVILLE, NORTH CAROLINA**

**Requiring the City Building Inspector
to correct conditions with respect to,
or to demolish and remove a structure
pursuant to the
Dwellings and Buildings Minimum Standards
Code of the City of Fayetteville, NC**

The City Council of Fayetteville, North Carolina, does ordain:

The City Council finds the following facts:

- (1) With respect to Chapter 14 of the Dwellings and Buildings Minimum Standards Code of the City of Fayetteville, NC, concerning certain real property described as follows:

4714 Ashton Road
PIN 0416-32-2823-

LEGAL: BEING all of Lot 31, Block "D", in a subdivision known as SHERWOOD PARK – SEC. FOUR, and the same being duly recorded in Plat Book 27, Page 22, Cumberland County Registry and being the same property

The owner(s) of and parties in interest in said property are:

Ramiro Flores Santos
124 Assad Lane
Southern Pines, NC 28387

- (2) All due process and all provisions of the Dwellings and Buildings Minimum Standards Code of the City of Fayetteville, NC having been followed, the Hearing Official duly issued and served an order requiring the owners of said property to complete certain repairs or demolish the structure on or before November 1, 2025.
- (3) And said owners without lawful cause, failed or refused to comply with said order; and the Code Enforcement Official is authorized by said Code, and the North Carolina General Statutes § 160D-1203(5), when ordered by Ordinance of the City Council, to do with respect to said property what said owners were so ordered to do, but did not.
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Adopted this 24th day of November 2025.

CITY OF FAYETTEVILLE

BY: _____
Mitch Colvin, Mayor

ATTEST:

Jennifer L. Ayre, City Clerk

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Under one year (up to 364 days)		50					
3	Ordinance	Demolition Ordinance Signed by City Council	20	20	30%	0	0
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		Cost of Demolition is Under 10% of the Annual Demolition Budget	80				
5	Crime	Frequent Police Calls Or	20	20	15%	0	0
		Code Enforcement Complaints - over 5	10				
6	Location	Located Within the 100 year Floodplain or Other Environmental Sensitive Area	60	60	10%	40	4
		School/Park/Public Facility located Within 1/2 mile	40				
		Within a Neighborhood Revitalization Area	40				
TOTAL POINTS							74

Definitions

The spreadsheet shows the maximum points allowed for each factor. If there are multiple subfactors, then only **one** subfactor can be scored. The scorer is allowed to give less than the maximum points for any factor, if necessary.

1	Structural Damage - In this section, the scorer uses the fire department structural evaluation to score the property. If the property is gutted by fire and uninhabitable, then the maximum points can be assigned. A minor fire, but habitable structure receives less points and should be used when the owners of the property have not made substantial improvements to the property.
	Visual Structural Damage - Obvious structural damage refers to the missing element from a structure such as a collapsed roof system, missing support beams, damaged foundations, or damaged/missing exterior wall elements. Points can also be awarded in this section for exterior fire damage. No obvious visual structural damage refers to damage to a structure that is interior to the structure or within the walls.
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5	Crime - The frequency of police calls shall get full points if the number of calls is over five in a three month time period. The subject property can receive full Code Enforcement points if the project receives over five Code Enforcement complaints in a 24 month period.
6	Location -

Uninhabitable Structures Demolition Recommendation

November 24, 2025



Uninhabitable Structures Demolition Recommendation

- Staff requests Council approval of demolition ordinances for two residential buildings identified as dangerous.





Nov 10, 2025 at 9:43:59 AM
Dereke D Planter Jr
Code Enforcement Supervisor

827 E. Orange Street Council District 2

- Dangerous residential building
- Demolition matrix score 81.5
- No utilities service – June 2025
- **3 calls for 911 Service available – last 24 months**
- **11 code violations – last 24 months**
- **No city assessments**
- **\$884.12 in outstanding taxes**
- Not enrolled in the Blight removal Program
- QCT & Low to moderate income area



827 E. Orange Street Council District 2



827 E. Orange Street Council District 2



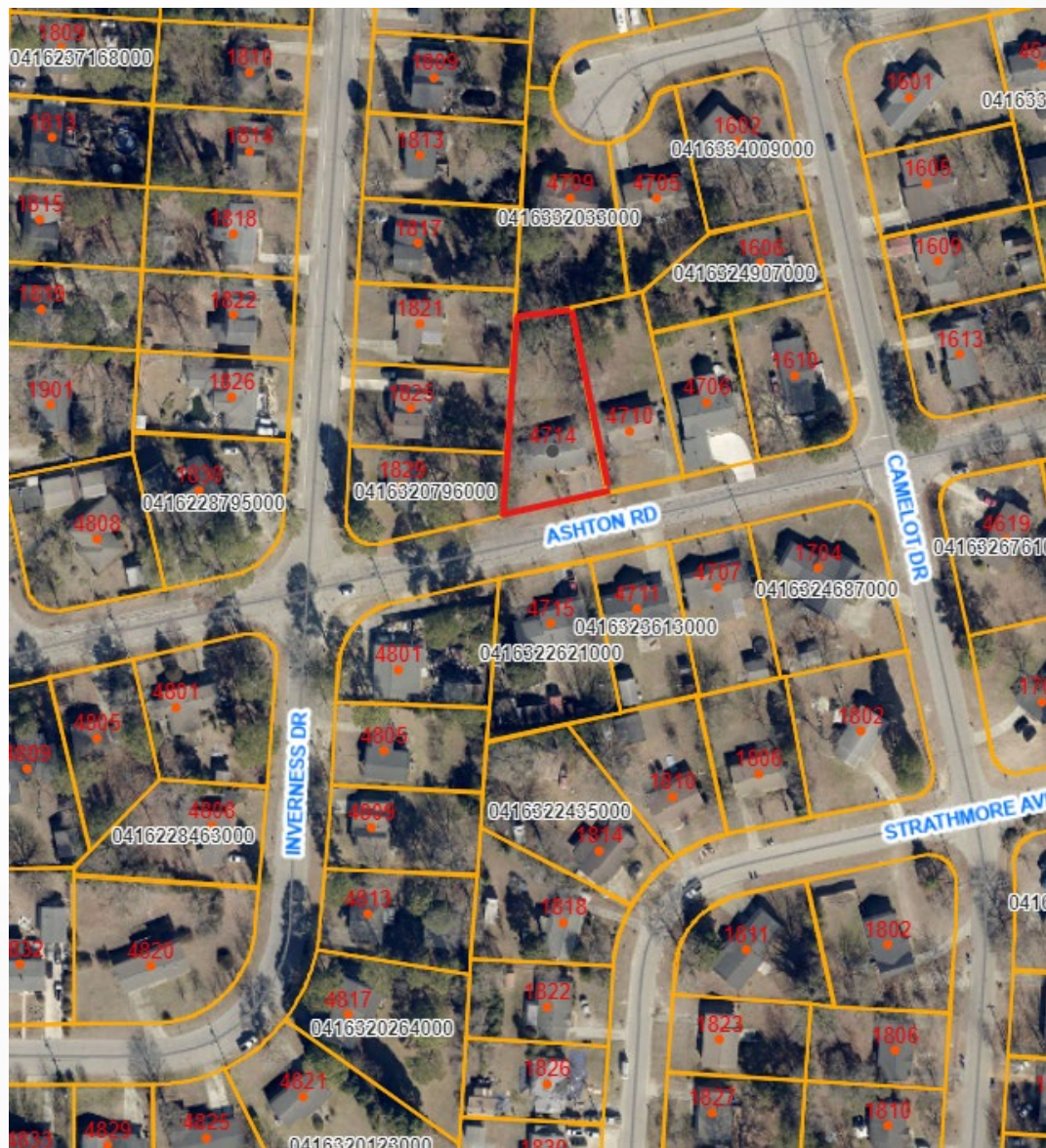




Nov 10, 2025 at 9:24:03 AM
Dereke D Planter Jr
Code Enforcement Supervisor

4714 Ashton Road Council District 5

- Dangerous residential building
- Demolition matrix score 74
- No utilities service – May 2023
- **1 call reported for 911 Service – last 24 months**
- **2 code violations – last 24 months**
- **No city assessments**
- **\$1,064.74 in outstanding taxes**
- Not enrolled in the Blight removal Program
- Low to moderate income area



4714 Ashton Road Council District 5







FayettevilleNC.gov



City of Fayetteville

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

City Council Action Memo

File Number: 25-4830

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A4

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

**FROM: Sheila Thomas-Ambat, PE, CCM, CFM, Public Services Director
Brian McGill, PE, PTOE, Assistant Public Services Director - Traffic
Services**

DATE: November 24, 2025

**RE:
Adopt Resolution supporting “No Parking” on Broadfoot Avenue to NCDOT**

COUNCIL DISTRICT(S):

District 5 - Lynne Greene

Relationship To Strategic Plan:

Goal I: Safe & Secure Community

Objective 1.2: To ensure traffic and pedestrian safety.

Goal III: City investment in Today & Tomorrow

Objective 3.1: To enhance City street connectivity, traffic flow, and stormwater systems.

Executive Summary:

A resolution to NCDOT of support for the designation of “No Parking” on Broadfoot Avenue from Morganton Road to Raeford Road / Arsenal Avenue is recommended due to safety concerns.

In parallel efforts with the above, City Traffic Services staff are working with NCDOT to install parallel parking spaces on Broadfoot Avenue. The “No Parking” designations would not go into effect until the parking spaces are installed. “No Parking” would only be applicable to the roadway outside of parking spaces.

Background:

The City received and investigated complaints regarding vehicles parking along Broadfoot Avenue. City staff observed vehicles parked in a manner which violated ordinances, blocked traffic, and created hazards.

Vehicles were noted as parking on sidewalks and in travel lanes. This can cause pedestrians to walk into the road, force cars to drive into oncoming traffic, and potentially block emergency response vehicles from entering Broadfoot Avenue when entering from Morganton Road.

Broadfoot Avenue, from Morganton Road to Raeford Road / Arsenal Avenue is under the

ownership of NCDOT.

To address concerns with parking on Broadfoot Avenue, the City has submitted an encroachment permit (E062-026-25-0096) to NCDOT, as well as a request for City Traffic Services to install parallel parking spaces on Broadfoot Avenue. The proposed approximate parallel parking space locations are included as an attachment to this agenda item.

City Traffic Services are requesting NCDOT install “No Parking” signage along Broadfoot Avenue upon completion of the parallel parking spaces due to safety concerns and to reinforce ordinances more visibly. NCDOT requires a resolution from the City prior to installing “No Parking” signs and having them be enforced with ordinances. These signs would be installed by NCDOT and applicable to the roadway outside of any current or future parking spaces on Broadfoot Avenue.

The resolution and request to NCDOT has been worded in a manner so that it becomes applicable once parallel parking spaces associated with encroachment permit E062-026-25-0096 have been installed on Broadfoot Avenue.

Issues/Analysis:

Attached to this agenda item are the pictures of safety concerns and ordinance violations. The formal response refer to photos in attachments. Ordinance violations and safety concerns were identified under the following:

City of Fayetteville Code of Ordinances, Chapter 16, “Motor Vehicles and Traffic”, Article X, “Parking”:

- Section 16-294 Obstructing Passage of Other Vehicles
 - o No vehicles shall so stand on any street as to interrupt or interfere with the passage of public conveyances or other vehicles.
 - o The vehicles parked as shown in “IMG_6888.jpg” and “IMG_6890.jpg” could be considered as interfering with the passage of other vehicles if the other vehicles were forced to leave the lane (meaning cross the double yellow centerline).
- Section 16-295 Streets on Which Parking Prohibited at All Times
 - o When signs are placed, erected or installed giving notice thereof...
 - o There is a “No Parking Any Time →” sign located at approximately 199 Broadfoot Avenue per Google Street View. This in effect makes Broadfoot Avenue from Arsenal Avenue to Morganton Road “No Parking”.
- Section 16-300 Places in Which Parking Prohibited
 - o No person shall...park a vehicle...in any of the following places:
- On a sidewalk (IMG_6899.jpg; Arguably IMG_6888.jpg & 6890.jpg)

Per Chapter 30, “Unified Development Ordinance”, Article 30-5.F.4.a, “Streets”, the following section is applicable:

- 12. Sight Distance Triangles
 - o No object...shall interfere with visibility within the sight distance triangle of an intersection of streets...

- o Sight triangles of 20 feet by 20 feet as measured from the intersection of right-of-way lines shall be preserved at all intersections (see Figure 30-5.F.4.a.12, Sight Distance Triangles).
- o Additional sight triangles of ten feet by 70 feet shall be provided for access onto thoroughfare streets.
- o This means no vehicle should park within 20 feet of an intersection. Based on IMG_6888.jpg, the silver SUV closest to the intersection may be in violation of this.

Finally, North Carolina General Statute § 20-162. "Parking in front of private driveway, fire hydrant, fire station, intersection of curb lines or fire lane":

- (a) No person shall park a vehicle...upon a highway in front of a private driveway...nor within 25 feet from the intersection of curb lines or if none, then within 15 feet of the intersection of property lines at an intersection of highways; ...
 - o Regarding "...nor within 25 feet from the intersection of curb lines or if none, then within 15 feet of the intersection of property lines at an intersection of highways; ...".
 - Based on IMG_6888.jpg, the silver SUV closest to the intersection would be in violation of this general statute.
 - For parking a specific distance from an intersection, it would be whichever is more restrictive. In this particular instance, it appears to be the 25 foot requirement of NC G.S. 20-162.

Budget Impact:

The installation of signs and the passing of the resolution will not have an impact on the budget. All sign installation and maintenance costs would be that of NCDOT.

Options:

Support the "No Parking" resolution to NCDOT.
Reject the resolution and request additional information.

Recommended Action:

Staff recommends Council move to adopt the "No Parking" resolution.

Attachments:

No Parking Broadfoot Avenue Resolution.pdf
Broadfoot Avenue Violation Pictures.pdf
Broadfoot Ave Parking Plan_Revised.pdf

Broadfoot Avenue Violations Pictures

IMG_6888.jpg



IMG_6890.jpg



IMG_6899.jpg



20250701_150346988_iOS



20250701_150249655_iOS

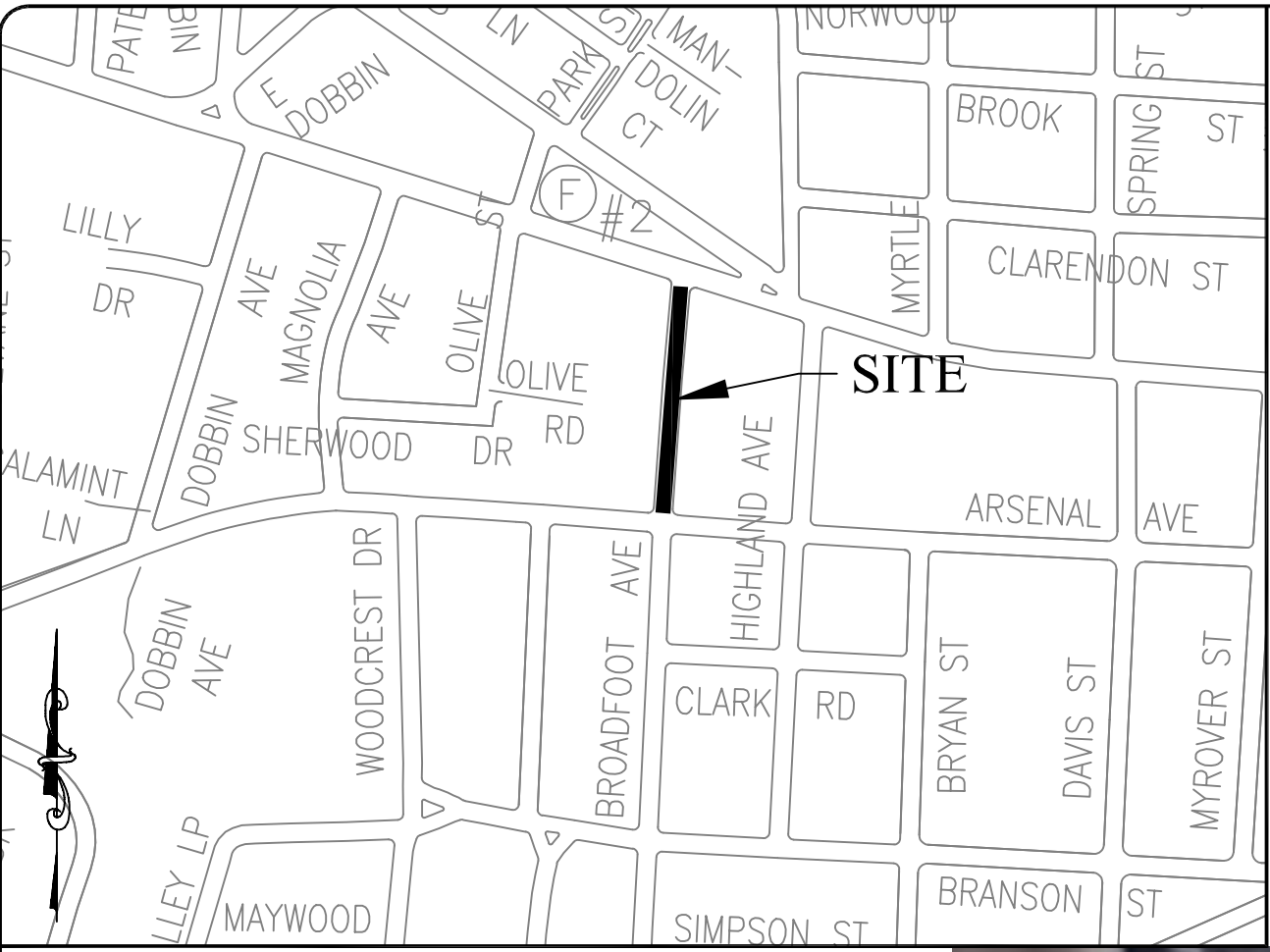


NCDOT ENCROACHMENT PERMIT
E062-026-25-00996

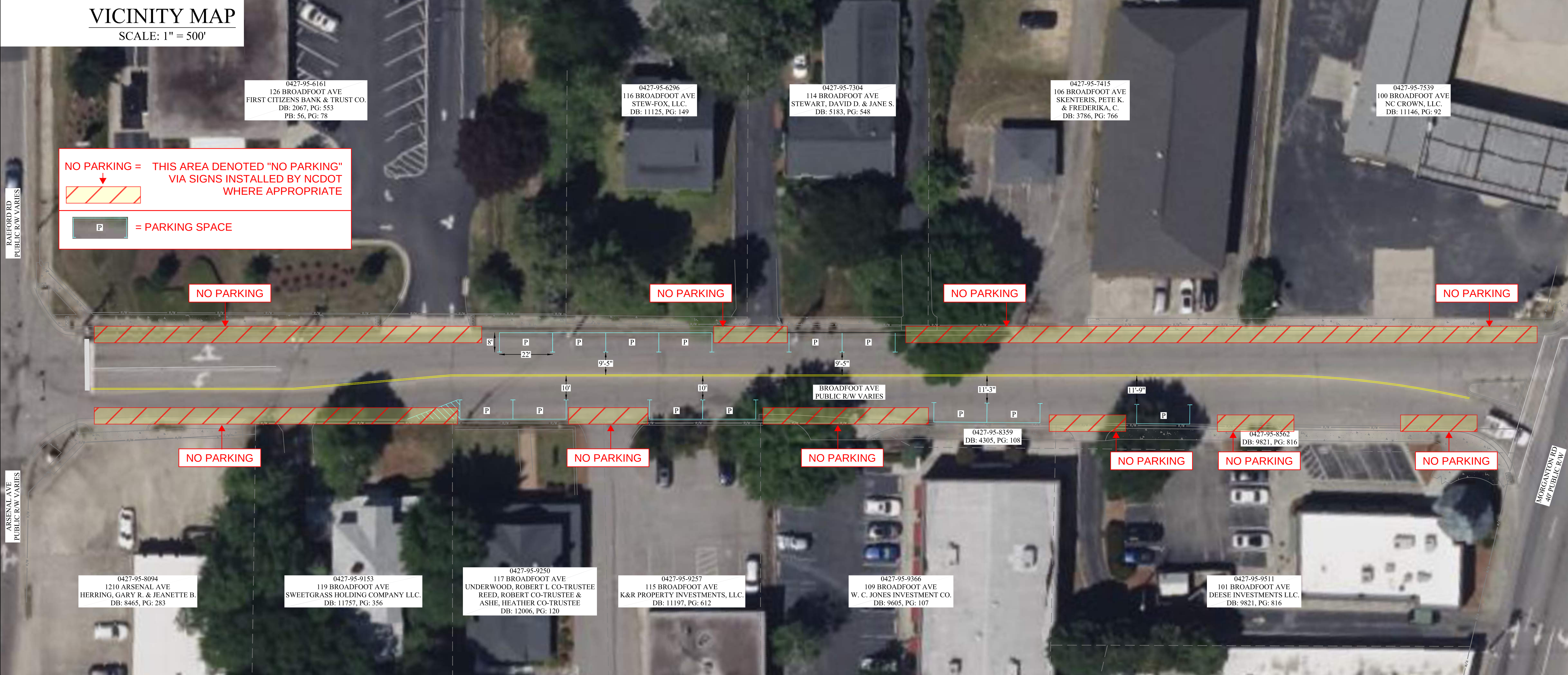


PROJECT SCOPE
THIS PROJECT CONSISTS OF:
INSTALL ROADSIDE PARKING LOTS
ALONG BROADFOOT AVE FROM
MORGANTON RD TO ARSENAL AVE.

BROADFOOT AVENUE PROPOSED ROADSIDE PARKING



VICINITY MAP
SCALE: 1" = 500'



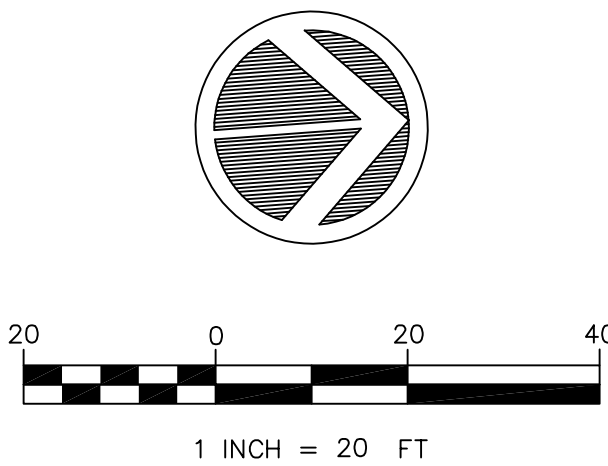
NO PARKING = THIS AREA DENOTED "NO PARKING" VIA SIGNS INSTALLED BY NCDOT WHERE APPROPRIATE

P = PARKING SPACE

PROJECT CONTACTS CITY OF FAYETTEVILLE	
Engineering	Byron Reeves, PE, CFM Deputy Public Services Director - Engineering 433 Hay Street, Fayetteville, NC 28301 (910) 433-1301 byronreeves@fayettevillenc.gov
Construction Management	Jeff Riddle, PLS Construction Manager 339 Alexander Street, Fayetteville, NC 28301 (910) 433-1661 jeffreyriddle@fayettevillenc.gov
Traffic Services	Brian McGill, PE, PTOE Assistant Public Services Director 339 Alexander Street, Fayetteville, NC 28301 (910) 433-1170 brianmcgill@fayettevillenc.gov



Know what's below.
Call before you dig.



BROADFOOT AVE
PROPOSED ROADSIDE
PARKING

PLAN
1 of 1

FAYETTEVILLE
AMERICA'S CAN DO CITY

ENGINEERING DIVISION
PUBLIC SERVICES DEPARTMENT
433 HAY STREET, FAYETTEVILLE, NC 28301

REVISIONS

REV.	BY	DATE

PROJECT: BROADFOOT AVE
NAME: PROPOSED PARKING
SCALE: 1"=20'
DATE: 8/19/2025

DRAWN: R.HENDRIX
CHECK: J.MONELL
APPROVED:

PROJECT NO.
SUB-LEDGER NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, SUPPORTING PARKING PROHIBITIONS ON BROADFOOT AVENUE (SR1414) IN THE CITY OF FAYETTEVILLE

WHEREAS, North Carolina General Statutes § 160A-301 states “a city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city”; and

WHEREAS, the Fayetteville City Council has determined that parking outside of the designated parking spaces along Broadfoot Avenue (SR1414) from Morganton Road (SR1404) to Raeford Road (SR1414) / Arsenal Avenue is a traffic safety hazard; and

WHEREAS, the City of Fayetteville has a long-standing cooperative relationship with the North Carolina Department of Transportation.

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, by the City Council of the City of Fayetteville, that the North Carolina Department of Transportation is hereby encouraged to post signage or any other devices denoting that vehicular parking shall be prohibited outside of the designated parking spaces along Broadfoot Avenue (SR1414) from Morganton Road (SR1404) to Raeford Road (SR1414) / Arsenal Avenue, to be effective thirty (30) days after the execution of North Carolina Department of Transportation Encroachment Permit E062-026-25-00996.

IN WITNESS WHEREOF, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 24th day of November 2025; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

BY: _____
Mitch Colvin, Mayor

ATTEST:

Jennifer L. Ayre, City Clerk



City of Fayetteville

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

City Council Action Memo

File Number: 25-5028

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A5

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

FROM: David Webb, Project Manager (FNI Contractor)

DATE: November 24, 2025

RE:
Fire Station No. 9 Professional Architectural Services Selection

COUNCIL DISTRICT(S):

4

Relationship To Strategic Plan:

Goal 1: Safe and Secure Community

Executive Summary:

The attached Request for Qualifications (RFQ) for Professional Architectural Services for Fire Station No. 9 Relocation was issued on September 10, 2025. Four responses were received on October 3, 2025. A selection committee ranked the four responses and chose to interview all firms. Interviews were conducted on October 17, 2025, and Davis Kane Architects is the recommended candidate. Davis Kane is also the current architect designing Fire Station 16. The City plans to utilize a Construction Manager at Risk delivery method (CMAR) for the project. The City will contract with an Owner's Advisor in addition to its continued partnership with FNI to deliver this project.

Background:

The Fayetteville Fire Department (FFD) will relocate Fire Station 9 from its current facility on Santa Fe Drive to a new facility on Bonanza Drive near the intersection of Foxfire Road (REID: 0408343586000). This property was evaluated and determined to be an optimal site. The property is currently owned by the City of Fayetteville (COF). This fire station facility is expected to be approximately 13,000 square feet which will a minimum of 3 apparatus bays with drive through capability, individual dorm rooms, kitchen / dining / day room combination, hose storage / repair / tool room, decontamination room, gear storage room, multipurpose room, public & private bathrooms, mezzanine for HVAC / storage, laundry room, radio / report room, fitness room, IT room, electrical room, and offices.

The Scope of Work, as currently envisioned by the COF, would include, but not be limited to the following areas of work; architecture, interior design, planning, structural, mechanical, civil, electrical services, consultations, presentations or related services thereto.

This is the second fire station in the 2022 \$60 Million Public Safety Bond program.

Issues/Analysis:

Davis Kane Architects met or exceeded expectations in all evaluation categories of their Statement of Qualifications (SOQ). Throughout both the SOQ review and interview process, the firm demonstrated a clear and comprehensive project approach, along with a strong understanding of the City's specific needs.

Budget Impact:

None - Included in the project budget.

Options:

1. Authorize the City Manager to negotiate and enter into a contract for professional architectural services with Davis Kane Architects.
2. Do not authorize City Manager to negotiate and enter into a contract for professional architectural services with Davis Kane Architects and provide further guidance

Recommended Action:

Authorize the City Manager to negotiate and enter into a contract for professional architectural services with Davis Kane Architects.

Attachments:

Request for Qualifications
Recommendation Memo from Purchasing Department

MEMORANDUM

TO: City of Fayetteville Council

FROM: Purchasing Department

CC: Adam Lindsay, Assistant City Manager

DATE: 10/31/2025

SUBJECT: Recommendation for Professional Design Services for the Fire Station 9 Relocation Project

The Purchasing Department, in collaboration with the selection committee—comprised of representatives from the City Manager’s Office, the Fayetteville Fire Department, and Construction Management Division staff from Freese & Nichols—formally recommends Davis Kane Architects to provide professional design services for the Fire Station 9 Relocation Project.

Davis Kane Architects met or exceeded expectations in all evaluation categories of their Statement of Qualifications (SOQ). Throughout both the SOQ review and interview process, the firm demonstrated a clear and comprehensive project approach, along with a strong understanding of the City’s specific needs. They effectively presented their project management strategy and identified the key personnel who will lead the project. Notably, Davis Kane’s team possesses extensive experience in designing fire stations—a qualification that distinguished them from other firms.

The proposed team is the same group currently working on the City’s Fire Station 16 project, which remains on budget and is progressing successfully through design development. Based on their current workload and project list, Davis Kane Architects has sufficient capacity to execute the Fire Station 9 Relocation project effectively and on schedule.

For these reasons, we are confident that Davis Kane Architects is the most qualified firm to provide the professional design services required for this project.

Sincerely,

Kimberly Toon
Purchasing Manager

CITY OF FAYETTEVILLE

REQUEST FOR

QUALIFICATIONS



PROFESSIONAL ARCHITECTURAL SERVICES FOR FIRE STATION 9 RELOCATION

COF1516977

ISSUED: SEPTEMBER 10, 2025

DUE: OCTOBER 3, 2025

The City of Fayetteville is soliciting qualification statements from interested firms to provide architectural services related to the relocation of Fire Station 9 for the City of Fayetteville.

ISSUED BY:
CITY OF FAYETTEVILLE

PRIMARY CONTACT:
KIMBERLY TOON,
PROCUREMENT MANAGER
kimberlytoon@fayettevillenc.gov

{910} 433-1942

OFFERORS ARE NOT REQUIRED TO RETURN THIS FORM.



A message from the City of Fayetteville City Manager, Dr Douglas J. Hewett, ICMA-CM

The City of Fayetteville is fully committed to provide Small Local Business Enterprises (SLBE's) an equal opportunity to participate in all aspects of City contracting including, but not limited to participation in the procurement of contracts relating to the construction of and improvements to facilities throughout the City. It is also the policy of the City to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, sex, color, religion or national origin and to conduct its contracting and purchasing programs so as to prevent such discrimination. The City is also committed to follow all applicable State and Federal law as they relate to procurement practices.

The City will actively seek and identify qualified SLBE 's and offer them the opportunity to participate in the procurement of contracts for all City purchasing and service contracts as well as construction and repair contracts.

The City aspires to spend 40% of its eligible contract dollars with small local suppliers and contractors. Towards this end the City's Charter has been amended by the General Assembly (H.B. 198) to allow the City to establish a race and gender-neutral small business enterprise program to promote the development of small local businesses. The City is authorized to establish bid and proposal specifications that include subcontracting goals and good-faith effort requirements to enhance participation by small business enterprises located in Cumberland and Hoke Counties.

For more information or questions about the SLBE policy, please contact the Purchasing Division at 910-433-1942.

CITY OF FAYETTEVILLE


Douglas J. Hewett, ICMA-CM
City Manager

NOTICE TO BIDDERS

Pursuant to N.C.G.S. 143-129 sealed proposals will be received by the City of Fayetteville, until **2:00 p.m., October 3, 2025**, at City Hall, 433 Hay Street, Fayetteville, North Carolina, at which time they will be considered for the purchase of the following:

Professional Architectural Services for Fire Station 9 Relocation

Bids may be mailed to the City Purchasing Office, Attn: Kimberly Toon, 433 Hay Street Fayetteville, NC 28301, or may be delivered in person or by express mail to 433 Hay Street, Fayetteville, NC 28301.

The bid opening will be held at **2:00 p.m. on October 3, 2025**, at City Hall, 433 Hay Street, Fayetteville, NC 28301, for the project entitled, **“Professional Architectural Services for Fire Station 9 Relocation”**

Plans, specifications and bid documents may be obtained in the Purchasing Office of the City of Fayetteville, 2nd floor, City Hall, 433 Hay Street, Fayetteville, North Carolina, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or by email request to kimberlytoon@fayettevillenc.gov

The City reserves the right to reject any or all bids and to waive all informalities concerning bid or award bid to the lowest, responsive, responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

City of Fayetteville

Kimberly Toon, CLGPO
Purchasing Manager

REQUEST FOR STATEMENT OF QUALIFICATIONS
PROFESSIONAL ARCHITECTURAL SERVICES FOR FIRE
STATION 9 RELOCATION

In accordance with N.C.G.S. 143-64.31, the City of Fayetteville, North Carolina (City), is seeking the services of a qualified consultant to provide architectural services related to the relocation of Fire Station 9.

Interested firms possessing the necessary expertise to perform the scope of work outlined herein are encouraged to submit a Statement of Qualifications for this project according to the following requirements.

BACKGROUND/SCOPE OF WORK

The Fayetteville Fire Department (FFD) will relocate Fire Station 9 from its current facility on Santa Fe Drive to a new facility on Bonanza Drive near the intersection of Foxfire Road (REID: 0408343586000). This property was evaluated and determined to be an optimal site. The property is currently owned by the City of Fayetteville (COF). This fire station facility is expected to be approximately 13,000 square feet which will a minimum of 3 apparatus bays with drive through capability, individual dorm rooms, kitchen / dining / day room combination, hose storage / repair / tool room, decontamination room, gear storage room, multipurpose room, public & private bathrooms, mezzanine for HVAC / storage, laundry room, radio / report room, fitness room, IT room, electrical room, and offices.

The Scope of Work, as currently envisioned by the COF, would include, but not be limited to the following areas of work; architecture, interior design, planning, structural, mechanical, civil, electrical services, consultations, presentations or related services thereto.

The selected firm shall be responsible for providing the following tasks:

- Final Design
- Permitting
- Development of construction documents
- Bid process management
- Construction management

This list identifies the major tasks to be provided; however, it is not meant to be all-inclusive of the services to be performed.

QUALIFICATION STATEMENT REQUIREMENTS

The qualifications statement shall consist of the following information, tabbed as identified and in the order indicated below:

Section 1 – Letter of Transmittal/General Information

- Firm name, year established, address, telephone number, fax number and contact person.
- Identify if the firm is classified as a Disadvantaged Business Enterprise.
- Provide a copy of your Certificate(s) of Insurance showing General Liability, Automotive, Worker's Compensation and Professional Liability coverage.
- State any conflicts of interest your firm or any key individual of the firm may have with this project or the City.

Section 2 – Personnel Qualifications

- Provide an organizational chart identifying members of the team, including sub-consultants, who would be assigned to the project(s). The chart should clearly delineate roles and responsibilities of the various team members.
- Provide a resume detailing professional qualifications of key management and staff personnel to be assigned to the project.
- Identify specialty, level of expertise, education and any direct work experience on projects similar in scope to the one being proposed.
- Identify location of key project personnel to be used.
- Identify adequacy, availability, and ability of personnel to complete the task.

Note: Substitution of other personnel after the selection is made must be approved by the City.

Section 3 – Consultants/Sub-consultants/Other Participants

- Provide a list of consultants or sub-consultants, if any, who would be retained to provide services on the project.
- Provide a synopsis for each to include size of staff, names of key personnel and services to be provided, as well as relative and related work experience.
- Specify the percentage of work anticipated to be attributed to these consultants.
- Identify location of personnel to be used.
- Identify any Disadvantaged Business Enterprise (DBE) or minority firms to be used.

Section 4 – Project and Project Management Experience

- Document expertise in those specific design/engineering tasks and/or technologies required to successfully complete the scope of work associated with this project.

- Identify a minimum of five (5) similar projects completed in the last three (3) years with specific identification of the staff involved in those projects and their role therein.
- Describe the project management experience of key individuals to be assigned to the project.
- Describe your firm's cost control measures, billing procedures and project tracking process.
- Describe your firm's experience with developing schedules, preparing estimates and bid documents, and budget control measures.
- Describe any previous work history on City of Fayetteville projects to include contact name.

Section 5 – Project Approach and Understanding

- Describe your understanding of the general scope of the project.
- Include a listing and description of each phase of the project and identify key staff who will be assigned to each phase of the project.
- Describe your project management approach and use of alternative engineering/design methods, if any.
- Provide a proposed schedule for completing the work.
- Describe why your firm should be selected to include any unique qualities which you feel make your firm well suited to perform the work.

SUBMITTAL OF QUALIFICATIONS STATEMENT

Interested firms shall submit a total of six (6) copies of their Statement of Qualifications no later than **2:00 p.m., October 3, 2025.**

Qualification packages should be mailed or delivered to:

Attention: Ms. Kimberly Toon,
Purchasing Manager
City Hall
433 Hay Street
Fayetteville, NC 28301-5537

NOTE: The qualifications report shall be limited to a maximum number of twenty (20) pages. This page limit includes the tabs and/or other dividers. Double-sided pages will be counted as two pages. The front and back cover are not counted as part of the page limit. Failure to comply with the page limit may result in automatic disqualification of the submittal.

QUESTIONS

Questions regarding this Request for Qualifications shall be submitted in writing to the attention of Kimberly Toon, or by e-mail to kimberlytoon@fayettevillenc.gov no later than **5:00 p.m., Friday, September 17, 2025.**

Firms are expressly prohibited from contacting any City of Fayetteville officials, employees, or any other party associated with this Request for Qualifications except as noted above. Communication regarding this Request for Qualifications via any medium other than the designated e-mail address above, including phone, personal visits, etc., is prohibited. Violation of these provisions may result in immediate disqualification of the submittal.

EVALUATION AND AWARD OF THE CONTRACT

Proposals will be evaluated by a committee composed of Construction Administration and other staff members familiar with this type of service. Proposals will be evaluated and ranked based on the requirements stated herein. The City may choose to conduct interviews with top ranking firms based on this evaluation. Firms are hereby notified that key personnel identified for the project will be expected to participate in the interview should one be requested. The City intends to award a contract to the firm that demonstrates the experience necessary to meet the City's requirements outlined herein.

The City reserves the right to accept or reject any submittal.

Professional Service Agreement

Scope of Work and Terms Document

City of Fayetteville, NC

DRAFT

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement (“Agreement”) is made as of the 5th day of April 2024 by and between the City of Fayetteville, a North Carolina City and Municipal Corporation (“City”), and **Consultant name** with a principal office located at **Consultant principal address**, North Carolina (“Consultant”).

In consideration of mutual promises and covenants in this Agreement, the Parties agree as follows:

ARTICLE 1. Services

1.1 Background & Scope of Work. The City desires to engage Consultant to provide certain professional services as fully described and outlined in the Proposal (**Exhibit 1**) which is attached hereto and fully incorporated into this Agreement by reference. Consultant is willing to provide such services as outlined in the Proposal on the terms and conditions stated in this Agreement.

1.2 Time of Performance. Consultant will perform the services promptly and according to the Proposal provided. The City will cooperate with Consultant as reasonably required to complete the services outlined in the Proposal. Both Parties acknowledge that changes from or delays in the timeline may extend the date(s) for delivery of the service(s).

1.3 Term. The term of this Agreement shall begin on the date expressed in the introductory paragraph of this Agreement and shall continue until terminated based upon the completion of services by Consultant or as otherwise outlined in the Proposal.

ARTICLE 2. Payment

2.1 Basis of Compensation. The City shall pay Consultant for services rendered under this Agreement in amounts tied to the various project milestones as set forth in the Proposal. Each payment shall be invoiced upon completion of each successive milestone and the City shall pay within thirty (30) days. In no event shall the payment for all work performed pursuant to this Agreement exceed the amount of \$_____ without prior written authorization of the City. Such payment shall be full compensation for all work performed and for all labor, materials, supplies, equipment and incidentals necessary to complete the work.

2.2. Records. Consultant shall keep records and accounts pertaining to this Agreement available for inspection by the City for a period of three (3) years after final payment. Copies of records and accounts pertaining to this Agreement shall be made available to the City upon request.

ARTICLE 3. Termination

3.1 Termination for Cause. In the event of substantial failure by Consultant to perform in accordance with the terms of this Agreement, the City shall have the right to terminate Consultant upon ten calendar (10) days written notice, in which event Consultant shall have neither the obligation nor the right to perform further services under this Agreement; nor shall the City be obligated to make any further payment for work that has not been performed. Consultant shall provide to the City all reports, surveys or other related documents upon the City's request.

3.2 Termination for Convenience. Upon thirty (30) calendar days' written notice to Consultant, the City may, without cause and without prejudice to any other right or remedy legally available to the City, terminate this Agreement. Upon such notice, Consultant shall have neither the obligation nor the right to perform services under this Agreement nor shall the City be obligated to make any further payment for work that has not been performed in accordance with the terms stated herein. In such case of termination, Consultant shall be paid for the completed and accepted work executed in accordance with this Agreement prior to the written notice of termination. Additionally, upon mutual agreement, Consultant may be paid for any completed and accepted work which takes place in order to achieve a specifically identified item in the scope of services or a milestone of the Agreement, between the written notice of termination and the effective date of termination. Unless otherwise stated or agreed upon, the effective date of termination shall automatically occur 30 days after the written notice is sent by the City. Consultant shall provide to the City all reports, surveys or other related documents upon the City's request.

ARTICLE 4. Liability, Indemnification and Insurance

4.1 General. The City and Consultant have considered the risks and potential liability that may exist during the performance of services by Consultant and have agreed to allocate such liabilities in accordance with this Article. During the performance of services under this Agreement, Consultant shall purchase and maintain insurance coverage as hereinafter set forth, without lapse

or changes contrary to the requirements of this section. Words and phrases used in this Article shall be interpreted in accordance with customary insurance industry usage and practice.

4.2 Indemnity & Professional Liability Insurance. To the extent permitted by law, Consultant agrees to defend, indemnify and hold harmless the City of Fayetteville and its elected officials, employees, agents, successors, and assigns, from any and all liability and claims for any injury or damage caused by any act, omission or negligence of Consultant, its agents, servants, employees, contractors, licensees, or invitees. Indemnification of the City by Consultant does not constitute a waiver of the City's governmental immunity in any respects under North Carolina law. Consultant agrees to purchase and maintain professional liability insurance (errors and omissions insurance) in the amount of \$1,000,000 coverage for each claim, with a general aggregate of \$2,000,000. Said insurance coverage shall be underwritten by an insurance company authorized to do business in the State of North Carolina by the North Carolina Department of Insurance, with an A.M. Best rating of not less than A.

4.3 Indemnity & General Liability Insurance. Consultant agrees to defend, indemnify and hold the City, its servants, agents and employees, harmless from and against all liabilities, claims, demands, suits, losses, damages, costs and expenses (including attorney's fees) for third party bodily injury to or death of any person, or damage to or destruction of any third party property, to the extent caused by the negligence of Consultant, Consultant's employees, and Consultant's subcontractors, for whom Consultant is legally responsible during the performance of services under this Agreement. Consultant shall purchase and maintain at all times during performance of services under this Agreement Commercial General Liability Insurance with combined single limits of \$1,000,000.00 coverage for each occurrence with a general aggregate of \$2,000,000.00, designating the City as an additional insured and which said insurance provides Consultant with insurance for contractual liability which Consultant has assumed pursuant to the terms of this Agreement.

4.4 Other Insurance. In addition to professional liability insurance and commercial general liability insurance set forth above, Consultant further agrees to purchase and maintain at all times during the performance of services under this Agreement insurance coverage as follows:

- (a) Worker's Compensation Insurance as required by North Carolina law and said policy shall also afford coverage to Consultant for employer's liability.
- (b) Automobile liability insurance with \$1,000,000.00 combined single limit for each accident covering bodily injury and property damage.
- (c) The CGL policy required above shall include independent contractor liability coverage.
- (d) If applicable, the CGL policy required above shall provide Consultant with products and completed operations insurance. Said coverage is to be written on an occurrence basis, with coverage extended for such a period of time in which suits can be filed before the running of the statute of limitations, on any claim for injury to person or property due to negligence of Consultant in the design of any building designed by Consultant under the terms of this Agreement.

ARTICLE 5. Independent Contractor Consultant is an Independent Contractor and shall undertake performance of the services pursuant to the terms of this Agreement as an Independent Contractor. Consultant shall be wholly responsible for the methods, means and techniques of performance. City shall have no right to supervise methods and techniques of performance employed by Consultant but City shall have the right to observe such performance .

ARTICLE 6. Other

6.1 Assignment. It is the intent of this Agreement to secure the personal services of Consultant and failure of Consultant for any reason to make the personal services available to the City for the purposes described in this Agreement and Proposal shall be cause for termination of this Agreement. Consultant shall not assign this Agreement without prior written consent of the City.

6.2 Non-Appropriation. Notwithstanding any other provisions of this Agreement, the Parties agree that payments due hereunder from the City are from appropriations and monies from the City Council and other governmental entities. In the event sufficient appropriations or monies are not made available to the City to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the City.

6.3. Governing Law. The validity, interpretation, and execution of this Agreement and the performance of and rights accruing under this Agreement are all to be governed by the laws of the State of North Carolina.

6.4 Venue & Forum. The Parties expressly agree that if litigation is brought in connection with this Agreement and (1) the litigation proceeds in the Courts of the State of North Carolina, the Parties agree that the appropriate venue shall be in Cumberland County (Fourteenth Judicial District of North Carolina); or (2) the litigation proceeds in a federal court, the Parties agree that the appropriate venue shall be the United States District Court for the Eastern District of North Carolina.

6.5 Non-Discrimination. Consultant agrees not to discriminate by reason of age, race, religion, color, sex, national origin, disability or other applicable law while performing the services required herein.

6.6 Compliance with Laws. Consultant agrees to comply with all applicable laws, ordinances, and regulations of the United States, the State of North Carolina, the City and units of local government.

6.7 Severability. The Parties agree that if any provision of this Agreement shall be held invalid 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.

6.8 Amendment. The City and Consultant may, from time to time, request changes in services to be performed by Consultant. Any such changes that are mutually agreed upon by the City and Consultant shall be incorporated herein by written amendment to this Agreement. It is mutually agreed and understood that no alteration or validation of the terms of this Agreement shall be valid unless made in writing and signed by the Parties hereto, and that any oral understanding or agreements not incorporated herein, unless made in writing and signed by the Parties hereto, shall not be binding.

6.9 Entire Agreement. This Agreement constitutes the entire agreement between the Parties. Any proposed change to this Agreement shall be submitted to the City for its prior approval. No modification, addition, deletion, etc., to this Agreement shall be effective unless and until such changes are reduced to writing and executed by the authorized officers of each party.

6.10 Force Majeure. Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by an act of war, hostile foreign

actions, adverse governmental actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

6.11 Morality Clause. If, in the sole opinion of the City, at any time Consultant or any of its owner(s) or employee(s) or agent(s) (collectively referenced as an “Actor”) engages in any one or more of the actions below, the City may immediately upon written notice to Consultant, terminate this Agreement, in addition to any other rights and remedies that the City may have hereunder or at law or in equity:

1. bring disrepute, contempt, scandal, or public ridicule to the Actor;
2. subject the Actor to prosecution;
3. offend the community or public morals/decency;
4. denigrate individuals or groups in the community served by the City;
5. is scandalous or inconsistent with community standards or good citizenship;
6. adversely affect the City’s finances, public standing, image, or reputation;
7. is embarrassing or offensive to the City or may reflect unfavorably on the City; and,
8. is derogatory or offensive to one or more employee(s) or customer(s) of the City.

6.12 E-Verify. Consultant hereby acknowledges that “E-Verify” is the federal E-Verify program operated by the US Department of Homeland Security and other federal agencies which is used to verify the work authorization of newly hired employees pursuant to federal law and in accordance with Article 2, Chapter 64 of the North Carolina General Statutes. Consultant further acknowledges that all employers, as defined by Article 2, Chapter 64 of the North Carolina General Statutes, must use E-Verify and after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS §64-26(a). Consultant hereby pledges, attests and warrants through execution of this Agreement that Consultant complies with the requirements of Article 2 of Chapter 64 of North Carolina General Statutes and further pledges, attests and warrants that any subcontractors currently employed by or subsequently hired by Consultant shall comply with any and all E-Verify requirements. Failure to comply with the above requirements shall be considered a breach of this Agreement.

6.13 Divestment of Companies Boycotting Israel or that Invest in Iran Certification.

Consultant certifies that: (i) it is not identified on the Final Divestment List or any other list of prohibited investments created by the NC State Treasurer pursuant to N.C.G.S. 147-86.58; (ii) it has not been designated by the NC State Treasurer pursuant to N.C.G.S. 147-86.81 as a company engaged in the boycott of Israel ((i) and (ii) to be collectively referred to as “FD Lists”); and (iii) it will not take any action causing it to appear on the Treasurer’s FD Lists created by the NC State Treasurer during the term of this Agreement. By signing this Agreement, Consultant further agrees, as an independent obligation, separate and apart from this Agreement, to reimburse the City for any and all damages, costs and attorneys’ fees incurred by the City in connection with any claim that this Agreement or any part thereof is void due to Consultant appearing on the Treasurer’s FD Lists at any time before or during the term of this Agreement.

6.14 Survival of Terms. All warranties, covenants, and representations contained within this Agreement and all applicable work authorizations, if any, shall continue in full force and effect for three (3) years after the execution and delivery of the final product, act, or service taken in furtherance of this Agreement. Survivability shall not be impacted, or otherwise shall not be rendered null or void, by the termination or natural expiration of this Agreement or other applicable work undertaken in furtherance of this Agreement.

6.15 City’s Terms Supersede. To the extent that there are terms in any of the attachments that conflict with the terms of this Agreement, the terms of this Agreement are superseding.

[Signature page to follow]

[CONSULTANT COMPANY]

By: _____

Printed Name: _____

Date: _____

ATTEST:

CITY OF FAYETTEVILLE

JENNIFER L AYRE
City Clerk

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

Date: _____

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

TIFFANY MURRAY
Chief Financial Officer



City of Fayetteville

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

City Council Action Memo

File Number: 25-5038

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A6

TO: Mayor and Members of City Council

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

FROM: Jeffery Yates, ICMA-CM, Assistant City Manager

DATE: November 24, 2025

RE:

Approve Use of ARPA Interest Funds for Electric Buses, Maker's Space, and Grant Matches

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

GOAL 2: Responsive city government supporting a diverse & viable economy

2.1: To ensure a diverse City tax base

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

GOAL 4: Desirable place to live, work, & recreate

4.4: To provide a clean and beautiful community with increased green spaces

4.5: To ensure a place for people to live in great neighborhoods

GOAL 5: Financially sound city providing exemplary city services

5.1: To ensure strong financial management with fiduciary accountability and plan for future resource sustainability by aligning resources with City priorities

Executive Summary:

The City of Fayetteville earned \$2.9 million in interest from the investment of its \$40.4 million in ARPA funds, and after earlier FY 2025 allocations to the Microgrant Program and a transit grant match, the remaining one-time dollars are now available for reinvestment in the community. Because these funds are one-time in nature, staff recommend allocating them to one-time projects that deliver lasting benefits: providing the City's required match for a pending federal electric bus grant, completing the build-out of the new Maker's Space facility, and establishing a reserve to match future grants. Together, these investments continue the transformational impact of ARPA by strengthening transit, supporting local innovation, and positioning the City to bring additional external funding into Fayetteville.

Background:

The City of Fayetteville received \$40.4 million in American Rescue Plan Act (ARPA) funding to help our community recover from the impacts of the pandemic. Because the money was provided as a lump sum, the City was able to invest it while working to spend the funds on approved projects. Thanks to careful financial management, those

investments earned an additional \$2.9 million in interest - extra dollars that can now be reinvested back into the community.

Earlier in FY 2025, the City Council used a portion of those earnings to support two community needs: \$130,000 for the Microgrant Program, which directly supports small community-led projects, and \$102,838 as a local match for a grant to improve transit services. Now that the ARPA program is nearing completion, interest earnings have slowed, and the total remaining amount is known. Because this is one-time money, it should be used for one-time projects that make a lasting impact for residents.

With this in mind, City staff recommend using the remaining interest earnings to continue the positive momentum of ARPA by supporting three high-impact initiatives: the local match for an electric bus grant (\$1,666,366), the build-out of the Maker's Space facility (\$800,000), and the creation of a reserve to match future grants (\$222,998).

Earlier, the City Council passed a resolution supporting an \$8.3 million federal grant that would allow the City to purchase additional electric buses. If awarded, the grant would expand clean, reliable transit options for Fayetteville residents but requires a local match of about \$1.67 million. Setting aside these funds now ensures the City is ready when the award is finalized.

The City's new Maker's Space - located at the highly visible intersection of Murchison Road, Rowan Street, and Bragg Boulevard - is designed to be a shared workshop where residents, makers, artists, and entrepreneurs can learn, create, and bring their ideas to life. To fully prepare the building for public use, improvements such as floodproofing, ADA accessibility, electrical and plumbing upgrades, and other needed renovations are required. These improvements are estimated at \$900,000, and with additional work included, the total project cost is about \$1.6 million. An additional \$800,000 will complete the funding needed to finish the project and open it to the community.

Throughout the year, the City learns about many grant opportunities that could benefit residents - but many of them require matching funds to secure the award. By setting aside the remaining \$222,998 as a grant match reserve, the City will be better positioned to bring more outside funding into Fayetteville without pulling from other community priorities.

Issues/Analysis:

See background

Budget Impact:

See background

Options:

1. Approve the Capital Projects Ordinance to allocate the ARPA interest earnings to the community projects as recommended.
2. Not approve the allocation and provide additional guidance to staff on alternative uses or priorities.

3. Take no action at this time and consider allocation of the funds during the upcoming budget process.

Recommended Action:

City staff recommend that the City Council approve the Capital Projects Ordinance allocating the remaining ARPA interest earnings to the electric bus grant match, the Maker's Space build-out, and the grant match reserve. This approach aligns with the one-time nature of the funds, advances key Council priorities, and positions the City to maximize external funding opportunities for the benefit of Fayetteville residents.

Attachments:

CPO 2026-35

**CAPITAL PROJECT ORDINANCE
ORD 2026-35**

WHEREAS, the City of Fayetteville received American Rescue Plan Act (ARPA) funding to help our community recover from the impacts of the pandemic; and
WHEREAS, the City was able to invest the funds received while working to spend on approved projects; and

WHEREAS, the resulting one-time interest earnings can now be reinvested back into the community for one-time projects; and

WHEREAS, the recommended use of these funds are to support three high-impact initiatives: the local match for an electric bus grant, the Makers Space Buildout, and the creation of a reserve to match future grants; and

WHEREAS, the electric bus grant, if awarded, would expand clean, reliable transit options for City residents; and

WHEREAS, the Makers Space Buildout is designed to be a shared workshop for residents, makers, artists, and entrepreneurs can learn, create, and bring their ideas to life; and

WHEREAS, the grant match reserve will better position the City to bring in more outside funding to Fayetteville without pulling from other community priorities;

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

Section 1. The authorized project is for the funding of the local match for an electric bus grant, the Makers Space Buildout project, and the creation of a grant match reserve.

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

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

ARPA Interest Earnings	\$	<u>2,689,364</u>
------------------------	----	------------------

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

Local Match: FY24 Low No Grant 5339(c) Competitive Funds	\$	1,666,366
Makers Space Buildout (CPO 2022-15)		800,000
Grant Match Reserve		<u>222,998</u>
Project Expenditures	\$	<u><u>2,689,364</u></u>

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

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

Adopted this 24th day of November, 2025.



City of Fayetteville

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

City Council Action Memo

File Number: 25-4876

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A7

TO: Mayor and Members of City Council

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

FROM: Roberto E. Bryan Jr., Chief of Police

DATE: November 24, 2025

RE:

**Accept and Appropriate the Governors Crime Commission Criminal Justice
Improvement Committee Law Enforcement Equipment Grant Award**

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 1: Safe and Secure Community

Executive Summary:

The City has been awarded grant funding for the Criminal Justice Improvement Committee Law Enforcement Equipment Grant from the Governors Crime Commission. Council is asked to adopt Special Revenue Fund Project Ordinance 2026-9 to appropriate \$47,093 for the replacement of outdated radio equipment used by the Fayetteville Police Task Force. Replacement radio units feature Advanced Encryption Standard (AES), Data Encryption Standard (DES) and multi-key encryption, enabling secure communication with federal and state agencies during high-profile operations statewide.

Background:

Fayetteville Police Department (FPD) aims to upgrade the radio communication systems used by Fayetteville Police Task Force officers who collaborate with the SBI, FBI, USMS, and other local and state agencies. These officers are deployed across North Carolina to support high-profile investigations, tactical operations, and major security events. However, current radio systems are equipped only with ADP encryption and multi-key features, which fall short of the AES and DES encryption standards required by partnering federal and regional agencies. We will also integrate Smart Zone Operation with LTE/Wifi connection. This limitation hinders seamless and secure communication during joint operations, potentially compromising officer safety and operational efficiency. By upgrading to radios capable of AES and DES encryption, the project will ensure compliance with interagency protocols, enhance communication security, and improve overall coordination in critical incidents. With increasing demands for interoperability and encrypted communications across jurisdictions, this upgrade is essential to maintain effective law enforcement response and protect public safety.

Issues/Analysis:

The grant performance period extends through September 30, 2026.

Budget Impact:

There is no impact on the General Fund fund balance.

Options:

1. Accept the award and adopt Special Revenue Project Ordinance 2026-9 to appropriate the grant funding.
2. Do not accept the award and adopt Special Revenue Project Ordinance 2026-9 and provide further guidance to staff.

Recommended Action:

Staff recommends that Council accept the award and adopt Special Revenue Fund Project Ordinance 2026-9 as presented.

Attachments:

Special Revenue Fund Project Ordinance 2026-9
Modifications Required Notification
Grant Award Letter

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2026-9

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

Section 1. The project authorized is for the funding of the Criminal Justice Improvement Committee project to replace outdated radio equipment as awarded by the NC Governors Crime Commission.

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:

Governors Crime Commission -	\$ 47,093
Criminal Justice Improvement Committee	<u>47,093</u>

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

Project Expenditures	\$ 47,093
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

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

Adopted this 13th day of October, 2025.

NC Governor's Crime Commission
Criminal Justice Improvement Committee (CJI)

Modifications Required Notification

Agreement ID: 2000083080

Agreement Description: FPD Equipment Grant

Subrecipient Agency: CITY OF FAYETTEVILLE

Implementing Agency: FAYETTEVILLE POLICE DEPARTMENT

Total Federal Amount Requested – 47,092.45 Total Amount Approved –47,092.45

	RECOMMENDED
Total Budget	47,092.45
Match Share	0
Federal Share	47,092.45

Tentative Start Date: 10/1/2025 End Date: 9/30/2026

Dear Project Director:

As noted in your approval letter, your project has been approved to move forward in the application process and requires modifications. Within 30 days of receipt of this notification, you must review and complete the modifications outlined in this document. Once the requested changes to your agreement have been completed, sign and upload the document to the "Attachments" section in EBS. When uploading the document, please use the nomenclature **Agreement # - Modifications Required Notice_signed**.

This document contains:

1. Important information regarding the availability of federal funds.
2. The required Modifications to your agreement, that you must complete within 30 days for your grant application to move forward in the grant application process.
3. Additional Conditions and important federal updates that you are required to acknowledge.
4. A required Signature Page that must be signed to confirm that all modifications have been reviewed and completed (last page of this Notification).

1. Important information regarding the availability of federal funds

Availability of Funds

Governor's Crime Commission (GCC) grants are subject to GCC receiving federal funds awarded by the U.S. Department of Justice each federal fiscal year.

The federal funding amounts awarded to GCC can change year to year or be eliminated. Therefore, your application may require additional budget adjustments or reductions to the federal share recommended above based on the final federal budget and the funding amount awarded to GCC. Please also be aware that funding from the federal government may be delayed for a variety of reasons.

Project Period of Performance and Reimbursements

If your grant is awarded, the grant award packet will contain the start date and end date for each project, known as the 'Period of Performance' for the project. Because of the changes in the availability of funds noted above, the Period of Performance start date of your project may also change based on when federal funds are received by the Governor's Crime Commission.

If your grant is awarded, GCC funds are paid on a reimbursement basis only. Reimbursement requests for approved costs will only be allowed for expenses that occur on or after the Period of Performance start date of the project. Reimbursements for activities that occur before the Period of Performance start date of your project will not be reimbursed.

Participation in GCC Grant Award Workshops and TA Opportunities

The Project Director, Financial Officer, and/or someone from your organization with fiscal responsibility for the GCC-funded project is required to participate in opportunities that provide technical support and guidance related to GCC Grant Awards. The recorded workshop(s) and resources can be found on our website [Workshops and Guidelines | NC DPS](#). GCC staff will provide opportunities for technical support by request.

New grant award approvals are contingent on the completion of all required reports for any current GCC grants.

A final decision to award this grant will not take place until all required reports and documentation are submitted and reviewed for any of your subrecipient agency's current GCC grants. This includes providing justification for underutilization of funds or for failure to submit timely reports for your current GCC grants, if requested by GCC. Finally, your project will not be awarded if the subrecipient agency is on hold in EBS for any reason.

2. Important Modifications you MUST complete in order for your grant application to move forward in the grant application process

All required Modifications must be completed within 30 days of the receipt of this notification.

Criminal Justice Planning staff will review the modifications that you submit in EBS to ensure that all of them have been completed. Modifications that you do not complete could affect the status of your project and the timing of your award.

Required Budget and Programmatic Modifications

The items below must be addressed for your project to continue through the grant process. Include your initials in each box to indicate the Modification has been revised or corrected.

Please ensure that you have made all necessary changes to all narrative sections and the individual line items of your budget. The budget cannot exceed the Authorized Amount indicated on page 1 of this document.

- ☐ Streamline the budget to display only the line item for radio equipment.
- ☐ Ensure that all documents are completed and uploaded under the organizational profile.
- ☐ Reduce the budget to the total amount approved.

3. Additional Conditions and important federal updates

Important Notice: As a part of the GCC's recent federal application for funding from the Office on Violence Against Women, the GCC was required to certify that Violence Against Women Act (VAWA) funds will not be used for the

below listed out-of-scope activities. Subrecipients funded with VAWA 2025 funds will also be required to certify that they will not engage in any of the listed out-of-scope activities.

Our other 2025 federal funding grants are delayed so we have only been made aware that these conditions apply to activities supported by VAWA (STOP and SASP) projects using 2025 funds. There may be similar conditions that apply to other federal funding sources. Because we have not received additional guidance or Notices of Funding Opportunity for our funding sources, we do not currently know whether this certification will be added to all 2025 federal grant funds administered by the GCC. This notice is an effort to make our subrecipients aware of potential federal out-of-scope activities for grants using 2025 federal funds.

Out-of-Scope Activities

1. Promoting or facilitating the violation of federal immigration law (e.g., training community members to evade immigration enforcement authorities).
2. Inculcating or promoting gender ideology as defined in Executive Order 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.
3. Promoting or facilitating discriminatory programs or ideology, including illegal DEI and “diversity, equity, inclusion, and accessibility” programs that do not advance the policy of equal dignity and respect, as described in Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity. This prohibition is not intended to interfere with any of OVW’s statutory obligations, such as funding for HBCUs, culturally specific services, and disability programs.
4. Activities that frame domestic violence or sexual assault as systemic social justice issues rather than criminal offenses (e.g., prioritizing criminal justice reform or social justice theories over victim safety and offender accountability).
5. Generic community engagement or economic development without a clear link to violence prevention, victim safety, or offender accountability.
6. Programs that discourage collaboration with law enforcement or oppose or limit the role of police, prosecutors, or immigration enforcement in addressing violence against women.
7. Awareness campaigns or media that do not lead to tangible improvements in prevention, victim safety, or offender accountability.
8. Initiatives that prioritize illegal aliens over U.S. citizens and legal residents in receiving victim services and support.
9. Excessive funding for consulting fees, training, administrative costs, or other expenses not related to measurable violence prevention, victim support, and offender accountability.
10. Research projects.
11. Any activity or program that unlawfully violates Executive Orders in effect.

4. Required acknowledgment signatures for this document

After all modifications are completed:

1. The Signature Page of this form MUST be signed by both the Authorizing Official and the Project Director for this project and the entire document should be uploaded into the agreement "attachments" section in EBS.
When uploading the document, please use the nomenclature **Agreement # - Modifications Required Notice_signed**.
2. Only when all modifications are completed to the satisfaction of the assigned Criminal Justices Planner and all award attachment forms are uploaded to EBS will the grant planner generate your award.

Award Timeline: Once modifications have been completed and sent back, your planner will review each of them and generate your award if no additional modifications are needed.

ALL PAGES OF THIS DOCUMENT MUST BE UPLOADED TO THE APPLICATION ATTACHMENTS SECTION IN EBS.

Agreement ID: 2000083080

Agreement Description: 2005 Law Enforcement Equipment Grant

Subrecipient Agency: City of Fayetteville Police Department

Implementing Agency: Governors Crime Commission

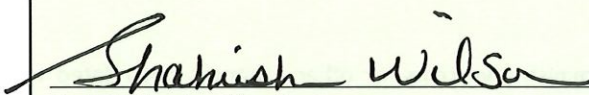
Project Name: FPD Equipment Grant

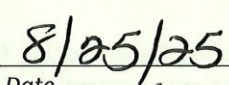
I hereby agree to adhere to all modifications as listed above by the Governor's Crime Commission.

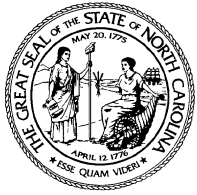
I understand and accept that failure to complete any part of these Modifications that are required could be grounds for grant funds to be suspended, pending corrective action, as directed by the Governor's Crime Commission. Funding may be terminated for failure to adhere to the required terms as outlined in this document.

Authorizing Official Signature

Date


Project Director Signature


Date



STATE OF NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
 GOVERNOR'S CRIME COMMISSION
 1201 Front Street, Suite 200
 Raleigh, NC 27609
 Telephone: (919) 733-4564 Fax: (919) 733-4625

<http://www.ncdps.gov/gcc/>

GRANT AWARD

Project Name: FPD Equipment Grant

Grant Period: 10/01/2025 - 09/30/2026

Agreement Number: 2000083080

Subrecipient: CITY OF FAYETTEVILLE

Implementing Agency: Fayetteville Police Department

Authorizing Official: Douglas Hewett

Project Director: Shakiesha Wilson

Source: 2023 BYRNE-JAG AWARD

Federal Grant Number: 15PBJA-23-GG-03000-JAGX

CFDA #: 16.738

Match Funding Required (%): 0.00%

Federal Funding Award (%): 100.00%

Match Funding Required (\$): \$0.00

Federal Funding Award (\$): \$47,092.45

Grant Manager: Matthew Stuart

Total Project Budget (\$): \$47,092.45

On behalf of the Secretary of the Department of Public Safety, the Governor's Crime Commission (GCC) hereby awards this grant funding based upon the final application and in accordance with the laws and regulations of the United States and the State of North Carolina. Your funding initially is from the federal grant source listed herein. As funding levels change, the source of the funds may change. Subrecipients agree that they will abide by, and meet all match requirements, indicated above as Match Funding.

To view additional funding details, including totals by year and by expense type, you may access an Agreement Budget Summary in the [North Carolina Enterprise Business System](#) (EBS).

Award requirements include not only the conditions and limitations set forth in the application and special conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., code of federal regulation). Therefore, all key staff should receive the special conditions, the assurances and certifications provided GCC, and the application as approved by GCC, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award. No alterations of any kind may be made to this grant award.

The Special Conditions for this grant, posted on the GCC website at www.ncdps.gov/gcc/award-special-conditions/ are incorporated into this agreement as if the same were set forth herein.

By initialing here, I certify, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted on our behalf a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

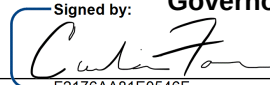
Authorizing Official

Signature of Authorizing Official Date

Douglas Hewett

Name of Authorizing Official

Signed by: Governor's Crime Commission


 Signature of Director

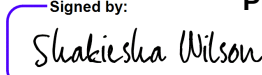
11/5/2025 | 12:25:59 PST

Date

Caroline Farmer, Executive Director

Name and Title of Director

Project Director

Signed by:  11/6/2025 | 05:23:20 PST

Signature of Project Director Date

Shakiesha Wilson

Name of Project Director

Federal Award Identification Worksheet

Federal award identification : 2023 BYRNE-JAG AWARD

Project ID : 2000083080

Subrecipient : CITY OF FAYETTEVILLE

Federal Award Identification # (FAIN) : 15PBJA-23-GG-03000-JAGX

Unique Entity ID (UEI) : M7SAWYCADYW1

Federal award date : October 1, 2022 To September 30, 2026

Subaward period of performance start and end date : October 1, 2025 To September 30, 2026

Federal funds obligated in this agreement : \$47,092.45

Federal funds obligated to the subrecipient : \$47,092.45

Total federal award : \$6,065,200.00

Indirect cost rate for the federal award : We do not receive an indirect cost rate

Indirect cost rate to be used by the subrecipient : 0.00%

Identification of whether the award is research and development (R&D) : We do not fund research and development

Pass through entity and awarding official : NC Governor's Crime Commission
Caroline Farmer, Executive Director
Caroline.Farmer@ncdps.gov

Federal awarding agency : Bureau of Justice Assistance

Federal award description : The Bryne JAG award will be utilized to help address public safety and criminal justice issues in the State of North Carolina.



EDWARD BYRNE JAG GRANT

SPECIAL CONDITIONS

All awards are subject to and dependent upon federal funding being awarded and funding cleared to the state administering agency- NCDPS Governor’s Crime Commission.

The recipient may not get reimbursed under this award until the Governor’s Crime Commission has reviewed and approved the budget and budget narrative and all modifications or requirements have been met. However, subrecipient may incur project costs beginning on the project start date.

By signing the GRANT AWARD, the subrecipient agrees to comply with the terms and conditions detailed herein. Failure to comply with the terms and conditions may result in the loss of Federal funds and may be considered grounds for the suspension or termination of this grant.

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This award is subject to the following terms, conditions, and provisions:

GCC REQUIREMENTS

1. Contingent upon Federal Funding

Funds may not presently be available for this award though the federal government has awarded the funds to the NC Governor’s Crime Commission (GCC). The GCC’s obligation under this contract is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Department of Public Safety for this contract and until GCC receives notice of such availability. GCC will provide notice to subrecipients when funds are available.

2. Indemnity

The Subrecipient shall indemnify, save, and hold harmless the Commission against any and all claims, demands, suits, and/or judgments (as well as all costs associated with any and all forms of litigation that may manifest themselves resulting from said claims, demands, suits, and/or judgments), to any party for the loss of life or injury or damage to person or property growing out of, resulting from, or by reason of any negligent act or omission, operation or work of the Subrecipient, his/her agents, servants, or employees while engaged upon or in connection with services required or performed by the Subrecipient hereunder.

If the Subrecipient is an agency of the State of North Carolina, the preceding paragraph shall not apply, and the subrecipients liability is determined in accordance with the North Carolina State Tort Claims Act, N.C. Gen. Stat. §§ 143-291, et seq. The Subrecipient remains subject to all Federal and State provisions regarding grant management, including but not limited to the provisions in 2 C.F.R. Part 200 related to noncompliance, audit findings, and mandatory disclosures of fraud, bribery, or gratuity violations potentially affecting the federal funding under this agreement. See, e.g., 2 C.F.R. §§ 200.339 through 200.343 (Remedies for Noncompliance); 2 C.F.R. § 200.511 (Audit findings follow-up); 2 C.F.R. § 200.113 (Mandatory disclosures). The Subrecipient shall also abide by the laws of North Carolina with regard to waste, fraud, and abuse, including the duty to report and prohibition against retaliation set forth in the North Carolina Human Resources Act, N.C. Gen. Stat. Chapter 126, Article 14, and the duty to report possible violations of criminal statutes to the State Bureau of Investigation in N.C. Gen. Stat. § 143B-920.

3. Notice of Certain Reporting and Audit Requirements

The subrecipient shall comply with all rules and reporting requirements established by statute or administrative rules. All reports must be submitted to the addresses below. The applicable prescribed requirements are found in North Carolina General Statute 143C-6-22 & 23 entitled "Use of State Funds by Non-State Entities" and Implementation of Required Rules, 09 NCAC 03M .0102 -0802, North Carolina Administrative Code, issued September 2005.

G.S. 143C-6-23 requires every nongovernmental entity that receives State or Federal pass-through grant funds directly from a state agency to file annual reports on how those grant funds were used. There are 3 reporting levels which are determined by the total direct grant receipts from all State agencies in your fiscal year: Level 1: Less than \$25,000, Level 2: At least \$25,000 but less than \$500,000, Level 3: \$500,000 or more, Level 3 addition: ≥ \$750,000.

A subrecipient's reporting date is determined by its fiscal year end and the total funding received directly from all State agencies. For those subrecipients receiving less than \$1,000,000, the due date is 6 months from its fiscal year end. For those receiving \$1,000,000 or more, the due date is 9 months from its fiscal year end. Agencies receiving \$1,000,000 or more in total funding must submit a copy of their agency's single audit to DPS Internal Audit within 9 months of the end of their agency's fiscal year end date through DPS_GrantComplianceReports@ncdps.gov.

This applies to non-profits and all other non-state entities that are not subject to the requirements of the LGC. Government entities including counties and local governments are not required to file these reports but are subject to LGC reporting requirements.

Effective 10/1/24 the single audit threshold has changed from \$750,000 to \$1 million.

Level 1: Between \$1 and \$999,999 in state and federal pass-through funds

- Certification Form
- Schedule of Receipts and Expenditures
- Program Activities and Accomplishments

Send reports to: DPS_GrantComplianceReports@ncdps.gov

Level 2: \$1,000,000 or more in state and federal pass-through funds

- Certification Form
- Schedule of Receipts and Expenditures
- Program Activities and Accomplishments Report
- Submission of required single (or program-specific) audit in accordance with Generally Accepted Government Auditing Standards (gao.gov/yellowbook)

Send reports to DPS_GrantComplianceReports@ncdps.gov

Addition if \$1,000,000 or more in federal expenditures (see also 2 CFR 200.501)

- Submit federally required audit to: harvester.census.gov/facweb/

Make copies of audit available to public.

Level I and II forms and reporting instructions is available on the GCC website forms page.

4. Performance Measurement Reports (PMT)

All grants require project progress reports. In addition, Performance Measurement Reports (PMT) are required federally for some funding sources. The tabs in EBS indicate the types of reports required. The subrecipient must also submit an annual progress report in the EBS system that must be reviewed by the project's assigned Grants Administrator. Failure to submit required reports will result in a EBS hold that will prevent further activity on the subrecipient's projects.

For those submitting a PMT directly through a federal portal, the subrecipient should, after submission of their PMT report, upload a copy into the appropriate PMT Tab for the correct corresponding quarters in the EBS System. Failure to do so will result in a hold being placed upon the subrecipient's projects that prevents submission of further reimbursements until the hold is released by the Grant Administrator. Failure to Submit Programmatic or Financial Reports in a Timely Manner

The subrecipient acknowledges that failure to submit programmatic progress or financial reports in a timely manner may result in sanctions affecting the recipient's awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the

recipient as a High-Risk grantee; or termination of an award(s). Upon termination, all outstanding reimbursements will be forfeited by the subrecipient.

5. Grant Management Guidelines and Monitoring

The subrecipient agrees to comply with all the GCC Grants Management Guidelines whose current version as posted on the GCC website www.ncps.gov/gcc on the Grant Information page under “workshops and guidelines.”

This includes:

- 1) The subrecipient agrees promptly to provide; upon request to representatives of GCC, State Auditors and representatives of DOJ access to examine all records related to financial and programmatic documentation related to this grant award, including documentation of expenditures and achievements.
- 2) The subrecipient understands that it will be subject to financial and programmatic on-site monitoring by GCC, which may be on short notice and/or unannounced and agrees that it will cooperate with all such monitoring.
- 3) The subrecipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
- 4) The subrecipient agrees to comply with any modifications or additional requirements that may be imposed by law, GCC Staff, and future DOJ (including government-wide) guidance and clarifications of GCC or DOJ requirements.

Failure to cooperate with the Governor’s Crime Commission’s (GCC) grant monitoring activities may result in sanctions affecting the recipient’s awards, including, but not limited to: withholdings and/or other restrictions on the recipient’s access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a High-Risk grantee; or termination of an award(s).

6. Electronic Records

Recipients must ensure compliance and implementation of cybersecurity protocols and standards, such as data protection and access control measures, to safeguard sensitive information and electronic records generally as outlined herein.

A program may store files electronically and use electronic signatures if the program can ensure the validity and integrity of all records and signatures are maintained. The program’s electronic storage procedures and system must provide for the safe-keeping and security of the records, including sufficient prevention of unauthorized alterations or erasures of records; effective security measures to ensure that only authorized persons have access to records; adequate measures designed to prevent physical damage to records; a system providing for back-up and recovery of records. In addition, the electronic storage procedures and system shall provide for the easy retrieval of records in a timely fashion, including storage of the records in a physically accessible location; clear and accurate labeling of all records; and storage of the records in a usable, readable format.

7. Required Training

Attendance at any required training as clearly stated by GCC.

8. Termination or Manual Hold

Either party may terminate this Agreement at any time by giving thirty (30) days written notice. This Agreement, if terminated, shall terminate on the last day of the month following the date of the original notice or on a mutually agreed upon date. In addition, the Commission may place the Subrecipient on manual hold as needed to ensure that funds will not be inappropriately used, and compliance issues are resolved.

Termination of the Agreement by the Subrecipient shall result in repayment of all unused funds and forfeiture of any future funds due under this agreement. Termination of the Agreement by the Commission shall result in a forfeiture of any future funds due under this Agreement and may require the repayment of funds previously paid, at the discretion of the Commission.

The Commission may terminate this Agreement for cause based upon the failure of the Subrecipient to comply with the terms and/or conditions of the Agreement, provided that the Commission shall give the Subrecipient written notice

specifying the Subrecipient's failure. If within thirty (30) days after receipt of such notice, the Subrecipient shall not have either corrected such failure or in the case which cannot be corrected in thirty (30) days, begun in good faith to correct such failure and thereafter proceeded diligently to complete such correction, then the Commission may, at its option, place the Subrecipient in default and the Agreement shall terminate on the date specified in such notice.

The Subrecipient may exercise any rights available to it under North Carolina law to terminate for cause upon the failure of the Commission to comply with the terms and conditions of this Agreement, provided that the Subrecipient shall give the Commission written notice specifying the Commission's failure and a reasonable opportunity for the Commission to cure the defect.

9. Maintain Updated Contacts

The subrecipient acknowledges that it is responsible for maintaining updated contact information in GCC's online grant management system. To update information for the Authorizing Official, the Financial Officer, and the Project Director, the subrecipient must submit a change request in EBS in the application part of the online system.

10. Staff Timesheets

The subrecipient agrees that all personnel (including volunteers) whose activities are to be charged to this award will maintain timesheets to document program activities (effort) and hours worked related to this award and non-award-related activities. These timesheets should be available to be provided upon request.

11. Federal Funding Year Changes

Changes to the federal funding year may occur to maximize use of funds. Notice from GCC will be provided regarding changes in Federal Funding year and changes to federal special conditions.

12. Continuation of Funding

The subrecipient understands that the awarding of this grant in no way assures or implies continuation of funding beyond the project duration indicated on the current grant award.

Funds are provided during the project period on a yearly basis. Unused funds at the end of each budget year do not roll over to the next budget year but rather return to GCC's unobligated funds. Extensions beyond the period of performance may be granted at the discretion of GCC, and may be requested in accordance with GCC processes, but are not assured. If a continuation application is approved by GCC, funds available under the current award and corresponding cash matching funds must be expended or obligated and documented prior to the implementation of the new, continuation grant and expenditure of new funds.

13. Proposed Published Reports and Publications

The subrecipient agrees to submit one copy of all proposed reports to be published and proposed publications, funded under this project, not less than twenty (20) days prior to public release for GCC review. Prior review and approval of a report or publication is required if award funds are to be used to publish or distribute reports and publications developed under this award.

Except as provided in the Federal Agreement, the subrecipient agrees that all materials and publications (written, web-based, audio-visual, or any other format) resulting from award activities shall contain a disclaimer statement: similar to this example:

"This project was supported by Grant No. _____ awarded by NC Governor's Crime Commission as state administering office for ____ federal agency. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the federal agency."

The subrecipient also agrees to ensure that any subrecipient at any tier will comply with this condition.

14. Conflict of Interest Policies

The subrecipient agrees to establish safeguards to prohibit employees and/or, in the case of a non-profit agency, board members from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Further, the subrecipient is required to submit a board approved "Conflict of Interest" policy to GCC prior to any funds being released for this project. This is in accordance with N.C.G.S. § 143C-6-23.

15. Personnel Modifications

All requests to transfer funds from a personnel line item to any other budget category will require justification and will be subject to a high degree of scrutiny by GCC.

The subrecipient further agrees that ALL personnel whose activities are to be charged to this award either directly charged to the award or used as match will maintain timesheets to document hours worked on the grant and the grant related activities performed during those hours as compared to non-award-related time and activities.

16. Compliance with solicitation requirements

The recipient agrees that it must be in compliance with requirements outlined in the solicitation under which the approved application was submitted, the applicable Solicitation Companion Guide, and any program-specific frequently asked questions (FAQs) on the OVW website (<https://www.justice.gov/ovw/resources-and-faqs-grantees>). The program solicitation, Companion Guide, and any program-specific FAQs are hereby incorporated by reference into this award.

17. Law Enforcement Agency Traffic Stop Data

Pursuant to N.C.G.S. 143B-903, certain law enforcement agencies must report traffic stops within 60 (sixty) days to the NC State Bureau of Investigation (SBI). The SBI publishes the list of required agencies each year on the SBI website on the SBI Traffic Reporting page. This page can be accessed by going to the SBI website and clicking on the List of Agencies Required to Report. Any agency that is required to submit traffic stops and does not "shall be ineligible to receive any law enforcement grants available by or through the State" G.S. 143B-903(e).

18. State Retention Laws

Chapters 121 and 132 of the General Statutes of North Carolina govern the retention and disposition of all records located in and/or maintained by all public offices, whether municipal, county, state government, or state-supported institutions of higher learning. In accordance with the requirements set forth in the North Carolina Administrative Code, all financial records, supporting documents, statistical records, and all other records pertinent to a grant shall be retained by each organization for AT LEAST FIVE YEARS following the closure of the audit report covering the entire award period.

19. Grant Termination or Suspension

Pursuant to administrative code 14B NCAC 05B .0301 a grant may be terminated, or the funds may be suspended, on a case-by-case basis by the Executive Director of the Commission for noncompliance with the terms and conditions of their grant application, grant award agreement (including these special conditions) or federal guidelines.

FEDERAL REQUIREMENTS

*These federal requirements apply to the GCC and all subgrantees awarded funds.
For purposes of this section "Recipient" refers to the GCC. For any federal submission requirements, Subrecipients shall instead submit to GCC to submit.*

JAG SPECIAL CONDITIONS CONSOLIDATED FY 2022-2024

1

(Beginning FY 2023) Meaningful access requirement for individuals with limited English proficiency

(Version 2023)

Applicants must ensure that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.

(Version 2024)

The recipient, and any subrecipient at any tier, must take reasonable steps to ensure that individuals with limited English proficiency (LEP) have meaningful access to their programs and activities to comply with Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of national origin, including discrimination against individuals with LEP. Such steps may require providing language assistance services, such as interpretation or translation services. The Department of Justice guidance on compliance with this requirement may be found at "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (67 Fed. Reg. 41455-41472) (<https://www.federalregister.gov/d/02-15207>) and is incorporated by reference here.

2

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022-2024)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY24AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

3

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38.

Among other things, 28 C.F.R. Part 38 states that recipients may not use direct Federal financial assistance from the Department to support or engage in any explicitly religious activities except when consistent with the Establishment Clause of the First Amendment and any other applicable requirements. An organization receiving Federal financial assistance also may not, in providing services funded by the Department of Justice, or in their outreach activities related to such services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations. In addition, Part 38 states that a faith-based organization that participates a Department of Justice funded program retains its independence from the Government and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law.

Recipients and subrecipients that provide social services under this award must give written notice to beneficiaries and prospective beneficiaries prior to the provision of services (if practicable) which shall include language substantially similar to the language in 28 CFR Part 38, Appendix C, sections (1) through (4). A sample written notice may be found at <https://www.ojp.gov/program/civil-rights-office/partnerships-faith-based-and-other-neighborhood-organizations>.

In certain instances, a faith-based or religious organization may be able to take religion into account when making hiring decisions, provided it satisfies certain requirements. For more information, please see <https://www.ojp.gov/funding/explore/legaloverview2024/civilrightsrequirements>.

4

Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result

in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

5

Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

6

Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this award from OJP.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

7

Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

8

Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

9

Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

10

Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

11

Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

12

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

Among other items, 28 C.F.R. § 42.106(d), 28 C.F.R. § 42.405(c), and 28 C.F.R. § 42.505(f) contain notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

13

Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

14

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status

under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

15

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

16

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

17

Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

18**Restrictions and certifications regarding non-disclosure agreements and related matters**

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

19

OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

20

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

21

Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

22

Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2021, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a

training on or after January 1, 2021, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://onlinegmt.training.ojp.gov/>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

23

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

24

Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

25

Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or

OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

26

Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

27

Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

28

(Beginning FY 2023) Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards

Consistent with Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety," OJP has prohibited the use of federal funds under this award for purchases or transfers of specified equipment by law enforcement agencies. In addition, OJP requires the recipient, and any subrecipient ("subgrantee") at any tier, to put in place specified controls prior to using federal funds under this award to acquire or transfer any property identified on the "controlled equipment" list. The details of the requirement are posted on the OJP web site at <https://www.ojp.gov/funding/explore/prohibited-and-controlled-equipment> (Award condition: Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards), and are incorporated by reference here.

29

Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

30

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

31

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

Among other items, 28 C.F.R. § 54.140 contains notice requirements that covered recipients must follow regarding the dissemination of information regarding federal nondiscrimination requirements.

32**Authorized Representative Legal Authority**

The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

33**(Beginning FY 2023) Verification and updating of recipient contact information**

The recipient must verify its Grant Award Administrator, Financial Manager, and Authorized Representative contact information in JustGrants, including telephone number and e-mail address. If any information is incorrect or has changed, the award recipient's Entity Administrator must make changes to contact information through DIAMD. Instructions on how to update contact information in JustGrants can be found at <https://justicegrants.usdoj.gov/training/training-entity-management>.

34**FFATA reporting: Subawards and executive compensation**

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

35**(Beginning FY 2024) Body-worn cameras, policies and procedures**

In accepting this award, the recipient agrees not to use award funds for purchases of body-worn cameras or related expenses for any agency unless that agency has policies and procedures in place that reinforce appropriate agency Use of Force policies and training and address technology usage, evidence acquisition, data storage and retention, as well as privacy issues, accountability and discipline.

36**Body armor - compliance with NIJ standards and other requirements*****(Version FY 2022-2023)***

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that each law enforcement agency receiving body armor purchased with funds from this award has a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards, and is listed on the NIJ Compliant Body Armor Model List. In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information and the NIJ Compliant Body Armor List may be found by following the links located on the NIJ Body Armor page: <https://nij.ojp.gov/topics/equipment-and-technology/body-armor>

(Version 2024)

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards, and is listed on the NIJ Compliant Body Armor Model List. In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information and the NIJ Compliant Body Armor List may be found by following the links located on the NIJ Body Armor page: <https://nij.ojp.gov/topics/equipment-and-technology/body-armor>. In addition, if recipient uses funds under this award to purchase body armor, the recipient is strongly encouraged to have a "mandatory wear" policy in effect. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

37**Cooperation with OJP Monitoring*****(Version FY 2022-2023)***

The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

(Version FY 2024)

The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

38**(Beginning FY 2023) Publication Protocols**

Any written, visual, or audio publications funded in whole or in part under this award, with the exception of press releases, shall contain the following statements: "This project was supported by Grant No. <AWARD_NUMBER> awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

39**(Beginning FY 2023) Website Protocols**

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service: "This Web site is funded in whole or in part through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)." The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

40**Confidentiality of data**

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

41

Assessment and Evaluation

The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

42

Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

43

(FY 2022 and 2024) Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

44

Unmanned Aircraft

The recipient agrees that no funds under this grant award (including via subcontract or subaward, at any tier) may be used for unmanned aircraft systems (UAS), which includes unmanned aircraft vehicles (UAV), or for any accompanying accessories to support UAS.

45

Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

46

Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

47

Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

48

Facial Recognition Technology (FRT)

In accepting this award, the recipient agrees that grant funds cannot be used for Facial Recognition Technology (FRT) unless the recipient has policies and procedures in place to ensure that the FRT will be utilized in an appropriate and responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties and complies with all applicable provisions of the U.S. Constitution, including the Fourth Amendment's protection against unreasonable searches and seizures and the First Amendment's freedom of association and speech, as well as other laws and regulations. Recipients utilizing funds for FRT must make such policies and procedures available to DOJ upon request.

49

"Methods of Administration" - monitoring compliance with civil rights laws and nondiscrimination provisions

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with applicable federal civil rights laws and nondiscrimination provisions. Within 90 days of the date of award acceptance, the recipient must submit to OJP's Office for Civil Rights (at CivilRightsMOA@usdoj.gov) written Methods of Administration ("MOA") for subrecipient monitoring with respect to civil rights requirements. In addition, upon request by OJP (or by another authorized federal agency), the recipient must make associated documentation available for review.

The details of the recipient's obligations related to Methods of Administration are posted on the OJP web site at <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm> (Award condition: "Methods of Administration" - Requirements applicable to States (FY 2017 Update)), and are incorporated by reference here.

50

Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

51

Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

52

Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including

properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bjagov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

53

Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

54

Quarterly Financial Reports

All State and Local JAG recipients must submit quarterly Federal Financial Reports (SF-425). Additionally, State JAG and Local JAG Category Two (\$25K or more) must submit semi-annual performance reports through JustGrants and Local JAG Category One (Less than \$25K) must submit annual performance reports through JustGrants. Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website: <https://bjapmt.ojp.gov/>. For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage (<https://bjapmt.ojp.gov/help/jagdocs.html>). Failure to submit required JAG reports by established deadlines may result in

the freezing of grant funds and future High Risk designation.

55

Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

56

Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2021 or October 1, 2022 for FY 2024

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2022), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

57

DNA Testing

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. With the exception of Forensic Genetic Genealogy, no profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS. Booking agencies should work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see National Rapid DNA Booking Operational Procedures Manual).

58

Genealogy testing

Recipients utilizing award funds for forensic genealogy testing must adhere to the United States Department of Justice

Interim Policy Forensic Genealogical DNA Analysis and Searching

(<https://www.justice.gov/olp/page/file/1204386/download>), and must collect and report the metrics identified in Section IX of that document to BJA.

59

Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

60

Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

61

Extreme Risk Protection Programs

Extreme risk protection programs funded by JAG must include, at a minimum: pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses; the right to be represented by counsel at no expense to the government; pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State's evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent

any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and penalties for abuse of the program.

62

Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

63

(Beginning FY 2023) Exceptions regarding Prohibited and Controlled Equipment under OJP awards

Notwithstanding any provision to the contrary in the other terms and conditions of this award, including in the condition regarding "Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards," the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to Other LEAs" and the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to NON-LEAs" do not apply to this award.

64

Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

65

BJA- JAG - SORNA Appeal Limits

The recipient acknowledges the final agency decision made by DOJ that recipient's jurisdiction did not substantially implement the Sex Offender Registration and Notification Act (Public Law 109-248, "SORNA") before the deadline, and understands that, as a result of that final agency decision, the amount of this JAG award was reduced, pursuant to 34 U.S.C. 20927. By accepting this specific award, the recipient voluntarily agrees that if it elects to file a judicial appeal of that final agency decision, which was integral in determining this particular funding amount, no such appeal may commence more than 6 months after the date of acceptance of this award.

66

Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and

administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

67

(Beginning FY 2023) Withholding of funds for Required certification from the chief executive of the applicant government

The recipient may not expend or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and an Award Condition Modification has been issued to remove this condition.

68

Withholding of funds for Budget narrative or information

The recipient may not expend or draw down any award funds until the recipient submits, and OJP reviews and accepts, the required budget information or narrative for the award, and an Award Condition Modification has been issued to remove this condition.

69

(Beginning FY 2024) Withholding of Funds IRS compliance

The recipient may not expend or draw down any funds under this award until it has submitted to the program manager, in a format acceptable to OJP, a formal written certification directed to OJP and executed by an official with authority to sign on behalf of the recipient, that the recipient (unless an exemption applies by operation of law, as described below)-- (1) has filed all Federal tax returns required for the three tax years immediately preceding the tax year in which the certification is made; (2) has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and (3) has not, more than 90 days prior to this certification, been notified of any unpaid federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding; and until an Award Condition Modification (ACM) has been issued to remove this condition.

70

(FY 2022) Program Outcomes and Outputs

The award recipient agrees to participate in a data collection process measuring program outputs and outcomes. The data elements for this process will be outlined by the Office of Justice Programs.

71

(FY 2023) Withholding of Funds for State Strategic Plan submission

The recipient may not expend or draw down any award funds until the recipient submits a sufficient Statewide Strategic Plan (to include an Annual Report in each year in which the Statewide Strategic Plan is not fully updated), and an Award Condition Modification has been issued to remove this condition.

72

(FY 2023) Withholding of Funds-DCRA

The recipient may not expend or draw down any award funds until the recipient submits a sufficient Death in Custody Reporting Act (DCRA) State Implementation Plan, which includes its plan for collecting and reporting DCRA program data.



City of Fayetteville

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

City Council Action Memo

File Number: 25-5033

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A8

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA-CM, City Manager
Jeffery Yates, Assistant City Manager

FROM: Tiffany Murray, Chief Finance Officer

DATE: November 24, 2025

RE:
Adopt Capital Project Ordinance for Stadium View Project

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

Goal III: The City of Fayetteville will be a city invested in today and tomorrow.

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

Goal VI: The City of Fayetteville will continue to have a collaborative citizen and business engagement base.

Executive Summary:

At the November 10, 2025, Council Meeting, the City Council voted to approve an amended and restated version of the Stadium View Downtown Development Agreement. Council also authorized the City Manager to sign the agreement-along with any needed amendments and related documents-to move the project forward. Under the updated agreement, the developer will complete several key public improvements, including adding a cap over the existing parking deck, installing a new elevator, and upgrading public walkways. In return, the City will provide a \$5.7 million loan to support these public infrastructure improvements.

Background:

In 2017, the City entered into a development agreement with Prince Charles Holdings to support a significant redevelopment project around the new minor league baseball stadium. The plan included new housing, a hotel, retail shops, office space, and public amenities that would create a vibrant destination connected to SEGRA Stadium and the Festival Park area. The City completed its parts of the project-SEGRA Stadium and the Hay Street Parking Garage-with investments of about \$37.9 million and \$17.8 million, respectively. However, the private development originally planned for the site did not move forward, leaving the hotel, housing, and retail portions incomplete.

To ensure the original vision could still be achieved, the City Council acted in 2025 to bring on a new development partner, Lansing Melbourne Group (LMG). LMG is known for successful downtown redevelopment projects and has the financial strength and long-term

commitment needed for a project of this scale. Before moving forward, the City conducted extensive due diligence, including an independent financial review and visits to LMG projects in Kannapolis, North Carolina. After confirming LMG's qualifications, the City approved transferring the original development agreement from Prince Charles Holdings to LMG.

On November 10, 2025, the City Council approved an updated and restated development agreement for what is now known as the Stadium View project. The agreement authorizes the City Manager to finalize and sign all documents needed to carry out the development. Under this new plan, LMG will build two towers on top of the existing Hay Street Parking Garage, which will remain owned by the City throughout construction. The project will bring 124 new residential units, 119 hotel rooms, ground-floor retail space, and new elevator access to the garage and towers.

The development schedule begins in January 2026, with construction planned to start in June 2026. The project is expected to be substantially completed by May 2028. This marks an essential step toward fulfilling the community's original vision of a lively, mixed-use district that supports downtown growth and enhances the area around SEGRA Stadium.

Issues/Analysis:

N/A

Budget Impact:

The City will allocate \$5.7 million from the General Fund's fund balance to support the public infrastructure improvements associated with the project. If, at the time the funds are needed, the General Fund balance falls below the City's policy goal of maintaining at least 12%, the City would instead use limited obligation debt to cover the cost. While this scenario is not expected, it provides a responsible backup plan to ensure the project remains fully funded. Taking this action is necessary for the City to finalize and execute the funding agreement.

Options:

1. Approve the Capital Project Ordinance as presented.
2. Do not approve the Capital Project Ordinance as presented.

Recommended Action:

Adopt the CPO as presented approving the allocation of \$5.7 million from the General Fund fund balance to support the public infrastructure improvements required for the Stadium View project and authorize the City Manager to finalize and execute all necessary funding agreements. This action ensures the City can fulfill its obligations under the updated development agreement with Lansing Melbourne Group (LMG) and move the project forward on schedule. If the General Fund balance falls below the City's 12% policy threshold at the time funds are needed, authorize the use of limited obligation debt as a contingency funding mechanism.

Attachments:

Capital Project Ordinance 2026-34

CAPITAL PROJECT ORDINANCE

ORD 2026-34

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

- Section 1. The authorized project is for Stadium View Development Project. Whereas, the developer will be capping the Hay Street Parking Garage, installing an elevator, and improving public walkways in exchange for the City commitment.
- Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.
- Section 3. The following revenues are anticipated to be available in the General Government Capital Fund to the City to complete the project:
- | | |
|--|---------------------|
| General Fund Transfer - Fund Balance and/or Future Financing | <u>\$ 5,700,000</u> |
|--|---------------------|
- Section 4. The following expenditures are anticipated to be available in the General Government Capital Fund to the City to complete the project:
- | | |
|----------------------|---------------------|
| Project Expenditures | <u>\$ 5,700,000</u> |
|----------------------|---------------------|
- Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.
- Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance. The City Manager is hereby authorized to execute the agreement, subject to any necessary

Adopted this 24th day of November, 2025.



City of Fayetteville

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

City Council Action Memo

File Number: 25-5029

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A9

TO: Mayor Colvin and Members of City Council

THRU: Lachelle H. Pulliam, City Attorney

FROM: Kecia N. Parker, NCCP, Real Estate Manager

DATE: November 24, 2025

RE:

Adopt Resolution of the Fayetteville City Council Authorizing the City Manager to Acquire the Real Property Located at 920 and 922 Washington Drive

COUNCIL DISTRICT(S):

2

Relationship To Strategic Plan:

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

Executive Summary:

Fayetteville-Cumberland Parks & Recreation has identified the need to purchase the property located at 920 and 922 Washington Drive for needed parking to be utilized by the Senior Center East. The Parks and Recreation General Obligation Bond will be utilized to cover the total costs of \$18,805.64 for the purchase.

On August 25, 2025, staff presented to the City Council a briefing on the due diligence activities required prior to acquiring the two lots. These activities have now been completed and include:

- In house appraisal confirming market value;
- Environmental site assessment, with no concerns raised for the proposed use of the lot; and
- Title search, confirming clear ownership.

All findings support the City's interest in proceeding with property acquisition.

The parcels are owned by George Simmons and the combined purchase price for the two lots is \$18,750.00.

To proceed with the acquisition, the City Council is asked to adopt the attached Resolution authorizing the City Manager to execute all necessary documents to finalize the purchase of the property.

Background:

Fayetteville-Cumberland Parks & Recreation has identified two lots located at 920 and 922 Washington Drive as a proposed overflow parking lot for the Senior Center East.

In March 2016, Fayetteville voters passed a \$35 million bond referendum for parks and recreation. On August 25, 2025, City staff briefed City Council about the lots and outlined the due diligence process. The Council's consensus was that purchasing the two parcels is a fiscally responsible investment aligned with both current and long-term operational needs.

As part of the acquisition process, staff completed the following:

- Title Search - Confirmed a clear title to the property;
- In house appraisal - Validated the purchase price against market value; and,
- Phase I Environmental Site Assessment - Found no environmental concerns if the parcel is utilized for the proposed parking lot.

This purchase aligns with the City of Fayetteville Goal 4, objective 4.4 to provide a clean and beautiful community with increased green spaces.

Issues/Analysis:

Property Acquisition Cost Breakdown - Senior Center East Overflow Parking

- Purchase Price (as negotiated): \$18,750.00
- Additional Costs: \$55.64
 - Property Taxes: \$29.64
 - Recording Fees: \$26.00

Budget Impact:

The budget will be funded from the Parks and Recreation General Obligation Bond.

Options:

- Adopt a resolution authorizing the City Manager to execute all related documents necessary to acquire the parcel.
- Deny the request.

Recommended Action:

Staff recommends that the City Council proceed with acquisition and adopt a resolution authorizing the City Manager to execute all related documents necessary to acquire the parcel.

Attachments:

GIS Map for 920 and 922 Washington Drive
Resolution for Purchase of 920 and 922 Washington Drive

Senior Center East

0437-29-2685
922 Washington Drive
\$9,375.00

0437-29-2642
920 Washington Drive
\$9,375.00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH
CAROLINA AUTHORIZING THE CITY MANAGER TO ACQUIRE THE REAL
PROPERTY LOCATED AT 920 AND 922 WASHINGTON DRIVE

WHEREAS, the City of Fayetteville, NC, is a municipal corporation existing under and by virtue of the Constitution, statutes and laws of the State of North Carolina; and

WHEREAS, North Carolina General Statute § 160A-11 authorizes the City to acquire and hold any property, real and personal, devised, bequeathed, sold, or in any manner conveyed, dedicated to, or otherwise acquired; and

WHEREAS, the purchase of the property identified below is consistent with the strategic planning goal of a desirable place to live, work, & recreate; and

WHEREAS, the City of Fayetteville is committed to providing adequate green spaces, recreation facilities and parks within the City; and

WHEREAS, the acquisition of the property is consistent with the City's development plans;

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council grants the City Manager or his designee the authority to acquire the property described below:

Tract One: 920 Washington Drive: Being all of Lots 9 and 10, Block 9 in a subdivision known as COLLEGE PARK, according to a plat of the same duly recorded in Book of Plats 7, Page 102, Cumberland County, North Carolina Registry.

Tract Two: 922 Washington Drive: BEGINNING at a stake in the southeastern margin of Washington Drive 150 feet from the intersection of Murchison Road, running thence with the margin of Washington Drive South 55 degrees 30 minutes West 50 feet to a stake; thence South 37 degrees 30 minutes East 150 feet to a stake in the line of lot number 14; thence North 55 degrees 30 minutes East 50 feet to a stake in the line of lot number 1; thence North 37 degrees 30 minutes West 150 feet to the beginning, being lot numbers 7 and 8, Block 9, as per subdivision known as College Park surveyed by C.A. Black and W.D. Alexander, C.E.

IN WITNESS WHEREOF, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 24th day of November 2025; such meeting

was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

ATTEST:

CITY OF FAYETTEVILLE

JENNIFER L. AYRE
City Clerk

By: _____
MITCH COLVIN, Mayor

Date: _____



City of Fayetteville

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

City Council Action Memo

File Number: 25-5039

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.0A10

TO: Mayor and Members of City Council

**THRU: Timothy L. Bryant, CEO/General Manager Fayetteville Public Works
Commission**

**FROM: Tyler Patton, PWC Chief Communications & Community Relations
Officer
Misty Manning, Chief Operations Officer, Water Resources**

DATE: November 24, 2025

**RE:
PWC - Adoption of Resolution in Opposition to Interbasin Transfer (IBT)
Certificate**

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

This item supports the City Council's Strategic Plan Goal 1: Safe and Secure Community; Goal 2: Diverse and Viable Economy; Goal 3: Invested in Today and Tomorrow; Goal 4: Desirable Place to Live; and Goal 5: Financially Sound City.

Executive Summary:

The Town of Fuquay-Varina is seeking approval for an Interbasin Transfer (IBT) Certificate to support their future water needs and Fayetteville PWC is opposed to this action. Therefore, the Council is asked to support a resolution in opposition for the State of North Carolina to consider.

Background:

Fuquay-Varina currently depends on purchasing water from neighboring systems, but those supplies are expected to fall short as early as 2030. Their preferred alternative is to take water from the Tri-Rivers Water Treatment Plant located on the Cape Fear River Basin upstream of PWC. Their request would allow for the transfer of 6.17 million gallons per day from the Cape Fear River Basin to the Neuse River Basin.

Issues/Analysis:

PWC is opposed to this option as their interest is to preserve the short- and long-term needs of the communities downstream along the Cape Fear River, including Fayetteville and Cumberland County. Any transfer request that does not return the water back to the Cape Fear River Basin has potential long-term effects to anyone downstream of the request, including PWC customers. Long-term effects include future availability of water to meet our community's needs and sustainability of water resources in our basin.

PWC is advocating that any IBT permit should require returning the water to the Cape Fear River Basin as not to impact over half a million North Carolina residents who depend on this as their primary water source.

Budget Impact:

N/A

Options:

1. Adopt the Resolution and direct staff to prepare a formal communication to the State of NC
2. Request staff provide additional options and information for consideration. 3.
3. Do not adopt the Resolution and take no further action.

Recommended Action:

Adopt the Resolution and direct staff to prepare a formal communication to the State of North Carolina.

Attachments:

IBT Resolution

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA,
OPPOSING INTERBASIN TRANSFER

WHEREAS, North Carolina Environmental Management officials are currently reviewing a request from the City of Fuquay Varina to increase their current transfer of 2 MGD to 6.17 MGD from the Cape Fear River Basin to the Neuse River Basin; and

WHEREAS, the Cape Fear River is a tremendous resource to our community, providing our major source of water supply as well as affording many recreational opportunities for our citizens, and it is our responsibility to maintain the highest level of certainty for our future water supply; and

WHEREAS, these interbasin transfers create issues of equity and sustainability, as it involves one region bearing the environmental and infrastructural costs of supporting growth in another region, and it is essential to consider the long-term implications and fairness of such allocations of vital resources; and

WHEREAS, reducing the flow of the Cape Fear River by transferring water could lead to greater concentrations of pollutants in the river, a reduced flow rate diminishing the river’s natural ability to dilute and transport pollutants, and have detrimental effects on aquatic ecosystems, recreational activities, and public health within the Cape Fear River Basin; and

WHEREAS, the City of Fayetteville is concerned that the proposed interbasin transfer will limit the amount of water available for withdrawal to support economic and residential growth in the region due to regulation limits under state and federal laws; and

WHEREAS, the City of Fayetteville does hereby express its concern about the long-term availability of water from the Cape Fear River and believes transferring water from the Cape Fear River Basin to the Neuse River Basin could limit future growth opportunities for communities in the Cape Fear River Basin; and

WHEREAS, the City of Fayetteville is in a region disproportionately affected by industrial contamination and is actively working on a water supply master plan for the areas most impacted by PFAS and GenX contamination; and

WHEREAS, water availability is crucial for sustaining economic development, agriculture, and quality of life in communities, and if water is diverted elsewhere, it may constrain the ability of communities within the City of Fayetteville to support their own development and population growth; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville, North Carolina, that the City requests the North Carolina Environmental Management Commission deny the request of the City of Fuquay Varina for an interbasin transfer of 6.17 MGD from the Cape Fear River Basin to the Neuse River Basin.

IN WITNESS WHEREOF, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 24th day of November 2025; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

By: _____
MITCH COLVIN, Mayor

ATTEST:

JENNIFER AYRE, City Clerk



City of Fayetteville

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

City Council Action Memo

File Number: 25-5016

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Evidentiary Hearing

Agenda Number: 8.01

TO: Mayor and Members of City Council

THRU: Kelly Strickland - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director

FROM: Craig Harmon - Senior Planner

DATE: November 24, 2025

RE:

SUP25-07 Evidentiary Hearing for a Special Use Permit to allow changes to a Major Utility located at 6787 Bailey Lake Road (Reid # 0406046357000) owned by LUMBEE RIVER ELECTRIC MEMBERSHIP CORP.

COUNCIL DISTRICT(S):

6 - Thompson

Relationship To Strategic Plan:

This Special Use Permit would allow upgrades to a Lumbee River Electric Substation.

GOAL I - Safe & Secure Community

(Objectives: emergency preparedness, traffic/pedestrian safety, crime reduction, community engagement)

Supports / generally neutral.

The Lumbee River EMC substation is a low-intensity, highly secured public-utility use with limited on-site personnel and negligible traffic generation. The facility's fenced perimeter, controlled access, and passive operating characteristics are consistent with GOAL I priorities related to public safety and emergency preparedness. Because substations do not attract routine visitors and generate very few service calls, the proposal is not expected to materially affect crime-prevention strategies, emergency medical response, or street-level safety metrics. Impacts to GOAL I indicators are therefore neutral to modestly positive.

GOAL II - Diverse & Viable Economy

(Objectives: diversify tax base; invest in places; leverage partnerships; sustain strong development climate)

Supports, particularly through infrastructure reliability and organizational partnerships.

Although the utility-owned substation will not directly expand the City's taxable real estate base, the project **strengthens essential electrical infrastructure that underpins business retention, business recruitment, and corridor vitality**. Lumbee River EMC represents a long-standing regional service partner, and continued electrical reliability is closely tied to GOAL II's emphasis on sustaining a competitive development climate and supporting job-creating private investment. By ensuring resilient power service in a growing area of Fayetteville, the substation indirectly supports economic growth, stability,

and investment.

GOAL III - City Investment Planning

(Objectives: traffic/stormwater/utility coordination; manage future growth; sustain timely development services)

Strongly advances.

Electrical infrastructure is a core component of Fayetteville's long-range growth management strategy. Locating and improving a substation at an existing operational utility site minimizes the need for new corridors, reduces environmental disturbance, and supports **Objective 3.2 - strategic land use and coordinated infrastructure investment**. The project also aligns with the Future Land Use Map's framework, which emphasizes synchronizing public and quasi-public utilities with growth areas. Substation modernization improves system resiliency without triggering major demands for new roadway or stormwater capital projects.

GOAL IV - Live, Work, & Recreate

(Objectives: recreation/cultural experiences; multimodal connectivity; corridor appearance; clean and beautiful community; great neighborhoods)

Supports / neutral.

The project maintains significant natural buffering, downward-directed lighting, and screening that help protect adjacent residential areas and corridor aesthetics. These measures are consistent with **Objective 4.4 - a clean and beautiful community**, ensuring that utility service upgrades do not compromise livability, corridor appearance, or neighborhood character. The project does not directly address transit, recreation, housing, or poverty-reduction objectives; therefore, effects on most GOAL IV performance metrics remain neutral.

GOAL V - Financially Sound City

(Objectives: strong financial management; innovation/technology; workforce excellence)

Advances efficient resource stewardship.

Maintaining and upgrading essential electric infrastructure reduces long-term system vulnerabilities and supports reliable service delivery without placing added operating or capital burdens on the City. While the site is not intended for taxable redevelopment, the project aligns with the Strategic Priority to **use innovative solutions to meet public needs while promoting operational efficiency and resilience**. The substation's capital improvements are funded and operated by the utility, preserving City resources and supporting prudent lifecycle management.

GOAL VI - Collaborative Government

(Objectives: partnerships with public agencies/businesses/military; trust and transparency; outreach and education)

Strongly advances.

The request reflects direct collaboration with Lumbee River EMC-consistent with GOAL VI's emphasis on strategic partnerships with utilities and regional service providers. The SUP process, mailed notices, public hearing, and community engagement components reinforce the City's commitment to transparency and open communication. Continued partnership with a regional energy provider strengthens Fayetteville's collaborative governance model.

Bottom Line

The proposed Lumbee River EMC substation improvements are **highly compatible with the FY2025 Strategic Plan**. The project significantly **advances GOAL III (strategic land use and infrastructure coordination)** and **GOAL VI (collaborative government)**, while meaningfully supporting **GOAL V (prudent financial stewardship)** and **GOAL II (economic resilience through reliable energy infrastructure)**. The use is **compatible with GOAL IV urban design and corridor beautification objectives** and **generally neutral relative to GOAL I public-safety performance metrics**. Overall, the proposal represents a **strategic investment in resilient electric service delivery that supports community growth, protects neighborhood character, and strengthens inter-organizational collaboration**.

Executive Summary:

Lumbee River Electric Membership Corporation (LREMC) is requesting approval of a **Special Use Permit (SUP)** in order to complete necessary modifications and improvements to the existing Arran Lakes Substation. Although the facility has been in continuous operation for many years, it was originally constructed **prior to the adoption of the City of Fayetteville's Unified Development Ordinance (UDO)** and therefore predates the current requirement for a Special Use Permit for this type of utility use. The proposed improvements do **not introduce a new use**, but rather reflect an ongoing need to upgrade and modernize equipment to maintain reliable electrical service for surrounding residents and businesses. Because the existing and continued use of the site falls within a category now subject to SUP review under the UDO, this application is required to bring the facility into full regulatory compliance while enabling LREMC to implement needed enhancements. In short, the request does not represent an expansion into a new use, but an effort to **ensure that essential public utility service can be safely updated and operated in accordance with current City standards and procedures**.

Background:

Owner: LUMBEE RIVER ELECTRIC MEMBERSHIP CORP

Applicant: George Huggins - Lumbee River Electric Membership Corporation

Requested Action: SUP - Major Utility expansion

Site Location: 6787 Baily Lake Road

REID: 0406046357000

Status: Eclectic Substation

Size: ±7.10 acres

Public Notification: 253 mailed notices to owners within the statutory radius

Adjoining Land Use & Zoning

North (SF-6): single-family residential

South (SF-6): single-family residential

East (SF-6): single-family residential

West (SF-6): single-family residential

Land Use Policy Context

The 2040 Comprehensive Plan: Future Land Use Map & Plan (adopted May 26, 2020) applies to properties within the city limits and the Municipal Influence Area (MIA). The subject area is designated **Low Density Residential**.

Low Density Residential (LDR): Mainly single family residential with some accessory dwellings occasionally with duplexes (if isolated) or townhomes. Lots typically 1-4 dwellings per acre. Suburban, auto-oriented character with utility services.

Issues/Analysis:

Surrounding Area:

The area surrounding the subject property is composed almost exclusively of low-density single-family residential homes, creating a quiet, established neighborhood fabric with a consistent residential character and very limited intrusion from non-residential uses.

The surrounding area is made up almost exclusively of low-density single-family residential lots, forming a cohesive neighborhood setting. The existing substation has operated within this context for decades with minimal impact, and the proposed improvements are expected to maintain compatibility with this residential character.

TRC Summary: (Full comment sheet attached)

- **Fire Department** - Site must provide 20 feet of clear access for emergency vehicles, gated access must include Knox access, and the site address/emergency contacts must be clearly posted.
- **Planning Department** - Development must match the approved site/engineering/utility plans; any revisions or future development will require resubmittal and approval.
- *** Zoning Department** - Must meet all dimensional standards and conditions of the zoning district/SUP. Signage requires a separate review. Site plan must show 100-ft setbacks for major utilities, permitted 8-ft fencing height, and restrictions on barbed/electrified fencing unless an approved security plan is provided.
* NOTE: Applicant requests a reduction of the 100-ft setback to 40 feet to meet the existing built conditions.
- **Inspections Department** - ADA parking requirements apply; building plans must comply with the 2018 NC Building Code.
- **Development Services** - Staff is available to assist the applicant with coordination as needed.
- **Engineering Department** - An infrastructure permit is required. An NCDEQ erosion control permit must be secured prior to land disturbance.
- **NCDEQ** - Erosion and sedimentation control plan required for 1 acre or more of land disturbance; protective measures must be used to prevent damage to adjoining properties.
- **Solid Waste Department** - No comments.
- **PWC Water/Wastewater** - Separate submittal to PWC is required, including utility and landscaping plans. No site-specific comments at this time.
- **PWC Electrical** - Separate utility submittals, forms, and fees required.

Landscaping must be coordinated with electrical easements; CAD format required for vegetation coordination.

History and Findings:

The subject property was acquired by Lumbee River Electric Membership Corporation (LREMC) in 1985, with the Arran Lakes electrical substation constructed shortly thereafter. Although the facility has operated safely and reliably for decades, evolving industry safety standards and revisions to the City of Fayetteville's Unified Development Ordinance (UDO) now require LREMC to secure a Special Use Permit to complete necessary upgrades. Based on the submitted application the following evidence is submitted by the applicant to show that all six findings required for approval are met as outlined below.

Finding 1 - Compliance with Ordinance Standards

The Arran Lakes substation predates the adoption of the current UDO and therefore does not conform to **Section 30-4.C, Use-Specific Standards**, specifically subsection (j) requiring a **100-foot setback for major utility facilities**. The proposed improvements do not create a new inconsistency but instead modify an established public utility use. Issuance of the Special Use Permit allows the substation to be modernized while aligning operations with current safety expectations and City requirements to the maximum extent feasible under the existing site configuration.

The applicant has requested a reduction in the required 100-foot setback to 40 feet to meet the existing conditions of the site.

Finding 2 - Harmony with Surrounding Area

The expansion and modernization are intended to improve power reliability for the surrounding community and to strengthen the resiliency of LREMC's regional electrical network. While the substation footprint will increase modestly due to updated safety codes for fencing and equipment spacing, most improvements occur within the existing operations area and will be largely unnoticeable to the public. The site benefits from mature vegetation and existing buffers, which already screen the facility from neighboring properties. All visible improvements will comply with applicable standards and will maintain the character of the area.

Finding 3 - No Material Threat to Public Health or Safety

The proposed upgrades will not materially endanger public health or safety. The project does not introduce hazardous uses and does not increase risk beyond the current permitted operation. Rather, the upgrades are aimed at improving system safety, reliability, and performance to meet growing demand within the service area. No adverse impacts to adjacent property owners or public safety services are anticipated.

Finding 4 - Conformity with Adopted Plans and Policies

The project is consistent with the City of Fayetteville's adopted land use plans and policy direction for public utility infrastructure. Substation upgrades support long-term infrastructure planning and community growth goals, and future modifications on the site will continue to comply with relevant City studies and plans.

Finding 5 - No Injury to Value / Public Necessity

The improvements will not substantially injure or diminish the value of abutting properties. The substation is an established utility use screened from surrounding development and does not generate nuisances such as traffic, noise, or lighting impacts beyond the current level. The improvements clearly meet the test of **public necessity**, as they support

reliable and resilient electrical service for existing and future residents and businesses within the Arran Lakes service area.

Finding 6 - Compliance with City, State, and Federal Regulations

All proposed improvements-and any future upgrades on the site-will comply with all applicable City, State, and Federal standards. The project will meet the requirements of LREMC, the City of Fayetteville, and the North Carolina Department of Environmental Quality (NCDEQ).

The proposed upgrades to the Arran Lakes Substation represent a strategic and highly necessary modernization of a long-standing component of the community's electrical infrastructure. Since its construction, the substation has served a critical role in supporting nearby neighborhoods and businesses, and the planned improvements are designed to enhance system reliability, resiliency, and safety in response to growing regional demand. Importantly, the request maintains the existing utility use of the site and does not introduce a new or incompatible land use to the surrounding residential area.

Based on the submitted materials and staff review, the application **satisfies all six findings required for issuance of a Special Use Permit**, demonstrating compliance with the City of Fayetteville's Unified Development Ordinance, consistency with adopted long-range planning documents, and alignment with public safety standards. The upgrades are intentionally designed to minimize visual and operational impacts on neighboring properties-leveraging existing vegetation, controlled site access, and limited on-site activity-to ensure the continued compatibility of the substation within its established context.

Overall, the project advances the public interest by reinforcing essential utility infrastructure while preserving the character of the surrounding community. The proposed improvements will enhance power reliability for current and future residents and businesses without generating new strains on City services, making the request both technically justified and planning-appropriate.

Conclusion

The Arran Lakes Substation upgrade represents a necessary modernization of long-standing public utility infrastructure. The application meets all six required findings for issuance of a Special Use Permit, improves public service reliability, and continues the facility's compatible presence within the surrounding community.

Budget Impact:

The proposed substation modification project is expected to have a **neutral to minimal budget impact** on the City of Fayetteville. All construction, operations, and long-term maintenance responsibilities will be carried out by **Lumbee River Electric Membership Corporation (LREMC)**, and **no new City infrastructure or service extensions are required** as part of the request.

Because the site is already in long-standing utility use, the project:

- **Does not require new public water, sewer, or roadway investment**
- **Does not introduce new demand on police, fire, or sanitation services beyond existing levels**
- **Does not necessitate ongoing City operations or staffing changes**

The City may experience **long-term indirect fiscal benefits** associated with:

- Increased electrical reliability that supports continued residential and commercial

investment in the service area

- Reduced risk of outage-related emergency response costs
- Infrastructure coordination that supports the City's strategic growth and land use planning objectives

Since the site is owned and used exclusively for public-purpose utility functions, **ad valorem revenue will not materially increase**; however, the lack of ongoing City maintenance obligations ensures **no negative effect on the City's operating budget**.

Options:

OPTION 1

I move to APPROVE the Special Use Permit to allow the expansion of a major utility and reduction of the required setback to 40-ft subject to the submitted site plans and conforming to the current Unified Development Ordinance standards as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Single family Residential 10 (SF-10) zoning district and (2) that this use complies with the findings listed and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective with the approval of the Order of Findings by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

*For a motion to approve, all six findings below must be met:

1. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards;
2. The special use will be in harmony with the area in which it is located;
3. The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
4. The special use is in general conformity with the City's adopted land use plans and policies;
5. The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and
6. The special use complies with all other relevant City, State, and Federal laws and regulations.

OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) for the expansion of a major utility and reduction of the required setback to 40-ft subject to the submitted site plans, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application does not meet the finding(s) of fact listed below. More specifically finding(s) #_____.]

* For a motion to deny only one of the findings shown below needs to not apply.

1. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards;

2. The special use will be in harmony with the area in which it is located;
3. The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
4. The special use is in general conformity with the City's adopted land use plans and policies;
5. The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and
6. The special use complies with all other relevant City, State, and Federal laws and regulations.

[Applicable to Motion to Deny] If denied this action shall become effective upon the approval of the Order of Findings by the City Council.]

Recommended Action:

Staff recommends that City Council hold an Evidentiary Hearing and base their decision on the evidence and testimony provided.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
9. PowerPoint
10. Existing Conditions Site Plan
11. Proposed Layout Site Plan
12. Substation Modifications
13. TRC - Draft Comments

Project Overview**#1877938****Project Title:** LREMC - Arran Lakes Substation Modifications**Jurisdiction:** City of Fayetteville**Application Type:** 5.3) Special Use Permit**State:** NC**Workflow:** Staff Review**County:** Cumberland**Notice Regarding Special Use Permit Procedural Process**

Special Use Permit

Dear Applicant,

Thank you for applying for a Special Use Permit with the City of Fayetteville. The City Council's decision shall be based on written and sworn oral evidence presented at the evidentiary hearing. This application **MUST BE COMPLETE**, thorough responses must be provided. Incomplete applications and responses will not be accepted. The procedures you **MUST** follow are found in the Unified Development Ordinance (UDO) Sections 30-2.C.7., Special Use Permit, and 30-2.B.14., Public Evidentiary Hearing Procedures.

Pursuant to Section 30-2.C.7.d.7.a.2 of the UDO, the Special Use Permit shall automatically expire if a Building Permit for the development authorized by the Special Use Permit is not obtained within one year after the date of issuance or if the development authorized by the Special Use Permit is discontinued and not resumed for a period of one year, unless otherwise specified by City Council.

If you have any additional questions, please contact the Planning & Zoning Division at 910-433-1612 to speak with a Professional Planner.

If you would like a copy of the above text, you can [download a copy here](#).

Please enter your full name in the space below to confirm your acknowledgement of the above statement and to confirm that you are the owner or owner's representative and you have the authority to apply for this permit.

Enter Your Full Name Here: Shane Finn, PLA**Project Location****Project Address or PIN:** 6787 BAILEY LAKE RD
(0406046357000)**Zip Code:** 28304

Is it in Fayetteville? If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

GIS Verified Data**Project Address:** 6787 BAILEY LAKE RD**Written Description of Special Use**

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. :

LREMC needs to make modifications/ improvements to its existing Arran Lakes Substation. The existing use and proposed use of the substation require LREMC to apply for a special use permit to meet the requirements of the City of Fayetteville's Unified Development Ordinance (UDO).

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:

The existing Arran Lakes Substation is in the SF10 Zoning District. All adjacent properties except for one parcel and those parcels across Bailey Lake Road are located in the SF10 Zoning District. The one adjacent parcel (REID 0406035951000) to the substation is zoned SF15. Unless otherwise noted, all of the adjacent properties are single-family residential.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 1 - The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards;:

Due to the age of the substation and the changes and revisions to the City of Fayetteville's Unified Development Ordinance (UDO) since the substation's construction, the modifications and improvements that LREMC wants to implement to the substation do not meet Article 30-4: Use Standards 30-4.C. Use-Specific Standards, letter j. as stated in the current UDO.

Article 30-4: Use Standards

30-4.C. Use-Specific Standards...

j. Utility, Major - An electrical power facility, substation, water tower/tank, or transmission station shall be set back at least 100 feet from all lot lines.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 2 - The special use will be in harmony with the area in which it is located;:

The primary objective of these modifications is to provide more reliable power to the surrounding area and enhance the expanding electrical network for LREMC.

The substation will increase in size from its current state. New safety standards for fence placement and access to the site will add to this increase in size. Besides the addition of an additional transformer and new fence, a majority of the modifications will not be visible to the general public.

Many of the modifications will be implemented/ installed to the current substation components already in place; therefore, it won't really be a noticeable change. Another reason would be the existing vegetation on the LREMC property, which provides a vegetative screening for the substation from the adjacent properties.

All improvements will meet the standard and requirements of LREMC, the City of Fayetteville and, NCDEQ.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 3 - The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;:

The modifications and improvements to the Arran Lakes substation will not materially endanger public health or safety, nor will the improvements substantially injure the value of abutting property. Once again, the main goal of the modifications and improvements is to provide more reliability to the current electrical infrastructure of the surrounding area and to help with the ever-growing demands of the community being served by the LREMC.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 4 - The special use is in general conformity with the City's adopted land use plans and policies;:

All modifications and improvements to this existing substation and any improvements in the future will conform to the City of Fayetteville's Studies and Plans.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 5 - The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and:

The modifications and improvements to the existing substation will not substantially injure or devalue adjacent or surrounding properties. The modifications and improvements to the substation are a public necessity. These modifications and improvements will provide more reliability to the current electrical infrastructure of the surrounding area and help with the ever-growing demands of the community being served by the LREMC.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 6 - The special use complies with all other relevant City, State, and Federal laws and regulations?:

All improvements to this existing substation and any improvements in the future will conform to all of the city's Studies and Plans. All improvements will meet the standard and requirements of LREMC, the City of Fayetteville and NCDEQ.

Primary Contact Information

Project Owner

George Huggins
Lumbee River Electric Membership Corporation
6090 NC HWY 711
Pembroke, NC 28372

Project Contact - Agent/Representative

Shane Finn
ECE
115 Oakland Avenue Suite 102
Rock Hill , SC 29730

P:910-843-7949
george.huggins@lumbeeriver.com

Indicate which of the following project contacts should be included on this project: Landscape Architect

P:8039627367
sfinn@ecepowers.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

Project Contact - Landscape Architect

Shane Brandwood
ECE
115 Oakland Avenue , Suite 102
Rock Hill , SC 29730
P:8039627353
sbrandwood@ecepowers.com

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:



Aerial
Case #: SUP25-07

 1,000 Foot Notification Area

Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.

REQUEST: Special Use Permit for a Major Utility

LOCATION: 6787 Bailey Lake Road





Zoning

Case #: SUP25-07

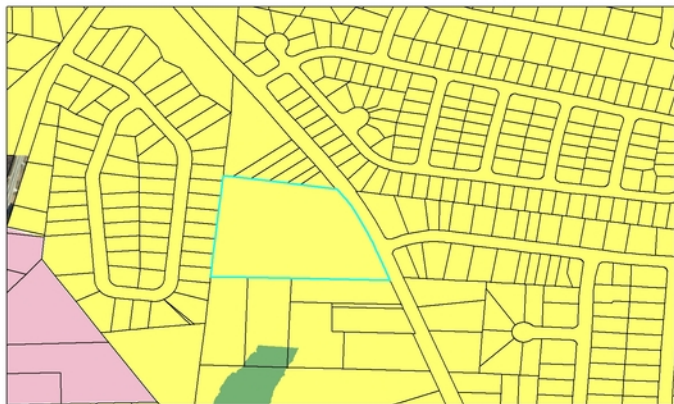
AR - Agricultural Residential	SF-6 - Single-Family Residential 6
CC - Community Commercial	SF-10 - Single-Family Residential 10
LC - Limited Commercial	SF-15 - Single-Family Residential 15

Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.

REQUEST: Special Use Permit for a Major Utility

LOCATION: 6787 Bailey Lake Road





Future Land Use

Case #: SUP25-07

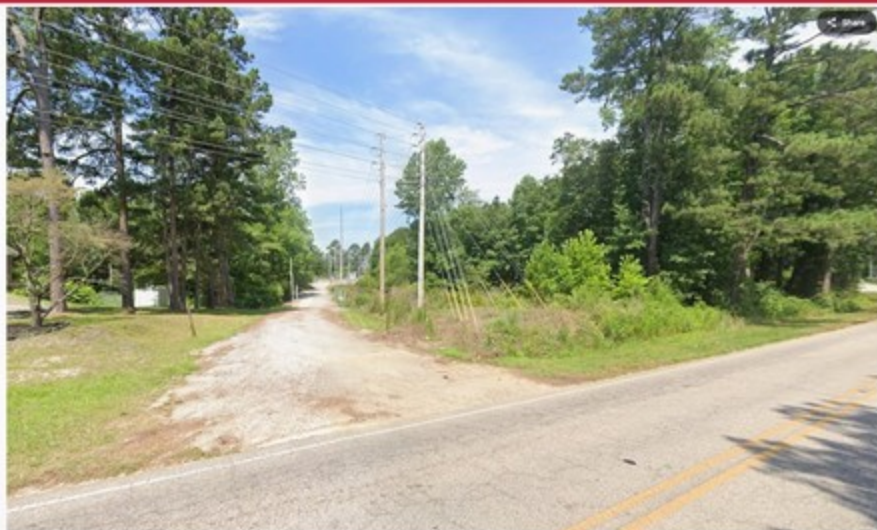


Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.

REQUEST: Special Use Permit for a Major Utility

LOCATION: 6787 Bailey Lake Road









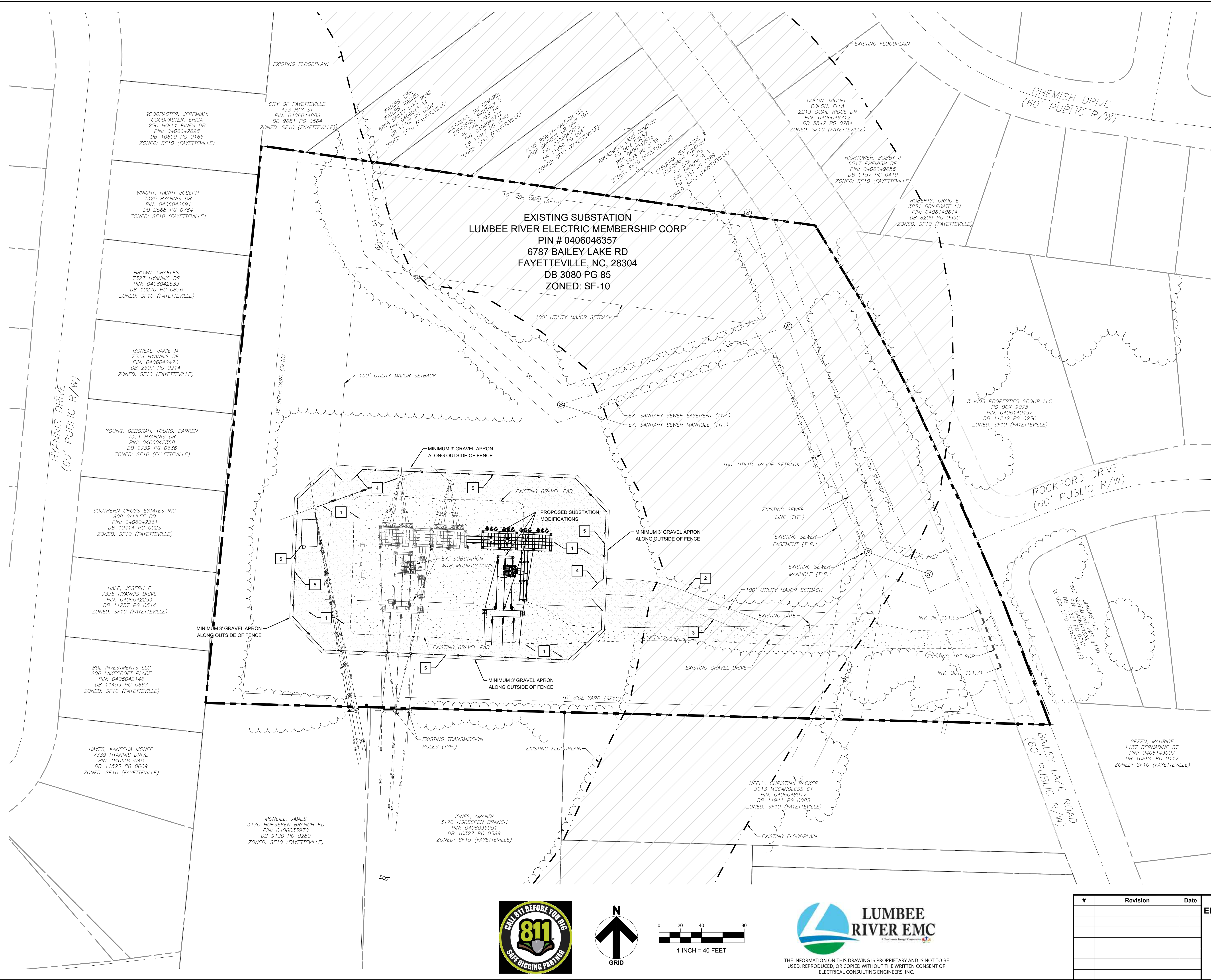
LEGEND

SYM	DESCRIPTION	GRAPHIC
	UREMC- AARON LAKES SUBSTATION PROPERTY LINE	
	ADJACENT PROPERTY LINE	
	EXISTING CENTERLINE OF ROAD	
	EXISTING EDGE OF PAVEMENT	
	EXISTING OVERHEAD DISTRIBUTION LINE	
	EXISTING OVERHEAD DISTRIBUTION EASEMENT	
	EXISTING DISTRIBUTION POLE	
	EXISTING EDGE OF TREES (TREE LINE)	
	EXISTING MAJOR AND MINOR CONTOURS	
	EXISTING SPOT ELEVATION	
	EXISTING STORM PIPE (VARIES)	
	EXISTING FLOODPLAIN	

A hand-drawn map of a lake area. A dashed line runs vertically through the center, with the number '200' written vertically along it. The map shows several irregular shapes representing land or islands, with solid lines for their boundaries. The overall shape is roughly rectangular with some protrusions and indentations.

LUMBEE RIVER CTRIC MEMBERSHIP CORPORATION		Date: 10/9/2025 Drawn By: HDS/SPF
ARRAN LAKES SUBSTATION MODIFICATION		Approved: GSB Job No.: XXX
 115 OKLAND AVE., STE. 102 ROCK HILL, SC 29730 TEL: 704.372.6673 N.C. FIRM NO. F-0429		C1.00

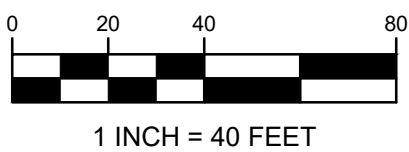
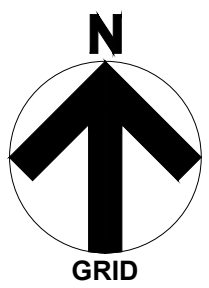
Location: R:\Lumbee River\Shingoran Lakes Substation Modification\CAD Files\CD-Construction Documents\Special Use Permit - LAYOUT PLAN.dwg Last Saved By: sfm Last Saved Date: 10/9/2025 2:21 AM Plot Date: 10/9/2025 7:33 AM



PROJECT INFORMATION	
PROJECT NAME:	ARRAN LAKES SUBSTATION
OWNER:	LUMBEE RIVER ELECTRIC MEMBERSHIP CORPORATION
OWNER ADDRESS:	6090 NC HWY 711, PEMBROKE, NC 28372
PHONE NUMBER:	(800) 883-5571
CONTACT:	GEORGE HUGGINS
CONTACT EMAIL:	GEORGE.HUGGINS@LUMBEERIVER.COM
PLANS PREPARED BY:	ECE (ELECTRICAL CONSULTING ENGINEERS)
ECE ADDRESS:	115 OAKLAND AVENUE, SUITE 102, ROCK HILL, SC 29730
ECE PHONE:	(803) 962-7353
CONTACT:	SHANE BRANDWOOD, PLA
CONTACT EMAIL:	SBRANDWOOD@ECEPOWER.COM
JURISDICTION:	CUMBERLAND COUNTY
PIN#:	0406-04-6357
REID#:	0406046357000
CURRENT ZONING:	SF-10 - SINGLE-FAMILY RESIDENTIAL 10
PROPOSED ZONING:	SF-10 - SINGLE-FAMILY RESIDENTIAL 10
PROPOSED USE:	ELECTRICAL SUBSTATION
TOTAL ACREAGE:	±7.501 ACRES
FLOODPLAIN:	0.2% ANNUAL CHANCE FLOOD HAZARD (ZONE X)
FEMA FIRM PANEL:	3720040600J
NC RIVER BASIN:	CAPE FEAR RIVER BASIN
NCDEQ:	POST-CONSTRUCTION STORMWATER PERMITTING
PERMITTING:	LOCAL
TYPE:	PHASE II ENTITY
BASIS:	IN PERMITTED PHASE II JURISDICTION
NOTES:	INSIDE FAYETTEVILLE
CONTACT:	FAYETTEVILLE
DEQ REGION:	FAYETTEVILLE
CATEGORY:	LOCAL PROGRAM
PHASE II INFO	LOCAL PROGRAM SATISFIES PHASE II SW REQUIREMENTS

LEGEND		
SYM	DESCRIPTION	GRAPHIC
	LREMC- EAST HOWELLSVILLE SUBSTATION PROPERTY LINE	
	ADJACENT PROPERTY LINE	
	EXISTING CENTERLINE OF ROAD	
	EXISTING EDGE OF PAVEMENT	
	EXISTING OVERHEAD ELECTRIC LINE	
	EXISTING OVERHEAD ELECTRIC EASEMENT	
	EXISTING ELECTRICAL POLE	
	EXISTING EDGE OF TREES (TREE LINE)	
	EXISTING FLOODPLAIN	
1	PROPOSED GRAVEL AREA	
2	PROPOSED GRAVEL DRIVEWAY	
3	PROPOSED GRAVEL DRIVEWAY CENTERLINE	
4	PROPOSED 30' VEHICULAR GATE	
5	PROPOSED 8' FT. CHAIN LINK FENCE	
6	PREFABRICATED UTILITY CONTROL FACILITY	

NOT FOR
CONSTRUCTION



THE INFORMATION ON THIS DRAWING IS PROPRIETARY AND IS NOT TO BE USED, REPRODUCED, OR COPIED WITHOUT THE WRITTEN CONSENT OF ELECTRICAL CONSULTING ENGINEERS, INC.

#	Revision	Date	LUMBEE RIVER ELECTRIC MEMBERSHIP CORPORATION		Date: 10/9/2025
			ARRAN LAKES SUBSTATION MODIFICATION		Drawn By: HDS/SPF
			ECE		Approved: GSB
			ECEPOWER.COM		Job No.: XXX
			115 OAKLAND AVE., STE. 102 ROCK HILL, SC 29730 TEL: 704.372.6673 N.C. FIRM NO. F-0429		SPECIAL USE PERMIT - LAYOUT PLAN
					SUP1.0

Arran Lakes Substation Modifications

City of Fayetteville, North Carolina

**Developer:
Lumbee River Electric Membership Corporation**

**Consultant:
ECE
115 Oakland Avenue, Suite 112
Rock Hill, SC 29730
(704) 372-6673**

**SPECIAL USE PERMIT:
North Carolina General Assembly, North Carolina Department of
Environmental Quality**

NORTH CAROLINA GENERAL ASSEMBLY

§ 62-133.8. Renewable Energy and Energy Efficiency Portfolio Standard (REPS).

(a) Definitions. - As used in this section:

- (1) "Combined heat and power system" means a system that uses waste heat to produce electricity or useful, measurable thermal or mechanical energy at a retail electric customer's facility.
- (2) "Demand-side management" means activities, programs, or initiatives undertaken by an electric power supplier or its customers to shift the timing of electricity use from peak to nonpeak demand periods. "Demand-side management" includes, but is not limited to, load management, electric system equipment and operating controls, direct load control, and interruptible load.
- (3) "Electric power supplier" means a public utility, an electric membership corporation, or a municipality that sells electric power to retail electric power customers in the State.
- (3a) "Electricity demand reduction" means a measurable reduction in the electricity demand of a retail electric customer that is voluntary, under the real-time control of both the electric power supplier and the retail electric customer, and measured in real time, using two-way communications devices that communicate on the basis of standards.
- (4) "Energy efficiency measure" means an equipment, physical, or program change implemented after January 1, 2007, that results in less energy used to perform the same function. "Energy efficiency measure" includes, but is not limited to, energy produced from a combined heat and power system that uses nonrenewable energy resources. "Energy efficiency measure" does not include demand-side management.
- (5) "New renewable energy facility" means a renewable energy facility that either:
 - a. Was placed into service on or after January 1, 2007.
 - b. Delivers or has delivered electric power to an electric power supplier pursuant to a contract with NC GreenPower Corporation that was entered into prior to January 1, 2007.
 - c. Is a hydroelectric power facility with a generation capacity of 10 megawatts or less that delivers electric power to an electric power supplier.
- (6) "Renewable energy certificate" means a tradable instrument that is equal to one megawatt hour of electricity or equivalent energy supplied by a renewable energy facility, new renewable energy facility, or reduced by implementation of an energy efficiency measure that is used to track and verify compliance with the requirements of this section as determined by the Commission. A "renewable energy certificate" does not include the related emission reductions, including, but not limited to, reductions of sulfur dioxide, oxides of nitrogen, mercury, or carbon dioxide.
- (7) "Renewable energy facility" means a facility, other than a hydroelectric power facility with a generation capacity of more than 10 megawatts, that either:
 - a. Generates electric power by the use of a renewable energy resource.
 - b. Generates useful, measurable combined heat and power derived from a renewable energy resource.
 - c. Is a solar thermal energy facility.
- (8) "Renewable energy resource" means a solar electric, solar thermal, wind, hydropower, geothermal, or ocean current or wave energy resource; a

Article 4.

Electrical Contractors.

§ 87-39. Board of Examiners; appointment; terms; chairman; meetings; quorum; principal office; compensation; oath.

(a) The State Board of Examiners of Electrical Contractors shall continue as the State agency responsible for the licensing of persons engaging in electrical contracting within this State, and shall consist of one member from the North Carolina Department of Insurance to be designated by the Commissioner of Insurance; one member who has satisfied the requirements for an unlimited license as defined in G.S. 87-43.3 and who is a representative of the North Carolina Association of Electrical Contractors to be designated by the governing body of that organization; and five members to be appointed by the Governor: one from the faculty of The Greater University of North Carolina who teaches or does research in the field of electrical engineering, one who is serving as a chief electrical inspector of a municipality or county in North Carolina, one who has satisfied the requirements for an unlimited license as defined in G.S. 87-43.3 and who is a representative of the Carolinas Electrical Contractors Association operating a sole proprietorship, partnership or corporation located in North Carolina which is actively engaged in the business of electrical contracting, and two who have no ties with the construction industry and who represent the interest of the public at large.

(b) Members of the Board shall serve staggered seven-year terms. Each member shall serve until his or her successor is designated or appointed, and is duly qualified. Vacancies occurring during a term shall be filled for the remainder of that term by the authority that designated or appointed the departing member.

(c) Members of the Board shall not serve consecutive, complete terms. For purposes of this subsection, only a term of less than seven years that results from the filling of a vacancy is an incomplete term; a term of less than seven years that results from the successor's late designation or appointment is not an incomplete term.

(d) All members shall be residents of North Carolina during their tenure on the Board. Any member of the Board may be removed by the authority that designated or appointed that member for misconduct, incompetency, or neglect of duty.

(e) The Board shall hold regular meetings quarterly and may hold meetings on call of the chair. The chair shall be required to call a special meeting upon written request by two members of the Board. At its regular first quarter meeting, the Board shall elect from its membership a chair and a vice-chair, each to serve for one year. Four members of the Board shall constitute a quorum. The principal office of the Board shall be at such place as shall be designated by a majority of the members thereof. Payment of compensation and reimbursement of expenses of Board members shall be governed by G.S. 93B-5.

(f) Before entering upon the performance of his or her duties hereunder, each member of the Board shall take and file with the Secretary of State an oath in writing to properly perform the duties of his or her office as a member of the Board, and to uphold the Constitution of North Carolina and the Constitution of the United States. (1937, c. 87, s. 1; 1969, c. 669, s. 1; 1979, c. 904, ss. 1-3; 1989, c. 709, s. 1; 1995, c. 114, s. 1.)

§ 87-40. Secretary-treasurer.

At its regular first quarter meeting, the Board shall appoint a secretary-treasurer to serve for one year. The secretary-treasurer need not be a member of the Board, and the Board is authorized to employ a full-time secretary-treasurer and such other assistants and to make such other

expenditures as may be necessary to the proper performance of the duties of the Board under this Article. The compensation and the duties of the secretary-treasurer shall be fixed by the Board, and the secretary-treasurer shall give bond in such sum and form as the Board shall require for the faithful performance of duty. The secretary-treasurer shall keep a record of the proceedings of said Board and shall receive and account for all moneys derived from the operations of the Board under this Article. (1937, c. 87, ss. 2, 3; 1969, c. 669, s. 1; 1995, c. 114, s. 2.)

§ 87-41. Seal of Board.

The Board shall adopt a seal for its own use, and the secretary-treasurer shall have charge and custody thereof. The seal shall have inscribed thereon the words "Board of Examiners of Electrical Contractors, State of North Carolina." (1937, c. 87, s. 3; 1969, c. 669, s. 1.)

§ 87-41.1. Definitions.

As used in this Article, unless the context requires otherwise:

- (1) A "qualified individual" is an individual who is qualified in a specific license classification as a result of having taken and passed the qualifying examination required by this Article for such a classification and who has been certified as such by the Board pursuant to G.S. 87-42.
- (2) A "listed qualified individual" is a qualified individual whose name is listed on a license issued by the Board. A listed qualified individual has the specific duty and authority to supervise and direct electrical contracting done by or in the name of a licensee of the Board on whose license the qualified individual is so listed.
- (3) A licensee of the Board is a person listed pursuant to subsection (2), or a partnership, firm or corporation that regularly employs at least one listed qualified individual and which has been issued a license by the Board. (1989, c. 709, s. 2.)

§ 87-42. Duties and powers of Board.

In order to protect the life, health and property of the public, the State Board of Examiners of Electrical Contractors shall provide for the written examination of all applicants for certification as a qualified individual, as defined in G.S. 87-41.1. The Board shall receive all applications for certification as a qualified individual and all applications for licenses to be issued under this Article, shall examine all applicants to determine that each has met the requirements for certification and shall discharge all duties enumerated in this Article. Applicants for certification as a qualified individual must be at least 18 years of age and shall be required to demonstrate to the satisfaction of the Board their good character and adequate technical and practical knowledge concerning the safe and proper installation of electrical work and equipment. The examination to be given for this purpose shall include, but not be limited to, the appropriate provisions of the National Electrical Code as incorporated in the North Carolina State Building Code, the analysis of electrical plans and specifications, estimating of electrical installations, and the fundamentals of the installation of electrical work and equipment. Certification of qualified individuals shall be issued in the same classifications as provided in this Article for license classifications. The Board shall prescribe the standards of knowledge, experience and proficiency to be required of qualified individuals, which may vary for the various license classifications. The Board shall issue certifications and licenses to all applicants meeting the requirements of this Article and of the

Board upon the receipt of the fees prescribed by G.S. 87-44. The Board shall have power to make rules and regulations necessary to the performance of its duties and for the effective implementation of the provisions of this Article. The Board shall have the power to administer oaths and issue subpoenas requiring the attendance of persons and the production of papers and records before the Board in any hearing, investigation, or proceeding conducted by it. Members of the Board's staff or the sheriff or other appropriate official of any county of this State shall serve all notices, subpoenas, and other papers given to them by the Chairman for service in the same manner as process issued by any court of record. Any person who neglects or refuses to obey a subpoena issued by the Board shall be guilty of a Class 1 misdemeanor. The Board shall have the power to acquire, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board. The Board shall keep minutes of all its proceedings and shall keep an accurate record of receipts and disbursements which shall be audited at the close of each fiscal year by a certified public accountant, and the audit report shall be filed with the State of North Carolina in accordance with Chapter 93B of the General Statutes. (1937, c. 87, s. 4; 1969, c. 669, s. 1; 1989, c. 709, s. 3; 1993, c. 539, s. 605; 1994, Ex. Sess., c. 24, s. 14(c); 2001-159, s. 1.)

§ 87-43. Electrical contracting defined; licenses.

Electrical contracting shall be defined as engaging or offering to engage in the business of installing, maintaining, altering or repairing any electric work, wiring, devices, appliances or equipment. No person, partnership, firm or corporation shall engage, or offer to engage, in the business of electrical contracting within the State of North Carolina without having received a license in the applicable classification described in G.S. 87-43.3 from the State Board of Examiners of Electrical Contractors in compliance with the provisions of this Article, regardless of whether the offer was made or the work was performed by a qualified individual as defined in G.S. 87-41.1. In each separate place of business operated by an electrical contractor at least one listed qualified individual shall be regularly on active duty and shall have the specific duty and authority to supervise and direct all electrical wiring or electrical installation work done or made by such separate place of business. Every person, partnership, firm or corporation engaging in the business of electrical contracting shall display a current certificate of license in his principal place of business and in each branch place of business which he operates. Licenses issued hereunder shall be signed by the chairman and the secretary-treasurer of the Board, under the seal of the Board. A registry of all licenses issued to electrical contractors shall be kept by the secretary-treasurer of the Board, and said registry shall be open for public inspection during ordinary business hours. (1937, c. 87, s. 5; 1951, c. 650, ss. 1-2 1/2; 1953, c. 595; 1961, c. 1165; 1969, c. 669, s. 1; 1989, c. 709, s. 4.)

§ 87-43.1. Exceptions.

The provisions of this Article shall not apply:

- (1) To the installation, construction or maintenance of facilities for providing electric service to the public ahead of the point of delivery of electric service to the customer.
- (2) To the installation, construction, maintenance, or repair of telephone, telegraph, or signal systems, by public utilities, or their corporate affiliates, when said work pertains to the services furnished by said public utilities.

- (3) To any person in the course of his work as a bona fide employee of a licensee of this Board.
- (4) To the installation, construction or maintenance of electrical equipment and wiring for temporary use by contractors in connection with the work of construction.
- (5) To the installation, construction, maintenance or repair of electrical wiring, devices, appliances or equipment by persons, firms or corporations, upon their own property when such property is not intended at the time for rent, lease, sale or gift, who regularly employ one or more electricians or mechanics for the purpose of installing, maintaining, altering or repairing of electrical wiring, devices or equipment used for the conducting of the business of said persons, firms or corporations.
- (5a) To any person when that person is installing, maintaining, altering or repairing electric work, wiring, devices, appliances or equipment upon that person's own property and for that person's own benefit when such property is not intended at the time for rent, lease, or sale. This subdivision shall not be construed to limit the ability of local boards of education, hospitals as defined in G.S. 131E-76, or nonprofit organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), to employ personnel who are licensed under this Article to perform maintenance and repairs on property owned or in the possession of that local board of education, hospital, or nonprofit organization.
- (6) To the installation, construction, maintenance or repair of electrical wiring, devices, appliances or equipment by State institutions and private educational institutions which maintain a private electrical department.
- (7) To the replacement of lamps and fuses and to the installation and servicing of cord-connected appliances and equipment connected by means of attachment plug-in devices to suitable receptacles which have been permanently installed or to the servicing of appliances connected to a permanently installed junction box. This exception does not apply to permanently installed receptacles or to the installation of the junction box.
- (8) To the bonding of corrugated stainless steel tubing (CSST) gas piping systems as required under Section 310.1.1 of the North Carolina Fuel Gas Code.
- (9) To the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under this Article. The electric power supplier shall provide such installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subdivision applies to all existing installations.

§ 160D-1110. Building permits.

(a) Except as provided in subsection (c) of this section, no person shall commence or proceed with any of the following without first securing all permits required by the State Building Code and any other State or local laws applicable to any of the following activities:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure.
- (2) The installation, extension, or general repair of any plumbing system except that in any one- or two-family dwelling unit a permit is not required for the connection of a water heater that is being replaced if (i) the work is performed by a person licensed under G.S. 87-21 who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and (ii) the energy use rate or thermal input is not greater than that of the water heater that is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.
- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment system.
- (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, except that in any one- or two-family dwelling unit a permit is not required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced if all of the following requirements are met:
 - a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.
 - b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.
 - c. The work is performed by a person licensed under G.S. 87-43.
 - d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

However, a building permit is not required for the installation, maintenance, or replacement of any load control device or equipment by an electric power supplier, as defined in G.S. 62-133.8, or an electrical contractor contracted by the electric power supplier, so long as the work is subject to supervision by an electrical contractor licensed under Article 4 of Chapter 87 of the General Statutes. The electric power supplier shall provide such installation, maintenance, or replacement in accordance with (i) an activity or program ordered, authorized, or approved by the North Carolina Utilities Commission pursuant to G.S. 62-133.8 or G.S. 62-133.9 or (ii) a similar program undertaken by a municipal electric service provider, whether the installation, modification, or replacement is made before or after the point of delivery of electric service to the customer. The exemption under this subsection applies to all existing installations.

(b) A building permit shall be in writing and shall contain a provision that the work done shall comply with the North Carolina State Building Code and all other applicable State and local laws. Nothing in this section requires a local government to review and approve residential building plans submitted to the local government pursuant to the North Carolina Residential Code, provided that the local government may review and approve the residential building plans as it deems necessary. If a local government chooses to review residential building plans for any structures subject to regulation under the North Carolina Residential Code for One- and

G.S. 160D-1110

NCDEQ STORMWATER DESIGN MANUAL

A-4. Built-Upon Area

N.C.G.S.143-214.7(b2): For purposes of implementing stormwater programs, "**built-upon area**" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include:

- a slatted deck;
- the water area of a swimming pool;
- a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric;
- a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or
- landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.

The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection.

NOTE: The above definition of "built-upon area" applies only to state stormwater programs.

Some additional guidance on using #57 stone in accordance with the statute is as follows:

- The #57 stone may not be mixed with other aggregate material;
- "**Geotextile fabric**" means a permeable geosynthetic comprised solely of non-biodegradable textiles. [15A NCAC 2H .1002(19)]
- The #57 stone and geotextile fabric may not be placed on top of an impervious material, such as crusher run or asphalt;
- The #57 stone area may not use an underdrain system that discharges without treatment; and
- The soil on which the 57 stone will be placed (subgrade) should not be mechanically compacted prior to installation; however, the statute does not prohibit this.

Figure 1: Number 57 Stone



Although #57 stone laid on geotextile fabric and trails that meet the minimum hydraulic conductivity standard are not considered built-upon area to determine whether a project is high density or low density, these areas shall be accounted for in the design of SCMs required in high density projects. Per 15A NCAC 02H .1050, SCMs shall be sized to account for runoff from all surfaces draining to the system unless the applicant can demonstrate that those areas will not produce stormwater runoff. The requirement to account for runoff from all surfaces for purposes of SCM sizing is consistent with rule 15A NCAC 2H .1003(3).

Any size stone or aggregate used on portions of projects that receive infrequent vehicular traffic (approximately twice a month or less) may be counted as pervious regardless of the depth of the stone layer. This includes applications such as decorative landscaping, drainage swales, weed control, and the area within the fenced yard at electrical substations.

If an applicant plans to install a surface that does not meet one of the five exemptions to built-upon area called out in N.C.G.S.143-214.7(b2), he has the option of demonstrating to the permitting authority that the proposed surface allows an adequate level of stormwater infiltration to be considered either pervious or partially pervious. The information the applicant provides shall be based on engineering calculations and the results of research studies showing that the proposed surface provides equal or better infiltration rates as the surrounding pervious surfaces and that it shall function in perpetuity.



Development Services

433 Hay Street

Fayetteville, NC 28301

Phone: (910) 433-1612

Technical Review Committee (TRC) Comments:

Development Name: LREMC - Arran Lakes Substation Modifications

Case Number:

Development Summary: Site Plan: Lumbee River EMC (LREMC) needs to make modifications/improvements to its existing Arran Lakes Substation. This substation is located at 6787 Bailey Lake Road, parcel (0406046357000). The primary objective of the improvements and modifications is to provide more reliable power to the surrounding area and enhance the expanding electrical network for LREMC. The substation will increase in size from its current state. This case is proceeding to City Council after this courtesy review for a Special Use Permit application (Case # SUP25-07).

Location: 6787 Bailey Lake Rd

Zoning: SF-10 Residential District

Reference:

Project Review Dates:

Courtesy Review: November 12, 2025 (**DRAFT**)

Prepared By: Chester Green, Senior Planner

Contact Information: (910) 433-1497 email: chestergreen@fayettevillenc.gov

Emailed To: Engineer: ECE
Shane Finn email: sfinn@ecepowers.com

Owner: Lumbee River Electric Membership Corporation
George Huggins email: george.huggins@lumbeeriver.com

Review Status: **Work with individual departments to obtain approval.**

Additional Submittals That May Be Required:

- City Engineering (Development Application, Stormwater/Drainage, Street and Sidewalks Plans) – Approval Required prior to the issuance of building permits
- City Traffic Services and NCDOT (Driveway Permit Application and Roadway Improvements) – Approval Required prior to the issuance of building permits
- Public Works Commission (PWC) (Water, Sewer, and Electrical Applications and Plans, Fire Flow Data, Main Extensions when required)
- Army Corp of Engineers and/or NCDENR-DWQ – (when applicable) – Approval Required prior to land disturbance
- City Inspections (Construction Drawings for Building Permitting)

Ordinance <http://online.encodeplus.com/regs/fayetteville-nc/index.aspx>

For Additional Assistance you may contact: Chester Green, Senior Planner (910) 4331497 email: chestergreen@fayettevillenc.gov

TRC Staff Comments: (Staff has compiled the various review agencies' comments for you as a courtesy. These should be used to supplement your notes from the TRC meeting you attended. Additionally, preliminary comments are emailed to those listed on the submittal application in draft form prior to the scheduled TRC meeting. As a courtesy, these comments are revised as needed based on the TRC meeting discussion and again emailed to those listed on the application.)

Fire Department Contact: Patrick Bradley Title: Asst. Fire Marshall Email: patrickbradley@fayettevillenc.gov Phone: 910-433-1730 Or Brett Hamm Title: Fire Plans Examiner Email: bretthamm@fayettevillenc.gov Phone: 910-433-1726	<u>Site Specific Comments:</u> • Gated areas shall be equipped with Knox brand access to allow for emergency vehicle access. • The fire department access road shall have a minimum width of 20 feet of clearance. • Ensure address and emergency contacts are clearly posted
Planning Department Contact: Chet Green Title: Senior Planner Email: chestergreen@fayettevillenc.gov Phone: 910-433-1497 Or Lana Hudson Title: Planner I Email: alannahhudson@fayettevillenc.gov Phone: 910-433-1416	<u>Standard Comments:</u> 1. The owner(s) shall develop in accordance with the approved site plan, engineering plan, and utility plan. Deviation from the approved plan may result in additional submittals/approvals. 2. Revisions to plans shall require resubmission for review/approval). 3. Any future development shall be submitted for review/approval. 4. The developer shall be aware that subsequent application for zoning and building permits constitutes the developers understanding and acceptance of these Comments.
Zoning Department Contact: Scott Walters Title: Senior Planner Email: scottwalters@fayettevillenc.gov Phone: 910-433-1459 Or Joseph Senn Title: Zoning Administrator Email: JosephSenn@Fayettevillenc.gov Phone: 910-433-1437 Or Sabrina McLaurin Title: Zoning Administrator Email: SabrinaMcLaurin@fayettevillenc.gov Phone: 910-433-1385 Or	<u>Standard Comments:</u> • Will have to meet all dimensional standard and any/all the conditions of the special use permit for SF-10 (Single Family 10) zoning https://online.encodeplus.com/regs/fayetteville-nc. • This review does not approval signage and all signage is a separated review. Signage is required to obtain any/all permits prior to the installation of any permanent signs. New sign ordinance was adopted 6/23/2025 <u>Site Specific Comments:</u> Site Plan updates needed: • This project will have to meet the additional standards for major utility facility of a 100-foot setback from all parcel lines and will need show all the distance from the new substation to the property lines.

Dave Winstead Title: Zoning Administrator Email: davidwinstead@fayettevillenc.gov Phone: 910-433-1062	- Major utilities may increase their perimeter fence up to the maximum height of eight feet. - Barbed wire, concertina wire and aboveground electrified fences are prohibited in all zoning districts, unless there is an approved security plan.
Inspections Department Contact: Jason Everage Title: Chief Building Official Email: jasoneverage@fayettevillenc.gov Phone: 910-433-1703	<u>Standard Comments:</u> - ADA parking compliance shall be required: One ADA parking space is required for every 25 parking spaces; for every 6 ADA spaces one shall be a van accessible space. - The building plans shall be in compliance with the 2018 NC Building Code.
Development Services Department Contact: Jennifer Baptiste Title: Development Ombudsman/Special Project Coordinator Email: jenniferbaptiste@fayettevillenc.gov Phone: 910-433-1701	<u>Standard Comments:</u> Good day, I am the Development Service Ombudsman Manager/Special Project Coordinator. If you need any assistance with your development project, please contact me.
Engineering Department Contact: Michael Monge Title: Engineering Inspector Email: michaelmonge@fayettevillenc.gov Phone: 910-433-1240 Submit application, fee and plans directly to City Engineering.	<u>Standard Comments:</u> - Your project requires an infrastructure permit, which requires a new application to be created. Please visit the link below to begin the application process. <u>Begin Infrastructure Permit Application Process</u> <u>Site Specific Comments:</u> - This site is greater than an acre and requires an Erosion Control Permit. Please coordinate with NCDEQ and submit an approved permit prior to any land disturbance or issuance of the Infrastructure Permit.
NC Dept. Environmental & Natural Resources Contact: Melissa Joyner Email: melissa.joyner@deq.nc.gov	<u>Standard Comments:</u> - Any project having one or more acres of disturbance requires a plan be submitted with our office. - Person(s) conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage caused by such activities. - Sedimentation and erosion control measures are required to be installed to protect adjacent properties.
Solid Waste Department Contact: Michael Mundell, Title: Solid Waste Manager Email: michaelmundell@fayettevillenc.gov	No comments.

Phone: 910-433-1627	
PWC Contact: Tiffany B. Faulk Title: Engineer III (Water Resources) Email: tiffany.faulk@faypwc.com Phone: 910-233-4759 Or Seth Reeves Title: Engineer I (Water Resources) Email: seth.reeves@faypwc.com Phone: 910-223-4227 Or Jeremy Sizemore Title: Engineering Technician (Water Resources) Email: jeremy.sizemore@faypwc.com Phone: 910-233-4224 Submit application, fee and plans directly to PWC.	<u>Standard Comments:</u> 1. All projects are required to submit separately to PWC for review and/or approval. Submit required information through the PWC GeoCivix portal at https://faypwc.geocivix.com/secure/. 2. The Submittal Checklist and plans for the project are required to be included with the submittal to PWC. Additional documents that may be required are identified in the Submittal Checklist that is available at https://www.faypwc.com/design-standards/. 3. For projects requiring water and/or sewer main extensions, PWC has local delegated permitting authority from the State and may issue your water and sewer permits. 4. Water and sewer mains shall be extended in accordance with PWC's policies. 5. You may contact PWC for information on obtaining water and sewer services. (PWC – Water Resources Engineering, 910-223-4730) 6. No permanent structure(s) shall be permitted within any PWC utility easements. 7. Landscaping plan(s) shall be included in the submittal to PWC. No trees are allowed to be planted in PWC water and sewer utility easements. Non-invasive shrubs can be placed in the rear 5 feet of easements (if necessary). Chet Green can provide a list of vegetation allowed within easement areas. Existing and proposed PWC easements must be shown on the landscaping plan in addition to being shown on the utility plan(s). 8. Any existing water and/or sewer laterals that are not utilized on the project must be killed out at the main in accordance with PWC requirements. 9. A fire hydrant flow test may be required as determined by the fire marshal's office. As of July 1, 2019 the hydrant flow test fee is \$500. Application may be submitted through the PWC GeoCivix portal at https://faypwc.geocivix.com/secure/. 10. The application form is available at https://www.faypwc.com/design-standards/. Contact Robert Turner (910-223-4746, robert.turner@faypwc.com) at PWC with any questions. 11. A water permit is not required for fire lines of any size for projects submitted to PWC for review after January 01, 2017. 12. A hydraulic analysis (i.e. fire hydrant flow calculations) shall be submitted to PWC for review as determined by the fire marshal's office. These calculations shall demonstrate that the required fire flow may be supplied by the approved fire hydrant(s), as determined by the

	fire marshal's office, while maintaining 20 psi residual pressure on the PWC water system. 13. For projects in PWC's electric service area, a copy of the electrical panel schedule shall be included with the PWC submittal. For additional information, please contact PWC Electrical Engineering at 910-223-4514. <u>Site Specific Comments:</u> Nothing needed at the moment from PWC Water/Wastewater
PWC <u>Contact:</u> Calvin Maykovich Title: Engineer (Electrical Service) Email: calvin.maykovich@faypwc.com Phone: 910-988-0228	<u>Standard Comments:</u> 1. Utility Plans, Application and Fees shall be submitted directly to the Public Works Commission (PWC). You may contact PWC for information on obtaining electrical services. (PWC – Electrical Resources Engineering, 910- 818-2250) The Link to PWC's Electrical Standards is ESS final (faypwc.com). 2. Click the link below and fill out the PWC Electrical Form. https://faypwc.sharepoint.com/:b:/r/teams/dept-electeng/Shared%20Documents/SharedFolder/Electrical_Engineering/Calvin%20Maykovich/Commerical%20Service%20Form_Version%202.pdf?csf=1&web=1&e=vDh8SQ 3. Provide a landscape plan in auto-cad format to coordinate landscaping with utilities and easements. 4. Email the Fill-Out Form & CAD file to calvin.maykovich@faypwc.com. 5. Understory trees are allowed to be planted in PWC electrical utility easements. Canopy trees can be placed 15 feet off the center line of distribution lines and 25 feet off the center line of transmission lines if necessary. Chet Green can provide a list of vegetation allowed within easement areas. Existing and proposed PWC easements must be shown on the landscaping plan.
Traffic Services Department <u>Contact:</u> Virginia Small Title: Transportation Planner Email: virginiasmall@fayettevillenc.gov Phone: (910) 433-1148 Or Brian McGill Title: Deputy City Traffic Engineer Email: brianmcgill@fayettevillenc.gov Phone: 910-433-1170 Submit NCDOT and City Driveway Permit application directly to City Traffic Services Dept.	No comments.
Transit Department <u>Contact:</u> Jaimie Walters	No comments.

Title: Transit Planner Email: JaimieWalters@FayettevilleNC.gov Phone: 910-433-1626	
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CITY COUNCIL



SPECIAL USE PERMIT

November 24, 2025



Owner: LUMBEE RIVER ELECTRIC MEMBERSHIP CORP

Applicant: George Huggins - Lumbee River Electric Membership Corporation

Requested Action: SUP – Major Utility expansion

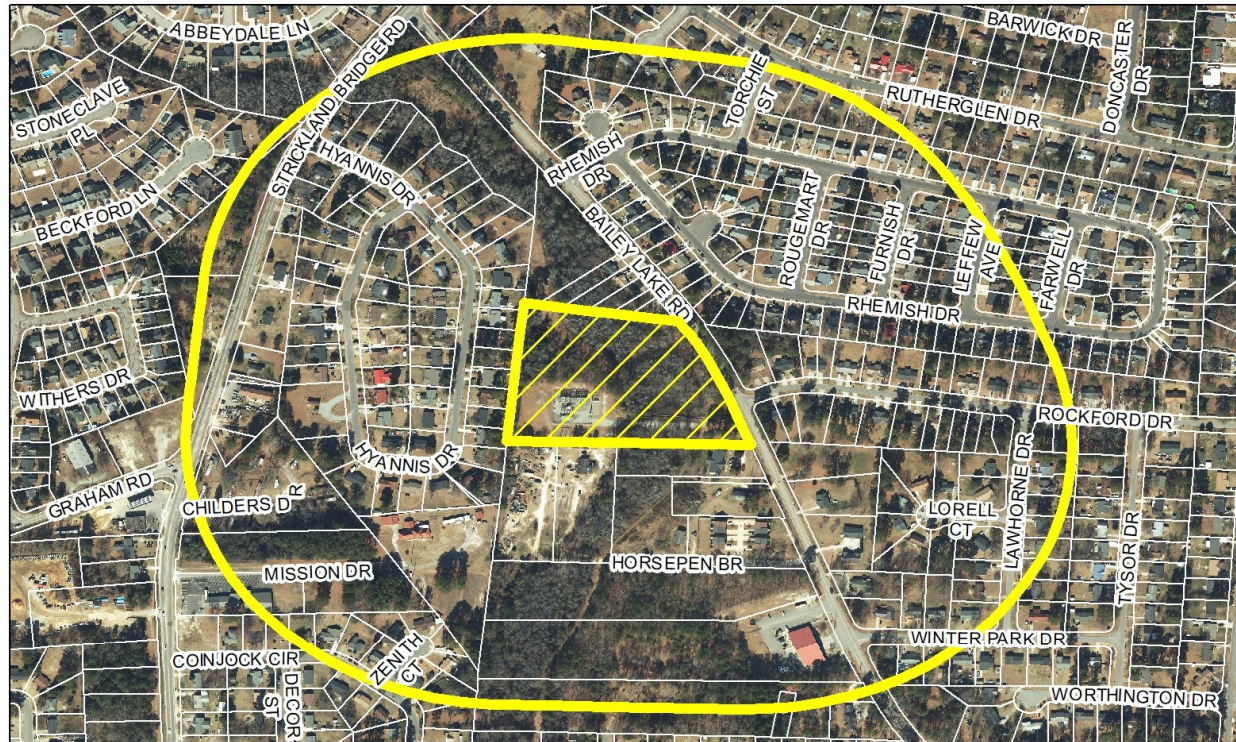
Site Location: 6787 Baily Lake Road

REID: 0406046357000

Status: Eclectic Substation

Size: ±7.10 acres

Public Notification: 253 mailed notices to owners within the statutory radius



Aerial

Case #: SUP25-07

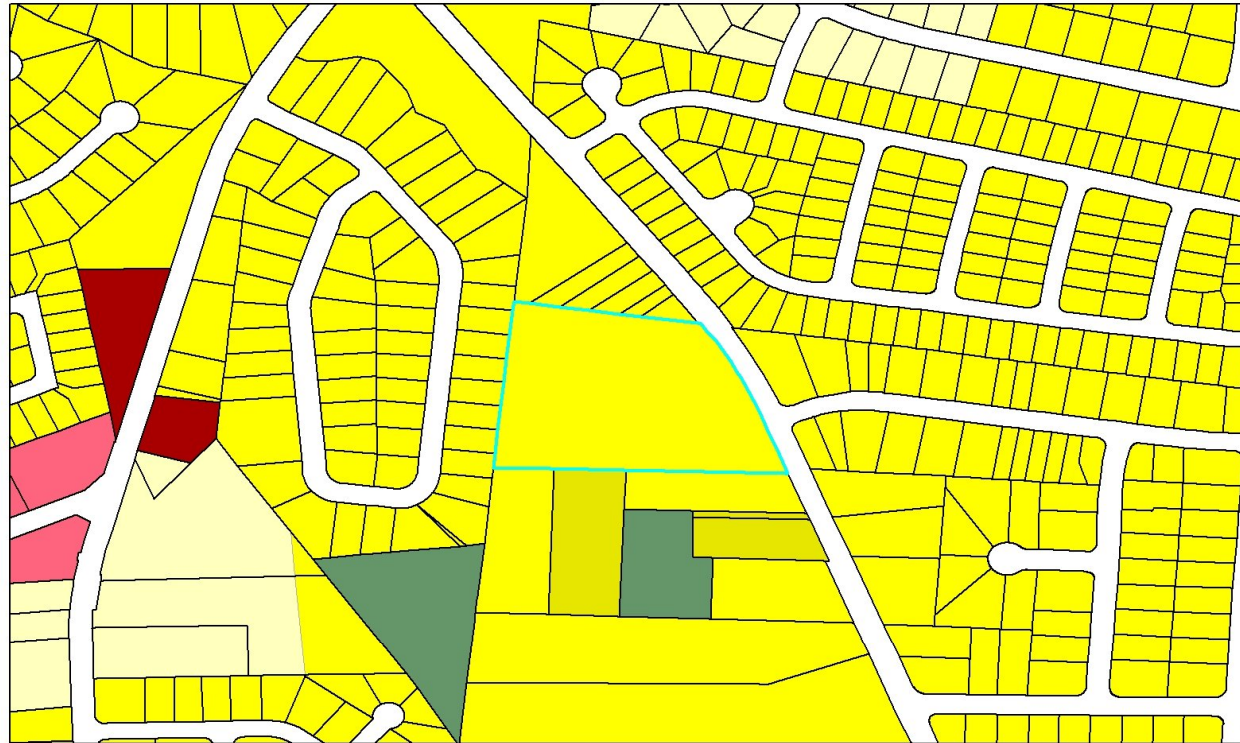
 1,000 Foot Notification Area

Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.

REQUEST: Special Use Permit for a Major Utility

LOCATION: 6787 Bailey Lake Road





Zoning

Case #: SUP25-07

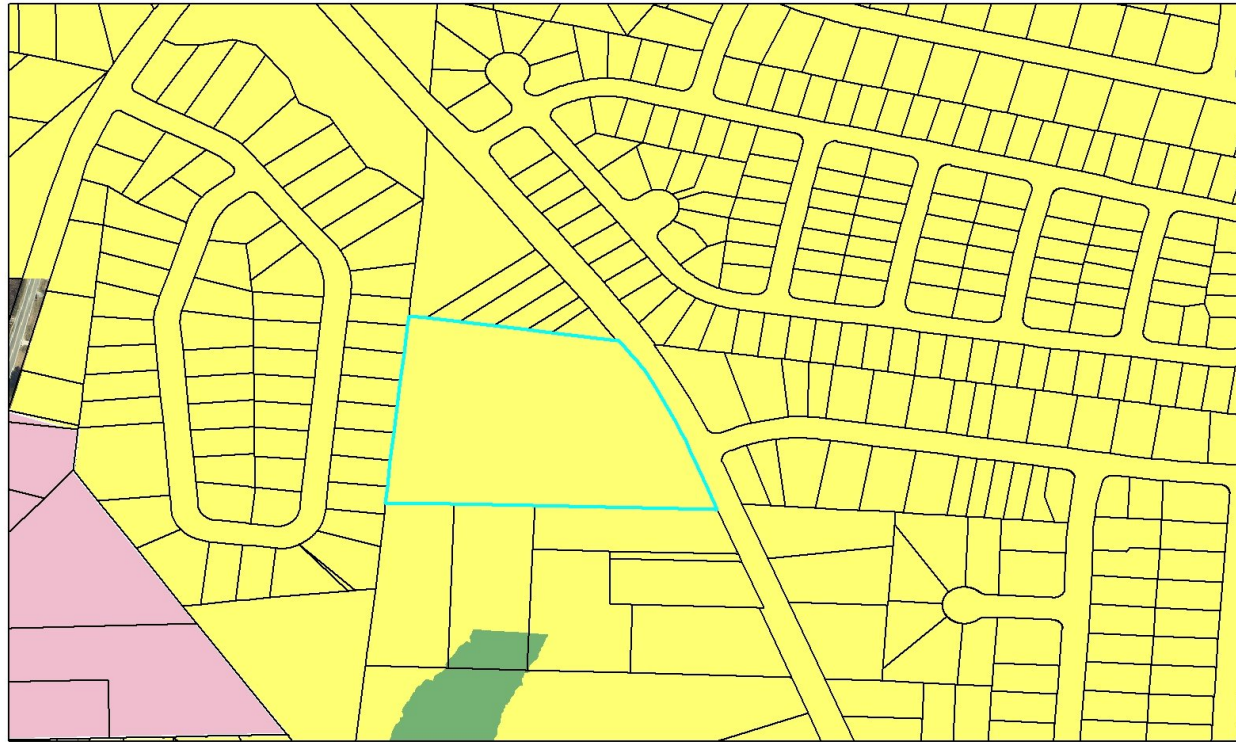
	AR - Agricultural-Residential		SF-6 - Single-Family Residential 6
	CC - Community Commercial		SF-10 - Single-Family Residential 10
	LC - Limited Commercial		SF-15 - Single-Family Residential 15

Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.

REQUEST: Special Use Permit for a Major Utility

LOCATION: 6787 Bailey Lake Roadt





Future Land Use

Case #: SUP25-07



City Boundary

LDR - LOW DENSITY



PARKOS - PARK / OPEN SPACE



NMU - NEIGHBORHOOD MIXED USE

Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.

REQUEST: Special Use Permit for a Major Utility

LOCATION: 6787 Bailey Lake Roadt





Adjacent Properties



- The applicant has requested a setback reduction from 100 feet to 40 feet.
- Overall, the project advances the public interest by reinforcing essential utility infrastructure while preserving the character of the surrounding community. The proposed improvements will enhance power reliability for current and future residents and businesses without generating new strains on City services, making the request both technically justified and planning-appropriate.



Staff recommends that City Council hold an Evidentiary Hearing and base their decision on the evidence and testimony provided.



OPTION 1

I move to APPROVE the Special Use Permit to allow the expansion of a major utility and reduction of the required setback to 40-ft subject to the submitted site plans and conforming to the current Unified Development Ordinance standards as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Single family Residential 10 (SF-10) zoning district and (2) that this use complies with the findings listed and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

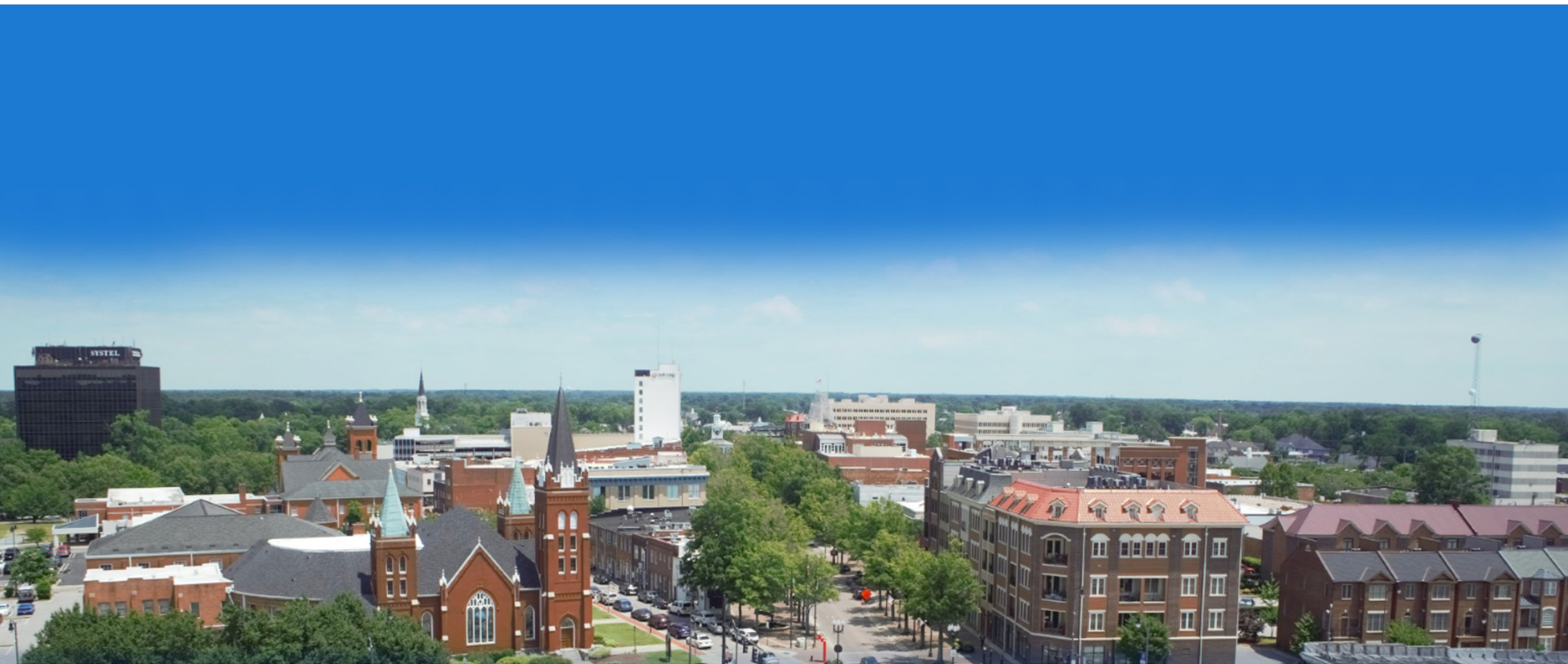
OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) for the expansion of a major utility and reduction of the required setback to 40-ft subject to the submitted site plans, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application does not meet the finding(s) of fact listed below. More specifically finding(s) #_____.]

For a motion to deny only one of the findings shown below needs to not apply.

1. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards;
2. The special use will be in harmony with the area in which it is located;
3. The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
4. The special use is in general conformity with the City's adopted land use plans and policies;
5. The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and
6. The special use complies with all other relevant City, State, and Federal laws and regulations.





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City of Fayetteville

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City Council Action Memo

File Number: 25-5041

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Other Items of
Business

Agenda Number: 9.01

TO: Mayor and Members of City Council

THRU: Kelly Strickland, Assistant City Manager

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

Jeffrey Morin, Housing Program Manager

DATE: November 24, 2025

RE:

Authorize Central Park Villas Affordable Housing Contingent Loan Commitment

COUNCIL DISTRICT(S):

District 2

Relationship To Strategic Plan:

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

- 4.5: To ensure a place for people to live in great neighborhoods
- 4.6: To reduce poverty and homelessness

Executive Summary:

City Council is asked to authorize the City Manager to sign a contingent loan commitment letter and subsequent loan documents in the amount of \$2,883,811 to support the construction of Central Park Villas, a proposed 84-unit garden-style affordable housing community. The developer has sent the City an Option to Purchase Agreement for the northern portion of the City's catalyst site on Murchison Road to be used as the location of this project. Funding for the loan will be provided from Home Investment Partnership Funds (HOME) and the Housing Opportunity General Obligation Bond in the amounts of \$1,000,000 and \$1,883,811, respectively. This loan commitment will be valid until May 31, 2026, with a six-month extension allowed at the City Manager's discretion.

Background:

JBS Developers, LLC is a private developer proposing to construct an 84-unit multi-family community, including five (5) HOME rental units. The proposed location of this project is vacant property owned by the City, located at the southern end of Murchison Road and surrounded by Bruner Street, Greensboro St, and MLK Jr Freeway. The developer is requesting a loan of \$1,000,000 at 1% interest with a term of 40 Years, interest only from HOME funds and a loan of \$1,883,811 at 2% interest with a term of 40 Years, interest only from the Housing Opportunity General Obligation Bond.

The proposed development involves the new construction of 84 units in a revitalization area of Fayetteville. The development will include ten (10) one-bedroom units, forty-four

(44) two-bedroom units, and thirty (30) three-bedroom units, as well as a leasing/community building. The proposed location for the project is the 6.32 +/- acres of the northern portion of the catalyst site, currently owned by the City. JBS Developers and the Fayetteville Metropolitan Housing Authority (FHMA) have sent the City an Option to Purchase Agreement for the land in the amount of \$545,000, based on an independent appraiser's opinion of the fair market value of the parcels identified for this project.

Issues/Analysis:

The loan commitment letter will be contingent upon approved environmental reviews and a 4% Low Income Housing Tax Credit allocation from the North Carolina Housing Finance Agency and be used to draft the legal documents to secure the City's investment. These documents will be executed at loan closing where the City will be represented by Banks Law Firm as outside legal counsel. The loan commitment is also contingent upon the subsequent approval by Council to sell the requested parcels of the catalyst site to JBS Developers and the FMHA.

Budget Impact:

The City of Fayetteville annually receives entitlement funding from the HOME Program which currently has approximately \$6M with approximately \$4.8M committed to projects reviewed by City Council of which \$1,000,000 would be dedicated to this project. The additional \$1,883,811 would be allocated from the \$12M Housing Opportunity General Obligation Bond approved by voters in November of 2022.

Options:

- Authorize a contingent loan commitment letter and subsequent loan documents in the amount of \$2,883,811 from HOME and Housing Opportunity General Obligation Bond Funds to Central Park Villas.
- Do not authorize a contingent loan commitment letter and subsequent loan documents in the amount of \$2,883,811 from HOME and Housing Opportunity General Obligation Bond Funds to Central Park Villas and provide additional direction to staff.
- Direct Staff to some other action.

Recommended Action:

Staff recommends that Council move to authorize a contingent loan commitment letter and subsequent loan documents in the amount of \$2,883,811 from HOME and Housing Opportunity General Obligation Bond Funds to Central Park Villas.

Attachments:

Central Park Villas Presentation



Central Park Villas Affordable Housing Partnership

*City Council Regular Meeting
November 24, 2025*



Central Park Villas

- JBS Developers submitted a preliminary 4% Low Income Housing Tax Credit application to the North Carolina Housing Finance Agency (NCHFA) and is seeking a contingent loan commitment letter from the City in the amount of \$2,883,811
- The development will be affordable to households earning below 80% of Area Median Income and contain 84 units
- The City's loan is contingent upon:
 - the allocation of funding from the NCHFA,
 - approved environmental reviews, and
 - Council's acceptance of an Option to Purchase Agreement for a portion of the City's Cat Site 1
- If the contingencies are met, the City will draft and execute the loan documents to secure our investment

Central Park Villas



Central Park Villas



Developer Request

- Total development cost is estimated at \$22.8M
- Requesting a loan of \$1,000,000 at 1% interest with a term of 40 Years, interest only from the Home Investment Partnership Funds (HOME)
- Requesting a loan of \$1,883,811 at 2% interest with a term of 40 Years, interest only from the Housing Opportunity General Obligation Bond
- Loan payments would be made from residual earnings per NCHFA Rules
- Staff's review of financials indicates the development will not support additional debt
- JBS Developers and the Fayetteville Metropolitan Housing Authority have submitted an Option to Purchase Agreement to the City for the proposed site.

Staff Recommendation

- Staff recommends that Council move to authorize a contingent loan commitment letter and subsequent loan documents in the amount of \$2,883,811 from HOME and Housing Opportunity General Obligation Bond Funds to Central Park Villas.
- The contingent commitment letter will be used to draft the legal documents to secure the City's investment. These documents will be executed at loan closing where the City will be represented by Banks Law Firm as outside legal counsel.



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City Council Action Memo

File Number: 25-4980

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Administrative
Reports

Agenda Number: 10.01

TO: Mayor and Members of City Council

**THRU: Kelly Strickland, Assistant City Manager
Jeffery Yates, Assistant City Manager**

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

DATE: November 24, 2025

**RE:
Administrative Report on Downtown Municipal Service District Boundary and
Inclusion of Park View Townhomes**

COUNCIL DISTRICT(S):

District 2

Relationship To Strategic Plan:

GOAL 2: Responsive city government supporting a diverse & viable economy

2.1: To ensure a diverse City tax base

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

GOAL 4: Desirable place to live, work, & recreate

4.4: To provide a clean and beautiful community with increased green spaces

4.5: To ensure a place for people to live in great neighborhoods

GOAL 5: Financially sound city providing exemplary city services

5.1: To ensure strong financial management with fiduciary accountability and plan for future resource sustainability by aligning resources with City priorities

Executive Summary:

At the September 2, 2025, City Council Work Session, staff was directed to review the inclusion of Park View Townhomes (Park View) in the Downtown Municipal Service District (MSD). The following report outlines the history, creation, legal framework for changes, and financial impact of this request.

Background:

The City established the Downtown MSD in 1978 under Article 23 of N.C.G.S. §160A, authorizing an additional ad valorem tax to fund enhanced downtown services. The district expanded in 1983 and has been renewed every five years since, most recently in June 2023 (Resolution R2023-024). The current rate for Fiscal Year 2026 is \$0.1489 per \$100 of assessed valuation.

The MSD supports activities such as downtown maintenance, marketing, economic development, and events that are beyond the scope of the City's general fund. Its

management evolved as follows:

1978 - 2002: City staff coordinated services.

2002 - 2016: City contracted with the Downtown Alliance for business recruitment, marketing, and activation.

2017 - present: City contracts with Cool Spring Downtown District, Inc. to manage enhanced services with an arts- and entertainment-focused mission.

The Park View Townhomes development at 301 Bragg Boulevard was completed in 2013 on the former Days Inn property through a public-private redevelopment agreement with H&H Holdings. The project delivered 47 townhomes valued collectively at approximately \$12.98 million and is managed by the Park View Townhome Association. City GIS confirms these parcels are entirely within the current MSD boundary. There are other exclusively residential properties within the MSD boundary.

Issues/Analysis:

While Park View is a fully residential community, it lies within the established Downtown Municipal Service District. The MSD was initially designed to promote downtown revitalization through business development, events, and placemaking efforts. Over time, however, downtown has evolved into a mixed-use environment where residents, businesses, and visitors all share in the benefits of enhanced maintenance, security, marketing, and cultural programming.

Residents of Parkview directly benefit from the proximity to downtown amenities and events such as the Dogwood Festival, the International Folk Festival, and seasonal programming that enhance quality of life and property values. The continued investment and activation of downtown through the MSD have helped sustain higher demand and market appreciation for residential properties near the urban core, including Parkview.

If Council wishes to alter the Downtown MSD boundary, the procedure is governed by N.C.G.S. § 160A-538.1. In this case, subsection (a1) could apply. Under (a1), a property owner may submit a written request to the City Council to remove the owner's tract or parcel of land from a service district. The owner shall specify the tract or parcel, state with particularity the reasons why the tract or parcel is not in need of the services, facilities, or functions of the proposed district to a demonstrably greater extent than the remainder of the City and provide any other additional information the owner deems relevant.

Upon receipt of the request, the City Council shall hold a public hearing as required by N.C.G.S. § 160A-538.1. If the City Council finds that the tract or parcel is not in need of the services, facilities, or functions of the district to a demonstrably greater extent than the remainder of the City, the City Council may, by ordinance, redefine the service district by removing therefrom the tract or parcel.

The removal of any tract or parcel of land from any service district shall take effect at the end of a fiscal year following passage of the ordinance, as determined by the City

Council, according to N.C.G.S. § 538.1(b).

Budget Impact:

Should Council amend the boundary to remove Parkview, the Municipal Service District (MSD) Fund would lose approximately \$19,300 in annual revenue. To maintain the current service level, Council could alternatively increase the MSD tax rate from \$0.1489 to \$0.1610 per \$100 of assessed valuation, an increase of \$0.0121 per \$100. Without a rate adjustment, the reduction in revenue would require either a proportional decrease in the MSD management contract or an increase in the General Fund transfer to offset the shortfall.

Options:

This report is for information only.

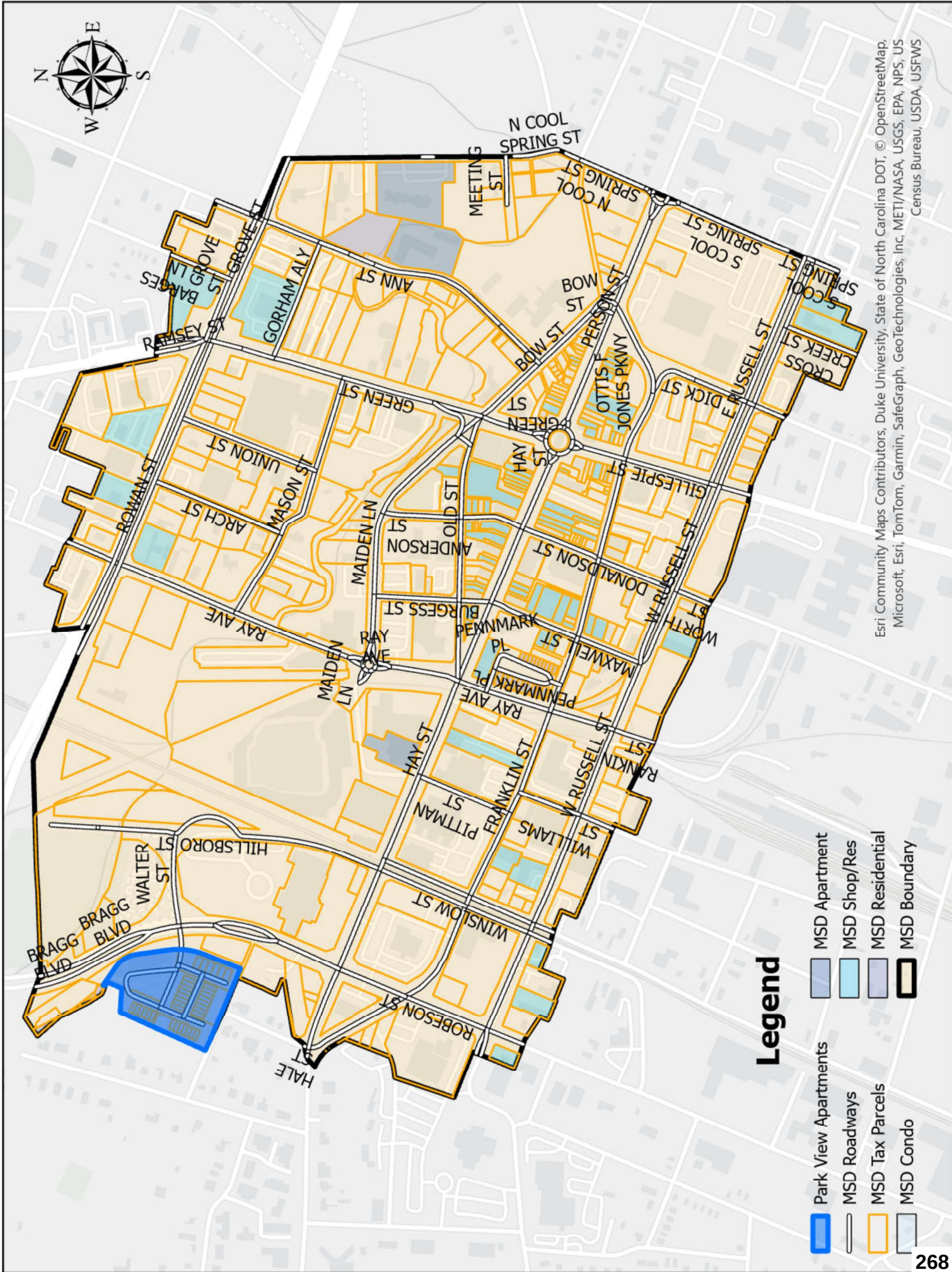
Recommended Action:

For information only, no action required unless Council moves to add to an upcoming Work Session.

Attachments:

Map of Municipal Service District Boundary with Park View Townhomes Highlighted

Park View Apartments



Esri Community Maps Contributors, Duke University, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



City of Fayetteville

433 Hay Street
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City Council Action Memo

File Number: 25-4983

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Administrative
Reports

Agenda Number: 10.02

TO: Mayor and Members of City Council

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

FROM: Brook M. Redding, MPA, PMP, Senior Assistant to the City Manager

DATE: November 24, 2025

RE:

American Rescue Plan Act (ARPA) Final Phase and Next Steps

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 1: Safe & Secure Community

Goal 2: Diverse & Viable Economy

Goal 4: Live, Work, & Recreate

Goal 6: Collaborative Government

Executive Summary:

The City of Fayetteville received \$40,427,539 in federal ARPA funding to support recovery from the COVID-19 pandemic. Through strategic leadership from City Council, strong internal coordination, and dedicated community partnerships, this funding was successfully deployed across more than 50 projects advancing housing, public safety, economic vitality, infrastructure, and organizational resilience.

As of November 2025, 100% of the ARPA award is obligated, and the majority of projects are complete or nearing final implementation. With the federal obligation deadline (December 2024) now passed, and the final expenditure deadline (December 2026) approaching, the City is entering the final phase of the ARPA program: portfolio closeout.

This report outlines a structured plan to responsibly consolidate the remaining funds, close out completed projects, and bring this historic investment to a strong and compliant conclusion. Council is asked to receive the ARPA update and support the staff strategy to proceed with portfolio closeout, including fund consolidation, project closure, and preparation for reimbursement-based reallocations. A future budget ordinance will be presented for Council consideration.

Background:

Since 2021, ARPA funding has enabled the City to advance strategic Council initiatives that address immediate community needs and long-term recovery goals. The portfolio includes over 50 individual projects tied to Council-approved priorities, such as:

- Affordable Housing & Homelessness Solutions
- Small Business & Economic Recovery Programs
- Public Safety Technologies & Facilities
- Infrastructure, ADA, and Mobility Improvements
- City Operations & Service Modernization

A full list of projects is included as Appendix A, categorized by the strategic priority areas, adopted by Council.

Issues/Analysis:

To support a smooth and compliant transition into the closeout phase, staff has developed a three-part strategy and timeline:

1. Consolidate Remaining Funds - Target: February 2026

All remaining ARPA funds associated with completed project scopes will be consolidated and proposed for reallocation to reimburse the City for eligible public safety salaries, in accordance with ARPA's revenue replacement provisions. This step will require a future Council budget ordinance and may take several months to fully execute.

2. Reassign Reimbursement Funds - Target: April 2026

Once reimbursement is completed, the equivalent General Fund dollars will be available for City use. Staff will return to Council with recommendations to allocate these funds to eligible priority projects or accounts.

3. Monitor & Close Projects - Ongoing through September 2026

Projects with remaining encumbered balances will be actively monitored and managed through final implementation. All projects with no remaining obligations will be formally closed in the financial system, providing a clean audit trail and finalizing financial records.

This approach ensures the City remains fully compliant with federal requirements while creating flexibility to direct recovered resources toward community priorities.

Budget Impact:

This plan repurposes remaining ARPA funds through internal reimbursement, allowing the released General Fund dollars to be reassigned via future budget ordinances. All remaining funds are obligated and budgeted to active projects.

To date, the City has:

- Total Award: \$40,427,539
- Expended: \$35,752,405
- Encumbered: \$3,853,715
- Remaining: \$821,419

Options:

1. Receive this report as an administrative update and allow staff to proceed with the final closeout strategy.
2. Request additional information or modify the proposed approach prior to implementation.

Recommended Action:

For information only, no action required unless Council moves to add to an upcoming Work Session.

Attachments:

Appendix A - ARPA Project Portfolio Summary (by Council Strategy)

Outcome	Programs & Projects	Budget	Status
Business & Economic Vitality			
Investment in Business Development	★ Commercial Corridor Improvement Grant Program	\$ 924,331	Complete
	★ Covid Small Business Grant Program	2,068,267	Complete
	★ "Can Do" Grant Program	2,500,000	Complete
Investment in Workforce	★ Childcare Employee Retention Grant Program	400,000	Active
	★ Workforce Development Program	1,085,000	Active
	★ STARward Stem Youth Program	115,000	Complete
	★ Employee Premium Pay - Non-Exempt Employees	3,045,810	Complete
	★ Employee Premium Pay - Exempt Employees	612,395	Complete
	★ Downtown Ambassador Program	30,000	Complete
Government Support Operations	🏠 Public Safety Salary Reimbursement	1,811,096	Complete
	🏠 City Website Update/Redesign	122,736	Closeout Phase
	★ Sustainability Plan Project	113,210	Complete
	🏠 Fire & Police Departments Computer Replacement Program	2,158,714	Complete
	🏠 Citibot - Customer Service Technology	35,579	Complete
	🏠 City Domain Migration	355,000	Closeout Phase
Total		\$ 15,377,138	
Housing & Community Livability			
Resilient Residents	★ Affordable Housing Trust Fund	\$ 3,994,878	Active
	★ Day Resource Center - Construction	972,891	Complete
	★ Day Resource Center - Operations	600,000	Closeout Phase
Thriving Communities	★ Tennis Center	5,500,000	Closeout Phase
	★ Playground Repairs/Refurbishing	776,798	Closeout Phase
Expanded Community Capacity	★ Community Development Center	1,029,933	Closeout Phase
Total		\$ 12,874,500	
Infrastructure & Community Investment			
Public Health Resiliency	★ Picnic Shelter Replacements	\$ 250,000	Closeout Phase
	★ Building Demolition Project	250,000	Active
	★ Building Maintenance Program - Roof Replacements	940,000	Closeout Phase
	★ Building Maintenance Program - HVAC Replacements	558,000	Closeout Phase
	★ Building Maintenance Program - Other Replacements	415,000	Closeout Phase
Safer Communities	★ Violence Interrupter Program - Proove Project	639,068	Closeout Phase
	★ Gunshot Detection Technology - ShotSpotter	407,500	Complete
	★ Phoenix Center - Victim Advocacy Program	150,000	Active
	★ Homeless Encampment Impact Reduction Program	205,028	Closeout Phase
	★ PD Public Safety - Axon Contract	3,290,236	Complete
	★ PD Public Safety - Drone Program	138,044	Active
	★ PD Public Safety - Camera Replacement	331,956	Complete
	🏠 City-Wide Security Access Control System	796,347	Complete
	★ Bridge Maintenance Program	328,301	Complete
Multimodal Accessibility	★ ADA Compliance	156,094	Complete
	★ Blanton Road Extension Design	398,650	Active
	★ Parking Lot Resurfacing	379,063	Complete
	★ Ramsey Street Pump Station Replacement - Stormwater	376,968	Complete
	★ Dam Safety Preservation Project	100,000	Complete
	★ Multi Use Lanes	46,287	Complete
Invest in Targeted Growth Areas	★ Downtown Streetscape	426,819	Complete
Total		\$ 10,583,359	
City Administrative			
Administrative	★ ARPA Project Administrative - City Staff	\$ 878,579	Active
	★ ARPA Project Administrative - iParameters Consultancy	\$ 674,960	Active
	★ ARPA Project Administrative - Cherry Beckart Consultancy	\$ 39,000	Complete
Total		\$ 1,592,539	
Active - Project Underway		★ - Council Directed Projects	\$26,720,244
Closeout - Final phase of project scope		★ - CIP Projects	\$8,177,820
Complete - Project Complete		🏠 - TIP Projects	\$5,279,472
		Total	\$40,177,536



City of Fayetteville

433 Hay Street
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City Council Action Memo

File Number: 25-5036

Agenda Date: 11/24/2025

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Administrative
Reports

Agenda Number: 10.03

TO: Mayor and Members of City Council

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

FROM: Brook Redding, MPA, PMP, Senior Assistant to the City Manager

DATE: November 24, 2025

RE:
Festival Park Security Protocol Implementation Update

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal One: Safe and Secure Community

Executive Summary:

This report provides an update on the completed Festival Park Security Protocol that was developed in response to Council direction at the May 2025 Public Safety meeting. Staff have created and implemented a standardized system for security at Festival Park that includes tiered requirements, screening standards, coordinated staffing, and clear operational procedures.

The protocol is now fully active, including the clear bag and mask policies, and is being applied to all Festival Park events. Staff are continuing internal administrative work, but the overall system Council envisioned has been achieved and is functioning as intended.

Background:

At the May 2025 Public Safety meeting, Council directed staff to strengthen and formalize security expectations at Festival Park. Council emphasized consistent screening, a mask and bag policy, and a predictable approach to staffing and access control.

A cross departmental team from Police, Fire and EMS, Parks and Recreation, City Security, Marketing and Communications, and the City Manager's Office worked together to develop and test the new protocol. Staff also met with major event partners to review the approach, explain the requirements, and identify operational considerations.

The protocol and matrix are complete, tested, and ready for full integration into the City's special event process.

Issues/Analysis:

The Festival Park Security Protocol is fully implement and functioning. It provides a clear and consistent structure for securing events while allowing staff to adjust when needed.

Core Elements of the Protocol

Tiered Security Matrix

Events are assigned to one of four tiers based on attendance, alcohol service, time of day, and type of activity.

- Tier One: focuses on small, low risk daytime events with minimal inspection needs.
- Tier Two provides controlled access with wands and bag checks
- Tier Three requires controlled access with walk through magnetometers and a hardened perimeter for larger festivals and concerts.
- Tier Four sets the highest level of screening and staffing for major events that draw more than five thousand attendees.

Standardized Site Layouts

The protocol includes two approved configurations.

- Festival Park only
- Festival Park combined with the Promenade

Each layout identifies gate placement, screening lanes, emergency access, staging, and command locations.

Unified Operations

The system establishes a coordinated approach across Police, Fire and EMS, Parks and Recreation, Event Security, and Event organizers. It includes defined screening procedures, communications expectations, perimeter standards, and a formal After Action process following significant events.

Implementation and Results

The protocol has now been implemented across several events including July Fourth, the International Folk Festival, and the Dogwood Fall Festival. These events demonstrated:

- Clear and predictable screening for the public
- Strong coordination between police, fire, event security, and Parks staff
- Effective perimeter control and emergency access
- A working unified command structure
- Improved communication and operational readiness

Staff continue refining processes through each event, but the overall system is functioning as designed and is aligned with Council's intent.

Outcome

The protocol provides a consistent and equitable security standard for all Festival Park events, improves coordination across departments, strengthens public safety, and ensures the City is meeting Council's expectation of a higher and more predictable security posture.

Budget Impact:

No new appropriation is requested. The ongoing implementation of the protocol is being managed within existing departmental resources.

For the remainder of FY26, the City will fund incremental security costs for City sponsored and partnered events. For FY27 and beyond, only City sponsored events will continue to receive City funding for security. All other organizers will assume their own costs in accordance with the tiered requirements.

Options:

1. Receive the report and allow staff to continue implementation of the Festival Park Security Protocol.
2. Request additional discussion at a future work session.

Recommended Action:

For information only, no action required unless Council moves to add to an upcoming Work Session.

Attachments:

none