

# City of Fayetteville

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

## Meeting Agenda - Final City Council Regular Meeting

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Monday, September 9, 2019

7:00 PM

Council Chamber

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1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 APPROVAL OF AGENDA

6.0 CONSENT AGENDA

- 6.01**      [19-997](#)      Approval of Meeting Minutes:  
August 12, 2019 - Discussion of Agenda Items  
August 12, 2019 - Regular Meeting  
August 21, 2019 - Agenda Briefing  
August 26, 2019 - Discussion of Agenda Items

**Attachments:**      [081219 Discussion of Agenda Items](#)  
[081219 Regular](#)  
[082119 Agenda Briefing](#)  
[082619 Discussion of Agenda Items](#)

- 6.02**      [19-970](#)      Adoption of Capital Project Ordinance Amendment 2020-26 to  
Provide Additional Funding for the Municipal Agreement U-2810C  
Sidewalk Project at Camden Road

**Attachments:**      [CPOA 2020-26 \(Municipal Agreements\).pdf](#)

- 6.03**      [19-1000](#)      Adoption of Capital Project Ordinances 2020-16, 17 and 18 to  
Appropriate \$1,569,000 for the Purchase of Replacement Radios,  
Approval for Purchase from Motorola as a Sole Source Provider, and  
Approval to Initiate Activities to Finance the Purchase

**Attachments:**      [CPO 2020-16 \(Radio Repl. General Fund Depts\).pdf](#)  
[CPO 2020-17 \(Radio Repl. Solid Waste Div\).pdf](#)  
[CPO 2020-18 \(Radio Repl. Stormwater Div\).pdf](#)  
[MotorolaQuotesFY2020.PDF](#)

- 6.04**      [19-920](#)      Resolution to Approve Submission of a Grant Application to North Carolina Department of Transportation (NCDOT) for Urban Capital Matching Funds
- Attachments:**      [FY 21 Program Resolution - City of Fayetteville](#)  
                                 [2-Urban State Match Request Form FY 21 Buses](#)
- 6.05**      [19-922](#)      Support for an Application to the North Carolina Department of Environmental Quality for Bus Funding Provided by the NC Volkswagen Mitigation Settlement Program
- Attachments:**      [City Support Resolution - VW Settlement Funding](#)  
                                 [North-Carolina-Volkswagen-Settlement-Program-RFP-Phase-1-061719](#)
- 6.06**      [19-992](#)      Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land
- Attachments:**      [CountyLotResolutionSeptemberMeeting2019.docx](#)  
                                 [1416FairclothSt \(002\).pdf](#)
- 6.07**      [19-1003](#)      Bid Recommendation - Fayetteville Annexation Phase V Project X - Area 23, Section 1, Wells Place
- Attachments:**      [Bid Recommendation -Annexation Phase V Project X- Area 23, Section 1, Wells](#)
- 6.08**      [19-1004](#)      Bid Recommendation - The Fleet Maintenance Expansion and Renovation
- Attachments:**      [Bid Recommendation - Fleet Maintenance Expansion and Renovation](#)  
                                 [Fleet Building Renovation Procurement Outreach Worksheet](#)

## 7.0 PUBLIC FORUM

## 8.0 OTHER ITEMS OF BUSINESS

- 8.01**      [19-994](#)      Presentation of Appointment Committee Recommendations for Boards and Commissions Appointments
- Attachments:**      [Recommendations for 24 Appointments to 8 City of Fayetteville Boards and Cor](#)

## 9.0 ADMINISTRATIVE REPORTS

- 9.01**      [19-890](#)      Administrative Report - Availability of Electronic Cigarettes and Other Devices Near Schools
- Attachments:**      [Administrative Report on Vaping](#)
- 9.02**      [19-998](#)      Administrative Report - Comprehensive Plan (Future Land Use Map & Plan-Draft)
- Attachments:**      [Future Land Use Map \(Draft\)](#)  
                                 [Future Land Use Plan \(Draft\)](#)

## 10.0 ADJOURNMENT

### **POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located on the third floor, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 p.m. and 7:00 p.m.

### **POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

### **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** **September 9, 2019 @ 7:00 p.m.** **Spectrum Cable Channel 7**

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 [ynazar@ci.fay.nc.us](mailto:ynazar@ci.fay.nc.us), 910-433-1696, or the Office of the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.



# City of Fayetteville

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

## City Council Action Memo

File Number: 19-997

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**Agenda Date:** 9/9/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.01

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

**THRU:** Telly C. Whitfield, Ph.D., Assistant City Manager

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

**DATE:** August 26, 2019

**RE:**

**Approval of Meeting Minutes:**

**August 12, 2019 - Discussion of Agenda Items**

**August 12, 2019 - Regular Meeting**

**August 21, 2019 - Agenda Briefing**

**August 26, 2019 - Discussion of Agenda Items**

**COUNCIL DISTRICT(S):**

ALL

**Relationship To Strategic Plan:**

Develop and maintain strong community connections.

**Executive Summary:**

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

**Background:**

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

**Issues/Analysis:**

N/A

**Budget Impact:**

N/A

**Options:**

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

**Recommended Action:**

Approve the draft minutes.

**Attachments:**

Draft minutes

**FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
ST. AVOLD ROOM  
AUGUST 12, 2019  
6:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2) (arrived at 6:21 p.m.); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Telly Whitfield, Assistant City Manager  
Angel Wright-Lanier, Assistant City Manager  
Kevin Arata, Corporate Communications Director  
Gerald Newton, Development Services Director  
Cynthia Blot, Community and Economic Development Director  
Tracey Broyles, Budget and Evaluation Director  
Sheila Thomas-Ambat, Public Services Director  
Taurus Freeman, Planning and Zoning Manager  
Robert Van Geons, FCEDC President/CEO  
Pamela Megill, City Clerk  
Members of the Press

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

Mr. Robert Van Geons, FCEDC President, introduced the "Alliance", a team of "Opportunity Zones" professionals that have been contracted by the Fayetteville-Cumberland Economic Development Corporation. Mayor Colvin stated it was important to make these introductions as this program is an opportunity for success.

Mayor Colvin read the titles of the announcements for the regular meeting. Mayor Colvin asked Council to review the agenda and invited comments and questions.

Council Member Crisp stated he wants to move Consent Item 6.05 to Public Hearing Item 9.02, P19-31F - Request for Special Use Permit by Dan Weeks, representative, to allow a Self-Storage (mini-warehouse) in the Community Commercial (CC) District, located at 5234 Raeford Road.

Council Member Wright stated he wants to pull Consent Item 6.04, P19-28F - Rezoning of property from Mixed Residential 5 (MR-5) to Office and Institutional (OI) located between Hay Street, Branson Street, MLK Jr. Freeway and Myrover Street.

Ms. Karen McDonald, City Attorney, stated if the vote to approve of the rezoning is not unanimous, the item needs to be set for a public hearing.

Mr. Jonathan Charleston provided an overview of Public Hearing Item 9.01, Authorizing the Issuance of Revenue Bonds by the Public Finance Authority Relating to the Capitol Encore Academy, LLC.

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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MITCH COLVIN  
Mayor

081219

# **DRAFT**

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBER  
AUGUST 12, 2019  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Telly Whitfield, Assistant City Manager  
Angel Wright-Lanier, Assistant City Manager  
Anthony Kelly, Assistant Police Chief  
Kevin Arata, Corporate Communications Director  
Tracey Broyles, Budget and Evaluation Director  
Sheila Thomas-Ambat, Public Services Director  
Michael Hill, Fire Chief  
Cynthia Blot, Economic and Community Development Director  
Taurus Freeman, Planning and Zoning Manager  
Sharon Williams, Senior Planner  
Craig Harmon, Senior Planner  
Pamela Megill, City Clerk  
Jennifer Ayre, Deputy City Clerk  
Members of the Press

## **1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order at 7:00 p.m.

## **2.0 INVOCATION**

The invocation was offered by Pastor Lavern Hayden of Wesleyan Pentecostal Church.

## **3.0 PLEDGE OF ALLEGIANCE**

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

## **4.0 ANNOUNCEMENTS AND RECOGNITION**

Council Member Jensen introduced Ms. Deborah (DeDe) Effon, FCYC Chair representing the Fayetteville-Cumberland Youth Council. Ms. Effon stated August 19, 2019, will be the first official 2019-2020 Youth Council meeting.

Council Member Haire announced the "Making Your Money Work" workshop taking place at 6:00 p.m., August 13, 2019, at the Smith Recreation Center.

Council Member Dawkins announced Franklin Graham will be hosting an event on October 1, 2019, at Festival Park.

Council Member Arp stated the Fayetteville Woodpeckers are in the final stretch of the season and September 2, 2019, will be their last home game. He stated 211,000 people have attended over 50 games this season.

Mayor Colvin presented a Certificate of Excellence to 22 Innovative Career Opportunities Now (ICON) interns. Mayor Colvin

## DRAFT

stated ICON is a Cumberland County Schools career and technical education work-based learning program platform. Mayor Pro Tem Mohn stated this year there were 51 ICON interns total.

### 5.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Mohn moved to approve the agenda with moving Item 6.05 from Consent to Public Hearing Item 9.02.  
SECOND: Council Member Arp  
VOTE: UNANIMOUS (10-0)

### 6.0 CONSENT AGENDA

MOTION: Council Member Wright moved to approve the consent agenda with the exception of Item 6.04; pulled for discussion and separate vote.  
SECOND: Council Member Waddell  
VOTE: UNANIMOUS (10-0)

#### 6.01 Approval of Meeting Minutes:

June 10, 2019 - Discussion of Agenda Items  
June 10, 2019 - Regular  
June 19, 2019 - Special  
June 24, 2019 - Discussion of Agenda Items  
June 24, 2019 - Regular

6.02 P19-23F. A request to amend a previously approved Conditional Rezoning (P12-22F) in the Office and Institutional (OI) Zoning District to expand the list of permitted uses and to authorize a transitional housing facility, located at 408 Waddell Drive (Tax Map # 0428-47-5987 and 0428-48-6053), containing 1.01± acres off Murchison Road at the intersections of Waddell Drive and Rosemary Drive and being the property of John and Pearlie Hodges.

6.03 P19-24F. Conditional Rezoning of property from Mixed Residential 5 (MR-5) to Conditional Mixed Residential 5 (MR-5/CZ) located at 202 Highland Avenue, at the intersections of Broadfoot, Highland, and Arsenal Avenues and containing approximately 1.08 +/- acres, and being the property of Highland Presbyterian Church of Fay Trustees.

6.04 This item was pulled for discussion and separate vote.

6.05 This item was moved to Item 9.02.

6.06 Bid Recommendation - Ferric Sulfate Liquid to Pencco, Inc., the lowest responsive, responsible bidder, in the total amount of \$1,060,000.00.

Bids were received on June 11, 2019, as follows:

Pencco, Inc., San Felipe, TX .....	\$1,060,000.00
Kemira Water Solutions, Lawrence, KS .....	\$1,295,000.00

6.07 Bid Recommendation - Annual Steel Poles to Trinity Meyer Utility Structures, the lowest responsive, responsible bidder, in the total amount of \$543,088.00.

Bids were received on June 28, 2019, as follows:

Trinity Meyer Utility Structures, LLC, Memphis, TN .	\$543,088.00
Rohn Products, LLC, Peoria, IL .....	\$564,250.00
Shealy Electrical Wholesales, Greenville, SC .....	\$564,620.00
TAPP, Inc., Houston, TX .....	\$584,042.00
Summit Utility Structures, LLC, Allentown, PA .....	\$643,947.00
Valmont Newmark, Valley, NE .....	\$959,358.00
Sabre Industries, Alvarado, TX .....	\$1,092,374.00

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- 6.08 Bid Recommendation - Cottonade Water Main Replacement BridgePoint Civil, LLC, the lowest responsive, responsible bidder, in the total amount of \$1,359,067.10.**

Bids were received on June 20, 2019, as follows:

BridgePoint Civil, LLC, Goldsboro, NC ..... \$1,359,067.10  
Wells Brothers Construction Co., Inc., Turkey, NC .. \$1,579,925.40  
Sanford Contractors, Inc., Lemon Springs, NC ..... \$1,877,310.88  
Billy Bill Grading Co., Inc., Fayetteville, NC ..... \$1,921,354.74  
T2 Contracting, Inc., Fuquay Varina, NC ..... \$2,159,399.10

- 6.09 Bid Recommendation - Annual LED Luminaires to Anixter Utility Power Solutions, the lowest responsive, responsible bidder, in the total amount of \$542,125.00.**

Bids were received on June 7, 2019, as follows:

Anixter Utility Power Solutions, Apex, NC ..... \$542,125.00  
Wesco, Clayton, NC ..... \$544,425.00

- 6.010 Bid Recommendation - Annual Water Main Rehabilitation Project to Mainlining America, LLC, the lowest responsive, responsible bidder, in the total amount of \$1,789,750.00. The contract will be effective from the issuance of the "Notice to Proceed" until the end of the fiscal year, and PWC retains the option to renew the contract a maximum of four (4) additional years.**

Bids were received on June 27, 2019, as follows:

Mainlining America, LLC, Livingston, NJ ..... \$1,789,750.00  
Michels Pipe Services, Watertown, CT ..... \$2,192,315.00  
J. Fletcher Creamer & Sons, Inc., Hackensack, NJ . \$3,699,600.00

- 6.011 Award Contract for Resurface Various Streets 2020-Phase I to Barnhill Contracting Company, the lowest responsive, responsible bidder, in the total amount of \$1,989,946.95.**

Bids received were received as follows:

Barnhill Contracting Company, Fayetteville, NC ... \$1,989,946.95  
Highland Paving, Co., LLC, Fayetteville, NC ..... \$2,127,811.15

- 6.012 Interlocal Cost Agreement between the City of Fayetteville and Cumberland County for the Shared Computer Aided Dispatch (CAD) System and Related Connectivity and Technical Functions**

Approval of the execution of the proposed Interlocal Cost Agreement for joint funding responsibility between the City of Fayetteville and Cumberland County for multi-jurisdictional consolidated CAD system.

- 6.013 Adoption of Special Revenue Fund Project Ordinance 2020-3 to Appropriate a \$45,000.00 Federal Homeland Security Grant for Search and Rescue Training**

Adoption of Special Revenue Fund Project Ordinance (SRO) 2020-3 to appropriate a \$45,000.00 grant from the U.S. Department of Homeland Security, passed through the North Carolina Department of Public Safety, Division of Emergency Management, for search and rescue training for the Fire and Emergency Management Department.

- 6.014 Adoption of Capital Project Ordinance Amendments 2020-20, 2020-21 and 2020-22 to Appropriate Urban State Match Program Grants from the North Carolina Department of Transportation**

Adoption of Capital Project Ordinance Amendments (CPOA) 2020-20, 2020-21 and 2020-22 to appropriate \$70,720.00 in NCDOT grants and return a corresponding amount to the Transit Operating Fund.

## **DRAFT**

### **6.015 Adoption of Budget Ordinance Amendment 2020-2 to Transfer Budget for Operating Costs Associated with Alarm Ordinance Coordination from the Operations Portfolio to the Support Services and Administration Portfolio**

Adoption of Budget Ordinance Amendment (BOA) 2020-2 to transfer \$17,297.00 of appropriated budget for operating costs associated with the coordination of the alarm ordinance from the Operations Portfolio to the Support Services and Administration Portfolio.

### **6.016 Rescind Demolition Ordinance - 1927 Boxwood Lane**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
RESCINDING DEMOLITION ORDINANCE NO. NS2019-012. RESOLUTION NO.  
R2019-30**

### **6.04 P19-28F. Rezoning of property from Mixed Residential 5 (MR-5) to Office and Institutional (OI) located between Hay and Branson Streets, MLK Jr Freeway, and Myrover Street, containing approximately 12 +/- acres, and being the property of NC Civil War & Reconstruction History Center Foundation & State of North Carolina.**

This item was pulled from the consent agenda for discussion and separate vote.

Mr. Gerald Newton, Development Services Director, stated the properties located between Hay and Branson Streets, MLK Jr Freeway, and Myrover Street currently make up Arsenal Park, which is part of the North Carolina Museum of the Cape Fear grounds. The City is initiating a rezoning on 17 of the parcels located in the park from MR-5 to OI. This property's current use is not residential as the zoning suggests. The OI zoning is a more appropriate district for both the current use of the property and would fit with future plans as well. On June 11, 2019, the Zoning Commission recommended that the City Council move to approve the rezoning to OI based on the information provided within this report and all attachments.

Discussion ensued.

**MOTION:** Council Member Wright moved to deny Item P19-28F, Rezoning of property from Mixed Residential 5 (MR-5) to Office and Institutional (OI) located between Hay and Branson Streets, MLK Jr Freeway, and Myrover Street, containing approximately 12 +/- acres, and being the property of NC Civil War and Reconstruction History Center Foundation & State of North Carolina

The motion died for lack of a second.

**MOTION:** Council Member Arp moved to approve Item P19-28F, Rezoning of property from Mixed Residential 5 (MR-5) to Office and Institutional (OI) located between Hay and Branson Streets, MLK Jr Freeway, and Myrover Street, containing approximately 12 +/- acres, and being the property of NC Civil War and Reconstruction History Center Foundation & State of North Carolina.

**SECOND:** Council Member Dawkins

**VOTE:** PASSED by a vote of 8 in favor to 2 in opposition (Council Members Colvin and Wright)

**MOTION** Council Member Arp moved to direct staff to set a public hearing for this item; Case P19-28F.

**SECOND:** Council Member Haire

**VOTE:** FAILED by a vote of 5 in favor (Council Members Colvin, Jensen, Haire, Wright, and Arp) to 5 in opposition (Council Members Culliton, Waddell, Dawkins, Crisp, and Mohn)



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## **7.0 REPORTS FROM BOARDS AND COMMISSIONS**

### **7.01 Annual Report of the Fayetteville Fair Housing Board**

Mr. Otis Cuffee, Fair Housing Board Chair, presented the annual report of the Fayetteville Fair Housing Board with the aid of a PowerPoint presentation.

**MOTION:** Council Member Dawkins moved to accept the Fayetteville Fair Housing Board Annual Report.

**SECOND:** Council Member Waddell

**VOTE:** UNANIMOUS (10-0)

### **7.02 Annual Report of the Fayetteville-Cumberland Human Relations Commission**

LTC (Ret.) Eric Olson, Fayetteville-Cumberland Human Relations Commission Acting Chair, presented the Fayetteville-Cumberland Human Relations Commission annual report with the aid of a PowerPoint presentation.

**MOTION:** Council Member Crisp moved to accept the Fayetteville-Cumberland Human Relations Commission Annual Report.

**SECOND:** Council Member Waddell

**VOTE:** UNANIMOUS (10-0)

## **8.0 PUBLIC FORUM**

Mrs. Marsha Jones, 3095 Enterprise Avenue, Fayetteville, NC, expressed concerns regarding the FAST Bus Service.

Mr. Mero B. Coleman, 352-5 Double Creek Court, Fayetteville, NC, expressed concerns regarding the funding for the Civil War History Museum and the homeless.

Mr. Iman Eronomy Smith Mohammad, 2700 Murchison Road, Fayetteville, NC, addressed the state of Fayetteville.

Ms. Terri Thomas, 508 Spaulding Street, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Mr. Thomas Bass, 1015 Sandlewood Road, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Mr. Jerry Smith, 2009 Lion Coward Road, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Ms. Gayle Araki, 4707 N. Gale Circle, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Ms. Sherry Young, 846 Stoneykirk Drive, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Mr. Quince Langford, 714 Emerald Drive, Fayetteville, NC, expressed concerns regarding transportation to the Vision Resource Center.

Mr. Willie Edwards, 605 Hillyard Drive, Fayetteville, NC, expressed concerns regarding homelessness.

## **9.0 PUBLIC HEARINGS**

### **9.01 Public Hearing on Authorizing the Issuance of Revenue Bonds by the Public Finance Authority Relating to the Capitol Encore Academy, LLC**

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Mr. Jonathan Charleston, Counsel to the Capital Encore Academy, LLC, presented this item and stated the borrower has requested the Public Finance Authority (the "Authority") to issue the Bonds to provide financing for eligible costs of the acquisition, construction, reconstruction, installation and equipping of (i) the purchase of and improvement to an existing educational building of approximately 51,000 square feet consisting of 26 classrooms, a theatre, a main office, 12 office spaces, a fully functional kitchen and cafeteria, and 10 bathrooms, located at 126 Hay Street, Fayetteville, North Carolina (the "Existing Building"); and (ii) the lease, renovation, improvement and equipping of an approximately 11,120 square foot building which is attached to the Existing Building consisting of 9 classrooms, an office space, and 4 bathrooms, located at 132 and 134 Hay Street and 108 Anderson Street (the "Addition" and together with the Existing Building, the "Project"), located in the City of Fayetteville, County of Cumberland, State of North Carolina, in which the Project is or is to be located, as described in the notice of public hearing (the "TEFRA Notice").

Mr. Charleston stated as a pre-condition for the exclusion from gross income for federal income tax purposes of interest on the proposed Bonds, the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") requires, among other things, that the issuance of Bonds be approved either by an elected official or body of elected officials of the applicable governmental entity after a public hearing (a "TEFRA hearing") following a reasonable public TEFRA Notice. Accordingly, although the Bonds will be issued by the Authority, the law requires that any Bonds issued by the Authority for the Project may only be issued after approval of the plan of financing by the City Council following a public hearing with respect to such Bonds.

Mr. Charleston further stated the City will have no liability whatsoever for the repayment of principal or interest on the bonds, and the faith and credit, and the taxing power of the City will not be pledged to support the bonds. These bonds will be payable solely from funds and revenues received by the Authority.

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

Mr. Jermei Fiebig, 5400 Ramsey Street, Fayetteville, NC, stated he is the President of the Board of Directors of Capital Encore Academy, and appeared in favor of adopting the resolution.

There being no one further to speak, the public hearing was closed.

Discussion ensued.

**RESOLUTION APPROVING THE ISSUANCE OF EDUCATIONAL REVENUE BONDS (THE CAPITOL ENCORE ACADEMY) SERIES 2019A AND TAXABLE EDUCATION REVENUE BONDS (THE CAPITOL ENCORE ACADEMY) SERIES 2019B TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$7,750,000 TO FINANCE COSTS OF AN EDUCATION FACILITIES PROJECT ON BEHALF OF THE CAPITOL ENCORE ACADEMY PROPERTIES, LLC, AND THE CAPITOL ENCORE ACADEMY. RESOLUTION NO. R2019-029**

**MOTION:** Council Member Arp moved to adopt the resolution and stated a public hearing had been held relating to the proposed financing and the City authorizing the issues of the Bonds at this time.

**SECOND:** Council Member Jensen

**VOTE:** UNANIMOUS (10-0)

**9.02 P19-31F: Request for issuance of a Special Use Permit by Dan Weeks, representative, to allow a Self-Storage (Mini-warehouse) in the Community Commercial (CC) District, located at 5234 Raeford Road (Tax Map # 0407-91-9033), containing 8.73 +/- acres**

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and being the property of Joe Raynor, Jr., Heirs c/o Robert G. Ray, Executor.

Ms. Terri Lynn Hale, Senior Planner, presented this item with the aid of a PowerPoint presentation and stated the applicant is requesting a Special Use Permit to develop the property as a Self-Storage (Mini-warehouse) facility comprised of 11 buildings housing a total of 799 storage units. The facility will have both climate and non-climate-controlled storage units as well as an office at 5234 Raeford Road in a Community Commercial (CC) zoning district. On July 9, 2019, the Zoning Commission recommended that the City Council move to approve the Special Use Permit based on the information provided within this report.

Ms. Hale advised that for a motion to approve, all eight findings must be met:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

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

Mr. Dan Weeks, 2512 Independence Boulevard, Wilmington, NC, stated he is the applicant, and requested City Council approve the request for a Special Use Permit.

There being no one further to speak, the public hearing was closed.

Discussion ensued.

**MOTION:** Council Member Arp moved to approve the Special Use Permit in a Community Commercial (CC) zoning district, as presented by staff, based on the standards of the City's development ordinance and the evidence presented during this hearing. Additionally, the application is consistent with applicable plans because (1) the development is located in a Community Commercial (CC) District, (2) the use specific standards for Self-Service Storage (mini-warehouse) have been met, (3) that this use complies with the findings listed below, and (4) the proposed permit is in the public interest because the proposed SUP does fit

## DRAFT

with the character of the area. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is August 26, 2019. The SUP shall expire one year from its effective date if a building permit is not issued within that time. All eight findings of fact listed by staff have been met.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

### 10.0 ADMINISTRATIVE REPORTS

#### 10.01 Monthly Statement of Taxes for June 2019

This item was for information only and was not presented.

2018 Taxes .....	125,652.47
2018 Vehicle, .....	859.69
2018 Taxes Revit .....	77.06
2018 Vehicle Revit .....	4.94
2018 FVT .....	75.00
2018 FTT .....	75.00
2018 Storm Water .....	18,709.36
2018 Fay Solid Waste Fee .....	41,061.02
2018 Annex .....	0.00
2017 Taxes .....	6,039.17
2017 Vehicle .....	625.93
2017 Taxes Revit .....	0.00
2017 Vehicle Revit .....	0.00
2017 FVT .....	60.00
2017 FTT .....	60.00
2017 Storm Water .....	1,563.79
2017 Fay Solid Waste Fee .....	1,259.58
2017 Annex .....	0.00
2016 Taxes .....	5,464.22
2016 Vehicle .....	29.69
2016 Taxes Revit .....	0.00
2016 Vehicle Revit .....	0.00
2016 FVT .....	0.00
2016 FTT .....	0.00
2016 Storm Water .....	136.21
2016 Fay Storm Water .....	0.00
2016 Fay S Waste Fee .....	89.19
2016 Annex .....	0.00
2015 Taxes .....	598.79
2015 Vehicle .....	0.00
2015 Taxes Revit .....	0.00
2015 Vehicle Revit .....	0.00
2015 FVT .....	0.00
2015 FTT .....	0.00
2015 Storm Water .....	3.14
2015 Fay Storm Water .....	6.26
2015 Fay S Waste Fee .....	9.20
2015 Annex .....	0.00
2014 and Prior Taxes .....	931.92
2014 and Prior Vehicle .....	812.25
2014 and Prior Taxes Revit .....	0.00
2014 and Prior Vehicle Revit .....	0.00
2014 and Prior FVT .....	136.79
2014 and Prior FTT .....	136.79
2014 and Prior Storm Water .....	22.55
2014 and Prior Fay Storm Water .....	43.53
2014 and Prior Fay S Waste Fee .....	67.47
2014 and Prior Annex .....	0.00
Interest .....	8,355.21

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Revit Interest .....	1.51
Storm Water Interest prior .....	18.41
Fay Storm Water Interest 2015 and prior .....	35.76
Storm Water Interest 2016 and Forward .....	1,296.96
Annex Interest .....	0.00
Solid Waste Interest .....	2,557.21
FTT Interest .....	88.54
 Total Tax and Interest .....	 \$216,964.61

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:31 p.m.

Respectfully submitted,

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

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

**FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
LAFAYETTE ROOM  
AUGUST 21, 2019  
5:00 P.M.**

Present: Mayor Mitch Colvin (departed at 5:30 p.m.)

Council Members Tisha S. Waddell (District 3) (departed at 5:46 p.m.); D. J. Haire (District 4) (departed at 5:48 p.m.); Johnny Dawkins (District 5); William J. L. Crisp (District 6); James W. Arp, Jr. (District 9)

Absent: Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Telly Whitfield, Assistant City Manager  
Angel Wright-Lanier, Assistant City Manager  
Gina Hawkins, Police Chief  
Jay Toland, Chief Financial Officer  
Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director  
Gerald Newton, Development Services Director  
Taurus Freeman, Planning and Zoning Manager  
Sharon Williams, Senior Planner  
Terri Hale, Senior Planner  
Jennifer Baptist, Senior Planner  
Chester Green, Planner II  
David Steinmetz, Zoning Administrator  
Pamela Megill, City Clerk  
Members of the Press

**1.0 CALL TO ORDER**

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

**2.0 AGENDA BRIEFING - Review of Items for the August 26, 2019, City Council Meeting**

City staff presented the following items scheduled for the Fayetteville City Council's August 26, 2019, agenda:

**CONSENT**

**P19-25F. A request to rezone a parcel from Single-Family 10 (SF-10) to Limited Commercial (LC), located at the intersection of Bunce and Raeford Roads, (Tax Map # 0407-20-2487), containing 10.04± acres and being the property of Daniel C. Price, Trustee.**

**City Ordinance Chapter 14, Unsafe Buildings - Ordinance Language Revision**

**Uninhabitable Structures Demolition Recommendations**

**227 S. Windsor Drive - District 2**

**903 Ellis Street - District 2**

**101 N. Eastern Boulevard - District 2**

**308 Currie Street - District 2**

**6946 Melbourne Drive - District 4**

**2315 Dundle Road - District 6**

**Adoption of Capital Project Ordinance Amendments 2020-23 and 2020-24 for Parks and Recreation Bond Projects**

**Adoption of Capital Project Ordinance Amendment 2020-25 (Freedom Memorial Park Project) to Appropriate \$25,956.00 of Donations Received**

PUBLIC HEARINGS

TA19-058: Proposed Text Amendments to Section 30-3.H.11, the Coliseum Tourism Overlay District

P19-32F. Request to issue a Special Use Permit to allow an existing nonconforming use in the Coliseum Tourism Overlay District the ability to expand, zoned as Community Commercial Zoning District (CC) and the Coliseum Tourism Overlay (CTO), located at 2460 Gillespie Street (Tax Map # 0436-00-5425) north of the intersection of Gillespie Street and W. Mountain Drive, 4.43 acres ± and being the property of BBC of Edenton, LLC, represented by Ned Garber of the Rubicon Group.

Public Hearing on Text amendments to Article 30; 9 (nine) proposed amendments to the Unified Development Ordinance.

3. ADJORNMENT

There being no further business, the meeting adjourned at 6:00 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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MITCH COLVIN  
Mayor

082119

**FAYETTEVILLE CITY COUNCIL  
DISCUSSION OF AGENDA ITEMS MEETING MINUTES  
ST. AVOLD ROOM  
AUGUST 26, 2019  
6:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Daniel Culliton (District 2) (arrived at 6:13 p.m.); Tisha S. Waddell (District 3) (arrived at 6:13 p.m.); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Telly Whitfield, Assistant City Manager  
Angel Wright-Lanier, Assistant City Manager  
Gina Hawkins, Police Chief  
Kevin Arata, Corporate Communications Director  
Jay Toland, Chief Financial Officer  
Sheila Thomas-Ambat, Public Services Director  
Gerald Newton, Development Services Director  
Pamela Megill, City Clerk  
Members of the Press

Mayor Colvin called the meeting to order at 6:04 p.m.

Mayor Colvin read the titles of the announcements for the regular meeting. Mayor Colvin asked Council to review the agenda and invited comments and questions.

Council Member Jensen stated Item 6.010, Uninhabitable Structures Demolition Recommendations, needs to have 101 N. Eastern Boulevard property removed. Mayor Pro Tem Mohn stated this property has a valid permit through September 18, 2019.

Discussion ensued pertaining to Item 9.03, Shopping Cart Policy and Programs - Administrative Report. Consensus of Council was to include this item in the September 3, 2019, City Council work session agenda.

There being no further business, the meeting adjourned at 6:25 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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MITCH COLVIN  
Mayor

082619



# City of Fayetteville

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

## City Council Action Memo

File Number: 19-970

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**Agenda Date:** 9/9/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.02

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

**THRU:** Kristoff Bauer, Deputy City Manager, ICMA-CM

**FROM:** Sheila Thomas-Ambat, CCM, CFM, PE, Director of Public Services  
Lee Jernigan, PE, City Traffic Engineer  
Tracey Broyles, Budget and Evaluation Director

**DATE:** September 9, 2019

**RE:**

**Adoption of Capital Project Ordinance Amendment 2020-26 to Provide Additional Funding for the Municipal Agreement U-2810C Sidewalk Project at Camden Road**

**COUNCIL DISTRICT(S):**

2

### **Relationship To Strategic Plan:**

Goal IV: Desirable Place to Live, Work and Recreate

Objective C: To improve mobility and connectivity by investing in traffic flow strategies, sidewalks, trails and bike lanes.

### **Executive Summary:**

Council is asked to adopt Capital Project Ordinance Amendment (CPOA) 2020-26 to appropriate \$18,137 transferred from the General Fund to provide additional funding for the final project billing for municipal agreement U-2810C for sidewalks along Camden Road. The additional costs result from a City request to expand the originally planned length of the sidewalk in order to connect to sidewalks already installed at the Camden Road roundabout.

### **Background:**

On June 24, 2013, Council appropriated funding and authorized a municipal agreement with NCDOT for the installation of sidewalks in conjunction with the Camden Road roadway project, U-2810C. The NCDOT project involved the widening and installation of

medians in Camden Road. The original estimated cost share to the City for the sidewalks was \$40,741.

During construction of the project, City staff determined that the Camden Road project limits did not connect to the project limits of the Camden Road roundabout construction project, resulting in a gap between the sidewalks. City staff requested NCDOT to expand the sidewalk construction beyond the original project limits to connect the two projects. This extension led to additional City cost participation of \$18,137. The total final billing from the NCDOT for the completed project is \$58,877.75.

**Issues/Analysis:**

NCDOT has completed construction of the sidewalk requested by the City as a part of their Camden Road project and invoiced the City. Should the funds for these additional costs not be appropriated, NCDOT will deduct the funds from the City's Powell Bill reimbursement.

**Budget Impact:**

The additional \$18,137 is proposed to be funded from previously transferred project funding for other municipal agreement projects that were completed under budget. There is no impact to the General Fund annual budget.

**Options:**

- Adopt Capital Project Ordinance Amendment (CPOA) 2020-26.
- Do not adopt Capital Project Ordinance Amendment (CPOA) 2020-26 and provide further direction to staff.

**Recommended Action:**

Staff recommends that Council move to adopt CPOA 202-26 as presented.

**Attachments:**

- Capital Project Ordinance Amendment 2020-26 (Municipal Agreements)

**CAPITAL PROJECT ORDINANCE AMENDMENT  
CHANGE 2020-26 (CPO 2010-13)**

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 project change authorized is to Capital Project Ordinance 2010-13, adopted November 9, 2009, as amended, for the funding of various transportation and railroad crossing safety improvement projects committed under Municipal Agreements with North Carolina Department of Transportation, and other ancillary project costs.

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

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

	Listed As	Amendment	Revised
General Fund Transfer	<u>\$ 1,585,079</u>	<u>\$ 18,137</u>	<u>\$ 1,603,216</u>

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

Project Expenditures	<u>\$ 1,585,079</u>	<u>\$ 18,137</u>	<u>\$ 1,603,216</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

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

Adopted this 9th day of September, 2019.

# City of Fayetteville

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

## City Council Action Memo

File Number: 19-1000

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**Agenda Date:** 9/9/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.03

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

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

**FROM:** Gina V. Hawkins, Chief of Police  
Tracey Broyles, Budget and Evaluation Director  
Jay Toland, Chief Financial Officer

**DATE:** September 9, 2019

**RE:**

**Adoption of Capital Project Ordinances 2020-16, 17 and 18 to Appropriate \$1,569,000 for the Purchase of Replacement Radios, Approval for Purchase from Motorola as a Sole Source Provider, and Approval to Initiate Activities to Finance the Purchase**

**COUNCIL DISTRICT(S):**

ALL

**Relationship To Strategic Plan:**

Safe and Secure Community - Be a safe and secure community.

**Executive Summary:**

The City began a three-year project to replace 800 megahertz (MHz) radios in fiscal year (FY) 2018. Council is being asked to adopt three capital project ordinances to appropriate \$1,569,000 of proceeds from a planned financing to move forward with the third and final phase of the radio replacements.

Council is also asked to approve the purchase of 588 radio units and accessory equipment through Motorola as a sole source provider for \$1,542,209.43.

**Background:**

The FY 2018 - 2022 Technology Improvement Plan (TIP) adopted by Council included the replacement of the entire City fleet of radios over a three-year period, from FY2018 through FY2020. Council approval of the project has continued through the recently

adopted FY 2020 - 2024 TIP.

The radio replacement project was critical to maintaining operational effectiveness and safety in many departments. The typical useful life for radio equipment is six to eight years. Radios across all departments were showing wear and tear, and many were experiencing performance issues. Manufacturer support for these radios has ended, making it costly and sometimes impossible to get parts to repair malfunctioning radios.

New radios offer the latest technology, such as advanced louder/clearer speakers, higher capacity batteries, internal Bluetooth functionality, and TDMA (Time Division Multiply Access) capability. These technological advances will help city employees better carry out their duties.

In FY18, 472 portable radios and 26 control stations for Police; 190 portable radios, 72 mobile radios and 17 consolettes for Fire; and 45 mobile radios for Solid Waste were replaced. In FY19, 50 mobile radios, 16 portable radios and 1 control station were replaced for Transit.

As noted in the Motorola quotes attached, planned replacements for FY20 include: 400 mobile radios for Police; 76 portable radios, 1 mobile radio and 1 consolette for Parks, Recreation and Maintenance; and, 108 portable radios, 1 mobile radio and 1 consolette for Public Services, including equipment for use and funding through the Solid Waste and Stormwater funds.

#### **Issues/Analysis:**

The City has explored several options for suppliers of radio equipment. While there are other radio manufacturers who offer less expensive or limited versions of the equipment, the units will not support options available on our current system.

The radio procurement is recommended a sole source acquisition process due to regional compatibility issues and the City's existing investment in Motorola infrastructure and equipment. On December 9, 2013, City Council authorized the City Manager to purchase a radio system from Motorola as a sole source provider.

Staff has received a quote from Motorola that will expire December 17, 2019, and as such, recommends moving forward with the appropriation and procurement process now.

Finance Department staff will explore options to finance the equipment purchase and will return to Council for required approvals for the financing process before December, 2019.

#### **Budget Impact:**

The adopted budget, the TIP and the Capital Funding Plan for the current fiscal year anticipated the financing of \$1,454,457 for radio replacement project in December, 2019.

While the current projected cost for the radios, accessories and cost of debt issuance is \$1,569,000, staff anticipates that the current operating budgets for the General Fund, Stormwater Fund and Solid Waste fund will have sufficient funding to accommodate possible budget overages for the first of the twelve planned debt service payments in June, 2020.

**Options:**

Adopt Capital Project Ordinances 2020-16, 17 and 18, approve the purchase of radio units and accessory equipment from Motorola as a sole source provider, and approve the initiation of activities to finance the purchase.

Do not adopt the capital project ordinances or approve the purchase of radio units and accessory equipment from Motorola and provide further direction to staff.

**Recommended Action:**

Staff recommends that Council move to adopt Capital Project Ordinances 2020-16, 17 and 18, to approve the purchase of radio units and accessory equipment from Motorola as a sole source provider, and to approve the initiation of activities to finance the purchase.

**Attachments:**

Capital Project Ordinance 2020-16  
Capital Project Ordinance 2020-17  
Capital Project Ordinance 2020-18  
Motorola Solutions Purchase Proposals

**CAPITAL PROJECT ORDINANCE  
ORD 2020-16**

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 to purchase upgraded 800 megahertz radio equipment for the Police, Public Services, and Parks, Recreation and Maintenance Departments, and to also include batteries and related accessories and financing issuance costs.

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

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

Capital Lease Proceeds	<u>\$ 1,449,000</u>
------------------------	---------------------

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

Project Expenditures	<u>\$ 1,449,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

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

Adopted this 9th day of September, 2019.

**CAPITAL PROJECT ORDINANCE  
ORD 2020-17**

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 to purchase upgraded 800 megahertz radio equipment for the Solid Waste Management Division, and to also include batteries and related accessories and financing issuance costs.

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

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

Capital Lease Proceeds	\$ 59,000
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	\$ 59,000
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

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

Adopted this 9th day of September, 2019.



**CAPITAL PROJECT ORDINANCE  
ORD 2020-18**

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 to purchase upgraded 800 megahertz radio equipment for the Stormwater Management Division, and to also include batteries and related accessories and financing issuance costs.

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

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

Capital Lease Proceeds	<u>\$ 61,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 61,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

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

Adopted this 9th day of September, 2019.



# MOTOROLA SOLUTIONS



TO: City of Fayetteville  
Police Department  
Laura Leatherwood  
Fayetteville, NC 28301

Qty	Model Number	Description or Specification	Unit Discounted Price	Extended Discounted Price
<b><u>APX 4500 Mobile, DASH Mount with O2 Control Head</u></b>				
400	M22URS9PW1 N	APX4500 7/800 Standard with the following: GPS, Internal Speaker : ASTRO 25 INTEGRATED VOICE & DATA	\$ 1,110.44	\$ 444,176.00
400	QA02756	ADD: 3600 OR 9600 TRUNKING BAUD SINGLE SYSTEM	\$ 1,114.70	\$ 445,880.00
400	GA00804	ADD: APX O2 CONTROL HEAD (Grey)	\$ 349.32	\$ 139,728.00
400	G444	ADD: APX CONTROL HEAD SOFTWARE	\$ -	\$ -
400	G66	ADD: DASH MOUNT O2 WWM	\$ 93.75	\$ 37,500.00
400	W22	ADD: PALM MICROPHONE	\$ 54.00	\$ 21,600.00
400	G24	ENH: 3 YEAR REPAIR SERVICE FROM THE START	\$ 131.00	\$ 52,400.00
40	HMN1090	SPARE PALM MICROPHONES	\$ 56.25	\$ 2,250.00
400	G142	NO SPEAKER NEEDED	\$ -	\$ -
			\$ 2,909.46	\$ 1,143,534.00

PRICING VALID THROUGH DECEMBER 17, 2019

Terms: Net 30 days after shipment  
Shipment FOB Destination  
Delivery 4-6 WEEKS  
Date 1-Aug-19  
State Contract # 725G  
Proposal #8119 Police

Equipment	\$	1,143,534.00
Installation		
Programming	\$	-
<b>TOTAL</b>	<b>\$</b>	<b>1,143,534.00</b>



# MOTOROLA SOLUTIONS

TO: City Of Fayetteville  
Storm Water  
Laura Leatherwood  
Fayetteville, NC 28301

Motorola Solutions, Inc  
Scott Hurt Motorola 336 312-9165  
[scott.hurt.ii@motorolasolutions.com](mailto:scott.hurt.ii@motorolasolutions.com)

Qty	Model Number	Description or Specification	Unit Discounted Price	Extended Discounted Price
<b><u>APX900 MODEL 2 PORTABLE RADIO 7/800MHZ</u></b>				
29	H92UCF9PW6N	APX 900 7/800 PORTABLE RADIO Standard with the following: GPS, IV&D	\$ 1,133.87	\$ 32,882.23
29	QA09006	NOISE SUPPRESSION	\$ -	\$ -
29	QA04096	P25 TRUNKING	\$ 759.70	\$ 22,031.30
29	QA06765	IMPRES LIION 3000 MAH BATTERY	\$ 63.75	\$ 1,848.75
29	H885BK	3 YEAR SERVICE FROM THE START	\$ 90.00	\$ 270.00
3	PMMN4069	IMPRES RSM WITH 3.5MM JACK	\$ 90.75	\$ 272.25
29	PMPN4174A	IMPRES CHARGER	\$ 51.94	\$ 1,506.26
10	PMNN4493	SPARE BATTERY 3000MAH	\$ 95.25	\$ 952.50
			\$ 2,285.26	\$ 59,763.29

PRICING valid through 12-17-19

Terms: Net 30 days after shipment  
Shipment FOB Destination  
Delivery 6 weeks  
Date 6-Aug-19  
State Contract # 725G  
PROPOSAL# 8619 Storm Water

Equipment	\$59,763.29
Installation	
Programming	\$ -
<b>TOTAL</b>	<b>\$ 59,763.29</b>



# MOTOROLA SOLUTIONS

TO: City Of Fayetteville  
Parks and Recreation  
Laura Leatherwood  
Fayetteville, NC 28301

Motorola Solutions, Inc  
Scott Hurt Motorola 336 312-9165  
[scott.hurt.ii@motorolasolutions.com](mailto:scott.hurt.ii@motorolasolutions.com)

Qty	Model Number	Description or Specification	Unit Discounted Price	Extended Discounted Price
<b><u>APX900 MODEL 2 PORTABLE RADIO 7/800MHZ</u></b>				
76	H92UCF9PW6N	APX 900 7/800 PORTABLE RADIO Standard with the following: GPS, IV&D	\$ 1,133.87	\$ 86,174.12
76	QA09006	NOISE SUPPRESSION	\$ -	\$ -
76	QA04096	P25 TRUNKING	\$ 759.70	\$ 57,737.20
76	QA06765	IMPRES LIION 3000 MAH BATTERY	\$ 63.75	\$ 4,845.00
76	H885BK	3 YEAR SERVICE FROM THE START	\$ 90.00	\$ 6,840.00
8	PMMN4069	IMPRES RSM WITH 3.5MM JACK	\$ 90.75	\$ 726.00
76	PMPN4174A	IMPRES CHARGER	\$ 51.94	\$ 3,947.44
26	PMNN4493	SPARE BATTERY 3000MAH	\$ 95.25	\$ 2,476.50
			\$ 2,285.26	\$ 162,746.26

PRICING VALID Through December 17, 2019

Terms: Net 30 days after shipment  
Shipment FOB Destination  
Delivery 4-6 weeks  
Date 6-Aug-19  
State Contract # 725G  
PROPOSAL# 8619

Equipment	\$162,746.26
Installation	
Programming	\$ -
<b>TOTAL</b>	<b>\$ 162,746.26</b>





# MOTOROLA SOLUTIONS

TO: City of Fayetteville  
Parks and Recreation  
Fayetteville, NC 28301  
Laura Leatherwood

Scott Hurt Motorola 336 312-9165  
[scott.hurt.ii@motorolasolutions.com](mailto:scott.hurt.ii@motorolasolutions.com)

Qty	Model Number	Description or Specification	Unit Discounted Price	Extended Discounted Price
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## APX 1500 7/800 Control Station

Standard with the following: GPS, IV&D, Internal Speaker

1	<b>M36URS9PW1</b>	<b>APX1500 7/800 MHZ Mid Power Control Station</b>	\$	1,110.44	\$	1,110.44
1	GA01339	P25 TRUNKING	\$	759.70	\$	759.70
1	GA00804	02 CONTROL HEAD	\$	349.32	\$	349.32
1	G444	CONTROL HEAD SOFTWARE	\$	-	\$	-
1	G66	DASH MOUNT	\$	93.75	\$	93.75
1	W665	CONTROL STATION OPERATION	\$	52.50	\$	52.50
1	W382	DESK MICROPHONE	\$	126.75	\$	126.75
1	G142	NO SPEAKER NEEDED COMES STD	\$	-	\$	-
1	G24	3 YEAR ESSENTIAL SERVICES	\$	131.00	\$	131.00
1	G91	POWER SUPPLY	\$	201.75	\$	201.75
1	G89	NO ANTENNA NEEDED				
1	<b>M36URS9PW1</b>	<b>APX 1500 MID POWER MOBILE</b>	\$	1,110.44	\$	1,110.44
1	GA01339	P25 TRUNKING	\$	759.70		\$759.70
1	G444	CONTROL HEAD SOFTWARE	\$	-		
1	GA00804	02 CONTROL HEAD	\$	349.32	\$	349.32
1	G66	DASH MOUNT	\$	93.75	\$	93.75
1	G24	ESSENTIAL SERVICES		\$131.00		\$131.00
1	W22	<u>PALM MICROPHONE</u>		\$54.00		\$54.00
1	W484	3.0DB GAIN ANTENNA	\$	28.50	\$	28.50
1	G142	NO SPEAKER NEEDED COMES STD	\$	-		

Pricing Valid Through DECEMBER 17, 2019

Shipment FOB Destination  
Delivery 4 weeks  
Date 6-Aug-19  
State Contract # 725G  
PROPOSAL 8619

Equipment	\$5,351.92
<b>TOTAL \$</b>	<b>5,351.92</b>



# MOTOROLA SOLUTIONS

TO: City Of Fayetteville  
 Enviromental Services  
 Laura Leatherwood  
 Fayetteville, NC 28301

Motorola Solutions, Inc  
 Scott Hurt Motorola 336 312-9165  
[scott.hurt.ii@motorolasolutions.com](mailto:scott.hurt.ii@motorolasolutions.com)

Qty	Model Number	Description or Specification	Unit Discounted Price	Extended Discounted Price
<b><u>APX900 MODEL 2 PORTABLE RADIO 7/800MHZ</u></b>				
27	H92UCF9PW6N	APX 900 7/800 PORTABLE RADIO Standard with the following: GPS,IV&D	\$ 1,133.87	\$ 30,614.49
27	QA09006	NOISE SUPPRESSION	\$ -	\$ -
27	QA04096	P25 TRUNKING	\$ 759.70	\$ 20,511.90
27	QA06765	IMPRES LIION 3000 MAH BATTERY	\$ 63.75	\$ 1,721.25
27	H885BK	3 YEAR SERVICE FROM THE START	\$ 90.00	\$ 2,430.00
3	PMMN4069	IMPRES RSM WITH 3.5MM JACK	\$ 90.75	\$ 272.25
27	PMPN4174A	IMPRES CHARGER	\$ 51.94	\$ 1,402.38
9	PMNN4493	SPARE BATTERY 3000MAH	\$ 95.25	\$ 857.25
			\$ 2,285.26	\$ 57,809.52

PRICING VALID TILL 12-17-19

Terms: Net 30 days after shipment  
 Shipment FOB Destination  
 Delivery 4to 6 weeks  
 Date 6-Aug-19  
 State Contract # 725G  
 proposal #8619

Equipment	\$57,809.52
Installation	
Programming	\$ -
<b>TOTAL</b>	<b>\$ 57,809.52</b>



# MOTOROLA SOLUTIONS

TO: City Of Fayetteville  
Engineering & Infrastructure  
Laura Leatherwood  
Fayetteville, NC 28301

Motorola Solutions, Inc  
Scott Hurt Motorola 336 312-9165  
[scott.hurt.ii@motorolasolutions.com](mailto:scott.hurt.ii@motorolasolutions.com)

Qty	Model Number	Description or Specification	Unit Discounted Price	Extended Discounted Price
<b><u>APX900 MODEL 2 PORTABLE RADIO 7/800MHZ</u></b>				
52	H92UCF9PW6N	APX 900 7/800 PORTABLE RADIO Standard with the following: GPS, IV&D	\$ 1,133.87	\$ 58,961.24
52	QA09006	NOISE SUPPRESSION	\$ -	\$ -
52	QA04096	P25 TRUNKING	\$ 759.70	\$ 39,504.40
52	QA06765	IMPRES LIION 3000 MAH BATTERY	\$ 63.75	\$ 3,315.00
52	H885BK	3 YEAR SERVICE FROM THE START	\$ 90.00	\$ 544.50
6	PMMN4069	IMPRES RSM WITH 3.5MM JACK	\$ 90.75	\$ 816.75
52	PMPN4174A	IMPRES CHARGER	\$ 51.94	\$ 2,700.88
19	PMNN4493	SPARE BATTERY 3000MAH	\$ 95.25	\$ 1,809.75
			\$ 2,285.26	\$ 107,652.52

PRICING VALID THROUGH DECEMBER 17, 2019

Terms: Net 30 days after shipment  
Shipment FOB Destination  
Delivery 4-6 weeks  
Date 6-Aug-19  
State Contract # 725G  
PROPOSAL# 8619

Equipment	\$107,652.52
Installation	
Programming	\$ -
<b>TOTAL</b>	<b>\$ 107,652.52</b>





# MOTOROLA SOLUTIONS

TO: City of Fayetteville  
Engineering & Infrastructure  
Fayetteville, NC 28301  
Laura Leatherwood

Scott Hurt Motorola 336 312-9165

[scott.hurt.ii@motorolasolutions.com](mailto:scott.hurt.ii@motorolasolutions.com)

Qty	Model Number	Description or Specification	Unit Discounted Price	Extended Discounted Price
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## APX 1500 7/800 Control Station

Standard with the following: GPS, IV&D, Internal Speaker

1	<b>M36URS9PW1</b>	<b>APX1500 7/800 MHZ Mid Power Control Station</b>	\$ 1,110.44	\$ 1,110.44
1	GA01339	P25 TRUNKING	\$ 759.70	\$ 759.70
1	GA00804	02 CONTROL HEAD	\$ 349.32	\$ 349.32
1	G444	CONTROL HEAD SOFTWARE	\$ -	\$ -
1	G66	DASH MOUNT	\$ 93.75	\$ 93.75
1	W665	CONTROL STATION OPERATION	\$ 52.50	\$ 52.50
1	W382	DESK MICROPHONE	\$ 126.75	\$ 126.75
1	G142	NO SPEAKER NEEDED COMES STD	\$ -	\$ -
1	G24	3 YEAR ESSENTIAL SERVICES	\$ 131.00	\$ 131.00
1	G91	POWER SUPPLY	\$ 201.75	\$ 201.75
1	G89	NO ANTENNA NEEDED		
1	<b>M36URS9PW1</b>	<b>APX 1500 MID POWER MOBILE</b>	\$ 1,110.44	\$ 1,110.44
1	GA01339	P25 TRUNKING	\$ 759.70	\$ 759.70
1	G444	CONTROL HEAD SOFTWARE	\$ -	
1	GA00804	02 CONTROL HEAD	\$ 349.32	\$ 349.32
1	G66	DASH MOUNT	\$ 93.75	\$ 93.75
1	G24	ESSENTIAL SERVICES	\$ 131.00	\$ 131.00
1	W22	<u>PALM MICROPHONE</u>	\$ 54.00	\$ 54.00
1	W484	3.0DB GAIN ANTENNA	\$ 28.50	\$ 28.50
1	G142	NO SPEAKER NEEDED COMES STD	\$ -	

Pricing Valid Through DECEMBER 17, 2019

Shipment FOB Destination  
Delivery 4 weeks  
Date 6-Aug-19  
State Contract # 725G  
PROPOSAL 8619

Equipment	\$5,351.92
<b>TOTAL \$</b>	<b>5,351.92</b>



# City of Fayetteville

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

## City Council Action Memo

File Number: 19-920

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**Agenda Date:** 9/9/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.04

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

**THRU:** Angel Wright-Lanier, Assistant City Manager

**FROM:** Randy Hume, Transit Director

**DATE:** September 9, 2019

**RE:**

**Resolution to Approve Submission of a Grant Application to North Carolina Department of Transportation (NCDOT) for Urban Capital Matching Funds**

**COUNCIL DISTRICT(S):**

All

### **Relationship To Strategic Plan:**

Goal 4: Desirable Place to Live, Work and Recreate

Objective D: To develop and maintain public transportation investments with high quality transit and airport services

### **Executive Summary:**

The Transit Department has secured and executed Federal Transit Administration (FTA) capital grants. Certain capital projects are eligible for North Carolina Department of Transportation (NCDOT) funding that can provide approximately 50% of the required local funding match. The Public Transit Division of NCDOT has announced a "call for projects" for these state matching funds.

The attached resolution is required as part of the application process and authorizes staff to submit applications to NCDOT for consideration for funding. The city will be requesting \$96,320 in state funding. This resolution also empowers the City Manager to enter into an agreement with NCDOT once the applications are approved.

### **Background:**

The North Carolina Department of Transportation has established a program to assist

cities and urban transit systems throughout the state with funding of certain capital projects. The Urban State Match Program may provide up to 50% of the local share toward matching FTA capital grants. Currently, the only projects eligible for state funding are replacement vehicles and facility projects that were listed in the State Transportation Improvement Program (STIP) as of FY 2013.

Since NCDOT's last call for projects, Transit has applied for and received grant awards from FTA for replacement buses. The projects listed below are eligible to be submitted to NCDOT for State capital funding. These projects are:

FTA Grant NC-2019-021	Six (6) Paratransit Light Transit Vehicles
FTA Grant NC-2019-022	Two (2) Standard Buses

The purchase of buses in grant NC-2019-021 was appropriated at the May 13, 2019 City Council meeting by CPO 2019-32. The purchase of buses in grant NC-2019-022 was appropriated at the June 24, 2019 City Council meeting by CPO-2020-14. In both of these grants the City appropriated the full 15% local match in anticipation that NCDOT match would be made available when NCDOT issued its next call for projects or capital match request. NCDOT typically provides 7% funding for bus grants that receive 85% federal funding. If the proposed application is approved by NCDOT City funding for these projects will be reduced and returned to the Transit Operating Fund.

The resolution authorizes staff to submit the applications to NCDOT. Once the State grants are approved, the actual grant agreements will be executed and Capital Project Ordinance Amendments will be presented to City Council that will appropriate the State funding.

**Issues/Analysis:**

None

**Budget Impact:**

There is no budget impact at this time since the City has already approved the full local match when the FTA grant was accepted and project funds appropriated. If State funds are granted the City's local share of these projects may be reduced and funds transferred back to the Transit Operating Fund.

**Options:**

Approve the resolution to authorize staff to submit applications to NCDOT; or  
Reject the resolution and provide other direction to staff.

**Recommended Action:**

Approve the resolution to authorize staff to submit applications to NCDOT

**Attachments:**

Resolution

NCDOT Funding Request

**FY 2021 RESOLUTION AUTHORIZING THE CITY OF FAYETTEVILLE  
TO APPLY FOR URBAN STATE MATCH PROGRAM FUNDING  
AND TO ENTER INTO AGREEMENT WITH  
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, **The City of Fayetteville** hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the **City Manager** of is hereby authorized to submit grant applications for state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

I, **Mitch Colvin**, Mayor of the City of Fayetteville do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the City of Fayetteville City Council duly held on the **9<sup>th</sup> day September, 2019**.

BY: \_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

(Official Seal)

\_\_\_\_\_  
Pamela J. Megill, City Clerk

State Fiscal Year 2021

Urban State Match Request (DUE October 4, 2019)

Transit System: City of Fayetteville (Fayetteville Area System of Transit)

Person Filling out Request Form: Randall Hume

Phone Number: 910- 433-1011

E-Mail Address: rhume@ci.fay.nc.us

Type of Funding (5307, 5337, 5339; 5310, Local, etc.): 5307

**Funding Breakdown:**

\$ 1,376,000 Total Amount

\$ 1,169,600 Federal Amount

\$ 96,320 Requested State Match Amount

\$ 110,080 Local Match Amount

Project STIP ID # (if available) TA-4743B & TA-4948A

Project TRAMS Grant ID (if available) NC-2019-021-00 & NC-2019-022

Priority Rank (1, 2, 3, etc.): 1

**Description of Project:**

Replace two (2) 35ft diesel buses used for fixed route service and four (4) light transit vehicles (LTV) used in ADA paratransit service. All buses have exceeded their estimated useful life and eligible for replacement

If this project involved the replacement of vehicles, please provide the year, local ID, and VIN # for the vehicles in which you would like to replace:

1999	672	35ft NOVA	4RKPNTGA8XR833947
1999	680	35ft NOVA	4RKPNTGAXXR833948
2013	412	22' Ford E-350 14-Pass 2-WC	1FDEE3FS7DDA72616
2013	414	22' Ford E-350 14-Pass 2-WC	1FDEE3FS4DDA92953
2013	416	22' Ford E-350 14-Pass 2-WC	1FDEE3FS6DDA92954
2013	418	20' Ford E-350 14-Pass 2-WC	1FDEE3FSXDDA92956

**Project Grant Status:**

Yes FTA Grant has been approved by FTA

☐ FTA Grant has been developed but the grant is still under review by FTA

☐ This project is not utilizing federal funds

**Project Reimbursement:**

Will claims for reimbursement be submitted between July 1, 2020 and June 30, 2021?

☒ Yes

☐ No

# City of Fayetteville

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

## City Council Action Memo

File Number: 19-922

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**Agenda Date:** 9/9/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.05

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

**THRU:** Angel Wright-Lanier, Assistant City Manager

**FROM:** Randy Hume, Transit Director

**DATE:** September 9, 2019

**RE:**

**Support for an Application to the North Carolina Department of Environmental Quality for Bus Funding Provided by the NC Volkswagen Mitigation Settlement Program**

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

Goal 4: Desirable Place to Live, Work and Recreate

Objective D: To develop and maintain public transportation investments with high quality transit and airport services.

**Executive Summary:**

The North Carolina Division of Air Quality (NCDAQ) in the North Carolina Department of Environmental Quality (NCDEQ) is soliciting proposal applications for participation in Phase 1 of the NC Volkswagen Mitigation Settlement Program. Transit staff desires to submit a proposal under the Diesel Bus and Vehicle Program to replace four (4) diesel buses that are due for replacement with battery-electric buses. The VW funding is eligible to be used as local match to Federal Transit Administration (FTA) grant funds and would supplement the City and State funding planned for the purchase of replacement diesel buses.

Staff is preparing an application for \$511,000 in VW Settlement funding to be combined with \$147,200 local match budgeted in FY20 with a like amount of NCDOT urban capital match to match FTA grant funds of \$3,222,160. The total amount needed to purchase 4

buses, electric charging infrastructure, workforce support and training is estimated to be \$4,027,700. The charging infrastructure would allow for overnight charging at the bus garage plus a fast charge location probably at the transit center that would allow buses to get a boost or “opportunity” charge during the day to ensure the buses have sufficient range to operate a day-long route.

The attached support resolution would be included in the application to NCDEQ along with support letters from PWC, Sustainable Sandhills, FAMPO and NCDOT.

**Background:**

Governor Roy Cooper designated the N.C. Department of Environmental Quality (NCDEQ) to manage North Carolina’s share of the VW Settlement, an agreement between Volkswagen and the U.S. Department of Justice on behalf of the U.S. Environmental Protection Agency (EPA). North Carolina is slated to receive \$92,045,658 of the \$2.9 billion nationwide settlement amount. NCDEQ’s mitigation plan designates \$24.5 million for distribution in Phase 1 for the Diesel Bus and Vehicle Program with 20% of that amount or \$6,136,377 allocated transit buses statewide. NCDEQ has issued a Request for Proposals (RFP) for Phase 1 with proposals due no later than September 30, 2019.

Staff recommends the City submit an application for \$511,000 from the Phase 1 allocation. The VW Settlement funding would be combined with \$147,200 each from City and NCDOT resources to match FTA grant funds of \$3,222,160. The City’s portion has been included in the FY20 budget as planned capital match. The total FTA grant would be \$4,027,700. That is the amount needed to purchase 4 buses, electric charging infrastructure, workforce support and training as well as some contingency.

The charging infrastructure would allow for overnight charging at the bus garage plus a fast charge location probably at the transit center that would allow buses to get a boost or “opportunity” charge during the day to ensure the buses have sufficient range to operate a day-long route. Most of FAST bus routes have daily mileages that exceed the current ranges experienced by battery electric buses on a single charge.

The use of battery-electric buses is expanding rapidly within the U.S. transit industry. The other alternative fuel option for larger buses is compressed natural gas (CNG) but the infrastructure costs related to constructing a fueling station and retrofitting the bus maintenance facility are projected to be close to \$6.0 million. In addition, electric buses produce less emissions. The most heavily weighted factors in NCDEQ’s selection criteria are VW dollars per NOx (oxides of nitrogen) reduction and total NOx reduction.

NCDEQ plans to complete project selection and announce grant awards near the end of calendar year 2019. Phase 1 of the NCDEQ mitigation plan comprises about one-third of the total VW settlement, so there should be future opportunities to apply for these funds to assist with future replacement of older diesel buses with electric buses.

**Issues/Analysis:**



These will be the first zero-emission buses to be used in Fayetteville. Battery-electric buses are now being used in Greensboro, Charlotte airport and are planned for Asheville and Raleigh. Vehicle range is our greatest concern but ranges continue to expand as the technology matures. The grant proposal includes extra funding to purchase and install a fast charge station that will allow buses to get a quick charge at times during the operating day.

**Budget Impact:**

The City portion for these buses is the amount needed to replace four (4) buses with more diesel buses and is included in the FY20 transit budget. NCDOT does not allow the City to apply for the state portion of the match until after the FTA grant is executed. As with most grants, the City will likely need to obligate funds to cover the State's portion until the NCDOT agreement is received.

**Options:**

Approve the resolution supporting the application to NCDEQ; or  
Reject the resolution.

**Recommended Action:**

Approve the resolution of support to NCDEQ

**Attachments:**

Resolution

Request for Proposals NCDEQ Phase 1 Diesel Bus and Vehicle Program

**RESOLUTION SUPPORTING THE CITY OF FAYETTEVILLE'S  
APPLICATION FOR VOLKSWAGEN SETTLEMENT PROGRAM FUNDING  
FOR PURCHASE OF ZERO EMISSION BATTERY-ELECTRIC BUSES**

WHEREAS, The Governor has designated the North Carolina Department of Environmental Quality (NCDEQ) to manage North Carolina's share of the Volkswagen Settlement; and

WHEREAS, NCDEQ has developed a mitigation plan as required by the settlement agreement; and

WHEREAS, NCDEQ has issued a Request for Proposals for Phase 1 of the mitigation plan for purchase of diesel transit buses; and

WHEREAS, the City as an eligible applicant for funds under this program desire to replace four (4) diesel buses with zero emission battery-electric buses; and

WHEREAS, the settlement funds are eligible to be used as local match for federal transit grants; and

WHEREAS, the City supports efforts that develop and maintain public transportation investments with high quality transit and airport services in an environmentally sensitive manner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville to support the application by the City and Fayetteville Area System of Transit for Volkswagen Settlement funding in accordance with the Request for Proposals issued by the North Carolina Department of Environmental Quality.

BE IT FURTHER RESOLVED that the City is committed to implement the project in accordance with the terms of the settlement and the City's proposal if the application is awarded funding.

I, Mitch Colvin, Mayor of the City of Fayetteville do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the City of Fayetteville City Council duly held on the **9<sup>th</sup> day September, 2019**.

**BY:** \_\_\_\_\_  
MITCH COLVIN, Mayor

(Official Seal)

**ATTEST:**

\_\_\_\_\_  
Pamela J. Megill, City Clerk



## **North Carolina Volkswagen Settlement Program**

### **Phase 1**

### **Diesel Bus and Vehicle Programs**

### **Request for Proposals**

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## I. Request for Proposals (RFP) Timeline

- Release of RFP June 17, 2019
- Proposal application available for download July 1, 2019
- RFP application training sessions July 15 – 26, 2019
  - We strongly encourage you to register for the workshop that is closest to your location. Since space will be limited, **registration is required**. The sessions for Diesel and ZEV will be separate, so if you plan on attending both please register for both. Locations and dates will be posted on our website, [deq.nc.gov/VWsettlement](https://deq.nc.gov/VWsettlement).
- Proposal applications due date September 30, 2019
- Proposal application evaluations Summer/Fall 2019
- Phase 1 project selections Fall 2019
- Grant awards announced Fall 2019/Winter 2020

**Timeline changes:** NCDEQ reserves the right to adjust the dates listed above. Any changes or additional information regarding the RFP schedule, including responses to questions, will be posted on NC VW Settlement RFP website at: <https://deq.nc.gov/VWsettlement-RFP>.

## II. Overview

### Summary

The North Carolina Division of Air Quality (NCDAQ) in the North Carolina Department of Environmental Quality (NCDEQ) is soliciting proposal applications for participation in Phase 1 of the NC Volkswagen Mitigation Settlement Program. Approximately \$24.5 million of the \$30.7 million will be available in Phase 1 for Diesel Bus and Vehicle Programs. These programs are designed to achieve significant reductions in diesel emissions.

This Request for Proposals will assist interested parties in applying for funds to mitigate NOx emissions from mobile sources, as described by the North Carolina VW Mitigation Plan ([deq.nc.gov/VWsettlement](https://deq.nc.gov/VWsettlement)). This document includes information on who may apply for funding, the funding levels for each program, project eligibility, funding priorities for the phase, match requirements, activities eligible for funding, and other information that will help applicants plan their project and submit a competitive proposal application. The Diesel Bus and Vehicle Program proposal application will be available on the NC VW Settlement webpage, <https://deq.nc.gov/VWsettlement-RFP>. All proposal applications must be submitted by email to [svc.NCVWApplication@ncdenr.gov](mailto:svc.NCVWApplication@ncdenr.gov) **no later than 5:00 p.m. Eastern Standard Time on September 30, 2019.**

### Eligible Projects

For Phase 1, eligible projects for this RFP include:

- projects submitted by local, state, and tribal government organizations,
- projects submitted by public or private nonprofit organizations (Incorporated Nonprofit – an organization as described in section 501(c)(3) of the Federal Internal Revenue Code of 1954,



- as amended. The organization must be incorporated under NC law or registered with the NC Department of the Secretary of State), and
- projects submitted by public-private partnerships where the lead applicant represents a public sector, public or private nonprofit organization.

## Ineligible Applicants

Applicants that are currently debarred by the State of North Carolina<sup>1</sup> and/or federal government<sup>2</sup> are ineligible applicants.

NCDEQ may also deem an applicant ineligible because of, but not limited to: environmental compliance issues, labor standards issues, tax status or other such legally enforceable issues.

## III. Funding

NCDEQ plans a phased approach for North Carolina's \$92 million total allocation of VW Settlement funds and will seek additional input and make changes as needed between phases. Each phase is planned with an equal amount of available funding of \$30.68 million. This RFP is for Phase 1 (2018 – 2020) only. Phases 2 and 3 are planned to occur from 2020 to 2024 but may be combined into a single Phase 2 (2020-2024) with a total amount of \$61.36 million available. The first phase of funding represents the beginning step in achieving our multi-year goals for the program.

NCDEQ may fund projects for Phase 1 up to 100% of the cost of the replacement or repower of a vehicle for government projects (subject to the availability of funds, quality of evaluated proposal applications, and other applicable considerations). NCDEQ reserves the right to partially fund proposal applications by funding discrete portions of proposed projects. Additionally, NCDEQ reserves the right to make additional awards under this announcement if additional funding becomes available after the original project selections. Public and private nonprofit projects are subject to a cost share based on the vehicle/equipment type. Government is defined in Appendix D-2 of the VW State Trust Agreement and Appendix E of this document.

## Funding Type

NCDEQ anticipates awarding a total of approximately \$24.5 million towards diesel bus and vehicle replacement projects in Phase 1. Applications will be prioritized by the urban-suburban/rural split described in the NC VW Mitigation Plan using the NC Rural Center<sup>3</sup> classification for counties, allocating 68% (~\$16,690,946) of the funds for urban and suburban counties and 32% (~\$7,854,563) for rural counties in Phase 1.

This is a reimbursement program; award recipients will be required to demonstrate payment for the project before receiving awarded funds. Before reimbursement, awardees must:

- Provide a signed payment request, on applicant letterhead, for the amount to be reimbursed (a template will be available on the website, <https://deq.nc.gov/vw-settlement/forms>;
- Submit invoices and proofs of payment for necessary expenses associated with the project;

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<sup>1</sup> North Carolina Department of Administration, <https://ncadmin.nc.gov/government-agencies/procurement/contracts/debarred-vendors>

<sup>2</sup> United States Department of Labor, <https://www.dol.gov/ofccp/regs/compliance/preaward/debarlist.htm>

<sup>3</sup> <https://www.nccommerce.com/blog/2015/07/09/rural-center-expands-its-classification-north-carolina-counties>

- Submit photos and a certificate of destruction for each replaced vehicle/equipment or engine documenting that the replaced vehicle, engine or equipment has been rendered inoperable;
- Submit photographic documentation of the VINs and engine serial numbers for the original replaced vehicles, engines or equipment;
- Submit delivery or registration documents showing the VINs and engine serial numbers for the new vehicles, engines or equipment; and
- Confirm that the project is completed, and the vehicle(s)/equipment is/are operating satisfactorily for the intended purpose.
- For all-electric vehicle replacements and repower projects where charging infrastructure is part of the project, submit documentation for accompanying EV charging infrastructure:
  - Submit a photo of the EV charging infrastructure, including the charging station and any other associated auxiliary equipment; and
  - Certify that the EV charging infrastructure is fully operational.

All documentation required for reimbursement should be completed and submitted to the NCDEQ as soon as possible, but no later than the date specified in the contract.

### Funding Levels for Eligible Mitigation Programs

NC Grant Programs (2018-2020)	Eligible Action Category	Eligible Fuels	2018-2020 Funding (Phase 1)	
			Targeted Percent*	Targeted Program Funding Amount
School bus replacement program	School buses	Diesel	25%	\$7,670,472
		Propane & Natural Gas	10%	\$3,068,189
		All-electric	5%	\$1,534,094
Transit bus replacement program	Transit buses	All (diesel, propane, natural gas, electric)	20%	\$6,136,377
Clean heavy-duty on-road equipment program	Class 4-8 Local Freight trucks	All (diesel, propane, natural gas, electric)	10%	\$3,068,189
Clean heavy-duty off-road equipment program	Switcher locomotives, ferries, tugs, forklifts, port cargo handling equipment, ocean-going vessel shorepower, airport ground support equipment	All (diesel, propane, natural gas, electric)	10%	\$2,739,302
	Diesel Emission Reduction Act (DERA)			\$328,887
<b>Total:</b>				<b>\$24,545,510</b>

### Cost Share Requirements

Maximum funding percentages for selected projects depend on the Eligible Mitigation Action type, the fuel type of the replacement/repower (diesel, alternative fuel<sup>4</sup>, and all-electric), and whether it is a government (public) or nonprofit (private) owned fleet; however, maximum funding for any project proposal application is not guaranteed. NCDEQ may partially fund a proposal application by funding a portion of a proposed project. Applicants receiving funding will be notified of the actual amount awarded for their project. Applicants awarded funding have the option to accept or decline the award.

<sup>4</sup> Alternative fuels include biodiesel, compressed natural gas, diesel hybrid-electric, liquid natural gas, and liquid propane gas or liquefied petroleum gas.

Public-private partnerships are agreements that involve a contract between a public-sector authority and a private party, in which the private party provides a public-sector service or project and assumes substantial financial, technical and operational risk in the project. For projects that are public-private partnerships, the ownership of the original and replacement equipment or vehicle will determine the maximum funding percentages. Public-private partnership projects where the original and replacement equipment or vehicle is owned by the public entity will be eligible for the maximum funding percentages allowed under government-owned vehicle categories found in the tables below. Public-private partnership projects where the original and replacement equipment or vehicle is owned by the private entity will be eligible for the maximum funding percentages allowed under non-government categories found in the tables below.

### **School Bus Replacement Program**

#### **Class 4-8 School Bus (Eligible Buses)\***

<b>Replacement</b>	<b>Diesel</b>	<b>Alternative Fuel</b>	<b>All-Electric</b>
Government	100%	100%	100%
Non-Government	25%	25%	75%

<b>Repower</b>	<b>Diesel</b>	<b>Alternative Fuel</b>	<b>All-Electric</b>
Government	100%	100%	100%
Non-Government	40%	40%	75%

\*Eligible buses include 2009 engine model year or older class 4-8 school buses. Eligible buses may be repowered with any new diesel or alternate fuel or all-electric engine or may be replaced with any new diesel or alternate fuel or all-electric vehicle, with the engine model year in which the eligible trucks mitigation action occurs or one engine model year prior.

### **Transit Bus Replacement Program**

#### **Class 4-8 Transit Bus and Shuttle Bus (Eligible Buses)\***

<b>Replacement</b>	<b>Diesel</b>	<b>Alternative Fuel</b>	<b>All-Electric</b>
Government	100%	100%	100%
Non-Government	25%	25%	75%

<b>Repower</b>	<b>Diesel</b>	<b>Alternative Fuel</b>	<b>All-Electric</b>
Government	100%	100%	100%
Non-Government	40%	40%	75%

\*Eligible buses include 2009 engine model year or older class 4-8 transit buses and shuttle buses. Eligible buses may be repowered with any new diesel or alternate fuel or all-electric engine or may be replaced with any new diesel or alternate fuel or all-electric vehicle, with the engine model year in which the eligible trucks mitigation action occurs or one engine model year prior.



## Clean Heavy-Duty On-Road Equipment Program

### Class 8 Local Freight Trucks and Port Drayage Trucks\*

Replacement	Diesel		Alternative Fuel		All-Electric	
	Local Freight	Drayage	Local Freight	Drayage	Local Freight	Drayage
Government	100%	NA	100%	NA	100%	NA
Non-Government	25%	50%	25%	50%	75%	

Repower	Diesel		Alternative Fuel		All-Electric	
	Local Freight	Drayage	Local Freight	Drayage	Local Freight	Drayage
Government	100%	NA	100%	NA	100%	NA
Non-Government	40%		40%		75%	

\*Eligible trucks include 1992-2009 engine model year Class 8 Local Freight or Drayage trucks.

### Class 4-7 Local Freight Trucks\*

Replacement	Diesel	Alternative Fuel	All-Electric
Government	100%	100%	100%
Non-Government	25%	25%	75%

Repower	Diesel	Alternative Fuel	All-Electric
Government	100%	100%	100%
Non-Government	40%	40%	75%

\*Eligible trucks include 1992-2009 engine model year Class 4-7 Local Freight Trucks. Eligible trucks may be repowered with any new diesel or alternate fuel or all-electric engine or may be replaced with any new diesel or alternate fuel or all-electric vehicle, with the engine model year in which the eligible trucks mitigation action occurs or one engine model year prior.

## Clean Heavy-Duty Off-Road Equipment Program

### Freight Switchers\*

Replacement	Diesel	Alternative Fuel	All-Electric
Government	100%	100%	100%
Non-Government	25%	25%	75%

Repower	Diesel	Alternative Fuel	All-Electric
Government	100%	100%	100%
Non-Government	40%	40%	75%

\*Eligible freight switchers include pre-Tier 4 switcher locomotives that operate 1,000 or more hours per year.

### Ferries/Tugs\*

Repower	Diesel	Alternative Fuel	All-Electric
Government	100%	100%	100%
Non-Government	40%	40%	75%

\*Eligible ferries and/or tugs include unregulated, Tier 1, or Tier 2 marine engines.

### Ocean Going Vessels (OGV) Shorepower\*

Shorepower	All-Electric
Government	100%
Non-Government	25%

\*Marine shorepower systems must comply with international shorepower design standards (ISO/IEC/IEEE 80005-1-2012 High Voltage Shore Connection Systems or the IEC/PAS 80005-3:2014 Low Voltage Shore Connection Systems) and should be supplied with power sourced from the local utility grid.

#### Airport Ground Support Equipment\*

Replacement	All-Electric
Government	100%
Non-Government	75%

Repower	All-Electric
Government	100%
Non-Government	75%

\*Eligible airport ground support equipment includes: 1) Tier 0, Tier 1 or Tier 2 diesel-powered airport ground support equipment and 2) uncertified or certified to 3g/bhp-hr or higher emissions, spark ignition engine powered airport support equipment.

#### Forklifts and Port Cargo Handling Equipment\*

Replacement	All-Electric
Government	100%
Non-Government	75%

Repower	All-Electric
Government	100%
Non-Government	75%

\*Eligible forklifts include forklifts with greater than 8,000 pounds lift capacity. Eligible port cargo handling equipment includes rubber-tired gantry cranes, straddle carriers, shuttle carriers, and terminal tractors, including yard hostlers and yard tractors that operate within ports.

#### Diesel Emission Reduction Act (DERA) Option

NCDEQ will target select government projects for the FY 2019 DERA cycle and may consider other eligible Phase1 project types for the FY2020 DERA cycle.

## IV. How to Apply

Applications and supporting documentation must be submitted electronically using our downloadable application form. Applicants must completely fill out this application form to be considered for funding. **Incomplete applications will not be considered.** This application and any supplemental information provided will serve as the primary means by which all applications are evaluated, and projects selected. NCDEQ may contact you or your organization for clarification and/or supplemental information, so please ensure the contact information you provide is accurate; applicants will have 10 business days to respond to any such requests.

This is a competitive application process. To be considered for funding in Phase 1 (2018 to 2020), completed applications must be received by email **no later than 5:00 p.m. Eastern Standard Time on September 30, 2019**. The downloadable proposal application will be available on <https://deq.nc.gov/VWsettlement-RFP>. If you have any questions about this application, please contact NCDEQ at [daq.NC\\_VWGrants@ncdenr.gov](mailto:daq.NC_VWGrants@ncdenr.gov) with subject title line: "Diesel Bus & Vehicle Programs RFP" prior to submitting your application and well in advance of the submission deadline.

**Projects initiated prior to submitting a proposal application are not eligible for funding. Project initiation activities that can disqualify an application include approving the total cost of the project in a budget, ordering vehicles/equipment or hiring a contractor/vendor to complete the project. Submittal of a proposal application is not a guarantee that a proposed project will be funded.**

Awarded applicants must:

- Unless otherwise stipulated, procure the new vehicles or equipment and take delivery no later than two years from the date of a signed executed contract with NCDEQ;



- Unless otherwise stipulated, procure and install replacement engines into existing vehicles or equipment no later than two years from the date of a signed executed contract with NCDEQ;
- Render the replaced vehicles and engines inoperable by cutting a 3-inch hole in the engine block for all engines and, if a vehicle is being replaced, disabling the chassis by cutting the vehicle's frame rails completely in half which must be completed within six months of delivery of the new vehicle or engine replacement (see instructions on NCDAQ Form 001, Certificate of Destruction<sup>5</sup>);
- Agree to keep the replaced or repowered vehicle or equipment operational in North Carolina, with emission controls in place, for a minimum of five years;
- Provide all required documentation required for reimbursement; and
- Each grantee must submit a semiannual progress report starting no later than six months after execution of contract for the duration of contract. The report shall include a summary of the current project status (including the actual or projected termination date, project development and implementation activities, and any modifications to the project).

## Emissions Reductions Quantification

NCDEQ will quantify the emission reductions resulting from the project by using the information included in a complete application. If information on emission reductions from a specific piece of equipment/engine is available from the vendor, this should be included as an attachment to the application. Emission reductions will be quantified using the USEPA Diesel Emission Quantifier <sup>6</sup>. While there are other tools for quantifying emissions, NCDEQ will use the EPA tool as the standard for this process. If you are having trouble gathering the required information for this application, please contact NCDEQ at [daq.NC\\_VWGrants@ncdenr.gov](mailto:daq.NC_VWGrants@ncdenr.gov) with subject title line: "Diesel Bus & Vehicle Programs RFP" well in advance of the submission deadline as we may be able to provide some assistance.

## Project Awards

Applicants selected for funding shall have two years to complete their project from the date of a signed executed contract with NCDEQ. If an application shows that the project cannot be completed in two years, it will not be selected for funding. If, after two years, a project has not been completed, funds will no longer be guaranteed for the project and the applicant will need to reapply. Finally, the majority of Eligible Mitigation Actions require the existing vehicle and/or engine to be rendered permanently inoperable. From Appendix D-2 of the VW State Trust Agreement:

"Scrapped" shall mean to render inoperable and available for recycle, and, at a minimum, to specifically cut a 3-inch hole in the engine block for all engines. If any Eligible Vehicle will be replaced as part of an Eligible project, scrapped shall also include the disabling of the chassis by cutting the vehicle's frame rails completely in half.

## Public Data

All applications are public record per North Carolina General Statutes §132-1, except for "confidential" or "trade secret" data as defined and classified in North Carolina General Statutes §66-152(3) and must be indicated as such by the applicant at the time of the initial application submittal.

<sup>5</sup> NC DAQ Form 001 can be found at <https://deq.nc.gov/vw-settlement/forms>

<sup>6</sup> The USEPA Diesel Emission Quantifier is available at: <https://cfpub.epa.gov/quantifier>

## V. Use of Funds - Restrictions

1. **Original Equipment/Vehicle:** No funds awarded under this RFP shall be used to cover expenses to replace or repower non-diesel equipment or vehicles.
2. **Expenses Incurred Prior to the Project Period:** No funds awarded under this RFP shall be used to cover expenses incurred prior to the project period set forth in any contract agreement funded under this RFP.
3. **Emissions Testing:** No funds awarded under this RFP shall be used for emissions testing and/or air monitoring activities (including the acquisition cost of emissions testing equipment) or for research and development activities.
4. **Fueling Infrastructure:** No funds awarded under this RFP shall be used for fueling infrastructure, such as that used for the production and/or distribution of biodiesel, compressed natural gas, liquefied natural gas, and/or other fuels (except for projects where an all-electric vehicle or equipment with charging infrastructure is replacing a diesel vehicle or equipment).
5. **DERA Option:** Pursuant to 42 U.S.C. 16132(d)(2), no funds awarded under the DERA Option shall be used to fund the costs of emission reductions that are mandated under federal law. Trust funds shall not be used to meet non-federal mandatory cost share requirements, as defined in applicable DERA program guidance, of any DERA grant. Projects are subject to all DERA program requirements<sup>7</sup>.
6. **Fleet Expansion:** Funding under this RFP cannot be used for the purchase of vehicles, engines, or equipment to expand a fleet. Engine, vehicle, and equipment replacement projects are eligible for funding on the condition that all of the following criteria are satisfied:
  - a. The replacement vehicle, engine, or equipment will continue to perform the same function and operation as the vehicle, engine, or equipment that is being replaced.
  - b. The replacement vehicle, engine, or equipment will be of the same type and similar gross vehicle weight rating or horsepower as the vehicle, engine, or equipment being replaced.
7. **Equipment/Vehicle Operation Requirements:** Original equipment or vehicle must have been in operation in North Carolina for the previous 12 months to be eligible. Funding under this RFP cannot be used for original and replacement equipment or vehicles that do not operate in the state of North Carolina for at least 70% of the time.
8. No funds awarded under this RFP shall be used to retrofit, replace, upgrade or install idle reduction technologies for non-DERA Option projects.
9. Third-party administrative costs will not be permitted as part of this mitigation.
10. Long haul truck (trucks that travel more than 200 miles) replacement or repowers are not eligible for funding.
11. No project under this award is eligible to receive funding for a project that is already receiving funding from another state's share of the VW Trust funds.
12. Auxiliary Power Units (APUs) are only eligible for off-road equipment and vehicles under the DERA Option.
13. All replacement equipment and vehicles must be purchased and not leased.
14. No funds awarded under this RFP shall be used for paper studies or research projects.

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<sup>7</sup> US EPA Clean Diesel State Allocations, <https://www.epa.gov/cleandiesel/clean-diesel-state-allocations>

## VI. Proposal Application Review Process

A combination of evaluation factors will be considered during the proposal application review process. NCDEQ will consider the overall cost effectiveness and the potential for early implementation and completion of each proposal application. Project proposal applications will be selected for funding based on a set of criteria reflecting funding priorities for the program. These factors will guide NCDEQ in giving priority to projects that perform highest overall. To properly compare projects, the proposal applications will be categorized by urban/suburban and rural based on the NC Rural Center Classification<sup>8</sup> found in Appendix A.

The NCDEQ will consider factors such as, but not limited to:

- **Cost Effectiveness (VW\$ funded per NOx tons reduced):** Cost effectiveness is based on applicant-provided information using the USEPA Diesel Emission Quantifier tool and if applicable, matching funds.
- **NOx Emissions Reductions:** NOx emission reduction calculation based on applicant-provided information using the USEPA Diesel Emission Quantifier tool.
- **Location of Project:** Number of VW subject diesel vehicles registered in project area.
- **Environmental Justice Areas:** Projects in environmental justice (EJ) areas and other communities that have historically borne a disproportionate share of the adverse impacts of air pollution from sources including, but not limited to transportation hubs/corridors, ports, rail yards, truck stops, airports, terminals, and bus depots, see Appendix B.
- **Co-Benefits:** Additional emission reductions beyond NOx emissions (e.g., PM 2.5, VOC, GHG and CO), see Appendix C.
- **Sustainability of the Project:** Expected longevity of the funded equipment and additional long-term benefits.
- **Timeliness:** Ability to complete project within two years of award (e.g., project complete and providing emission reductions).
- **Useful Life of Vehicle/Equipment Replaced:** Vehicles/equipment with less than 3 years of useful life remaining will not be excluded but may score lower than those with 3 years or more of useful life remaining.
- **Other Selection Criteria:** Additional criteria employed as necessary for the selection of proposal applications (e.g., innovative technology or approaches).

Although cost-sharing/matching is not required as a condition of eligibility under this competition, NCDEQ will evaluate proposal applications based on a leveraging criterion. Leveraging is generally when an applicant proposes to provide its own additional funds/resources or those from third-party sources to support or complement the project they are awarded. Any leveraged funds/resources, and their source, must be identified in the proposal application. Leveraged funds and resources may take various forms. Voluntary cost share is a form of leveraging. Voluntary cost sharing is when an applicant proposes to legally commit to provide contributions to support the project when a cost share is not required. Applicants who propose to use a voluntary cost share must include the contributions for the voluntary cost share in the project budget. If an applicant proposes a voluntary cost share, the following apply:

- A voluntary cost share may only be met with eligible and allowable costs.
- The recipient may not use other sources of federal funds to meet a voluntary cost share unless the statute authorizing the other federal funding allows.

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<sup>8</sup> <https://www.nccommerce.com/blog/2015/07/09/rural-center-expands-its-classification-north-carolina-counties>

- The recipient is legally obligated to meet any proposed voluntary cost share that is included in the approved project budget. If the proposed voluntary cost share does not materialize during grant performance, NCDEQ may reconsider the legitimacy of the award and take appropriate action as authorized.

## VII. Project Scoring Criteria

A 100-point scale will be used to evaluate eligible proposal applications. Scores will be used to develop final recommendations. Proposal applications will be evaluated and ranked according to the following criteria:

<p>Cost Effectiveness (VW\$ funded per NOx tons reduced): Cost effectiveness is based on applicant provided information using the USEPA Diesel Emission Quantifier<sup>9</sup> and if applicable, matching funds. Under this criterion, projects are ranked from most cost effective to least cost effective (i.e. \$/amount of NOx reduced per year). Urban/Suburban projects and Rural Projects will be ranked separately.</p> <ul style="list-style-type: none"> <li>• Top 15%: 30 points</li> <li>• Next 15%: 25 points</li> <li>• Next 15%: 20 points</li> <li>• Next 15%: 15 points</li> <li>• Next 15%: 10 points</li> <li>• Last 25%: 5 points</li> </ul>	30
<p>NOx Emissions Reductions: Ranked highest to lowest; NOx emission reduction calculation based on applicant-provided information using the USEPA Diesel Emission Quantifier tool. Urban/suburban projects and rural projects will be ranked separately.</p> <ul style="list-style-type: none"> <li>• Top 15%: 30 points</li> <li>• Next 15%: 25 points</li> <li>• Next 15%: 20 points</li> <li>• Next 15%: 15 points</li> <li>• Next 15%: 10 points</li> <li>• Last 25%: 5 points</li> </ul>	30
<p>Location of Project: How many affected VW vehicles were registered in project area?</p> <ul style="list-style-type: none"> <li>• Greater than 1,000: 20 points</li> <li>• 501-1,000: 15 points</li> <li>• 101-500: 10 points</li> <li>• 0-100: 5 points</li> </ul>	20
<p>Environmental Justice</p> <ul style="list-style-type: none"> <li>• See Appendix B for county scores and a detailed description of how county scores are determined.</li> </ul>	10
<p>Co-Benefits: Additional emission reductions beyond NOx emissions (e.g., PM 2.5, VOC, GHG, and CO)</p> <ul style="list-style-type: none"> <li>• See Appendix C for sample vehicle scores and a detailed description of how co-benefits will be determined by vehicle and fuel type.</li> </ul>	10
<p>Other Criteria: To be considered for funding, projects MUST show evidence of meeting at least two out of three of the following threshold criteria:</p> <ul style="list-style-type: none"> <li>• Sustainability: Longevity of funded equipment. Minimum of five years.</li> <li>• Timeliness: Ability to complete project within two years of award.</li> <li>• Useful Life of Vehicle to be Replaced: Vehicle should have at least three years of useful life remaining.</li> </ul>	Yes/No
<b>Total Points Possible</b>	<b>100</b>

<sup>9</sup> The USEPA Diesel Emission Quantifier is available at: <https://cfpub.epa.gov/quantifier/index.cfm?action=main.home>



## VIII. Reimbursement of Expenses

Grant payments will be disbursed as **reimbursements after the work is completed, verified and approved**. Verification will occur via site visits by NCDEQ staff and/or photographs supplied by the grantee verifying the scrappage of the original equipment/vehicle. Before reimbursement, awardees must submit the information listed below after project completion. After NCDEQ approval of the final documentation, NCDEQ will process the application for payment. Required documentation:

- Provide a signed payment request, on letterhead, for the amount to be reimbursed (a template will be provided on our webpage, <https://deq.nc.gov/vw-settlement/forms>);
- Copies of detailed invoices of all eligible project costs;
- Proofs of payment of all eligible project costs associated with the project;
- Render the replaced vehicles, equipment and engines inoperable by cutting a 3-inch hole in the engine block for all engines and, if a vehicle is being replaced, disabling the chassis by cutting the vehicle's frame rails completely in half which must be completed within six months of delivery of the new vehicle or engine replacement (see instructions on NCDAQ Form 001, Certificate of Destruction) provided on our webpage, <https://deq.nc.gov/vw-settlement/forms>;
- Payee contact information.

## IX. Reporting Requirements

### Semiannual Reporting Requirement

All project award recipients will be required to submit semiannual reports on the status of their project to NCDEQ until the final project report is submitted. Semiannual reports must be submitted to NCDEQ within 14 days after the end of each reporting month (June 30 and December 31). Failure to submit required reports will result in NC DEQ suspending the acceptance of any new applications from the applicant. A template for the semiannual report will be provided on the website, <https://deq.nc.gov/vw-settlement/forms>.

### Final Report Requirements

Grantees are required to submit a final project report to NCDEQ. A template for the final project report will be made available by NCDEQ on our webpage, <https://deq.nc.gov/vw-settlement/forms>.

## X. Program Contact Information

Inquiries related to the project requirements, application, application requirements, and other aspects of this RFP should be directed to: [Daq.NC\\_VWGrants@ncdenr.gov](mailto:Daq.NC_VWGrants@ncdenr.gov).





## Appendix A: Urban/Suburban and Rural County Designations in North Carolina

The Rural Center has defined the counties in North Carolina based on population densities as either urban, suburban, or rural. The Rural Center uses the following definitions in classifying counties:

**Rural:** There are 80 counties with population densities of 250 people per square mile or less, according to 2014 U.S. Census population estimates. These counties are home to a little more than 4 million people (41% of the state population).

**Regional city or suburban counties:** There are 14 counties with population densities between 250 and 750 people per square mile. These counties account for 2.4 million people (25% of the state population).

**Urban:** There are six counties with population densities between 750 and 1,933 people per square mile. These counties account for 3.3 million people (34% of the state population).

Using the Rural Center classification for counties, urban counties account for the largest population of subject VW vehicles with 41% of the total. Rural counties account for 32% of the vehicles and regional city or suburban counties account for 27% of the VW vehicle population.

Table A-1 is a list of all 100 North Carolina counties with their designation based on the above definitions.

Table A-1: County Classifications in North Carolina

County Name	County Classification
Alamance	Suburban
Alexander	Rural
Alleghany	Rural
Anson	Rural
Ashe	Rural
Avery	Rural
Beaufort	Rural
Bertie	Rural
Bladen	Rural
Brunswick	Rural
Buncombe	Suburban
Burke	Rural
Cabarrus	Suburban
Caldwell	Rural
Camden	Rural
Carteret	Rural
Caswell	Rural

Table A-1: County Classifications in North Carolina

County Name	County Classification
Catawba	Suburban
Chatham	Rural
Cherokee	Rural
Chowan	Rural
Clay	Rural
Cleveland	Rural
Columbus	Rural
Craven	Rural
Cumberland	Suburban
Currituck	Rural
Dare	Rural
Davidson	Suburban
Davie	Rural
Duplin	Rural
Durham	Urban
Edgecombe	Rural
Forsyth	Urban
Franklin	Rural
Gaston	Suburban
Gates	Rural
Graham	Rural
Granville	Rural
Greene	Rural
Guilford	Urban
Halifax	Rural
Harnett	Rural
Haywood	Rural
Henderson	Suburban
Hertford	Rural
Hoke	Rural
Hyde	Rural
Iredell	Suburban
Jackson	Rural
Johnston	Rural
Jones	Rural
Lee	Rural
Lenoir	Rural
Lincoln	Suburban
McDowell	Rural

Table A-1: County Classifications in North Carolina

County Name	County Classification
Macon	Rural
Madison	Rural
Martin	Rural
Mecklenburg	Urban
Mitchell	Rural
Montgomery	Rural
Moore	Rural
Nash	Rural
New Hanover	Urban
Northampton	Rural
Onslow	Rural
Orange	Suburban
Pamlico	Rural
Pasquotank	Rural
Pender	Rural
Perquimans	Rural
Person	Rural
Pitt	Suburban
Polk	Rural
Randolph	Rural
Richmond	Rural
Robeson	Rural
Rockingham	Rural
Rowan	Suburban
Rutherford	Rural
Sampson	Rural
Scotland	Rural
Stanly	Rural
Stokes	Rural
Surry	Rural
Swain	Rural
Transylvania	Rural
Tyrrell	Rural
Union	Suburban
Vance	Rural
Wake	Urban
Warren	Rural
Washington	Rural
Watauga	Rural

Table A-1: County Classifications in North Carolina

County Name	County Classification
Wayne	Rural
Wilkes	Rural
Wilson	Rural
Yadkin	Rural
Yancey	Rural

## Appendix B: Environmental Justice Scoring

The Environmental Protection Agency defines environmental justice (EJ) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” (US EPA). Historically, people of color and people of low-income, along with other vulnerable populations, have been disproportionately exposed to harmful pollutants.

NCDEQ has developed a quantifiable Social Vulnerability Index (SVI) using statistical and geographic information system (GIS) methods to show which counties in North Carolina have the highest concentrations of particularly vulnerable populations. This SVI was developed using datasets from the US Census Bureau and the NC Department of Commerce.

Table B-1: Data Sources

Description of Dataset	Year	Source
American Community Survey 5-Year Estimate	2016	US Census Bureau
North Carolina Development Tier Designations	2018	NC Department of Commerce

The American Community Survey data was reclassified by creating four “bin” ranges for each demographic group. This was done by separating the data into quartiles and assigning a value of 1 to 4. The NC Department of Commerce sorts counties into three distinct county tiers based on average unemployment rate, median household income, percentage growth in population, and adjusted property tax base per capita. The forty most distressed counties are considered Tier 1, the 40 counties which are identified as mildly distressed are Tier 2, and 20 least distressed counties are Tier 3. To add this data into the overall vulnerability index in a meaningful way, the inverse of the county tier number designations was used to give Tier 1 (most distressed) a designation of “3”, and so on and so forth. To create the final vulnerability index, the American Community Survey data was summed (1, 2, 3 or 4) for each county along with the inverse of the NC Department of Commerce County Tier rankings to create resulting totals for each county. Then the resulting totals were placed into their own quartile bins and assigned a final EJ score of 1 to 4.

Mobile NO<sub>x</sub> emissions in tons per year from the 2014 National Emissions Inventory (Version 2)<sup>10</sup> were arranged from highest to lowest and divided in the quintiles and points were assigned to each of the quintiles, found in Table B-2.

Table B-2: Points Assigned for Mobile NO<sub>x</sub> Quintiles

Mobile NO <sub>x</sub> Emissions (tons per year)	Percentile	Points
0 - 131	0-20 % rank	0
132 - 270	21-39 % rank	1
271 - 435	40-59 % rank	2
436 - 771	60-79 % rank	3
772 +	80-100 % rank	4

<sup>10</sup> <https://www.epa.gov/air-emissions-inventories/2014-national-emissions-inventory-nei-data>

There are a few incidences where the SVI did not accurately correspond to the tier county designations and the concentration of some demographic groups in the region. Therefore, to assign a score, the final SVI scores were weighted at 1.5 and the Mobile NOx Bin scores weighted at 1. The scores were summed by county. The final county scores are found in Table B-3.

Table B-3: Final Scores by County

<b>2014 NEI County NOx Emissions (Tons)</b>	<b>County</b>	<b>Classification</b>	<b>Mobile NOx Bin</b>	<b>SVI</b>	<b>EJ Final Score</b>
874.2	Alamance	Suburban	4	2	7
132.1	Alexander	Rural	1	2	4
50.5	Alleghany	Rural	0	4	6
157.2	Anson	Rural	1	3	5.5
122.8	Ashe	Rural	0	2	3
102.6	Avery	Rural	0	2	3
243	Beaufort	Rural	1	3	5.5
143.8	Bertie	Rural	1	4	7
221.5	Bladen	Rural	1	4	7
659.2	Brunswick	Rural	3	1	4.5
1651.8	Buncombe	Suburban	4	1	5.5
524.4	Burke	Rural	3	2	6
1088.2	Cabarrus	Suburban	4	1	5.5
318	Caldwell	Rural	2	2	5
72.8	Camden	Rural	0	1	1.5
294.9	Carteret	Rural	2	1	3.5
142.7	Caswell	Rural	1	2	4
771.8	Catawba	Suburban	3	2	6
448	Chatham	Rural	3	2	6
148.3	Cherokee	Rural	1	3	5.5
81.1	Chowan	Rural	0	4	6
52.9	Clay	Rural	0	2	3
656.1	Cleveland	Rural	3	1	4.5
423.5	Columbus	Rural	2	4	8
422.6	Craven	Rural	2	2	5
1575.8	Cumberland	Suburban	4	3	8.5
205	Currituck	Rural	1	1	2.5
315.7	Dare	Rural	2	1	3.5
855.3	Davidson	Suburban	4	2	7
438.5	Davie	Rural	3	1	4.5
465.6	Duplin	Rural	3	3	7.5
1382.3	Durham	Urban	4	2	7
274.5	Edgecombe	Rural	2	3	6.5
1218.2	Forsyth	Urban	4	3	8.5
275.2	Franklin	Rural	2	2	5
1182.7	Gaston	Suburban	4	1	5.5
70.1	Gates	Rural	0	2	3
41.5	Graham	Rural	0	3	4.5

Table B-3: Final Scores by County

<b>2014 NEI County NOx Emissions (Tons)</b>	<b>County</b>	<b>Classification</b>	<b>Mobile NOx Bin</b>	<b>SVI</b>	<b>EJ Final Score</b>
422.5	Granville	Rural	2	1	3.5
124.7	Greene	Rural	0	4	6
2498.9	Guilford	Urban	4	2	7
459.7	Halifax	Rural	3	4	9
528.9	Harnett	Rural	3	2	6
650.7	Haywood	Rural	3	1	4.5
619.9	Henderson	Suburban	3	1	4.5
98.7	Hertford	Rural	0	4	6
162.8	Hoke	Rural	1	3	5.5
30.2	Hyde	Rural	0	2	3
1429.5	Iredell	Suburban	4	1	5.5
301.4	Jackson	Rural	2	2	5
1624.9	Johnston	Rural	4	1	5.5
101.7	Jones	Rural	0	4	6
281.8	Lee	Rural	2	2	5
270	Lenoir	Rural	1	3	5.5
389.7	Lincoln	Suburban	2	1	3.5
177.8	Macon	Rural	1	3	5.5
162.4	Madison	Rural	1	1	2.5
158.7	Martin	Rural	1	4	7
518.7	McDowell	Rural	3	2	6
5162.6	Mecklenburg	Urban	4	1	5.5
70.3	Mitchell	Rural	0	3	4.5
237	Montgomery	Rural	1	4	7
364	Moore	Rural	2	2	5
852.7	Nash	Rural	4	3	8.5
768.7	New Hanover	Urban	3	1	4.5
179.5	Northampton	Rural	1	3	5.5
821.3	Onslow	Rural	4	2	7
1218	Orange	Suburban	4	1	5.5
65.2	Pamlico	Rural	0	2	3
191.3	Pasquotank	Rural	1	2	4
493.4	Pender	Rural	3	1	4.5
82.7	Perquimans	Rural	0	2	3
145.7	Person	Rural	1	2	4
627.6	Pitt	Suburban	3	2	6
342.4	Polk	Rural	2	1	3.5
843.9	Randolph	Rural	4	2	7
294.7	Richmond	Rural	2	4	8
1019.7	Robeson	Rural	4	4	10
458	Rockingham	Rural	3	3	7.5
993.7	Rowan	Suburban	4	1	5.5
324.6	Rutherford	Rural	2	3	6.5
435.2	Sampson	Rural	2	4	8

Table B-3: Final Scores by County

<b>2014 NEI County NOx Emissions (Tons)</b>	<b>County</b>	<b>Classification</b>	<b>Mobile NOx Bin</b>	<b>SVI</b>	<b>EJ Final Score</b>
190.7	Scotland	Rural	1	4	7
302.9	Stanly	Rural	2	1	3.5
204.8	Stokes	Rural	1	1	2.5
745.4	Surry	Rural	3	3	7.5
129.1	Swain	Rural	0	3	4.5
131.1	Transylvania	Rural	0	1	1.5
44.2	Tyrrell	Rural	0	4	6
922.7	Union	Suburban	4	2	7
303.2	Vance	Rural	2	4	8
3953.2	Wake	Urban	4	1	5.5
189.2	Warren	Rural	1	4	7
85.1	Washington	Rural	0	4	6
276.9	Watauga	Rural	2	1	3.5
492	Wayne	Rural	3	2	6
358	Wilkes	Rural	2	2	5
558.2	Wilson	Rural	3	4	9
471.6	Yadkin	Rural	3	3	7.5



## Appendix C: Co-Benefits Scoring

While the primary goal of the North Carolina VW Mitigation Plan is to achieve NO<sub>x</sub> emission reductions from on and off-road diesel vehicles and equipment replacement, it is also recognized that newer vehicles and equipment may also have additional emissions reductions benefits (co-benefits) for other air pollutants (PM 2.5, CO, VOC and GHG). NCDEQ developed a sample matrix of expected co-benefit emission reductions (as determined by model year of vehicle replaced and vehicle type) for various types of eligible mitigation projects. NCDEQ also developed a co-benefit scoring matrix to assist applicants in estimating co-benefit replacement scores for different projects for various eligible replacement technology (diesel, compressed natural gas, liquid natural gas, liquid propane gas, electric vehicle and hydrogen fuel cell).

The USEPA Diesel Emissions Quantifier tool<sup>11</sup> was used to estimate air pollution reduction percentages for each vehicle for high and mid-baseline years (for most vehicles 1992 and 2009 for most vehicles). Only PM 2.5, VOC and CO were estimated using this tool. Defaults were used as input values ([https://cfpub.epa.gov/quantifier/assets/docs/diesel\\_emission\\_quantifier\\_deq\\_default\\_values.pdf](https://cfpub.epa.gov/quantifier/assets/docs/diesel_emission_quantifier_deq_default_values.pdf)) to calculate percent reductions for upgrades to the given vehicles. These reductions were calculated based on the replacement of an old vehicle with a new vehicle, and reduction calculations were made using the estimated emissions of the new vehicle less the estimated emissions for the old vehicle.

The Argonne National Laboratory GREET tool<sup>12</sup> was used to calculate greenhouse gas (GHG) emission reductions. These calculations were made based on the difference between replacement of an existing fleet vehicle with alternate fuels versus a new diesel vehicle. This made a new diesel vehicle of each vehicle type (as opposed to an old vehicle of each type), the baseline of comparison for each reduction estimate.

Once these percentages were calculated and aggregated, points based on overall percentage reduction for each individual pollutant evaluated (maximum points 2.5 per pollutant) were assigned in Table C-1:

Table C-1: Point Values by Percent Reduction

Percent Reduction	Points
1 - 20	0.5
21 - 40	1
41 - 60	1.5
61 - 80	2
81 - 100	2.5

Points were then tabulated across all co-benefit pollutants and added to a maximum of 10 points to develop the co-benefits matrix below (Table C-2), which represents the types of vehicles expected to be replaced and the expected co-benefit point amount awarded. This table is only provided as a reference and is not intended to cover all possible categories of vehicles and equipment. NCDEQ staff will determine the actual co-benefit point totals based on the project-specific information provided in each application

<sup>11</sup> EPA Diesel Emission Qualifier, <https://cfpub.epa.gov/quantifier/>

<sup>12</sup> Argonne National Laboratory, <https://greet.es.anl.gov/>

and the project-specific output values from the USEPA Diesel Emission Quantifier and GREET tools on a per vehicle basis.

Table C-2: Co-Benefits Matrix (Example)

Upgrade Type	Diesel	Compressed Natural Gas	Liquid Natural Gas	Liquid Propane Gas	Electric Vehicle	Hydrogen Fuel Cell
School Bus (1992)	7.5	7.5	7.5	7.5	8.5	8.5
School Bus (2009)	4.5	4.5	4.5	4.5	8.5	8.5
Transit Bus (1992)	7.5	7.5	7.5	7.5	8.5	8.0
Transit Bus (2009)	5.0	5.0	5.0	5.0	8.5	8.0
Class Local Freight 4-5 (1992)	7.5	7.5	7.5	7.5	8.5	8.0
Class Local Freight 4-5 (2009)	4.5	4.5	4.5	4.5	8.5	8.0
Class Local Freight 6-7 (1992)	7.5	7.5	7.5	7.5	8.5	8.0
Class Local Freight 6-7 (2009)	4.5	4.5	4.5	4.5	8.5	8.0
Class Local Freight 8 (1992)	7.5	7.5	7.5	7.5	8.5	8.0
Class Local Freight 8 (2009)	4.5	4.5	4.5	4.5	8.5	8.0
Forklift (1992) (Construction)	7.5	9.0	9.0	9.0	9.5	9.0
Forklift (2009) (Construction)	7.0	8.5	8.5	8.5	9.5	9.0
Port Cargo Handling Equipment (1992) (cranes)	NA <sup>13</sup>	NA <sup>12</sup>	NA <sup>12</sup>	NA <sup>12</sup>	7.5	7.5
Port Cargo Handling Equipment (2009) (cranes)	NA <sup>12</sup>	NA <sup>12</sup>	NA <sup>12</sup>	NA <sup>12</sup>	7.5	7.5
Ocean Vessel Shorepower	NA <sup>12</sup>	NA <sup>12</sup>	NA <sup>12</sup>	NA <sup>12</sup>	7.5	7.5
Ocean Vessel Shorepower	NA <sup>12</sup>	NA <sup>12</sup>	NA <sup>12</sup>	NA <sup>12</sup>	7.5	7.5
Airport Supply Electrification (NA)	NA <sup>12</sup>	NA <sup>12</sup>	NA <sup>12</sup>	NA <sup>12</sup>	7.5	7.5
Backhoe/Loader/Bulldozer (1992)	7.5	7.5	7.5	7.5	7.5	7.5
Backhoe/Loader/Bulldozer (2009) (Tier 3)	7.0	7.0	7.0	7.0	7.5	7.5
Excavator (1992)	7.5	8.0	8.0	8.0	8.5	8.5
Excavator (2009)	7.5	8.0	8.0	8.0	8.5	8.5
Asphalt Paver (1992)	7.5	7.5	7.5	7.5	8.5	8.0
Asphalt Paver (2009)	7.5	7.5	7.5	7.5	8.5	8.0
Asphalt Roller (1992)	7.5	7.5	7.5	7.5	8.5	8.0
Asphalt Roller (2009)	7.5	7.5	7.5	7.5	8.5	8.0
Compactor (1992) (plate)	5.5	4.5	4.5	5.5	9.0	8.0
Compactor (2009) (plate)	5.5	4.5	4.5	5.5	9.0	8.0
Woodchipper/Spreader (1992) (crushing/processing)	6.0	6.0	6.0	6.0	8.0	7.5
Woodchipper/Spreader (2009) (Tier 2)	7.0	7.0	7.0	7.0	7.5	7.5
Grader/Maintainer (1992)	7.5	7.5	7.5	7.5	8.5	8.0
Grader/Maintainer (2009)	6.0	6.0	6.0	6.0	8.5	8.0
Concrete Mixer (1992)	7.5	7.5	7.5	7.5	8.0	7.5
Concrete Mixer (2009)	6.0	6.0	6.0	6.0	8.0	7.5

<sup>13</sup> Not applicable (NA) VW State Trust Agreement only allows for an all-electric upgrade option

Table C-2: Co-Benefits Matrix (Example)

Upgrade Type	Diesel	Compressed Natural Gas	Liquid Natural Gas	Liquid Propane Gas	Electric Vehicle	Hydrogen Fuel Cell
Switcher Locomotives (uncontrolled) (1970) (idle hours = 3,000, Fuel 21,000)	5.5	NA <sup>14</sup>	5.5	NA <sup>13</sup>	7.5	7.5
Switcher Locomotives (Tier 2) (1992) (HP 635)	5.5	NA <sup>13</sup>	5.5	NA <sup>13</sup>	7.5	7.5
Ferries (1973) (2 engines per vessel) (10,000 Gallons), (HP 49), (1,000 hours)	NA <sup>15</sup>	NA <sup>13</sup>	6.0	NA <sup>13</sup>	7.5	7.5
Ferries (1992) (2 engines per vessel)	NA <sup>14</sup>	NA <sup>13</sup>	6.0	NA <sup>13</sup>	7.5	7.5
Tugs (1973)	NA <sup>14</sup>	NA <sup>13</sup>	6.0	NA <sup>13</sup>	8.0	8.0
Tugs (1992)	NA <sup>14</sup>	NA <sup>13</sup>	6.0	NA <sup>13</sup>	8.0	8.0
Drayage Trucks (1992) (off-highway trucks)	7.5	7.5	7.5	7.5	8.5	8.0
Drayage Trucks (2009) (off highway trucks)	6.0	6.0	6.0	6.0	8.5	8.0

<sup>14</sup> Fuel type is not an option in USEPA Diesel Emissions Quantifier

<sup>15</sup> USEPA Diesel Emissions Quantifier does not have necessary data to calculate reduction, data will need to be provided by engine/equipment vendor

## Appendix D: Acronyms and Abbreviations

CNG	Compressed Natural Gas
CO	Carbon Monoxide
DERA	Diesel Emission Reduction Act
g/bhp-hr	Grams per brake horsepower-hour
GHG	Greenhouse Gases
GIS	Geographic Information System
LNG	Liquid Natural Gas
LPG	Liquid Propane Gas
NCDAQ	North Carolina Division of Air Quality
NCDEQ	North Carolina Department of Environmental Quality
NOx	Oxides of Nitrogen
PM 2.5	Particulate matter 2.5 micrometers and smaller in diameter
RFP	Request for Proposals
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compound
VW	Volkswagen
ZEV	Zero-Emissions Vehicle

## Appendix E: Definitions<sup>16</sup>

“Airport Ground Support Equipment” shall mean vehicles and equipment used at an airport to service aircraft between flights.

“All-Electric” shall mean powered exclusively by electricity provided by a battery, fuel cell, or the grid.

“Alternate Fueled” shall mean an engine, or a vehicle or piece of equipment which is powered by an engine, which uses a fuel different from or in addition to gasoline fuel or diesel fuel (e.g., CNG, propane, diesel-electric hybrid).

“Certified Remanufacture System or Verified Engine Upgrade” shall mean engine upgrades certified or verified by EPA or CARB to achieve a reduction in emissions.

“Class 4-7 Local Freight Trucks (Medium Trucks)” shall mean trucks, including commercial trucks, used to deliver cargo and freight (e.g., courier services, delivery trucks, box trucks moving freight, waste haulers, dump trucks, concrete mixers) with a Gross Vehicle Weight Rating (GVWR) between 14,001 and 33,000 lbs.

“Class 4-8 School Bus, Shuttle Bus, or Transit Bus (Buses)” shall mean vehicles with a Gross Vehicle Weight Rating (GVWR) greater than 14,001 lbs. used for transporting people. See definition for School Bus below.

“Class 8 Local Freight, and Port Drayage Trucks (Eligible Large Trucks)” shall mean trucks with a Gross Vehicle Weight Rating (GVWR) greater than 33,000 lbs. used for port drayage and/or freight/cargo delivery (including waste haulers, dump trucks, concrete mixers).

“Drayage Trucks” shall mean trucks hauling cargo to and from ports and intermodal rail yards.

“Forklift” shall mean off-road equipment used to lift and move materials short distances; generally, includes tines to lift objects. Eligible types of forklifts include reach stackers, side loaders, and top loaders.

“Freight Switcher” shall mean a locomotive that moves rail cars around a rail yard as compared to a line-haul engine that move freight long distances.

“Generator Set” shall mean a switcher locomotive equipped with multiple engines that can turn off one or more engines to reduce emissions and save fuel depending on the load it is moving.

“Government” shall mean a state or local government agency (including a school district, municipality, city, county, special district, transit district, joint powers authority, or port authority, owning fleets purchased with government funds), and a tribal government or native village. The term ‘State’ means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

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<sup>16</sup> Source (unless otherwise noted): APPENDIX D-2 TO PARTIAL CONSENT DECREE MDL No. 2672 CRB (JSC) <https://www.vwcourtsettlement.com/wp-content/uploads/documents/DOJ/Approved%20Appendix%20D-2.pdf>

Government may include any of the following entities:

1. Public School Districts.
2. Municipal Governments and Municipal Authorities.
3. Other NC State Agencies.
4. Tribal Government Agencies.
5. Local, Regional or Multi-State Air Quality or Transportation Organizations
6. Metropolitan or Rural Planning Organizations, as defined by the U.S. Department of Transportation at 49 U.S.C. § 5303(b), that are located in North Carolina.

“Gross Vehicle Weight Rating (GVWR)” shall mean the maximum weight of the vehicle, as specified by the manufacturer. GVWR includes total vehicle weight plus fluids, passengers, and cargo.

Class 1: < 6000 lbs

Class 2: 6001-10,000 lbs

Class 3: 10,001-14,000 lbs

Class 4: 14,001-16,000 lbs

Class 5: 16,001-19,500 lbs

Class 6: 19,501-26,000 lbs

Class 7: 26,001-33,000 lbs

Class 8: > 33,001 lbs

“Hybrid” shall mean a vehicle that combines an internal combustion engine with a battery and electric motor.

“Intermodal Rail Yard” shall mean a rail facility in which cargo is transferred from drayage truck to train or vice-versa.

“Local Freight Trucks” shall mean trucks used to deliver cargo and freight within a 200-mile radius of their base.<sup>17</sup>

“Plug-in Hybrid Electric Vehicle (PHEV)” shall mean a vehicle that is similar to a Hybrid but is equipped with a larger, more advanced battery that allows the vehicle to be plugged in and recharged in addition to refueling with gasoline. This larger battery allows the car to be driven on a combination of electric and gasoline fuels.

“Port Cargo Handling Equipment” shall mean rubber-tired gantry cranes, straddle carriers, shuttle carriers, and terminal tractors, including yard hostlers and yard tractors that operate within ports.

“Port” shall refer to facilities along navigable water for the loading and unloading of cargo from ships; places from which aircraft operate that have paved runways and passenger and cargo terminals which include baggage movement and passenger transit operations; or nodes in the larger goods movement supply chain, to include cruise terminals, bulk terminals, container terminals and intermodal container transfer facilities.

“Repower” shall mean to replace an existing engine with a newer, cleaner engine or power source that is certified by EPA and, if applicable, CARB, to meet a more stringent set of engine emission standards. Repower includes, but is not limited to, diesel engine replacement with an engine certified for use with

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<sup>17</sup> Derived from definition of “long haul” from the Truck Carrier FLEET Tool: Data Collection Overview and Workbook, U.S. EPA SmartWay Transport Partnership

diesel or a clean alternate fuel, diesel engine replacement with an electric power source (grid, battery), diesel engine replacement with a fuel cell, diesel engine replacement with an electric generator(s) (genset), diesel engine upgrades in Ferries/Tugs with an EPA Certified Remanufacture System, and/or diesel engine upgrades in Ferries/Tugs with an EPA Verified Engine Upgrade. All-electric and fuel cell repowers do not require EPA or CARB certification.

“School Bus” shall mean a Class 4-8 bus sold or introduced into interstate commerce for purposes that include carrying students to and from school or related events. May be Type A-D.

“Scrapped” shall mean to render inoperable and available for recycle, and, at a minimum, to specifically cut a 3-inch hole in the engine block for all engines. If any Eligible Vehicle will be replaced as part of an Eligible project, scrapped shall also include the disabling of the chassis by cutting the vehicle’s frame rails completely in half.

“Tier 0, 1, 2, 3, 4” shall refer to corresponding EPA engine emission classifications for off-road, locomotive and marine engines.

“Tugs” shall mean dedicated vessels that push or pull other vessels in ports, harbors, and inland waterways (e.g., tugboats and towboats).

“Zero Emission Vehicle (ZEV)” shall mean a vehicle that produces no emissions from the on-board source of power (e.g., all-electric or hydrogen fuel cell vehicles).

# City of Fayetteville

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

## City Council Action Memo

File Number: 19-992

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**Agenda Date:** 9/9/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.06

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

**THRU:** Kristoff T. Bauer, Deputy City Manager

**FROM:** Kecia N. Parker, NCCP, Real Estate Manager

**DATE:** September 9, 2019

**RE:**

**Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land**

**COUNCIL DISTRICT(S):**

2

**Relationship To Strategic Plan:**

A Desirable Place to Live, Work and Recreate

**Executive Summary:**

Cumberland County has requested that the City of Fayetteville quitclaim their interest in the parcel located at 1416 Faircloth Street so that they may complete the sale of the jointly owned property that was acquired by tax foreclosure. This allows the property to be added back to the tax base and not continue to remain in joint governmental ownership. The City will collect \$1,761.55 in assessments once the sale is complete.

**Background:**

Cumberland County and the City of Fayetteville received joint title to the property identified by tax parcel id number 0446-49-6402 on August 26, 2014. The County has received an offer to purchase the property in the amount of \$7,086.52. The City will receive \$1,761.55 in assessments due from that purchase price. To expedite the sale process, the County is requesting that the City declare the above property surplus and quitclaim the City's interest to the County. Title is jointly held due to tax foreclosure by the County in their capacity as tax administrator. The purchase offer received is equal to the



foreclosure bid. If the present bid is declined, the property will remain in joint ownership not earning taxes and requiring upkeep.

**Issues/Analysis:**

No known issues.

**Budget Impact:**

There is no significant impact to the budget; however this will enable the property to be added back to the tax roll.

**Options:**

- Accept the County's request to declare the property surplus and quitclaim the City's title to the County according to the Resolution attached.
- Reject the County's request and retain joint ownership.

**Recommended Action:**

Staff recommends adopting the attached Resolution declaring the property surplus and authorizing the City Manager to sign a Quitclaim Deed conveying the City's interest to the County.

**Attachments:**

Resolution

Map

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
TO DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S  
INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY**

**WHEREAS**, the City of Fayetteville and the County of Cumberland jointly own real property in Cumberland County known as 1416 Faircloth Street, said property has the tax map designation of: PIN 0446-49-6402 being more particularly described as follows:

Being all of Lot Number 142 of the J.S. Hollingsworth Lane, "Cedar Rose Addition" as shown by plat of the same duly recorded in Plat Book 7, Page 133, in the Office of the Register of Deeds of Cumberland County, North Carolina.

**WHEREAS**, the City of Fayetteville has a financial interest in the form of adding the real property back to the tax roll and;

**WHEREAS**, the property is surplus to the needs of the City of Fayetteville, and;

**WHEREAS**, the County of Cumberland has received an offer to purchase the parcel and requests that the City of Fayetteville join in the sale of the property by declaring the parcel surplus to the City's needs and quitclaiming the City's title to the County, and;

**WHEREAS**, the City Council of the City of Fayetteville finds such action to be in the public interest, and;

**NOW, THEREFORE, BE IT RESOLVED** on behalf of the people of Fayetteville, this Council of the City of Fayetteville, North Carolina does hereby resolve that the aforesaid real property is surplus to the City's needs and authorizes its Manager to sign a deed quitclaiming title to the County of Cumberland.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**, on this, the 23rd day of September, 2019; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

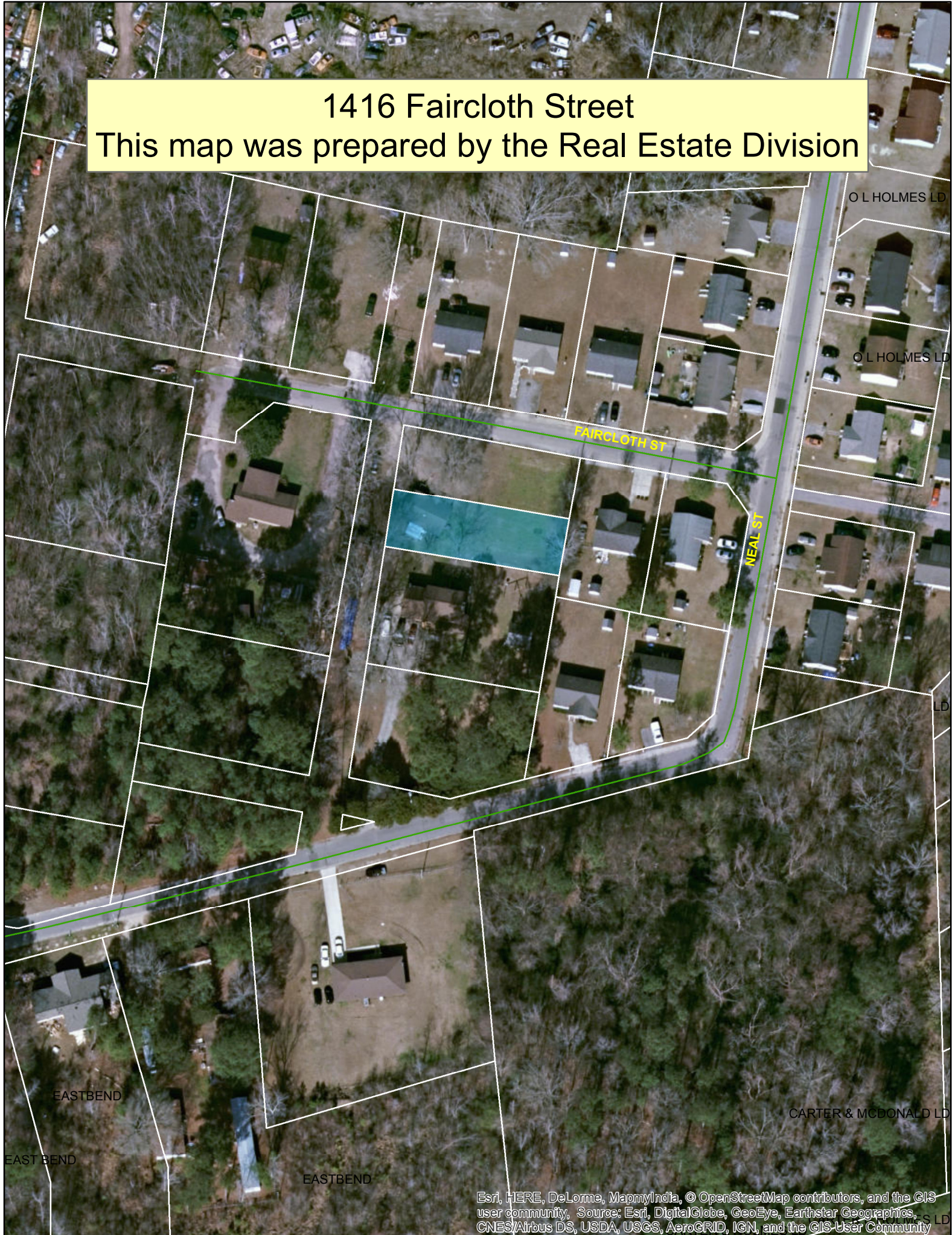
\_\_\_\_\_  
MITCH COLVIN, MAYOR

ATTEST:

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



1416 Faircloth Street  
This map was prepared by the Real Estate Division





# City of Fayetteville

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

## City Council Action Memo

File Number: 19-1003

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**Agenda Date:** 9/9/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.07

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

**THRU:** David W. Trego, CEO/General Manager  
Fayetteville Public Works Commission

**FROM:** Fayetteville Public Works Commission

**DATE:** September 9, 2019

**RE:**

**Bid Recommendation - Fayetteville Annexation Phase V Project X - Area 23,  
Section 1, Wells Place**

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

High Quality Built Environment

**Executive Summary:**

Bids were received for the Fayetteville Annexation Phase V Project X - Area 23, Section 2, Wells Place Project. The recommended lowest responsive, responsible bidder is Billy Bill Grading Co., Inc., Fayetteville, NC, in the total amount of \$5,347,107.91.

**Background:**

The Fayetteville Public Works Commission, during their meeting on August 28, 2019, approved the bid recommendation to award the contract for the Fayetteville Annexation Phase V Project X - Area 23, Section 1, Wells Place Project to Billy Bill Grading Co., Inc., Fayetteville, NC, the lowest responsive, responsible bidder in the total amount of \$5,347,107.91. The Commission also authorized to forward this recommendation to the City Council for approval.

Bids were received on July 17, 2019, as follows:

**BIDDERS**

**TOTAL COSTS**

Billy Bill Grading Co., Inc., Fayetteville, NC	\$5,347,107.91
T. A. Loving Company, Goldsboro, NC	\$5,936,271.10
BridgePoint Civil, Goldsboro, NC	\$7,793,449.00

**Issues/Analysis:**

Notice of the bid was advertised through our normal channels on June 4, 2019, with a bid opening date of July 17, 2019. Addendum No. 1 was issued on July 10, 2019, to address contract document revisions and to answer questions.

SDBE/Local Participation: The bidder intends to subcontract with Paul Williams Hauling, Dunn, NC, and Crowder Trucking, Fayetteville, NC, for trucking and hauling needs for \$17,500.00 each, for a total of \$35,000.00.

**Budget Impact:**

Funding for this project will be funded from WS-63 Phase V Annexation (CPR10000130).

**Options:**

N/A

**Recommended Action:**

The Fayetteville Public Works Commission recommends the Fayetteville City Council award the contract for the Fayetteville Annexation Phase V Project X - Area 23, Section 1, Wells Place Project to Billy Bill Grading Co., Inc., Fayetteville, NC, the lowest responsive, responsible bidder in the total amount of \$5,347,107.91.

**Attachments:**

Bid Recommendation - Fayetteville Annexation Phase V Project X - Area 23, Section 1, Wells Place



**ACTION BY COMMISSION**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**ACTION BY COUNCIL**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**BID HISTORY**  
**FAYETTEVILLE ANNEXATION PHASE V**  
**PROJECT X – AREA 23 – SECTION 1, WELLS PLACE**  
**BID DATE: JULY 17, 2019, AT 2:00PM**

**Consulting Engineer**

Moorman, Kizer & Reitzel, Inc. (MK&R), Fayetteville, NC 28305

**Advertisement**

- |    |                               |   |
|----|-------------------------------|---|
| 1. | PWC Website<br>Addendum No. 1 | 6/04/2019 through 07/17/2019<br>7/10/2019 through 7/17/2019 |
| 2. | The Fayetteville Press        | General Monthly Ad  |

**List of Prospective Bidders**

1. Sanford Contractors, Sanford, NC 27332
2. BridgePoint Civil, Goldsboro, NC 27530
3. T.A. Loving Co., Goldsboro, NC 27530
4. T2 Contracting, Fuquay Varina, NC 27526
5. Billy Bill Grading, Fayetteville, NC 28311

**List of Organizations Notified of Bid**

**Small Business Administration Programs:**

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

**Local Business and Community Programs**

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

**State Business and Community Programs**

NC Institute of Minority Economic Development (The Institute) Durham, NC  
NAACP, State Branch Raleigh, NC



National Utility Contracting Association- NC Chapter (NUCA)  
Durham Chapter of the National Association of Women in Construction (NAWIC)  
South Atlantic Region of National Association of Women in Construction (NAWIC)  
The Hispanic Contractors Association of the Carolinas (HCAC)  
United Minority Contractors of North Carolina  
International Women in Transportation – Triangle Chapter

**Media**

Fayetteville Observer  
WIDU, AM1600  
IBronco Radio at FSU  
Fayetteville Press News  
Up & Coming Weekly  
Bladen Journal

**SDBE/Local Participation**

**SDBE/Local:** The Bidder intends to subcontract with Paul Williams Hauling, Dunn, NC 28335 and Crowder Trucking, Fayetteville, NC 28314 for trucking and hauling needs for \$17,500.00 each, for a total of \$35,000.00.

# City of Fayetteville

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

## City Council Action Memo

File Number: 19-1004

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**Agenda Date:** 9/9/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.08

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

**THRU:** David W. Trego, CEO/General Manager  
Fayetteville Public Works Commission

**FROM:** Fayetteville Public Works Commission

**DATE:** September 9, 2019

**RE:**

**Bid Recommendation - The Fleet Maintenance Expansion and Renovation**

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

High Quality Built Environment

**Executive Summary:**

Bids were received for the Fleet Maintenance Expansion and Renovation Project. The recommended lowest responsive, responsible bidder is Muter Construction, Zebulon NC, in the total amount of \$6,410,000.00.

**Background:**

The Fayetteville Public Works Commission, during their meeting on August 28, 2019, approved the bid recommendation to award the contract for the Fleet Maintenance Expansion and Renovation Project to Muter Construction, Zebulon, NC, the lowest responsive, responsible bidder in the total amount of \$6,410,000.00. The Commission also authorized to forward this recommendation to the City Council for approval.

Bids were received on August 15, 2019, as follows:

**BIDDERS**

**TOTAL COSTS**

Muter Construction, Zebulon, NC	\$6,410,000.00
M&E Contracting, Fayetteville, NC	\$6,897,541.00

**Issues/Analysis:**

Notice of the bid was advertised through our normal channels on July 2, 2019, with an original bid opening date of August 8, 2019. Addendums No. 1 thru 4 were issued to provide general clarifications; provide changes to the drawings; changes to the specifications; and address contract document revisions. Addendum No. 5 was issued on August 8, 2019 to re-advertise the project with a new bid opening date of August 15, 2019, @ 2:30pm, as the originally scheduled bid opening failed to produce three (3) bids. The bid received from Muter Construction was the lowest responsive and responsible, inclusive of accepted bid alternatives. Muter Construction plans to subcontract with Haire Plumbing and Mechanical Company for plumbing and mechanical (HVAC) and with McCarter Electrical for electrical requirements. Both vendors have a local presence in our metropolitan statistical area.

**SDBE/Local:** The bidder is a certified Woman-owned Historically Underutilized Business (HUB), and plans to subcontract with Division 9, located in Raleigh for painting needs, and with Liberty Craftsman Co., located in Sanford for drywall needs. The total value of small disadvantaged business contracting will be \$160,000.00. For detailed outreach efforts regarding this bid, please see "Procurement Outreach Worksheet".

**Budget Impact:**

This project will be funded from CS-2 Fleet Bay Expansion (CPR10000258)

**Options:**

N/A

**Recommended Action:**

The Fayetteville Public Works Commission recommends the Fayetteville City Council award the contract for the Fleet Maintenance Expansion and Renovation Project to Muter Construction, Zebulon, NC, the lowest responsive, responsible bidder, in the total amount of \$6,410,000.00.

**Attachments:**

Bid Recommendation - Fleet Maintenance Expansion and Renovation; Fleet Building Renovation Procurement Outreach Worksheet



**PUBLIC WORKS COMMISSION  
ACTION REQUEST FORM**

**TO:** David W. Trego, CEO/General Manager

**DATE:** August 20, 2019

**FROM:** Trent K. Ensley, Procurement Manager

.....

**ACTION REQUESTED:** Approve contract award for The Fleet Maintenance Expansion and Renovation, to the lowest, responsive, responsible bidder, Muter Construction, Zebulon, NC 27597. This project is for the expansion and renovation of the Fleet Maintenance facility. The work scope includes selective demolition, and general construction, plumbing, HVAC, and electrical, equipment purchasing and installation as well as associated site work.

.....

**BID/PROJECT NAME:** The Fleet Maintenance Expansion and Renovation

**BID DATE:** August 15, 2019

**DEPARTMENT:** Corporate Services

.....

**BUDGET INFORMATION:** Funding for this project will be funded from CS-2 Fleet Bay Expansion (CPR10000258).

.....

<b>BIDDERS</b>	<b>TOTAL COST</b>
Muter Construction, Zebulon, NC 27597	\$6,410,000.00
M&E Contracting, Fayetteville, NC 28314	\$6,897,541.00

.....

**AWARD RECOMMENDED TO:** Muter Construction, Zebulon, NC 27597

**BASIS OF AWARD:** Lowest responsive, responsible bidder

.....

**COMMENTS:** The Commission is asked to approve award of the Fleet Maintenance Expansion and Renovation, to the lowest, responsive, responsible bidder, Muter Construction, Zebulon, NC 27597. Notice of the bid was advertised through our normal channels on July 2, 2019 with an original bid opening date of August 8, 2019. Addendums No. 1 through 4 were issued to provide general clarifications, provide changes to the drawings, changes to the specifications and address Contract Document Revisions. Addendum No. 5 was issued on August 8, 2019 to Re-Advertise the project with a new bid opening date of August 15, 2019 at 2:30pm, as the originally scheduled bid opening failed to produce three (3) Bids. The Bid received from Muter Construction was the lowest responsive and responsible, inclusive of accepted bid alternates. Muter Construction plans to subcontract with Haire Plumbing and Mechanical Company for plumbing and mechanical (HVAC) and with McCarter Electrical for electrical requirements; both vendors have a local presence in our metropolitan statistical area. Award is recommended to Muter Construction.

**ACTION BY COMMISSION**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**ACTION BY COUNCIL**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**BID HISTORY**  
**THE FLEET EXPANSION AND RENOVATION**  
**BID DATE: AUGUST 15, 2019 AT 2:30PM**

**Consulting Engineer**

IBI GROUP, Raleigh, NC 27601

**Advertisement**

- |    |                        |                             |
|----|------------------------|-----------------------------|
| 1. | PWC Website            | 7/02/2019 through 8/15/2019 |
|    | Addendum No. 1         | 7/26/2019 through 8/15/2019 |
|    | Addendum No. 2         | 7/30/2019 through 8/15/2019 |
|    | Addendum No. 3         | 8/01/2019 through 8/15/2019 |
|    | Addendum No. 4         | 8/05/2019 through 8/15/2019 |
|    | Addendum No. 5         | 8/08/2019 through 8/15/2019 |
| 2. | The Fayetteville Press | General Monthly Ad          |

**List of Prospective Bidders**

1. Burney & Burney Construction Inc., Greenville, NC 27834
2. Garrett Construction Services, Charlotte, NC 28227
3. M & E Contracting Inc., Fayetteville, NC 28314
4. Muter Construction, Zebulon, NC 27597
5. The Spruill Construction Corp., Linden, NC 28356
6. Barnhill Contracting Co., Fayetteville, NC 28305
7. ECS Southeast, Raleigh, NC 27617
8. Engineered Systems Inc., Raleigh, NC 27610
9. Gilmore's Farm Inc., Fayetteville, NC 28306
10. Gregory Poole, Raleigh, NC 27606
11. Haire Plumbing and Mechanical (HVAC), Fayetteville, NC 28301
12. Lifting Solutions LLC, Cary, NC 27511
13. McCarter Electric, Fayetteville, NC 28306
14. Professional Maintenance, Wade, NC 28395
15. Stonhard, Fayetteville, NC 28301
16. Trinity Plumbing, Fayetteville, NC 28306
17. Web-don, Raleigh, NC 27604
18. Precision Contractors, Laurinburg, NC 28352
19. Hubbard Supply, Fayetteville, NC 28305

**List of Organizations Notified of Bid**

**Small Business Administration Programs:**

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

**Local Business and Community Programs**

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

**State Business and Community Programs**

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

**Media**

Fayetteville Observer  
WIDU, AM1600  
IBronco Radio at FSU  
Fayetteville Press News  
Up & Coming Weekly  
Bladen Journal

**SDBE/Local Participation**

**SDBE/Local:** The Bidder is a certified Women-owned Historically Underutilized Business and plans to subcontract with Division 9, Raleigh, NC 27610 for painting needs and Liberty Craftsman Co., Sanford, NC 27330 for drywall needs. The total value of small disadvantaged business contracting will be \$160,000.00.

Please see attached the Procurement Outreach Worksheet for detailed outreach efforts for this bid.



### Procurement Outreach Worksheet

<b>Project Name</b>	<b>Fleet Expansion</b>
Project Number	<a href="#"><u>PWC1920001</u></a> / Fleet Maintenance Facility Expansion and Renovation
Department Lead	Fleet
Project Manager	Charles Johnson & Steven Blanchard
Type of Project	Vertical Construction- Fleet building expansion
Bid Date	Potential 8/15/19 Opening
Pre-Bid	Non Mandatory July 7/17/19
Notes	HUB is required on this project. Additional PWC outreach to SDBE & local vendors.
HUB Goals	Meet the 10% NCHUB State construction goal and/or good faith goals
PWC Goals- SBDE	Improve local vendor capacity and engagement- PWC aspirational 10% SDBE goal. Track local impact numbers. Send success story to Commissioners.

<b>Traditional Outreach</b>	<b>Done = X</b>	<b>Notes</b>
FAYPWC	X	Purchasing page notification sent to CCR and posted.
Attend PRE BID, BID OPENING, PRE CON meetings	X	SDBE & HUB talking points and follow up assistance offered.
Print Advertising	X	General PWC Project Ad runs monthly- FAYPRESS & FAY OBSERVER
Email Blast	X	Traditional outreach notification list of 28 business organizations and Chamber RFP post. See list of organizations below.
Social Media Advertising	X	Incorporate into #makeMONEYmondays Project specific post sent to CCR for suggestion of content.
Data Tracking	X	Review contract documents SDBE/HUB/LOCAL and Sales Tax. Add any additional needed documents; add HUB language and forms if needed. Research similar projects to build POC lists. Send updates to Trent for the engineer & project managers.
Reporting	Pre Construction Meeting TBD	Ask project manager to CC on invoices and pay application emails to track sub & supply numbers at PRE CON MEETING. Also track HUB.
<b>Additional Outreach</b>	<b>Done = X</b>	<b>Notes</b>
PWC Outreach Event	X	FTCC NC HUB Event 7/24/19 See attached list of potential events.
Subcontractor Outreach	X	Requested subcontractor needs from Facilities. Will also follow up with cost estimate sheet for general sub needs. Pull HUB, DBE, BBR and GC list and email blast to include HUB event at FTCC. Constant Contact blast.
	X	Send plans to the FSU Construction Resource Office.
	X	Send post to CCR- UPDATE FAYBIDS with HUB event.
	X	Fielded all calls and requests for meetings from subs.
Participating in Contracting Events	X	HUB event at FTCC 7/24/19- this is within the 10+ day window to meet the Prime's good faith outreach requirements. Will bring the plan holder list/PRE BID meeting list for any interested HUBs. Can also leverage this event for promotion of other PWC projects.
	X	Research other contacting events in the region.

### Procurement Outreach Worksheet

City of Fay Bidder Lists	X	Requested a list of bidders from Senior Center and Airport. They used CM@R for both. Metcon is hosting the HUB event 7/24 and also building the Senior Center.
Prime Outreach	X	Reaching out to community partners: Barton Malow, Prince Charles Holding, Balfour Beatty, Metcon, Horne Brothers, CSI, Rubicon, M&E, SEDC. They may be able to share sub lists to add to the email blast. Check sales genie for larger commercial contractors.
	X	Sent email follow ups to Pre-bid attendees.
Media Release		n/a
Signature Line		n/a
<b>OTHER PROJECT / BID POSTINGS</b>		
NCHUB Portal/IPS	X	<a href="https://ncadmin.nc.gov/businesses/historically-underutilized-businesses-hub/submit-bid-opportunity-hub">https://ncadmin.nc.gov/businesses/historically-underutilized-businesses-hub/submit-bid-opportunity-hub</a>  <a href="https://www.ips.state.nc.us/IPS/Default.aspx">https://www.ips.state.nc.us/IPS/Default.aspx</a> Interactive Purchasing System Post
Matchforce	X	<a href="http://www.matchforce.org/">http://www.matchforce.org/</a> Federal platform may be able to target minority contractors. <i>Matchforce was not accepting new opportunities during this time. We contacted NCMBC about the website issues.</i>
Other	X	Ask project team for other ideas, avenues and suggestions for outreach. Followed all direction given.
	X	Incorporated Construction Resource Center Office at FSU's Feedback / Recommendation: Worksheet was "approved". When sending out flyers, email blast, etc. list details of the small opportunities as well as the large. DONE!
	X	Utilized Constant Contact in order to create an email campaign to potential GC's and Subs. Could track percentage of opened emails and ensure emails were correct.
	X	Phone calls to GC's in attendance at the Pre-bid and other Commercial GC's that we could identify with a background with this type of construction.
	X	Posted Pre-bid sign in sheet on the website and sent out via email. Also updated the sheet to annotate interested GCs for subs to contact.
	X	Created a "sign-up" button on the Bid Opportunities page for future projects.

## Procurement Outreach Worksheet

### Traditional Bid Notification Outreach List/Email Blast

#### Small Business Administration Programs:

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

#### Local Business and Community Programs

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

#### State Business and Community Programs

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

#### Media

Fayetteville Observer  
 WIDU, AM1600  
 IBronco Radio at FSU  
 Fayetteville Press News  
 Up & Coming Weekly

### Additional Outreach Events/Attend to promote project- Construction events and others

Hope Mills Chamber- July 9 Monthly lunch- could not attend, sent email.
Spring Lake Chamber- no July events
CCBN- Cumberland County Business Network- announced project, offered follow up for interested parties
NCPTAC- no local events until 9/19 – after bid opening
NCMBC- Annual defense show (8/6/19) too late
The Institute-Contracting class (July 11 & 17) Durham: Emails sent
United Minority Contractors of North Carolina- July 18 \$10 Contractor After Hours Raleigh – could not attend, sent email.
Durham Chapter of the National Association of Women in Construction (NAWIC)- Possible July 11 after hours Durham- could not attend, sent email.

## Procurement Outreach Worksheet

Reporting requirements below:

### NC HUB Reporting Periods

<https://ncadmin.nc.gov/businesses/historically-underutilized-businesses-hub/hub-construction-expenditure-reporting>

Period	Dates	Due Date
1 <sup>st</sup> Quarter	July 1 to September 30	October 10
2 <sup>nd</sup> Quarter	October 1 to December 31	January 10
3 <sup>rd</sup> Quarter	January 1 to March 31	April 10
4 <sup>th</sup> Quarter	April 1 to June 30	July 10

# City of Fayetteville

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

## City Council Action Memo

File Number: 19-994

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**Agenda Date:** 9/9/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Other Items of  
Business

**Agenda Number:** 8.01

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

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

**DATE:** September 9, 2019

**RE:** Presentation of Appointment Committee Recommendations for  
Boards and Commissions Appointments

**Relationship To Strategic Plan:**

Goal 6: Citizen Engagement and Partnerships

**Background:**

The Appointment Committee met on August 20, 2019 to review applications for appointments to boards and commissions. It is from that meeting the Appointment Committee presents the recommendations for appointments to the City of Fayetteville boards and commissions.

**Issues:**

N/A

**Budget Impact:**

N/A

**Options:**

1. Approve Appointment Committee recommendations to fill the board and commission vacancies as presented.
2. Approve Appointment Committee recommendations to fill some board and commission vacancies and provide further direction to staff.
3. Do not approve Appointment Committee recommendations to fill board and commission vacancies and provide further direction to staff.

**Recommended Action:**

**Staff recommends Council move to approve the Appointment Committee recommendations for board and commission appointments, effective October 1, 2019.**

## Recommendations for 24 Appointments to 8 City of Fayetteville Boards and Commissions.

The Appointment Committee unanimously approved the following appointments:

### Public Works Commission

Ms. Evelyn O. Shaw	October 1, 2019 – September 30, 2023
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### Board of Appeals

Mrs. Stella Mullen	October 1, 2019 – September 30, 2022
Ms. Ashley G. Dunkle	October 1, 2019 – September 30, 2022

### Human Relations Commission

Mr. Franco Webb	October 1, 2019 – September 30, 2021
Ms. Semone Pemberton	October 1, 2019 – September 30, 2021
Ms. Eileen W. Hatch	October 1, 2019 – September 30, 2021
Mr. Theodore P. Trainor, III	October 1, 2019 – September 30, 2021
Mr. Dwight E. Palmer, Jr.	October 1, 2019 – September 30, 2020

### Joint City & County Appearance Commission

Ms. Keshonna R. Newton	October 1, 2019 – September 30, 2021
Ms. Helen A. Haynes	October 1, 2019 – September 30, 2021
Mr. Clyde Foster	October 1, 2019 – September 30, 2021
Mr. Gregory R. Foxx	October 1, 2019 – September 30, 2021

### Parks and Recreation Advisory Commission

Ms. Brooke Johnson	October 1, 2019 – September 30, 2022
Ms. Emily K. Schaefer	October 1, 2019 – September 30, 2022

### Planning Commission

Mr. Christopher G. Davis	October 1, 2019 – September 30, 2021
Ms. Marsha Bryant	October 1, 2019 – September 30, 2021
Ms. Alicia Moore	October 1, 2019 – September 30, 2021
Dr. LaKeshia D. Payton	October 1, 2019 – September 30, 2021
Mr. Michael King	October 1, 2019 – September 30, 2021
Mr. Raymond J. Makar (Alternate)	October 1, 2019 – September 30, 2021

### Public Arts Commission

Mr. Johnathan Chestnut	October 1, 2019 – September 30, 2021
------------------------	--------------------------------------

### Zoning Commission

Mr. David Baran	October 1, 2019 – September 30, 2021
Mr. Roger Shah	October 1, 2019 – September 30, 2021
Mr. Willie P. Dorman, Jr.	October 1, 2019 – September 30, 2021

# City of Fayetteville

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

## City Council Action Memo

File Number: 19-890

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**Agenda Date:** 9/9/2019

**Version:** 2

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Administrative  
Reports

**Agenda Number:** 9.01

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

**THRU:** Kristoff T. Bauer, ICMA-CM - Deputy City Manager  
Dr. Gerald A. Newton, AICP - Development Services Director  
Karen M. McDonald, City Attorney  
Taurus Freeman, Planning & Zoning Divisional Manager

**FROM:** Sharon D. Williams, AICP - Senior Planner  
Lisa Y. Harper, Assistant City Attorney

**DATE:** September 3, 2019

**RE:**

Administrative Report - Availability of Electronic Cigarettes and Other Devices  
Near Schools

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

Goal IV: A Desirable Place to Live, Work and Recreate

**Executive Summary:**

The purpose of this agenda item is to present Staff's research regarding electronic cigarettes and other devices.

**Background:**

**Issues/Analysis:**



**Budget Impact:**

There is no immediate budget impact for this request.

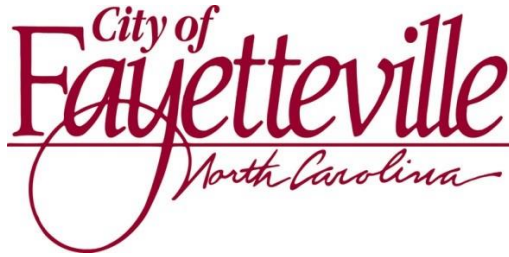
**Options:**

**Recommended Action:**

Receive the report from staff.

**Attachments:**

Matrix



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

**THROUGH: Kristoff T. Bauer, ICMA-CM - Deputy City Manager  
Dr. Gerald A. Newton, AICP - Development Services Director  
Karen M. McDonald, City Attorney  
Taurus Freeman, Planning & Zoning Divisional Manager**

**FROM: Sharon D. Williams, AICP – Senior Planner  
Lisa Y. Harper, Assistant City Attorney**

**RE: Availability of E-Cigarettes near Schools, Daycares and Places of Worship**

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**Purpose:**

The Purpose of this memo is to discuss regulating the sale of e-cigarettes and paraphernalia near schools, daycares and places of worship.

**Background:**

At the May 6, 2019 work session meeting, City Council discussed regulating vape stores. Four discussion items were raised:

1. Prohibiting vape shops within 500'-700' from schools, daycares, and churches
2. Prohibiting vape shops on main corridors
3. Restricting neon signage or requiring tinted glass windows
4. Restrict the sales of paraphernalia (i.e. bongs)

**Discussion:**

**Overview of Vaping**

Vaping has grown in popularity with the rise of e-cigarettes, which were introduced to the mass market in the U.S. in 2007. Vaping devices include e-cigarettes, vape pens and advanced personal vaporizers (also known as 'MODS'). E-cigarettes resemble smoked cigarettes and vape pens resemble large fountain pens.

Generally, a vaping device consists of a mouthpiece, a battery, a cartridge for containing the e-liquid or e-juice, and a heating component for the device that is powered by a battery. When the device is used, the battery heats up the heating component, which turns the contents of the e-liquid into an aerosol that is inhaled into

the lungs and then exhaled. The e-liquid in vaporizer products usually contains a propylene glycol or vegetable glycerin-based liquid with nicotine, flavoring and other chemicals and metals, but not tobacco.

The most popular vaping product is the JUUL, which is a small, sleek device that resembles a computer USB flash drive. Its subtle design makes it easy to hide, which helps explain why it has become so popular among middle and high school students. While not available in stores, the product is offered online in flavors that include crème brûlée, mango and fruit medley, which is thought to increase the appeal to youth user.<sup>1</sup>

### **Access to Vaping Products in Fayetteville**

The term vape shop has been used as a generic term to describe businesses that sell vape products. However, staff has discovered there are multiple types of establishments selling e-cigarettes and e-liquids in the city.

*Vape Shop* – a retail store that specializes in the selling of e-cigarette products. Vape shops offer a diverse assortment of refillable e-cigarettes and more complex tank devices. They typically offer a larger selection of e-liquids and often offer accessories such as clothing, bags, and wooden cases for the e-liquid. Many offer in-stores sampling/tasting of the e-liquids prior to purchase. Any store that offers sampling must meet the North Carolina Mechanical Code standards pertaining to ventilation.

Examples: Cloudy City Vapors (5391 Ramsey St) & J & M Vapor (314 E. Russell St)

*Convenience Store* - A retail establishment, which offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Fast food may also be offered for sale but only as a secondary activity of a convenience store, and drive-thru service for the fast food is permitted only when gas sales is also a permitted secondary activity. (UDO)

Examples: Kangaroo, Short Stop, Circle K, and Sams Mart across from 71<sup>st</sup> H.S.

*Grocery Store* - An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public. (UDO)

Examples: Food Lion and Wal-Mart

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<sup>1</sup> Richter, PhD, L. (2018). What is Vaping? | Center on Addiction

*Drugstore/Pharmacy* – A freestanding establishment including one or more drive through lanes for customer service that is engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. (UDO)

Examples: Walgreens

**Proximity to Schools, Daycares and Places of Worship:**

There are currently no vape shops within 700 feet of a school.

There are 2 vape shops within 500' of a daycare.

There are 3 vape shops within 700' of a daycare

There are 0 vape shops within 500' of a place of worship

There are 3 vape shops within 700' of a place of worship

**Past City Efforts:**

Currently, the city's Unified Development Ordinance (UDO) has no provision which regulates the location of tobacco oriented businesses or vape shops. In 2015, a draft ordinance was prepared to create definitions for cigar bar/lounge, cigarette tobacco, electronic cigarettes, hookah cafes, pipe tobacco, roll-your-own tobacco, shisha, smokeless tobacco and tobacco shops and to assign cigar bar/lounges, hookah cafes and tobacco shop uses to zoning districts, upon certain terms in conditions. Vape shops were included in the initial draft; however, they were subsequently deleted.

A public hearing was held before the Planning Commission, which recommended approval of the ordinance. Prior to the hearing before City Council the ordinance was withdrawn at the request of the Police Department Executive Staff, at that time, with a recommendation the city work with other municipalities to pursue regulatory changes at the state level versus locally.

**Legalities:**

**Federal Regulation of E-Cigarettes:**

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Public Law 111-31) into law. The Tobacco Control Act granted the Food and Drug Administration (FDA) authority to regulate the manufacture, marketing, and distribution of cigarettes, cigarette tobacco, roll-your-own tobacco (RYO), and smokeless tobacco products to protect the public health and to reduce tobacco use by minors.<sup>2</sup>

In 2016 the Food and Drug Administration (FDA) began regulating all tobacco products including e-cigarettes—which are also called electronic cigarettes or electronic nicotine

---

<sup>2</sup> Overview of the Family Smoking Prevention and Tobacco Control Act. Retrieved from <https://www.fda.gov/tobacco-products/rules-regulations-and-guidance/family-smoking-prevention-and-tobacco-control-act-overview>

delivery systems (ENDS)—all cigars (including premium ones), hookah (also called waterpipe tobacco), pipe tobacco, nicotine gels, and dissolvables that did not previously fall under the FDA’s authority. The regulations prohibit sales of the products to youth, require the products to include health warnings, prohibit most vending machine sales, and require manufacturers to register their products with the FDA and provide ingredient lists.<sup>3</sup>

### **State Regulation of E-Cigarettes in North Carolina**

Legislation enacted in 2013 banned the sale of e-cigarettes to minors in North Carolina. The sale of tobacco products to minors had long been prohibited, but the definition of “tobacco product” in the statute referred only to products that actually contained tobacco. E-cigarettes contain nicotine, which is derived from tobacco, but does not contain tobacco itself.<sup>4</sup>

The definition of tobacco products includes vapor products, defined as noncombustible products that use a mechanical heating element, battery, or electronic circuit to heat a liquid nicotine solution in a vapor cartridge. This definition captures electronic cigars, cigarillos and pipes as well as e-cigarettes. The law made it a class 2 misdemeanor to sell or distribute vapor products to a person under the age of 18. It also required proof of age if the seller reasonably believed a prospective purchaser was younger than 18.

It also required retail distributors to post signs informing consumers of the prohibition on sales to minors, and prohibited the sale of vapor products through vending machines (with an exception for vending machines in establishments that are open only to persons age 18 or older, or that are under the continuous control of the owner, licensee or employee). Another new provision addressed Internet sales of both conventional tobacco products and vapor products. It requires persons engaged in Internet distribution of these products to verify the age of a person who orders the product, using an independent, third-party age verification service that compares public record information to the information provided by the person who places the order.

The authority to enact land use regulations, which places restrictions on tobacco retailers and vape shops does not come from the state’s smoking regulations laws. Instead, the authority is granted under §160A-174(a) which states cities may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.<sup>5</sup>

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<sup>3</sup> Sharpless, M.D., N. How FDA is Regulating E-Cigarettes. Retrieved from <https://www.fda.gov/news-events/fda-voices-perspectives-fda-leadership-and-experts/how-fda-regulating-e-cigarettes>

<sup>4</sup> Moore, J. (2014). Regulating Electronic Cigarettes in North Carolina, Part 1: Federal and State Regulation [Blog]. Retrieved from <https://canons.sog.unc.edu/regulating-electronic-cigarettes-in-north-carolina-part-1-federal-and-state-regulation/>

<sup>5</sup> Moore, J. (2014). Regulating Electronic Cigarettes in North Carolina, Part 1: Federal and State Regulation [Blog]. Retrieved from <https://canons.sog.unc.edu/regulating-electronic-cigarettes-in-north-carolina-part-1-federal-and-state-regulation/>

## **North Carolina Sues JUUL Labs, Inc.**

On May 15, 2019, North Carolina's Attorney General filed a lawsuit against Juul Labs, Inc stating the company has targeted marketing toward youth, while downplaying the potential harm its products can cause, which resulted in an epidemic of vaping among minors. The state is asking the court to apply a marketing and advertising ban that mimics that of the Tobacco Master Settlement Agreement, which went into effect in 1998. It would prevent the company from creating emails, advertising or social media marketing aimed at minors. It also asks the court to block JUUL from advertising outdoors and near schools or playgrounds, sponsoring "sports, entertainment, or charity events," offering free or discounted samples, or promoting products with fashion or media outlets that primarily target consumers under 30.<sup>6</sup>

### **Other Localities:**

Currently, few localities in North Carolina regulate the location of tobacco shops or vape shops. Most fall under the classification of retail and are permitted in commercial and industrial zoning districts without restrictions. Most have requirements prohibiting the use of tobacco and vaping products near government owned buildings, in government vehicles and public parks.

The City of Greenville requires a Special Use Permit (SUP) for tobacco shops. Vape shops may sell vaping liquids without a SUP; however, they cannot sell devices.

The Town of Jamestown allows tobacco shops and tobacco lounges as a by-right use; however, it does impose distance requirements from other similar uses, places of worship, schools and parks/playgrounds.

The Town of Pembroke requires a SUP for new tobacco stores and smoke shops. It has distance requirements from like uses, as well as schools, daycares, places of worship, parks and hospitals.

The City of Kings Mountain's staff is currently working on an ordinance to present to City Council that would place additional requirements on tattoo parlors, vape shops and body piercing establishments.

### **Compliance Checks:**

Compliance check inspections of tobacco product retailers conducted October 2, 2016 – July 31, 2019 in Fayetteville, found 189 incidents of tobacco related products sold to minors. Of those incidences, 73 were vape related products.

### **Options:**

1. Direct Staff to do nothing until after the court decides on the case filed by North Carolina's Attorney General;

---

<sup>6</sup> Paul, D. (2019). North Carolina sues Juul, setting up a fresh legal fight for the embattled e-cigarette company. Retrieved 26 August 2019, from <https://www.washingtonpost.com/health/2019/05/15/north-carolina-sues-juul-setting-up-fresh-legal-fight-embattled-e-cigarette-company/?noredirect=on>

2. Direct Staff to move forward with drafting an ordinance to regulate the location of vape shops, the use of neon, and the use of tinted windows for these establishments;
3. Direct Staff to move forward with drafting an ordinance that prohibits the sale of vape related products in the city;
4. Direct Staff to move forward with drafting an ordinance that would limit the square footage devoted to the sale of vape related retail products;
5. Add cigarettes, electronic cigarettes and related paraphernalia to the City Council's Legislative Agenda and lobby to have the minimum age to buy tobacco/nicotine products increased to 21 in North Carolina;
6. Any combination of the above

### **Staff Recommendation**

At this time, Staff recommends that City Council take no action until after the court rules on the State's lawsuit against JUUL.

# City of Fayetteville

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

## City Council Action Memo

File Number: 19-998

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**Agenda Date:** 9/9/2019

**Version:** 2

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Administrative  
Reports

**Agenda Number:** 9.02

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

**THRU:** Kristoff Bauer, ICMA-CM - Deputy City Manager  
Dr. Gerald Newton, AICP - Development Services Director

**FROM:** Taurus Freeman - Planning & Zoning Divisional Manager

**DATE:** September 9, 2019

**RE:**

**Administrative Report - Comprehensive Plan (Future Land Use Map & Plan-Draft)**

**COUNCIL DISTRICT(S):**

All

### **Relationship To Strategic Plan:**

Goal II: Diverse and Viable Economy, Objective A - Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Goal III: High Quality Built Environment, Objective A - Manage the City's future growth and support strategic land use policy by supporting quality development.

FY 20 Target for Action: Managing the City's future growth through a comprehensive land use plan.

### **Executive Summary:**

Attached are draft documents related to the new Comprehensive Plan's Future Land Use Map document. The document includes details on a map of the city along with character areas, goals and policies, and six implementation ideas related to the map to "to spur positive change in the City" (p.2). The Planning Commission is charged with the review of this work and will remain heavily involved. However, as this document is also connected to the Target for Action of "Managing the City's future growth through a comprehensive land



use plan,” it is being presented to the City Council before the draft is publicly shared. Once the review process is completed, the Map & Plan items will be presented to the Planning Commission for further review and eventually a recommendation to the City Council. The final action will be a decision of the City Council.

Below is the schedule for the Comprehensive Plan Future Land Use Map document:

9/9:	City Council Meeting (Administrative Report)
9/10:	Public Input (stakeholders, media, social media, departments, etc.)
9/17:	Open House (4:30 p.m. to 6 p.m.)
9/17:	Planning Commission Public Hearing
10/15:	Planning Commission Public Hearing
11/12 or 11/25:	City Council Public Hearing

### **Background:**

Currently, the City of Fayetteville uses the 2010 Land Use Plan, the 2030 Growth Vision Plan, and various area studies to evaluate rezoning and development requests. The City realizes the importance and necessity of an updated Land Use Map and Comprehensive Plan, especially in light of the amendment to the State Statute placing more emphasizes on Comprehensive Plans and the requirement that rezoning's and development approvals be based on and be consistent with the Comprehensive Plan.

While, the City of Fayetteville has completed area studies over the years, these plans need to be better utilized and incorporated into a comprehensive document to guide development in a cohesive manner; thereby, achieving the goals and recommendations of those studies and the City of Fayetteville's Strategic Plan.

The City of Fayetteville sought proposals from qualified consultants to develop a collective updated and all-inclusive Future Land Use Map (FLUM). In February 2019, the City entered into a contract with Stewart Inc. consisting of updating the Future Land Use Map. Prior, 13 area plans were analyzed by Benchmark Planning, which was the basis to consolidate and incorporate the assessed information into a Comprehensive Plan Map and related text (Plan).

### **Issues/Analysis:**

Steward Inc. and Crawford & Associates provided a full range of professional services to update the Land Use Map and developed a detailed plan that incorporates existing vision and guidance for development and redevelopment within the city of Fayetteville.

The consultant team reviewed and analyzed 13 plans including the 2010 Land Use Plan and the 2030 Growth Vision Plan, as well as various other area studies. They were allowed flexibility, innovation and creativity for the development of the Map and Plan.

Implementation methods were provided by soliciting City Staff and public input to ensure the Future Land Use Map includes elements from past area studies. In addition,

guidelines were created to enable the City to make decisions based on the adopted Future Land Use Map. Strategic planning meetings were conducted with City staff and other key stakeholders to identify goals and objectives for the Plan.

**Budget Impact:**

NA

**Options:**

NA

**Recommended Action:**

This is an update report of the work that is underway for the completion of the City's Target for Action related to developing the future land use plan. No action is needed with this administrative report. All City Council members are, however, highly encouraged to participate and help engage citizens in the review and adjustments to the document as it works through the process of refinement.

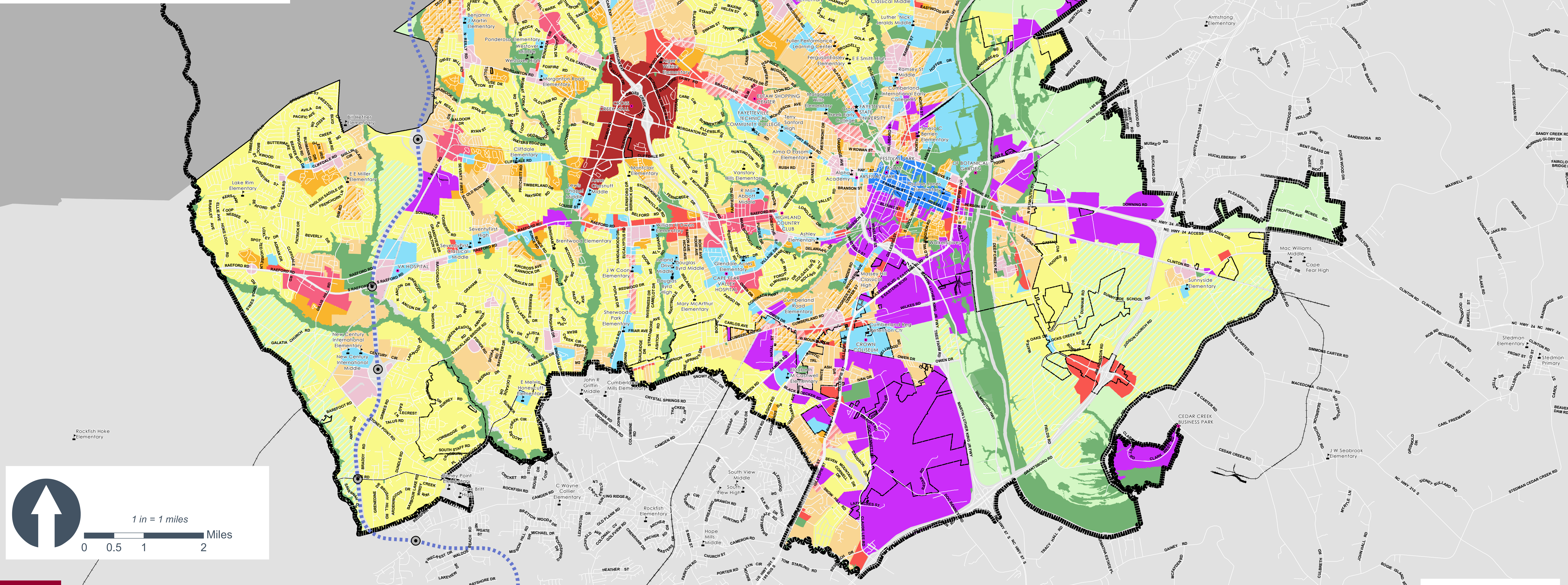
**Attachments:**

- Future Land Use Map (Draft)
- Future Land Use Plan (Draft)



DRAFT FUTURE LAND USE

- RU - RURAL
- PARKOS - PARK / OPEN SPACE
- OSS - OPEN SPACE SUBDIVISIONS
- LDR - LOW DENSITY
- MDR - MEDIUM DENSITY
- NIR - NEIGHBORHOOD IMPROVEMENT
- HDR - HIGH DENSITY RESIDENTIAL
- NMU - NEIGHBORHOOD MIXE DUSE
- CSR - COMMERCIAL STRIP REDEVELOPMENT
- CC - COMMUNITY CENTER
- RC - REGIONAL CENTER
- DTMXU - DOWNTOWN
- HC - HIGHWAY COMMERCIAL
- OI - OFFICE / INSTITUTIONAL
- EC - EMPLOYMENT CENTER





August, 2019



# Future Land Use Plan

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Prepared by the Development  
Services Department with  
assistance from:



# Acknowledgements

## City Council (District)

- Mayor Mitch Colvin
- Mayor Pro Tem Theodore Mohn (8)
- Kathy Jensen (1)
- Dan Culliton (2)
- Tisha Waddell (3)
- D.J. Haire (4)
- Johnny Dawkins (5)
- William Joseph Leon Crisp (6)
- Larry Wright (7)
- James William Arp, Jr. (9)

## Planning Commission

- Jack Cox
- Christopher Davis
- George “Mike” Dudley
- Joseph Humphries
- Marshall Isler
- Barbara James
- Clabon Lowe
- Perry Massey
- Stephen Milburn LTC(R)
- Lakeshia Payton
- Teddy Warner

## Staff

- Dr. Gerald Newton, AICP – Development Services Director
- Taurus Freeman – Planning & Zoning Divisional Manager
- Marsha Bryant – Development Advocate

## Residents, Stakeholder, and Concerned Citizens

Thank you for your contributions in crafting this plan for the City of Fayetteville.

## Purpose and Document Organization

Future land use maps, along with comprehensive plans, are the primary tools used by local governments to provide land use guidance to staff, appointed, and elected officials, and for decisions regarding long-term land use (rezonings, special use permits, etc.). The preparation of Fayetteville's future land use map update provided an opportunity for the community, staff, stakeholders and others to participate in a city-wide conversation about development pressures facing land within Fayetteville's municipal limits and within its municipal influence area (MIA). In addition to a map with designated future land uses, character area descriptions and policy recommendations are provided to assist with implementation. This plan communicates to the public and the development community the desired future land use of areas and the type and form of development that should occur. The planning process for this update lasted approximately six months. During that time there were a series of public involvement meetings that included:

- Four Public Meetings that included representation from each city Council District
- Six Stakeholder meetings that included business and community leaders
- Presentations to the Planning Commission and City Council

Additional public input was received through a city-led survey effort. The survey was an opportunity for residents unable to attend public meetings to provide input on concerns and development preferences, all of which helped in the crafting of the land use map and supporting character area descriptions.

**Section 1, Planning Process**, describes information gleaned from public input meetings and survey results. **Section 2, Future Land Use Map and Character Areas**, outlines the guiding land use map for the city as well as Character Area descriptions. **Section 3, Goals and Policies**, provides specific guidance and recommendations on land use-related issues such as community reinvestment and smart growth. **Section 4, Implementation**, offers up six big ideas related to the map update and potential to spur positive change in the City. **Section 5, Community Profile**, provides background information on land use, demographics and economics data. **Section 6, Prior Plans**, outlines previous planning efforts conducted by the city, and notes certain recommendations from those plans that were carried over to this mapping update.

*Fayetteville's future land use map update provided an opportunity for the community, staff, stakeholders and others to participate in a city-wide conversation.*

## Section 1: Planning Process

*This map update was meant to bring together a cohesive vision for the future growth and development of Fayetteville. Fayetteville's population has risen steadily over the years, and because of its proximity to one of the Nation's largest military bases, its economy has been largely sheltered from recessions in years past. Over the years, a number of small area plans have been developed to guide growth and development. Recently a city-wide strategic plan included a recommendation to develop strategic land use policy to support quality development. This effort builds on that recommendation.*

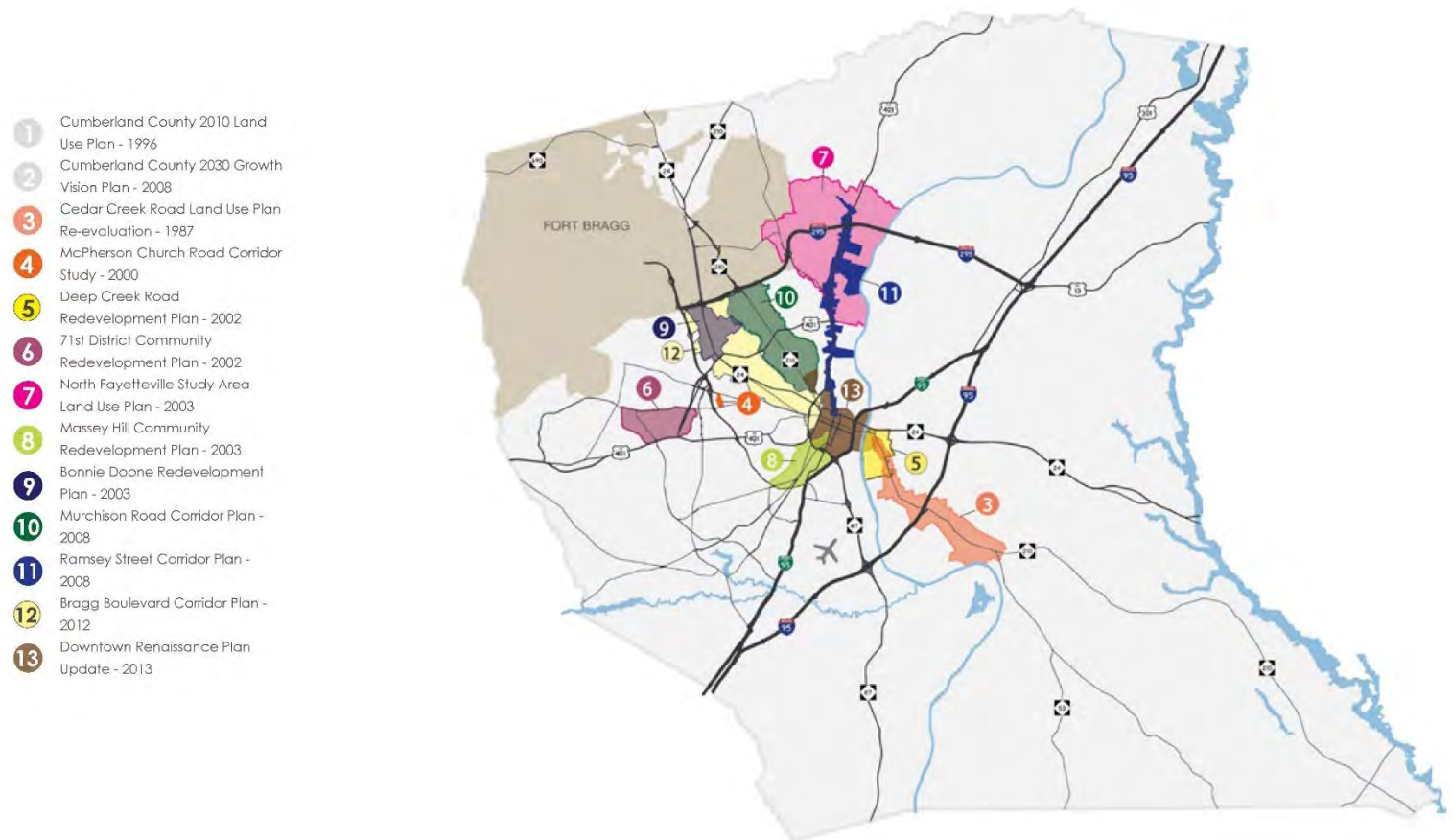


Figure 1: Previous Plans 1983-2017



# District Meetings Summary

As part of the public engagement process for the Fayetteville Future Land Use Map, a series of public meetings were conducted throughout City Council Districts during March and April 2019. The results of these meetings, shown below, provide valuable insight about priorities and goals for future development in Fayetteville and the results will inform the creation of Fayetteville's Future Land Use Map. Additional outreach is expected to occur as part of a broader effort to create a city-wide Comprehensive Plan beginning in 2020.

## OVERVIEW

### MEETING LOCATIONS

To learn about specific land use issues and preferences among the various neighborhoods in Fayetteville, the nine City Council Districts were consolidated into groups and a public meeting was held to hear from area residents. Several city council members attended the meetings for their districts. All meetings began at 6:00 p.m. and took place at city-owned recreation centers.

### MEETING FORMAT

The meetings were held in a casual open-house format to allow participants the opportunity to provide feedback at their own pace. Each district meeting began with a brief presentation highlighting the need for a future land use map and explaining the planning process. Following the presentation, participants visited stations where they expressed their opinions about land use and development via hands-on activities. Activities at each station were facilitated by consultants from Stewart and Crawford Design and City of Fayetteville Staff.



Figure 2: Image from District Meetings

City Council Districts	Meeting Date	Meeting Location
District 1 (Kathy Jensen) & District 3 (Tisha Waddell)	3/19/2019	College Lake Recreation Center, 4945 Rosehill Rd.
District 4 (D.J. Haire), District 7 (Larry Wright) & District 9 (Jim Arp)	3/21/2019	EE Miller Recreation Center, 1347 Rim Rd.
District 6 (Bill Crisp) & District 8 (Ted Mohn)	4/3/2019	Lake Rim Recreation Center, 1455 Hoke Loop Rd.
District 2 (Dan Culliton) & District 5 (Johnny Dawkins)	4/4/2019	Myers Recreation Center, 1015 Rochester Dr.

Table 1: District Meeting Locations

## VISUAL PREFERENCE

To gain an understanding of the development styles that people prefer, meeting attendees were asked to give feedback on images depicting specific building types for residential, neighborhood, commercial, and office & industrial development.

### RESIDENTIAL PREFERENCE

Residential design style preferences show split support for low-density single-family development and medium density single family development. In terms of neighborhood character and design, there was strong preference for mixed use areas and for conservation subdivisions (subdivisions with smaller lots but more open space and parks).

***Participants preferred developments with larger amounts of open space (aka “conservation subdivisions”) over conventional subdivision design by 2 to 1.***



Low Density Residential



Walkable Mixed Use



Medium Density Residential



Conservation Subdivisions





## COMMERCIAL PREFERENCE

Strong preference was shown for commercial/residential mixed-use development and Lifestyle Centers—commercial centers with architectural detail, outdoor seating and landscaping. For office and industry, there was a very strong preference for infill and re-use and support for office and technology centers.

### Mixed Use

- Mix of commercial, retail, and service-oriented businesses with a variety of residential options including apartments and townhomes
  - o Buildings sited generally close to the street for downtown feel
  - o Walkable with outdoor seating
  - o Pedestrian-focused

### Lifestyle Centers

- Commercial center that is an auto-oriented destination with pleasant outdoor spaces
  - o Distinct architectural detail
  - o Landscaping
  - o Outdoor plaza spaces

### Infill & Reuse

- Reuse of buildings(s) for a new purpose or developing vacant/underutilized parcels that are already surrounded by substantial development
  - o Can incorporate historic preservation
  - o Reduces sprawl



### Mixed-Use Development

Precedent: Baxter Village, Fort Mill, SC



### Lifestyle Center

Precedent: Colony Place, Charlotte, NC



### Infill & Reuse

Precedent: Rocky Mills, Rocky Mount, NC

## IN CERTAIN PLACES

Meeting attendees showed mixed support for apartments, duplexes and townhomes with most people indicating such development is appropriate only in certain places. In general, respondents indicated support for office and industrial development (other than infill and reuse) in certain places only. This is especially true for manufacturing and industrial development.

## DON'T LIKE

In terms of residential preferences, people indicated a lack of interest in Traditional Neighborhood Design, however this could be due to the fact that there are not many local examples. Overall, people were supportive of commercial development, but the least preferred type was Neighborhood Commercial.



These images capture the results of the visual preference exercise from the first community meeting. Votes were tallied from all four meetings and summarized to determine community preference for different types of land uses and development designs.



## KEEP, TOSS, CREATE

During the public meetings attendees participated in a map-based exercise to convey what parts or aspects of their neighborhoods and districts they wanted to keep (support or preserve), toss (change) and what they wanted to see created. A summary of findings from these activities is included below.

### Keep (Support or Preserve)

- **Destinations and Assets**
  - o Mall, Parks, Swimming pools, Airport
- **Nature and Open Space**
  - o Trees in residential areas for stormwater / Replace trees cut down for development
  - o Natural trails along the river, greenway on Big Cross Creek
  - o Green space in residential areas
  - o Keep Carvers Creek Trail, but ensure privacy
  - o Protect farmland
  - o Botanical gardens
- **Investing in Downtown**
  - o Scenic downtown
  - o Market House

### Toss (Change)

- **Concurrency and Infrastructure**
  - o Roadway improvements should keep pace with housing developments
  - o Stormwater issues, failing infrastructure
  - o Lack of sidewalks, unsafe intersections
- **Land Uses, Design and Safety Concerns**
  - o Strip development, gas stations
  - o Overhead power lines (i.e. Ramsey St.)
  - o Junk yards (esp. along the river)
  - o Ministorage businesses, blood banks
  - o Dangerous places, crime/illicit activity



Meeting attendees viewed maps of their district and offered ideas on what to preserve, change or create to improve quality of life .

## Create

- **More recreation options**
  - o More parks, recreation centers
  - o Safer playgrounds, public pool, skate park; dog park
  - o Park on Shaw Mill Road on city owned property
  - o Basketball courts, walking trails
- **Walkable destinations and transportation networks that support them**
  - o More walkable areas and shopping districts
  - o Bike trails, pedestrian bridges; more sidewalks
    - i.e. Bike trail from Lake Rim Park to Ridge Road
  - o Transit connections to key locations, bus shelters
  - o Activate downtown; more opportunities downtown
  - o Greater connectivity from neighborhoods
- **Redevelopment**
  - o Tax incentives for older neighborhoods
  - o New tenants in shopping centers
  - o New apartments on vacant land near Blounts Creek; high quality apartments (instead of existing duplex)
  - o Reinvestment to major assets (parks, schools, hospitals, etc)
- **Activities, Shopping, Restaurants**
  - o Movie theater, aquarium, sports stadium, soccer stadium
  - o Upscale/sit down restaurant, restaurant x 3; restaurants in neighborhoods
  - o Riverfront development - walkable corridor from stadium to river/ river walk for cross creek
  - o Neighborhood commercial at interchange
- **Diversify housing stock**
  - o Walkable, mixed-use development / village
- **Infrastructure, aesthetic improvements and beautification**
  - o Bridges over creeks, dam repairs from flooding
  - o Street lights at gateways; beautify gateways
  - o Beautification on creeks (Cross Creek and Blounts creek)
- **Support for jobs**
  - o Technology co-location centers on I-95, Locally owned businesses



*Greenways, trails and sidewalks were mentioned as a priority for many residents during the public meetings.*



# Survey

An online, public survey was conducted over a period of a month to gauge public priorities and perspectives related to development types and land uses. These results helped inform the development of strategies to further the public vision for their community. Highlights include:

## Priorities

- **Safe and Secure Community\***
- **Desirable Place** to Live, Work and Recreate\*
- **High Quality Built Environment\***
- **Encourage redevelopment** in areas of decline\*\*
- **Improve transportation and options** such as sidewalks and bike lanes\*\*
- **Improve the appearance** of new and existing development\*\*

\* Strategic Goal Priorities    \*\* Ten-year priorities

## Open Ended Responses / Themes:

- **Stormwater**
- **Too much commercial zoning/traffic**
- **Concern over gentrification**
- **Concern over less fortunate / homeless**
- **Too many apartments**
- **Public safety**
- **More live/work/play areas**
- **Coordination with county**
- **Code enforcement**
- **Support for small business**
- **Greenways and parks**

## Which types of development are most important to encourage?

1. **Redevelopment of existing vacant properties**
2. **Walkable developments**
3. **Mixed use developments**
4. **Industrial businesses**
5. **Parks and Recreation facilities**
6. **Commercial businesses**
7. **Residential**

## On which items should the City focus its improvement efforts:

1. **Recreation Activities**
2. **Appearance along major roadways**
3. **Sidewalks**
4. **Crosswalks**

## 65 Ideas for areas ripe for redevelopment

- Murchison Road
- Downtown + Edges
- Massey Hill
- Bragg Blvd
- North Fayetteville
- Ramsey Street
- Shaw Heights

## Relationship to land use plan

- Open space requirements
- Character area descriptions
- Land use recommendations and design policies along corridors
- Development standards
- Infrastructure projects

## Section 2: Future Land Use Map and Character Area Descriptions

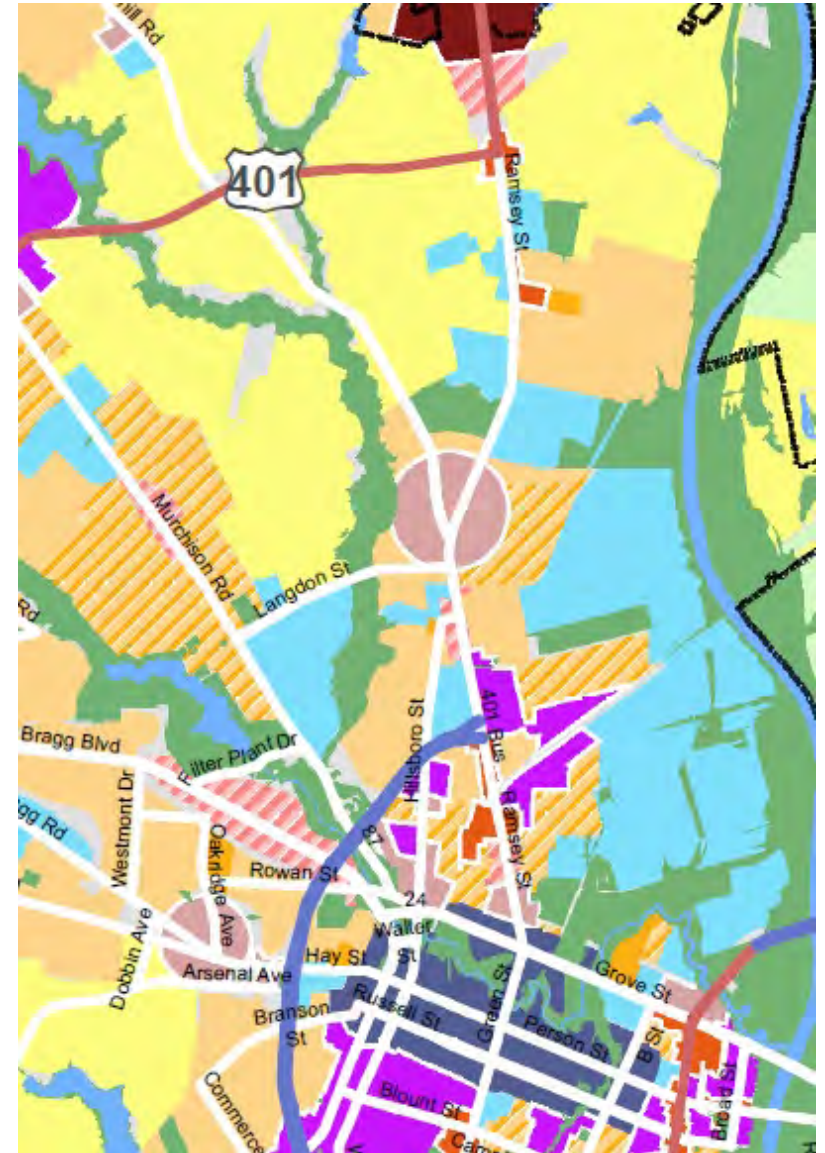
The Future Land Use Map (FLUM) as well as the goals, policies, and strategies that supplement it, are presented in a way that acknowledges Fayetteville's existing land use character and past planning efforts while offering up policy guidance and solutions for sustainable growth in the future.

Along with existing land use, land supply, and suitability analysis, plans from the city's past planning efforts were taken into consideration when drafting this map. To compare against the last city-wide land use planning effort, the Cumberland County 2010 Land Use Plan contained 19 distinct future land use districts, including 5 districts for land on Fort Bragg. This plan identifies 15 future land use districts (referred to as character areas) and refrains from assigning any future land use categories on the base.

Many of the proposed character areas are new, as the prior land use plan had more a more traditional, Euclidean approach to land use types that did not include mixed use designations. The new character areas avoid a traditional approach of separating different uses in most districts and instead reflect a trend of mixing uses in appropriate areas and scales.

Rural and less intensive uses will be found east of the Cape Fear River, where a lack of utility availability and poor soils will continue to hinder development. Neighborhood mixed use centers are in areas one might expect such as Haymount, but also designated in areas that may see future development like north Ramsey Street. "Commercial Strip Redevelopment" areas are composed of areas like Eutaw Shopping Center and Bragg Boulevard as it approaches downtown Fayetteville. The commercial and retail area centered around Cross Creek Mall and Skibo Road corridor is designated as a "Regional Center".

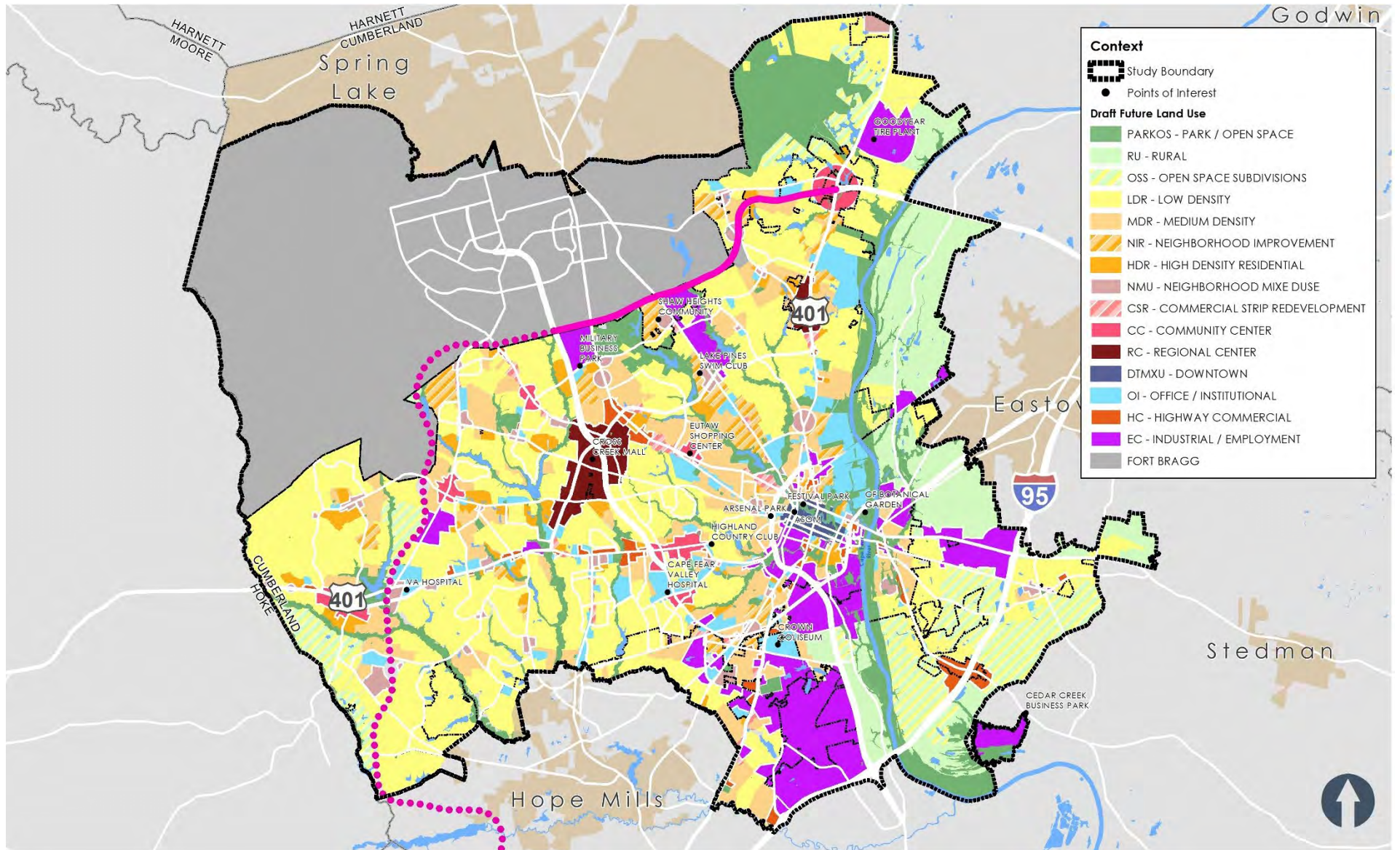
Fayetteville's FLUM is a tool to meet the needs of current and future residents. The new FLUM will supersede all prior land use plan recommendations to serve as both visual and policy guidance for land use planning moving forward in the City.



*A Future Land Use Map (described in more detail later) is one way of guiding development decisions in the City.*



Figure 3: Future Land Use Map



Note: Area maps are included in this report beginning on page 16. A larger format version of this map is maintained by the Planning Dept.



## FUTURE LAND USE CHARACTER AREAS



### **DTMXU: Downtown**

Intense commercial, retail, service. Many 5+ story buildings (esp. in core). Dense residential uses, stacked vertically and urban neighborhoods on edges.



### **RC: Regional Center**

Commercial centers with regional draw. >400,000 sqft nonresidential leasable space. Some 5+ story buildings, hotels, institutional uses possible or clusters of lower density, large-scale commercial uses. Some residential, but only on upper floors or as multi-family structures on edges.



### **CC: Community Center**

150,000-400,000 sqft nonresidential leasable space. Vertically mixed uses (3-5 stories). Ground floors mainly nonresidential, upper floors office (or maybe residential). High density residential and multi-family inter-mixed. Single family on edges.



### **NMU: Neighborhood Mixed Use**

Neighborhood-scale commercial uses. Horizontal mix of uses; vertically in key locations. Buildings 1-3 stories. Smaller-scale multi-family, attached and small lot single family. Lower density on edges.



### **HC: Highway Commercial**

High intensity nonresidential uses often near major intersections and highway interchanges (hotels, gas stations, big box retail, fast food). Redevelopment not likely to include residential. Buffers for adjacent uses.



### **CSR: Commercial Strip Redevelopment**

Commercial mixed use area that encourages higher density residential redevelopment as part of the land use mix to spur private investment. Target areas are clusters of underutilized commercial strip properties.



### **EC: Industrial / Employment Center**

High intensity nonresidential uses with high impact or likelihood for nuisance. Regional employment centers including larger industrial uses or business parks.



### **O/I: Office/Institutional**

Medium intensity nonresidential uses. Light industrial, office, flexspaces, warehousing, large schools/institutions. Businesses or buildings grouped, sometimes in business parks. This area also includes utilities and city services.



### **PARKOS: Parks/Open Space**

Areas generally not suited for development due to site constraints or environmental/cultural importance. These areas may include passive or active recreation amenities or reserved open space, such as undisturbed floodplain.



### **HDR: High Density Residential**

Townhomes and apartments in 3-5 story buildings with some very small single family lots possible. Typically, 5-16 dwellings per acre. Active, compact neighborhoods walkable to adjacent commercial centers.





### **MDR: Medium Density Residential**

Primarily single family residential neighborhoods with small lots (3-6 dwellings per acre). Duplex or townhomes interspersed; low-rise apartments possible. Mostly auto-oriented, but some walkable neighborhoods and destinations



### **NIR: Neighborhood Improvement**

This area allows higher density redevelopment and "missing middle" housing to increase private reinvestment and revitalize neighborhoods. Target areas include clusters of vacant and/or underutilized parcels. Policies focus on neighborhood improvement and reinvestment.



### **LDR: Low Density Residential**

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.



### **OSS: Open Space Subdivisions**

Clustered residential or conservation subdivisions that reserve significant land for open space. Generally, 1-2 dwelling units per acre. Potential for utility service or septic systems.



### **RU: Rural**

Primarily working lands (farms, silviculture, etc.) with occasional single family residential. No utility service (especially lack of sewer). Density typically much less than 1 dwelling per acre. Poorly connected road network.



Figure 4: Downtown Fayetteville

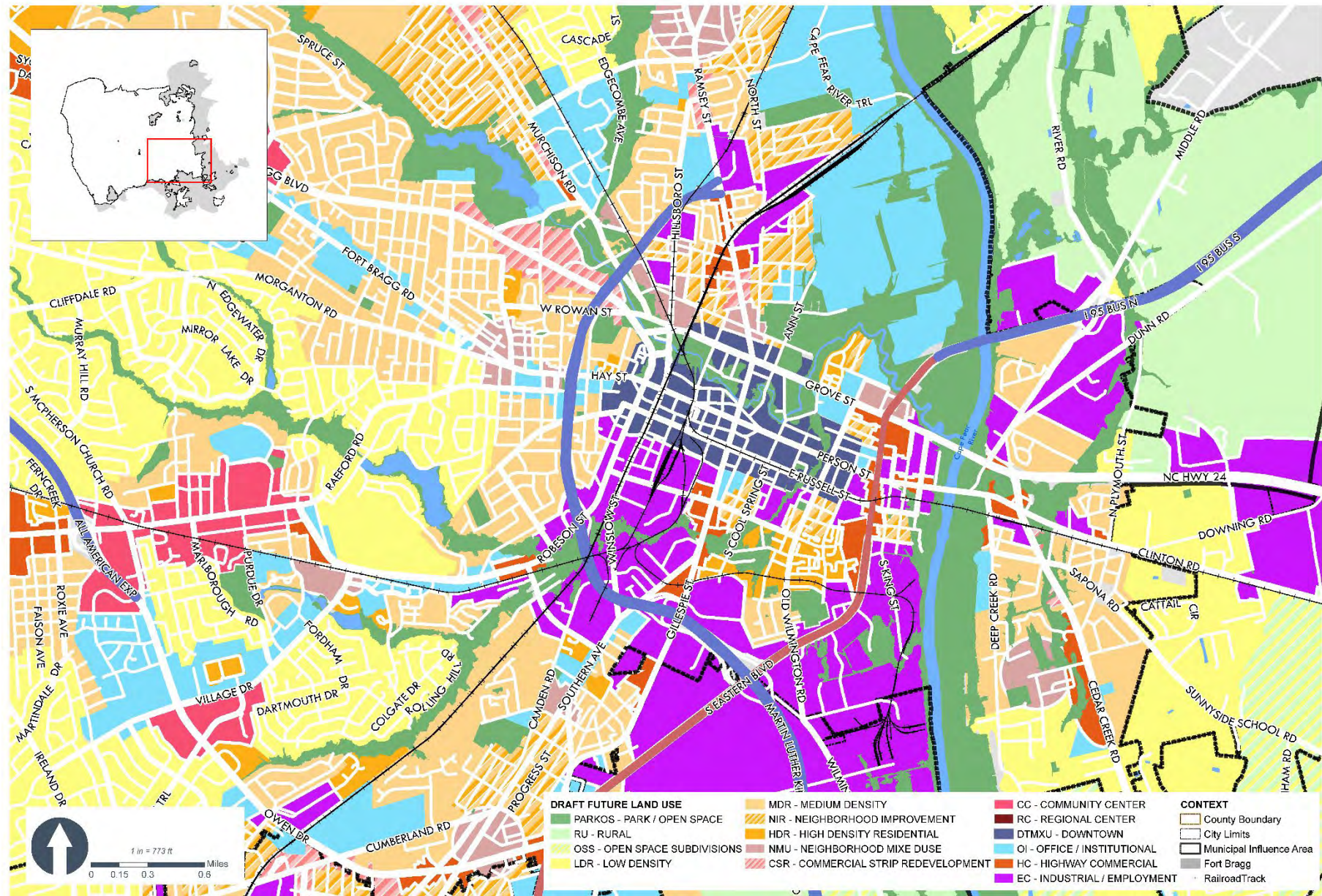




Figure 5: Eastern Fayetteville

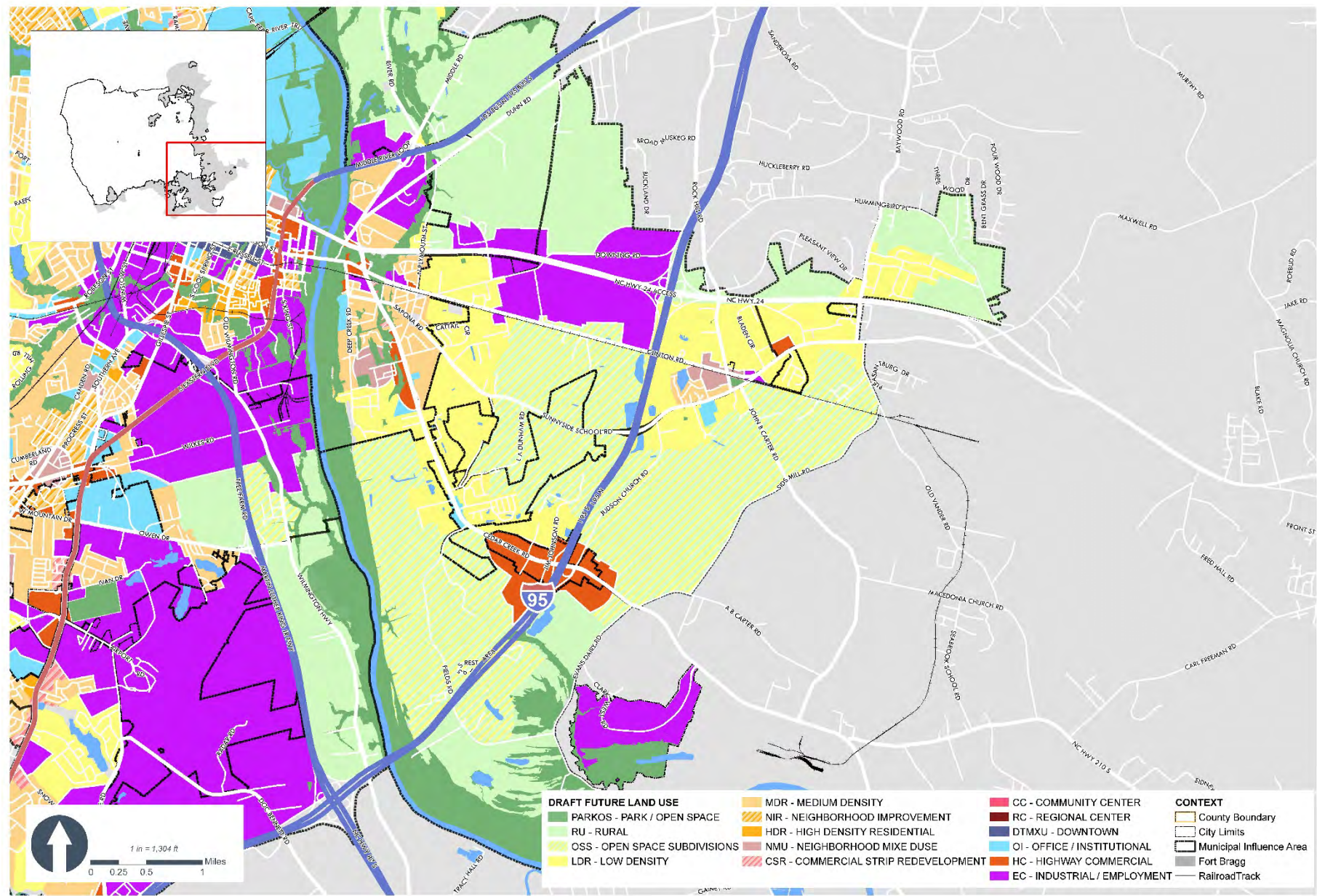




Figure 6: North of I-295

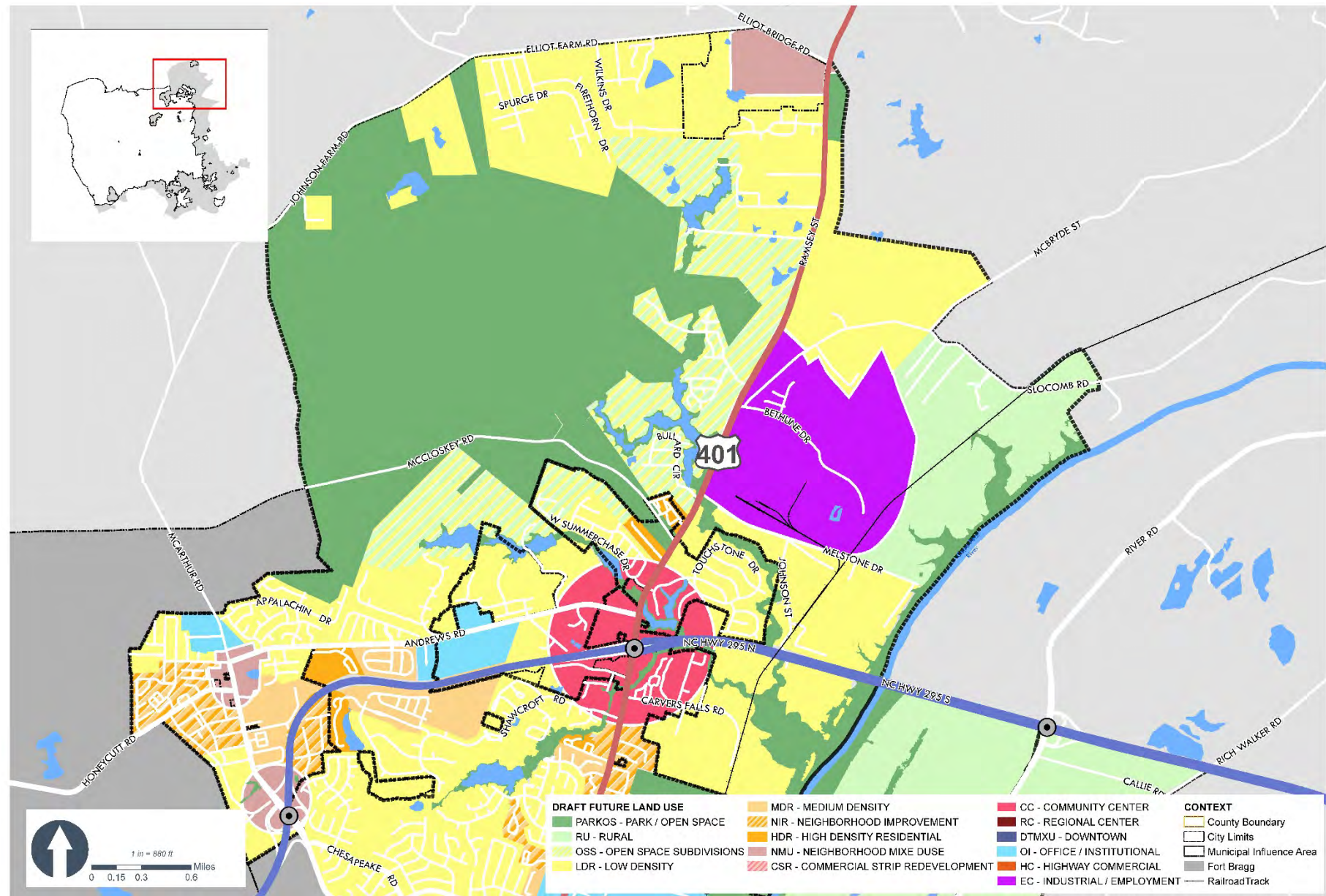




Figure 7: Bragg Boulevard to Ramsey Street

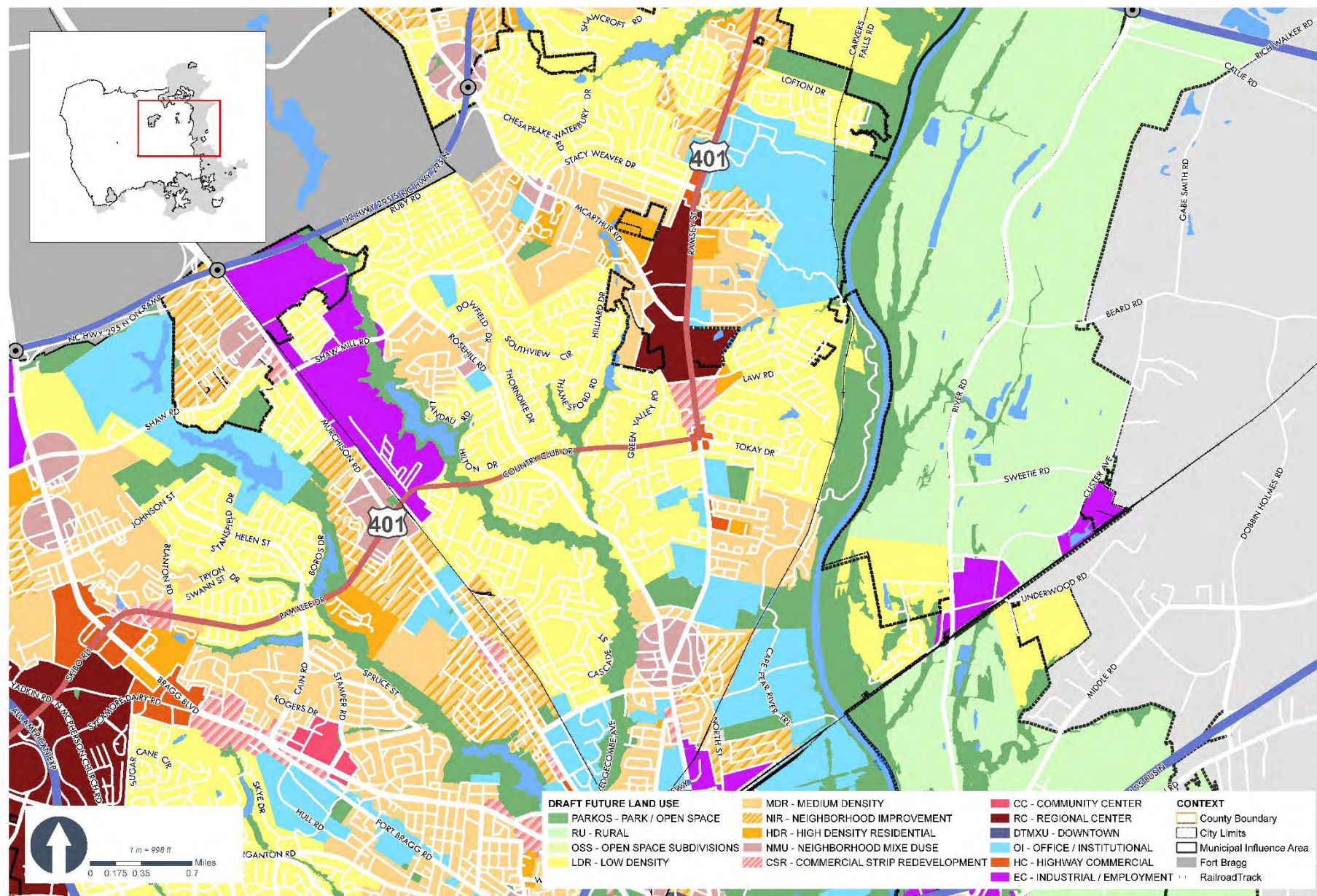




Figure 8: Southern Fayetteville

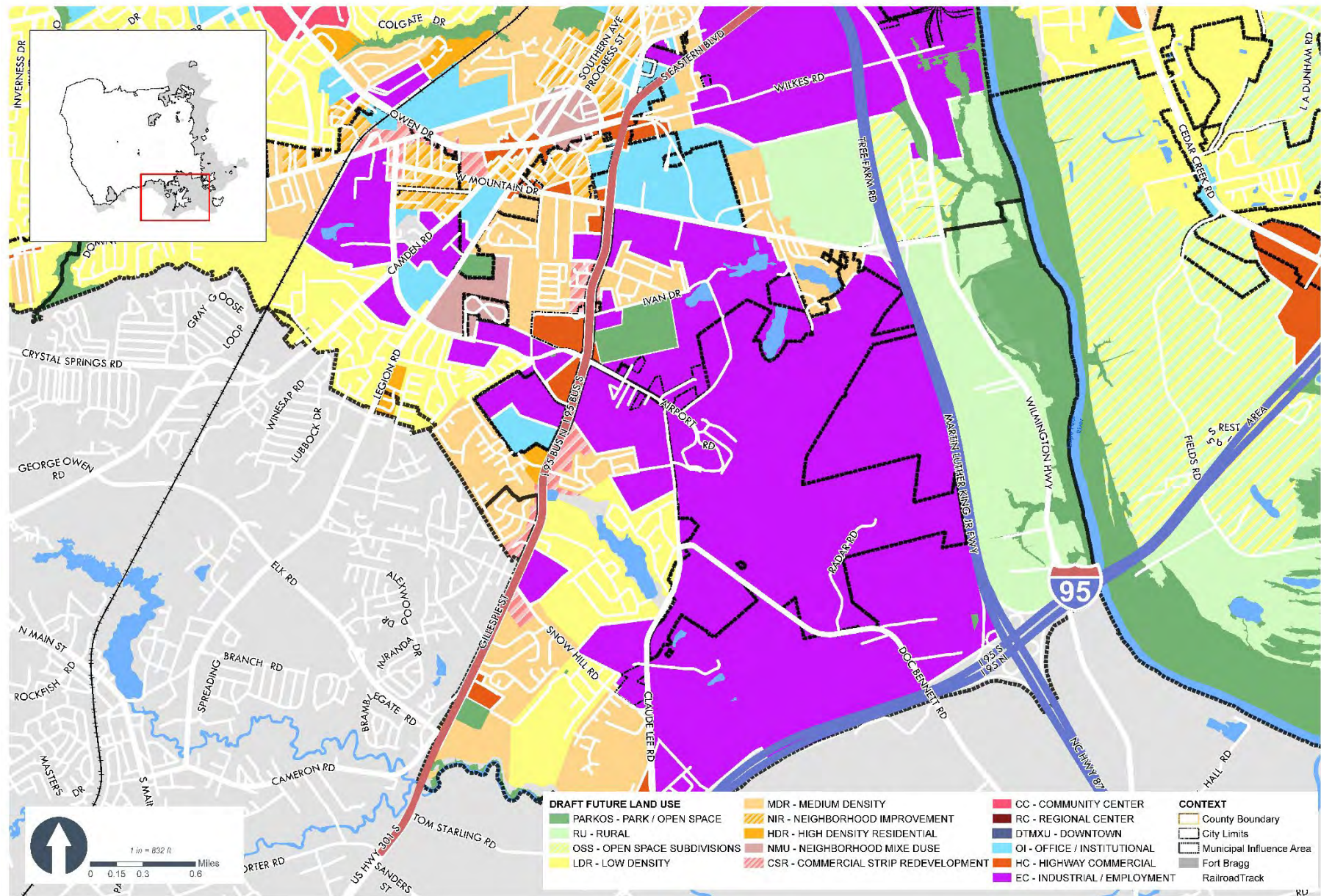




Figure 9: Cross Creek Mall Area

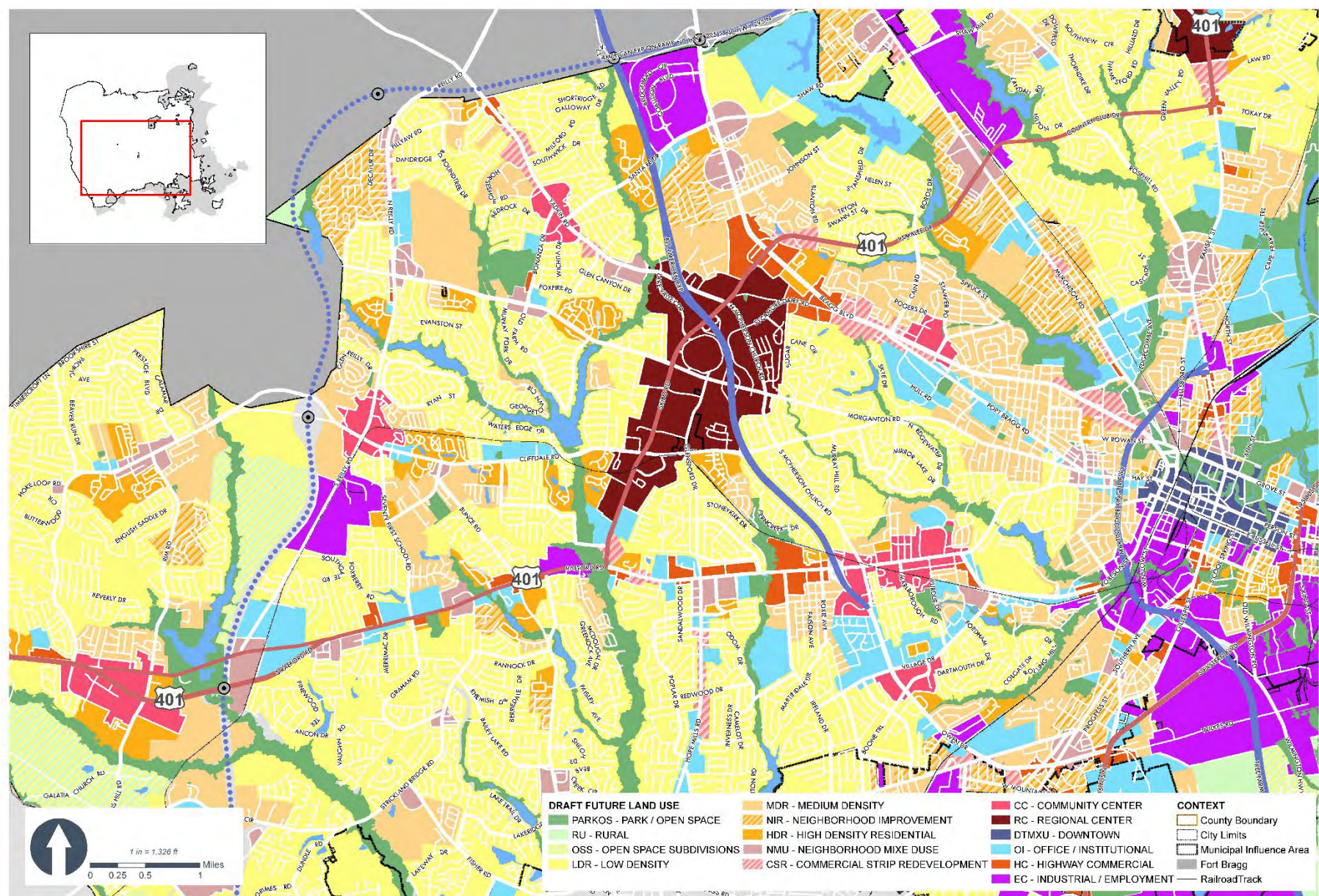
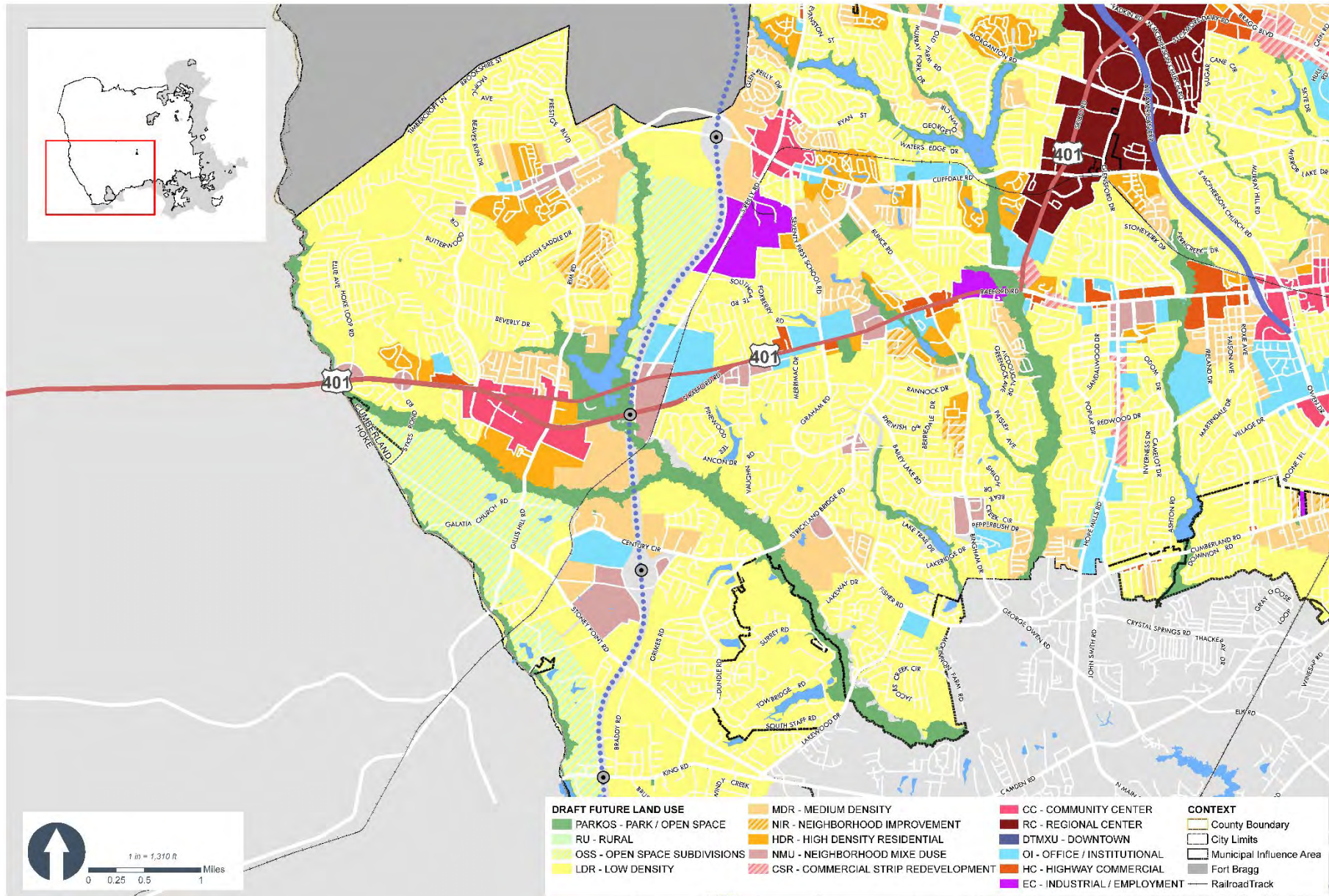




Figure 10: West Fayetteville



## Section 3: Goals and Policy Recommendations

### FUTURE LAND USE GOALS

GOAL #1: FOCUS VALUE AND INVESTMENT AROUND INFRASTRUCTURE AND STRATEGIC NODES

GOAL #2: PROMOTE COMPATIBLE ECONOMIC AND COMMERCIAL DEVELOPMENT IN KEY IDENTIFIED AREAS

GOAL #3: ENCOURAGE REDEVELOPMENT OF STRIP COMMERCIAL AREAS

GOAL #4: FOSTER SAFE, STABLE, AND ATTRACTIVE NEIGHBORHOODS

GOAL #5: PRESERVE AND ENHANCE ENVIRONMENTAL FEATURES THROUGH OPEN SPACE PROTECTION

GOAL #6: COMPLIMENT AND CAPITALIZE ON THE STRATEGIC IMPORTANCE OF MILITARY INSTALLATIONS AND EDUCATIONAL AND MEDICAL INSTITUTIONS



***The Future Land Use Plan goals support Goal III from the overall City Strategic Plan:***

***Goal III: Strategic Land Use Policy***

Objective A – Manage growth and support strategic land use policy by supporting quality development.



# LAND USE POLICIES AND STRATEGIES

## STRATEGIC, COMPATIBLE GROWTH

### LU-1: ENCOURAGE GROWTH IN AREAS WELL-SERVED BY INFRASTRUCTURE AND URBAN SERVICES, INCLUDING ROADS, UTILITIES, PARKS, SCHOOLS, POLICE, FIRE AND EMERGENCY SERVICES.

- **1.1: Work with the Public Works Commission (PWC) and other utility provider to ensure that public facilities and services are planned in a coordinated manner**
  - Utilize the Future Land Use map as a guide for infrastructure expansion
- **1.2: Encourage more intense uses, greater mix of uses and denser residential types in key focal areas**
  - Regional Centers & Community Centers
  - Neighborhood Mixed Use
  - Downtown
- **1.3: Consider the costs and benefits of future extensions of utility service**
- **1.4: Require annexation and adherence to development standards for any development proposal within the city's Municipal Influence Area (MIA) if city services are to be provided**
- **1.5: Limit utility service extensions in areas that are designated as Rural on the Future Land Use Map**
- **1.6: Require adequate infrastructure to be in place prior to or in tandem with new development**
  - This includes road infrastructure such as roads, turn lanes and sidewalks as well as public services such as parks, schools, water/sewer, police, fire and emergency services
- **1.7: Encourage a logical progression of housing development and discourage "leapfrog" development**
  - Leapfrog development is development that occurs in areas away from existing development and in areas currently not served by infrastructure or adjacent to services, esp. water/sewer. This type of growth can lead to higher costs of providing urban services.



*Farm and forest land east of the Cape Fear River is currently not served by City sewer. Extension of sewer to much of this area is not advisable due to cost to provide service and environmental constraints.*

## LU-2: ENCOURAGE STRATEGIC ECONOMIC DEVELOPMENT

- **2.1: Encourage economic development in designated areas**
  - Encourage economic development in key areas including Downtown, Office / Institutional Areas, Industrial / Employment Areas, Regional and Community Centers, and Highway Commercial Areas
- **2.2: Identify opportunity sites for manufacturing and technology industry based on transportation access, nearby land uses, environmental constraints and other considerations**
  - Discourage large-scale residential rezonings and development that impacts prime industrial sites
  - Coordinate with City departments to determine necessary utility, transportation and stormwater upgrades to accommodate target industries
- **2.3: Coordinate with the Fayetteville Cumberland County Economic Development Corporation (FCCEDC)**
  - Conduct economic development activities that contribute to local jobs, a high quality of life, business retention and recruitment
  - Promote a stable economic base by recruiting a diverse industry base
  - Continue to maintain an up-to-date inventory of buildings and sites in the City
  - Work toward the creation of certified industrial sites
  - Conduct small area planning studies for catalyst sites to determine access improvements and potential building configurations to utilize in marketing materials
- **2.4: Coordinate with the Fayetteville Area Convention and Visitors Bureau, the Cool Spring Downtown District and other entities to encourage visitation and tourism in the City**
  - Work to encourage events and conventions in Downtown Fayetteville and other activity centers
  - Invest in public improvements to streetscapes including sidewalks, street trees, landscaping, lighting, and furnishings to create pedestrian-oriented environments Downtown and in other activity centers
  - Consider studying the feasibility of new greenways and extensions to existing greenways in the City



*Marketing existing industrial and business parks with can help increase local jobs and improve property values*



*The pedestrian friendly environment of Hay Street could be extended to other parts of Downtown and replicated in different form in other activity centers to encourage redevelopment, and shopping and dining destinations*

- Recent studies have shown that access to greenways can help spur economic development and visitation
- 2.5: Partner to determine specific uses that could be supported through adaptive reuse and redevelopment opportunities**

### LU-3: ENCOURAGE REDEVELOPMENT ALONG UNDERUTILIZED COMMERCIAL STRIP CORRIDORS AND REINVESTMENT IN DISTRESSED RESIDENTIAL NEIGHBORHOODS

- 3.1: Examine and identify targeted redevelopment and infill areas throughout the city**
- 3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modification to development regulations while maintaining high standards**
  - Consider incentives for redevelopment of underutilized commercial properties including:
    - Allowance of higher density residential types
    - Reduced setbacks and parking
  - Consider incentives for reinvestment in distressed neighborhoods including:
    - Develop land use regulations that allow for diverse housing offerings that allow people to transition to multiple types of housing in different stages of life without having to leave their neighborhood
    - Create targeted, city-funded grant opportunities for developers and individual property owners alike to invest in their homes and neighborhoods.
    - Using previous plans such as the Bonnie Doone Redevelopment Plan or Shaw Heights Plan as a guide, readdress and develop concept area plans for neighborhoods that need it the most and advertise the results created to help spur private sector interest
- 3.3: Coordinate efforts among departments to create synergistic opportunities for reinvestment in distressed areas.**
  - Study opportunities for public improvements that spur private investment. Opportunities may include transportation improvements,

### ***Example redevelopment strategies:***

#### ***Incentives:***

- Develop façade or upfit grants to offset private costs of reuse of buildings
- Revise parking requirements to allow greater flexibility where public transit is available

#### ***Regulatory:***

- Allow higher-intensity, higher-return land uses in key areas
- Adjust setbacks to allow structure expansions that make walkable environments
- Create neighborhood plans to organize private efforts and communicate local vision

#### ***Investment:***

- Coordinate public streetscape and beautification efforts with private redevelopment projects
- Explore establishing a dedicated funding source to implement targeted improvements or a community redevelopment agency
- Develop a revolving loan fund or investment strategy to incubate local entrepreneurs



regional stormwater facilities, greenways and parks, and/or school construction or upgrades.

- Consider acquisition of strategic properties and potential catalyst sites to sell to developers via RFP process to accomplish community goals

#### LU-4: CREATE WELL-DESIGNED AND WALKABLE COMMERCIAL AND MIXED-USE DISTRICTS

- **4.1: Ensure new development meets basic site design standards**
  - Standards should include:
    - Connected streets, entrances, and parking lots
    - Sidewalks and pedestrian pathways on both sides of all public rights-of-way (at the minimum)
    - High quality building materials
    - Landscaping, shade, and street trees
    - Perimeter buffers
    - Low-level parking lot screening
    - Stormwater retention and infiltration
- **4.2: Encourage context-sensitive site design**
  - Design commercial and mixed-use areas to be walkable areas with pedestrian connections between uses and buildings
    - Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings
    - Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.)
  - Ensure development standards specify:
    - Transition in building scale between new buildings and surrounding neighborhoods
    - Building and parking orientation and design
    - Landscaped buffers, tree save areas and site design that provides transitions between more and less intense uses



*Thirty-six percent of commercial properties in the City are underutilized, indicating an oversupply of commercial property. One-third of total commercial properties are under two acres in size.*



*New development standards are improving some commercial corridors. Recent development along Ramsey Street sports heightened perimeter landscaping and screening of parking areas.*



## LU-5: IMPROVE GATEWAYS

- **5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.**
  - There is currently a number of gateways into the City that have underutilized commercial areas. Recent changes to development standards are improving some areas incrementally, however approving exceptions during rezonings and/or for small properties can stall this incremental improvement and potentially have a negative effect on adjacent properties and future development.
- **5.2: Consider strategic investment in transportation and public realm improvements along gateway corridors**
  - Identify key gateways into Fayetteville (such as Murchison Street, Bragg Boulevard and Ramsey Street) and study potential transportation improvements, public realm improvements and redevelopment opportunities
    - Roadway improvements such as access management projects, medians, collector street connections and roundabouts can be catalysts for new development or redevelopment along gateway corridors.
    - Landscaping, beautification, public art and the addition of pedestrian facilities can help the City leverage public rights-of-way for neighborhood improvement.
    - Where appropriate, focus planning efforts and regulations to facilitate transit stops along future development and infill with consideration placed upon potential rail service from Fayetteville State University to Downtown Fayetteville.
    - Require any high-density, vertical mixed-use development in these areas to cluster and make the most of transportation improvements constructed.
  - Re-align key major and minor intersections (and establish minor connections from existing neighborhoods) to create logical connections and nodes for investment, intensification, and public realm enhancements



### ***Town of Hickory, NC: Inspiring Places***

Following their most recent community visioning and plan adoption, the citizens of Hickory passed a \$40 million bond by referendum. This bond is currently being used to design and construct catalyst projects identified in the vision plan. The major thrusts of the plan include:

- A corporate business park for contemporary manufacturing companies
- New public recreational facilities in downtown and along the river
- Enhanced gateways and streetscape beautification
- Investing in the connection between downtown and the university

These major public projects are anticipated to generate private sector investment that will multiply the total economic and societal benefit.

More information can be found here:

<https://www.hickorync.gov/content/bond-information>

(Photo from the Town of Hickory website.)

- Develop, with assistance from city transportation officials, a list of intersections that can benefit from realignment. Coordinate with FAMPO and NCDOT to add projects to the STIP for funding.
- Use this plan as a mechanism to retrofit areas with other amenities found elsewhere within the city such as street trees, sidewalks, and bike lanes.

## SAFE, STABLE AND ATTRACTIVE NEIGHBORHOODS

### LU-6: ENCOURAGE DEVELOPMENT STANDARDS THAT RESULT IN QUALITY NEIGHBORHOODS

- **6.1: Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater and open space.**
  - Require a connected system of streets in new development and stub-outs to areas of future development
  - Require sidewalks in new developments along both sides of public roadways (including the frontage of properties and internal roads)
  - Encourage commonly-accessible open spaces in new residential subdivisions
  - Require street trees in high density residential developments and commercial areas
  - Require canopy trees in new single-family neighborhoods

### LU-7: ENCOURAGE A MIX OF HOUSING TYPES FOR ALL AGES AND INCOMES

- **7.1: Allow a mix of housing, including attached and multi-family homes, to create diverse neighborhoods, especially within and near Downtown and designated Regional, Community and Neighborhood Centers**
  - Establish incentives for encouraging select underutilized commercial areas and strip malls to be converted to higher density residential uses
- **7.2: Allow a mix of smaller scale detached and attached housing in Medium Density Residential and Neighborhood Improvement areas (as identified on the Future Land Use Map)**
  - Housing types in these areas could include smaller-lot patio homes, duplexes, triplexes, quadplexes and townhomes
    - Greater flexibility in allowable housing types, setbacks or parking requirements could be considered for Neighborhood Improvement areas to encourage reinvestment



Requiring high quality design and construction of public facilities in new subdivisions can encourage development that raises property values, and create a visually appealing public realm.



A variety of housing type options allows people in different stages of their lives to be able to invest in the social fabric of their neighborhood and community. Providing spaces within neighborhoods for these “missing middle” housing types can allow people to find their own special niche within the City.

- Design standards could be implemented to encourage compatibility with existing development in these areas. Standards could include:
  - Architectural standards
  - Open space requirements
  - Parking design criteria (i.e. location, planting requirements)
- **7.3: Work with non-profits to increase affordable and workforce housing**
  - Pursue federal Choice Neighborhoods Implementation grants for planning and creating mixed-income housing
- **7.4: Conduct neighborhood stabilization activities**
  - Coordinate with Cumberland County on programs that help homeowners repair existing homes and/or remain in neighborhoods experiencing change can help stabilize neighborhoods that are experiencing change and retain NOAH (Naturally Occurring Affordable Housing)
  - Develop partnerships and programs that encourage renovation of rental housing stock
- **7.5: Encourage Crime Prevention Through Environmental Design (CPTED) principles in development design and the design of public facilities**
  - Building and site design that includes clear delineation between public and private spaces, street lighting, and windows and/or balconies facing the street can help increase informal surveillance of space and reduce crime

## ***U.S. Department of Housing and Urban Development: Choice Neighborhoods***

This federal program leverages public and private dollars to support locally-driven strategies that address struggling neighborhoods with distressed public or HUD-assisted housing. Local leaders, residents, and stakeholders create and implement a plan that revitalizes distressed HUD housing and addresses the challenges in the surrounding neighborhood. The program helps communities transform neighborhoods by revitalizing severely distressed public and/or assisted housing and catalyzing critical improvements in the neighborhood, including vacant property, housing, businesses, services and schools.

Choice Neighborhoods is focused on three core goals:

1. **Housing:** Replace distressed public and assisted housing with high-quality mixed-income housing;
2. **People:** Improve outcomes related to employment and income, health, and children's education; and
3. **Neighborhood:** Create the conditions necessary for public and private reinvestment in distressed neighborhoods.

More information can be found here:

<https://www.hud.gov/cn>

(Information adapted from HUD website.)



## PRESERVE AND ENHANCE ENVIRONMENTAL FEATURES

### LU-8: REQUIRE THE RESERVATION OF OPEN SPACE AND UNIQUE NATURAL FEATURES IN NEW DEVELOPMENTS

- **8.1: Evaluate open space requirements for residential development and consider increasing requirements to be competitive with or exceed peer communities**
  - Currently 5-10% of most sites is required to be reserved as open space and 50% of the open space is required to be usable for active or passive recreation facilities.
    - Size, location and access criteria should be evaluated to ensure adequate, quality open space is being provided in new subdivisions
    - Regulations should accomplish the following:
      - Require open space to be connected to the maximum extent practical
      - Specify allowable types of open space (i.e. parks, valuable natural features, amenities such as greenways, walking paths, picnic areas, etc.)
      - Specify lands not counted toward the open space requirement (i.e. remnants, rights-of-way, etc.)
- **8.2: Preserve unique natural features through site design**
  - Regularly review and update Unified Development Ordinance to specify priority open space types (i.e. natural features that should be preserved first with new development)
  - Continue to incentivize tree preservation, especially mature native trees and Champion Trees
    - Currently preservation and protection of specimen trees or groves of three or more trees over a certain caliper results in a 300% credit toward open space requirements
  - Consider expanding incentives to:
    - Include larger vegetated riparian buffers (up to 150ft) to maintain water quality
    - Include future greenway locations



*Open space can take many forms and can be public, private, or semi-public. Finding the right, context-sensitive mix can add value to a neighborhood and improve health outcomes of residents.*

- **8.3: Incentivize cluster / conservation subdivisions, especially in areas with high value natural assets and Open Space Subdivisions areas (on the Future Land Use Map)**
  - Evaluate doubling or tripling the current density bonus for additional open space and consider modifications to encourage subdivisions with more open space in developing areas on the edges of the City
    - Currently, a density bonus is available that is equal to a 1 percent increase in allowable density for every 1 percent of land devoted to open space over base requirement. Maximum density bonus is set to a 20 percent increase in the allowable density.

## LU-9: PLAN FOR A CONNECTED SYSTEM OF OPEN SPACE AND GREENWAYS

- **9.1: Improve access to parks and greenways**
  - Coordinate with Fayetteville Cumberland Parks & Recreation to improve access to existing facilities and address level of service deficiencies within the City and Municipal Influence Area
  - Prepare an open space and greenway master plan for the City and/or coordinate with Cumberland County to create a plan for the entire county
    - Analyze existing level of service and equitable access to parks as a first step in this process
- **9.2: Prioritize connecting neighborhoods and destinations with greenways**
  - Expedite the development of the Cape Fear River Trail and key connections
  - Create a master plan and improve wayfinding for the Cross Creek Linear Park
  - Study future greenway connections along major creeks including Little Cross Creek, Beaver Creek, Bones Creek and other tributaries identified as potential greenways in previously completed Small Area Plans



*Greenways (multi-use trails) are a local amenity as well as a regional recreational attractor.*

## LU-10: SUPPORT LAND USE, SITE DESIGN AND CAPITAL IMPROVEMENT INITIATIVES THAT INCREASE RESILIENCY AND REDUCE IMPACTS FROM FLOODING AND NATURAL DISASTERS

- **10.1: Encourage on-site stormwater control measures that reduce impacts of new development**
  - Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new development on adjacent properties and reduce the rate of stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge
- **10.2: Incentivize Low Impact Development (LID) techniques in new development**
- **10.3: Plan for stormwater management at the stream basin level, especially in areas that have been developed with limited on-site detention**
- **10.4: Carefully control development within the floodplain**
  - Encourage open space, passive parks and restoration of native vegetation within the 100-year floodplain
  - Require all structures to be built with additional “freeboard” or distance above habitable floors and a base flood elevations (BFE)
  - Discourage uses that include hazardous material storage in the floodplain



*The best (and safest) use of high- to moderate-frequency floodplains is to be reserved for the storage of floodwater during storm events. Passive recreational uses can also increase the utility of these areas.*



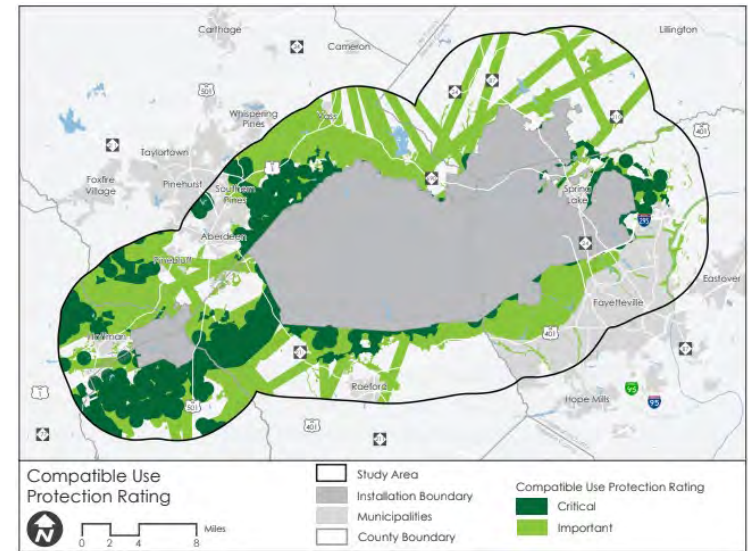
## MILITARY INSTALLATIONS AND INSTITUTIONS

### LU-11: ENCOURAGE A DEVELOPMENT PATTERN AND COMMUNITY GROWTH THAT RESPECTS THE TRAINING AND OPERATIONAL MISSION OF THE MILITARY, WHILE ALSO ALLOWING FOR REASONABLE, APPROPRIATE USES OF PROPERTIES NEAR FORT BRAGG

- **11.1: Discourage higher intensity development in Critical and Protected areas identified in the 2018 Joint Land Use Study (JLUS)**
- **11.2: Require notice of military installation commanders when new major subdivisions are proposed within 5 miles of Fort Bragg**
- **11.3: Limit height of buildings proximal to major military installations (per JLUS recommendation)**
- **11.4: Discourage residential uses and gathering places within the Noise-Accident Potential (NPO) Districts identified in the JLUS plan**
  - Continue to discourage residential uses and public gathering places
  - Consider requiring adherence to development standards include:
    - Maximum density of residential uses of 1 dwelling unit per five acres
    - Clubhouses and gathering places should not be allowed
    - Noise attenuation in impacted structures

### LU-12: COORDINATE WITH FORT BRAGG

- **12.1: Regularly communicate with Fort Bragg and ensure that local government representatives are participants in the Regional Land Use Advisory Commission (RULAC)**
- **12.2: Fort Bragg shall be included in all major infrastructure planning locally. This will be especially important as Fort Bragg and surrounding local communities seek mutually beneficial opportunities to enhance services**
- **12.3: Consider the co-location and joint development of park facilities in cooperation with institutions such as colleges, public schools, the military, other federal, state and local government agencies, as well as private and non-profit interests**



*The operations at Fort Bragg are impacted by the uses of surrounding lands, as detailed in the recently revised Joint Land Use Study (JLUS).*

*(Source: Fort Bragg JLUS, Sept. 2018)*



- **12.4: Coordinate with Cumberland County, the Fayetteville-Cumberland County Chamber of Commerce and the military to encourage compatible economic development near the base**
- **12.5: Coordinate with the military, affordable housing interests and housing developers to increase supply of high-quality housing that is conveniently located and attractive to a variety of individuals and family types**

### LU-13: COORDINATE WITH LOCAL GOVERNMENTS, NON-PROFITS AND EDUCATION AND MEDICAL INSTITUTIONS ON ECONOMIC DEVELOPMENT INITIATIVES AND COMPLIMENTARY DEVELOPMENT IN THE VICINITY CAMPUSES

- **13.1: Encourage growth and development that is complimentary to higher education institutions**
- **13.3: Coordinate with institutions to determine long-term off campus needs and priorities surrounding their campuses**
  - This coordination could include identifying areas for student housing, placemaking initiatives, transportation improvements and/or small area planning priorities



*Methodist University, Fayetteville State University and Fayetteville Technical Community College are anchor institutions that great assets to the City. Coordinating with representatives of these institutions will be key during small area planning initiatives in the future.*

## Section 4: Implementation Recommendations

The following strategies represent near-term recommendations for implementing key components of the Future Land Use Plan.

**STRATEGY #1: USE THIS DOCUMENT AND THE FUTURE LAND USE MAP TO GUIDE LAND USE POLICY DECISIONS AT STAFF, BOARD, AND ELECTED OFFICIAL LEVELS TO PROMOTE SOUND DEVELOPMENT PATTERNS THROUGHOUT THE CITY.**

- **CONTEXT:** The last City-wide land use plan was included in the Cumberland County 2010 Land Use Plan, completed in 1996, which resulted from a joint effort between Cumberland County and the City of Fayetteville. Since this time a number of small area plans have been completed in the City that have included land use recommendations. Oftentimes, there could be multiple plans that address the future land use of a parcel in the city. This fact, and not having a clear understanding of what plan recommendations take precedence, could create issues between staff and the development community when those parcels are being considered for development. This document and the associated Future Land Use Map was created based on updating a city-wide vision for growth and development that is based on previous small area plans and a planning and public engagement process that included stakeholder interviews, public meetings, a survey and staff worksessions. It is meant to supersede previous land use planning efforts and be updated regularly.
- **IMPLEMENTATION RECOMMENDATIONS:**
  - Formally adopt the Future Land Use Map and Recommendations
  - Review all land use petitions (rezonings, conditional and/or special uses, site plans and etc.) for consistency with the future

## Implementation Recommendations

- #1:** Use this document and the Future Land Use Map to guide land use policy decisions
- #2:** Update the City's comprehensive plan
- #3:** Remove barriers for reinvestment and redevelopment in target areas
- #4:** Coordinate efforts among departments to create synergistic opportunities for reinvestment in distressed areas
- #5:** Increase public engagement efforts in support of the goals and action steps in this document

land use map as well as the goals, policies, and strategies of this plan.

- o Implement targeted development regulations that support the future land use goals and character area descriptions.
  - o Refine the city's development codes in a clear and consistently applied manner and use them as a tool for implementation of the land use goals and strategies found in this document.
- o Regularly update the Future Land Use map based on rezoning decisions, future small area planning initiatives and major updates every 5 years

## STRATEGY #2: BUILD ON THE RECOMMENDATIONS AND THE FUTURE LAND USE MAP WITH A COMPREHENSIVE PLAN UPDATE

- **CONTEXT:** Outside of recent planning efforts for small areas within the city, there has not been a full-fledged comprehensive plan since the 2008 Growth Vision Plan. As comprehensive plans typically have a shelf-life of 5-10 years, an update is necessary to properly represent the wants and wishes of stakeholders and citizens alike. While this mapping update took much of the city's available land use, environmental, and socio-economic data to create a thoughtful approach to its future development, a comprehensive plan update will also address items and topics not touched on this update, such as economic development, parks and open space, transportation, and others.
- **IMPLEMENTATION RECOMMENDATIONS:** Planning managers should work closely with elected officials and city management to explain the necessity of a comprehensive planning update and coordinate its completion with planning staff or dedicate funding for completion by a private planning firm. Specific recommendations include:
  - Encourage City Council to appropriate funds for a citywide comprehensive plan to update the 2010 Plan with public participation as a key element.

- Supplement that planning effort with other corridor and small area plans that are focused on implementation, specifically for areas within the city with distressed neighborhoods or marginal commercial development.

### STRATEGY #3: REMOVE BARRIERS FOR REINVESTMENT AND REDEVELOPMENT IN TARGET AREAS, ESPECIALLY MARGINAL COMMERCIAL STRIP CORRIDORS AND/OR RESIDENTIAL NEIGHBORHOODS

- **CONTEXT:** There is an oversupply of commercial property in Fayetteville, which has led to high vacancies and underperforming commercial strip development along many major thoroughfares. Encouraging commercial reinvestment and redevelopment at key nodes and allowing the marginal strip commercial properties to redevelop into apartments and multi-family residential (with cross access between properties) could simultaneously reinvigorate distressed and blighted strip commercial properties and reinforce the neighborhood nodes. This will provide stability and focused investment in key nodes that will build community value that will permeate the surrounding neighborhoods, while also providing a useful and important function for underutilized properties.

Over the years, strip development has occurred on nearly every major or minor arterial in the city. This effect has been exacerbated by the numerous, incremental road realignments as well as unpredictable and significant fluctuations in demand and population (in part due to the military base). The changes have created an unreliable backdrop for investment, with an ever-changing landscape of population density, income, access, and availability. As each new strip develops, it disenfranchises the previous strip development by lowering demand, and partially underutilized land and marginal businesses and rental spaces are all that is left. Some parcels were so highly prized for their frontage on an arterial that the entire back 75% of the parcel was ignored, with just a parking lot and shallow commercial space developed along the roadway. With the



*Strip commercial centers with reinvestment potential existing on many of the major commercial corridors. Often, these commercial strip buildings have vacant land behind them that is underutilized.*

newly proposed focal activity areas, it is important to encourage and incentivize redevelopment of these marginal strip commercial centers. By doing so, these properties can redevelop as higher value contributors to a better organized community that will reinforce activity centers.

- Strip properties within Commercial Strip Redevelopment character areas will be incentivized to redevelop as higher density residential properties. They have good vehicular access for residents and the reduction in commercial properties will heighten demand for the remaining commercial at the activity centers. These activity centers will then benefit by increased demand for upfits and redevelopment, which will increase their attractiveness and vibrancy. The existing and future pedestrian facilities along these redeveloped corridors will connect the residents of the redeveloped Commercial Strip Redevelopment areas with the activity centers, which will help those businesses flourish by having a high population of potential consumers nearby.
- Neighborhood Improvement/Redevelopment character areas offer a similar opportunity for marginal residential neighborhoods that have failed to grow value as much as other neighborhoods. If context-sensitive redevelopment of appropriate density is allowed and encouraged to occur, it can lead to aggregation of parcels and redevelopment that will build wealth and spur reinvestment. The city will need to find ways to encourage slight increases in density while maintaining neighborhood character. Public improvements, such as sidewalks, street trees, curb-and-gutter, street lights, upfitting sewer pipes, etc. could be targeted to spur reinvestment.
- **IMPLEMENTATION RECOMMENDATIONS:**
  - Identify properties and reach out to owners and the development community to identify strategies and incentives for encouraging the desired redevelopment.
  - If necessary, make changes to the land development regulations and zoning code, including a potential zoning overlay with relaxed lot sizes, dimensional standards, use



allowances or housing type allowances, etc., to allow the desired development to occur.

- o Begin a targeted incentive program that encourages the desired outcomes. If possible, establish a standing funding stream for redevelopment activities, which may include a municipal services district, dedicated general fund revenues, low interest revolving loan fund, waiver of utility or inspection fees, etc.

#### STRATEGY #4: COORDINATE EFFORTS AMONG DEPARTMENTS TO CREATE SYNERGISTIC OPPORTUNITIES FOR REINVESTMENT IN DISTRESSED AREAS

- **CONTEXT:** Incremental, disjointed improvements by multiple players across a broad area will fail to communicate priorities and direction that will focus private sector investment to build community wealth. This issue may be addressed by the public sector in the following ways:
  - o upzoning select parcels
  - o upsizing water, sewer, stormwater, electric, and broadband infrastructure
  - o adding pedestrian and transportation improvements
  - o providing outdoor recreation, open space, and stormwater management
  - o school improvements

By coordinating and focusing public sector energy, funding, and improvements into key locations, the city can leverage private investment in those locations to build community value that extends into neighboring residential properties.

Specifically, transportation improvements such as realigning key major and minor intersections and establishing connections near activity nodes is an opportunity in areas that could benefit from investment or public realm enhancements. This will require a coordinated effort between planning staff and transportation agencies. Identifying and realigning minor road sections and/or establishing connections between neighborhoods and commercial centers can lead to more



intuitive neighborhood centers and focus private sector investment decisions in areas that will build community focus and wealth, including opportunities for walkable, distinct, and active nodes.

- **IMPLEMENTATION RECOMMENDATIONS:**

- Identify a lead from each city department, establish a regular coordination/meeting framework. Evaluate the current development review and implementation process, as well as intended and unintended consequences of current efforts including public facility planning, redevelopment, cost recovery, beautification, etc.
- Map out priority focus neighborhoods or areas and discuss ways to align efforts. Create a group priority recommendation and get community buy-in, including extensive outreach to the community and private sector.
- Inventory and identify misaligned intersections and gaps in the road network.
- Prioritize those interventions, in part using public input, and then budget for acquisition and construction.
- Ensure that these new connections include pedestrian facilities that connect residences to activity centers, to help reinforce these new nodes of commercial activity.
- Connect neighborhoods to commercial nodes to support and activate these areas. Method for realigning should rank parcels relative distance to key nodes and seek interventions that have highest cost (purchase + construction) – to – benefit (increased connectivity to node).

## STRATEGY #5: INCREASE PUBLIC ENGAGEMENT EFFORTS IN SUPPORT OF GOALS AND ACTION STEPS IN THIS DOCUMENT

- **CONTEXT:** Public engagement is the cornerstone of plan implementation. Without public buy-in, a plan will meet resistance when it comes time to implement, budget, prioritize, and appropriate funds. By building a network of contacts in local institutions,

neighborhoods, and districts, and reaching out for education, momentum can be built for implementing plan recommendations.

- **IMPLEMENTATION RECOMMENDATIONS:** Identify and designate a responsible internal team and task them with making contacts and establishing small-scale neighborhood meetings throughout the city. Outreach beginning in the Fall of 2019 can help validate recommendations in the Future Land Use Map and this document and can contribute to an understanding of priority issues to inform a new Comprehensive Plan. A “road show” should be developed that highlights key recommendations in this plan and familiarizes community members and organizations with the goals of the plan. Create and disseminate other informational material, including a website, to help educate the community and provide avenues for them to discuss, comment on, and revise the Plan. Establish metrics for successful engagement and track and report on those metrics to an appropriately accountable body. Additional implementation steps include:
  - Utilize the city’s planning staff and public information office to serve as the “front line” for implementation of all goals and strategies in this map update.
  - Involve other local partners (NCDOT, developers, etc.) when necessary to serve as conduits in the implementation of the goals of this planning effort to assist in the coordination of regulatory compliance
  - Ensure that the land use map, its character areas, and their descriptions are regularly updated according to the city’s development trends and the desires of the citizens of Fayetteville
  - Facilitate training and education on the implications of this report to areas of the city that would be affected the most by the changes outlined within these policies and strategies.

## Section 5: Community Profile

The Community Profile focuses on the Fayetteville planning area and includes demographic indicators and trends (i.e. population, employment, income, housing, education, health, aging, etc.) which provide a context for growth and change in Fayetteville and Cumberland County. Natural resources, environmental constraints, existing land use patterns and land use suitability is also documented.

### DEMOGRAPHICS

#### POPULATION & AGE

Growth has primarily occurred within the City of Fayetteville with an annual growth rate of 3.3% between 2000 and 2017. This compares with an annual growth rate of 0.6% for Cumberland County during this period.

The median age in Fayetteville has generally gotten younger between 2000 and 2017 going from a median age of 31.9 years to 30 years. This is due to a 96% increase of 14,461 persons in the 20 to 24-year age cohort.

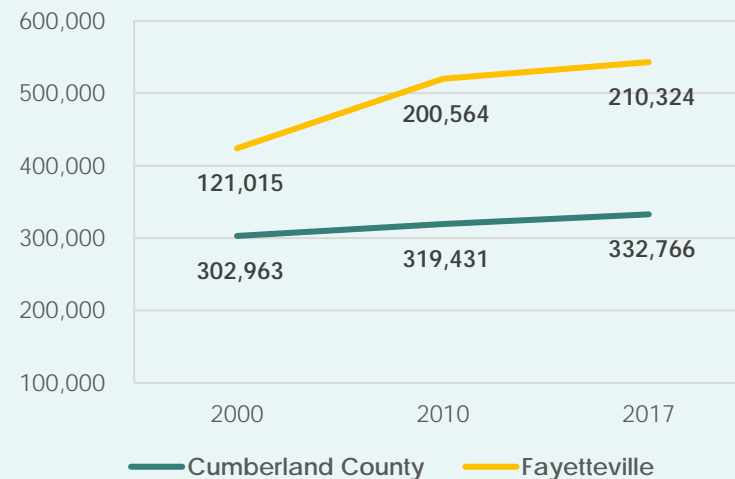
#### VETERANS & PERSONS WITH DISABILITIES

Within Fayetteville, Veterans make up approximately 21% of the civilian population of persons over the age of 18. For these Veterans, 28.7% report having a disability. This contributes to the general population of the City having a higher than average number of persons with disabilities (16.7%) than the rest of North Carolina (13.7%). The most prevalent type of difficulty is ambulatory meaning that 9.6% of the population (civilian, non-institutionalized) reports having serious difficulty walking or climbing stairs.

Veteran /Disability Status	City	NC
Veteran Status	20.8%	8.7%
Reported Disability	20.5%	16.6%

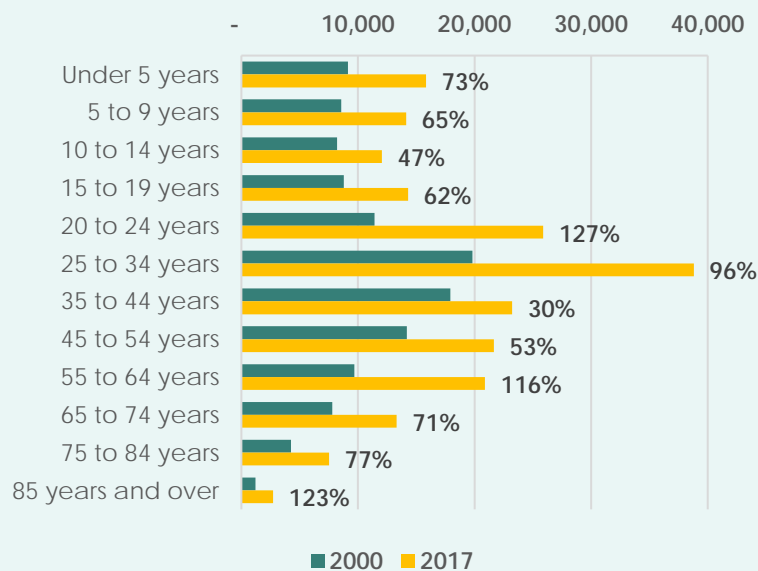
*SOURCE: 2017 ACS ESTIMATES; CIVILIAN POPULATION 18+*

#### Population Growth



Source: 2000 Census, 2010 Census, 2017 ACS

#### Growth by Age Cohort



Source: 2000 Census, 2017 ACS

## Housing

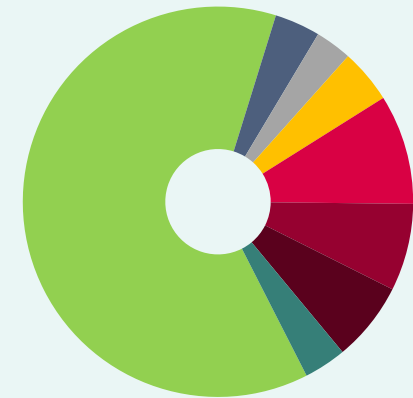
The City of Fayetteville has experienced a 77% increase in the number of housing units between 2000 and 2017, at a rate of approximately 3.6% per year during that time period. Most of this growth can be attributed to annexation. The County experienced slower growth in housing units (23%) during this same time period at a rate of approximately 1% per year. The housing table below indicates the types of units in the City and the year that they were built. Most of the housing within Fayetteville is 1 unit detached (62.3%), separated on all sides from any other structure except its own garage or shed. Apartment buildings with 5+ units are also a prevalent housing type within the City. Three quarters of all housing units have been built since 1970. While the dataset is not current to 2019, it appears that construction of units has tapered off since 1999.

Housing by Type			Housing Year Built		
1 unit - detached	58,966	62.3%	2014 or later	853	0.9%
1 unit - attached	3,575	3.8%	2010 to 2013	4,234	4.5%
2 units	2,872	3.0%	2000 to 2009	12,453	13.2%
3 or 4 units	4,228	4.5%	1990 to 1999	16,692	17.6%
5 to 9 units	8,610	9.1%	1980 to 1989	16,829	17.8%
10-19 units	6,847	7.2%	1970 to 1979	19,917	21.0%
20 or more units	6,228	6.6%	1960 to 1969	12,725	13.4%
Mobile Home	3,326	3.5%	1950 to 1959	6,812	7.2%
Other	-	0.0%	1940 to 1949	2,641	2.8%
			1939 or later	1,496	1.6%
			Total	94,652	

SOURCE: 2017 ACS, 5-YEAR ESTIMATES

Since 2010, there has been a gradual shift towards renter-occupied housing. In 2013 the balance tipped toward renter-occupied housing. Currently, Fayetteville has 45.2% owner-occupied housing. Median rent is \$892 and 85% of housing units are occupied (2017 ACS, 5-Year Estimates).

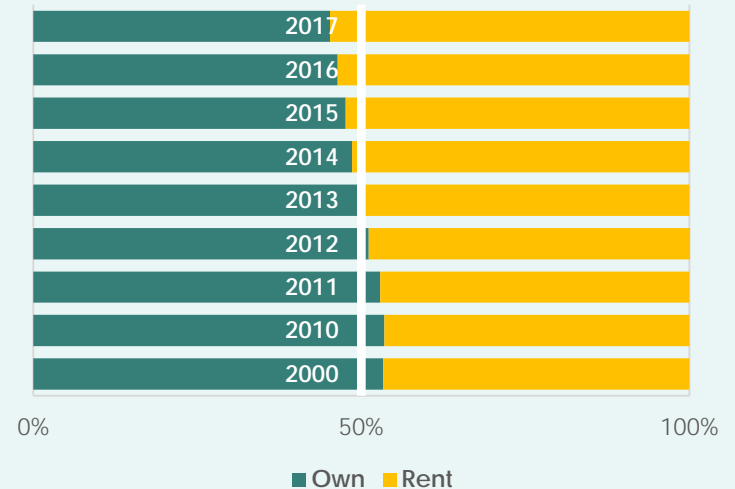
### Housing by Type



- 1 unit - detached
- 1 unit - attached
- 2 units
- 3 or 4 units
- 5 to 9 units
- 10-19 units
- 20 or more units
- Mobile Home

Source: 2017 ACS, 5-Year Estimates

### Owner vs Renter Occupied



Source: 2000 Census, 2010 Census, 2011-2017 ACS Estimates



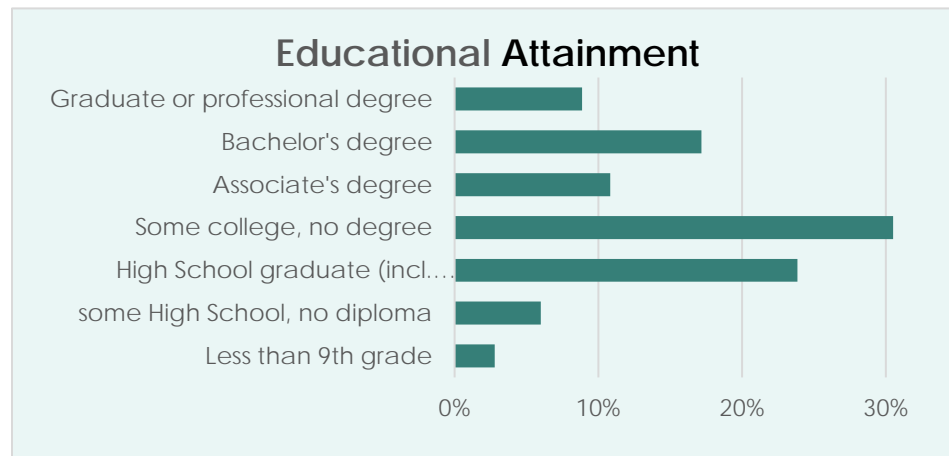
## INCOME

Median household income in Fayetteville was \$43,439 in 2017. Median household income in 2017 is approximately 11% less than in 2010 when adjusting for inflation. This decrease in household income is consistent with an increase in family poverty. During this time period, there has also been a small increase in the ratio of income spent on rent as a percentage of overall household income.

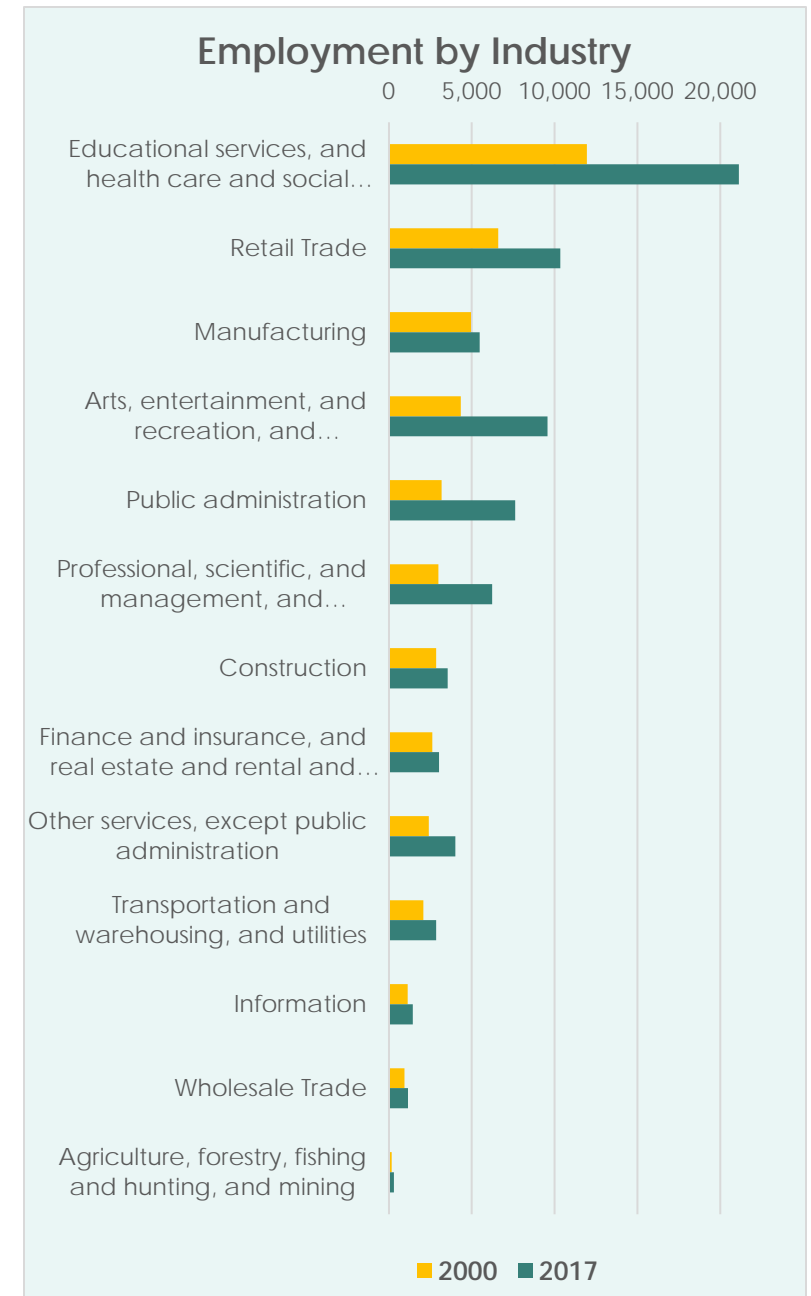
Socio-economic Indicators	2000	2010	2017
Median HH Income (Inflation Adjusted to 2017)	\$36,287 (\$51,653)	\$43,284 (\$48,656)	\$43,439
Family Poverty	11.7%	13.8%	15.8%
Median Gross Rent as % of HH Income	-	28.2%	31.6%
Unemployment	-	11.7%	10.8%
Households with No Vehicles Available	-	6.7%	7.2%
Source: 2000 Census, 2010 Census, 2017 ACS Estimates			

## EDUCATIONAL ATTAINMENT & EMPLOYMENT

One quarter of persons aged 25 and older residing in Fayetteville hold a Bachelor's degree or higher. The Educational services, health care, and social assistance sector has the greatest percentage of those employed in the City with an increase of 57% and



Source: 2017 ACS, 5-Year Estimates



Source: 2017 ACS, 5-Year Estimates

nearly 10,000 persons employed since 2000. While all sectors gained employment, Public administration (139% increase) and Arts, entertainment and recreation, and accommodation and food services (121% increase) had the highest gains in employment since 2000. Manufacturing (10.4%) and Finance and insurance, and real estate and rental and leasing (14.9%) saw the smallest amount of growth among employment sectors.

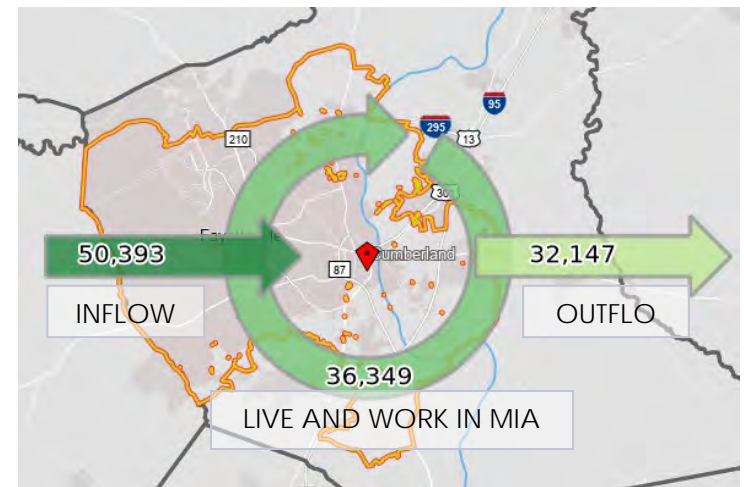
## COMMUTING

Mean travel time to work decreased between 2010 and 2017. At the same time Fayetteville saw a 1% decrease in driving alone, a 3% increase in people walking to work and a 3% drop in those working from home. Based on 2015 commute data, 58% percent of people employed in the Fayetteville Municipal Influence Area (MIA) live in areas outside. Most of these individuals are commuting to areas South and West of Fayetteville. Conversely, 47% of people that live in the Fayetteville MIA are employed and commute to areas outside of the area.

Commuting to Work				
	2010		2017	
Mean Travel Time	19.2 Minutes		18.7 Minutes	
Car, truck or van, drove alone	71,452	79%	78,883	78%
Car, truck or van, carpoolled	8,513	9%	8,836	9%
Public transportation	513	1%	771	1%
Walked	3,723	4%	7,463	7%
Other means	1,352	1%	1,097	1%
Worked at home	5,442	6%	3,474	3%

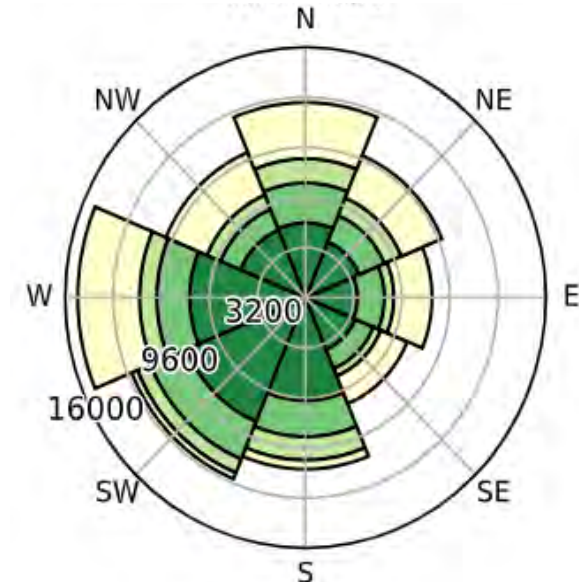
Source: 2000 Census, 2017 ACS Estimates

## Commuting Patterns to/from MIA



Source: 2015 Census OnTheMap, Center for Economic Studies

## Job Counts by Area for Commuters



Source: 2015 Census OnTheMap, Center for Economic Studies

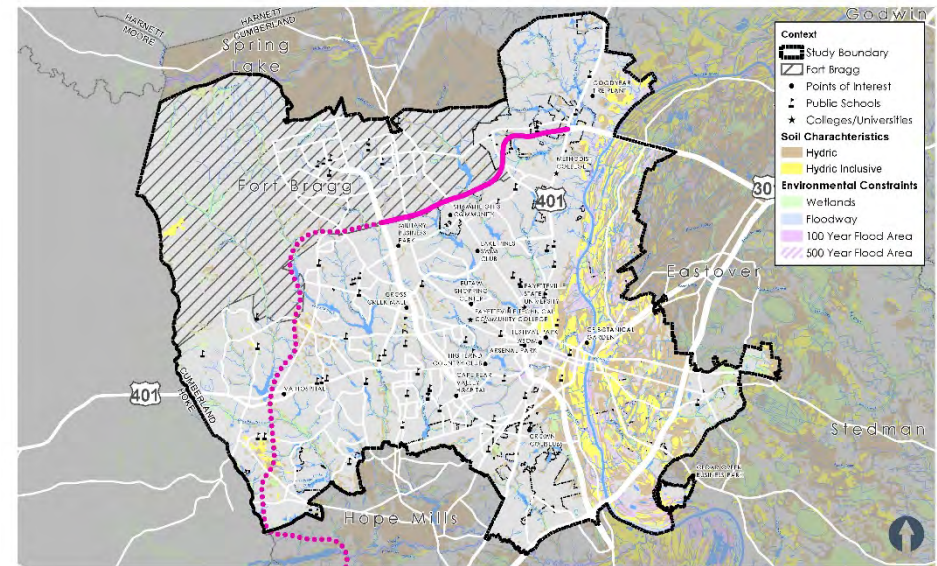
## NATURAL RESOURCES AND ENVIRONMENTAL CONSTRAINTS

### Floodplain and Hydric Soil

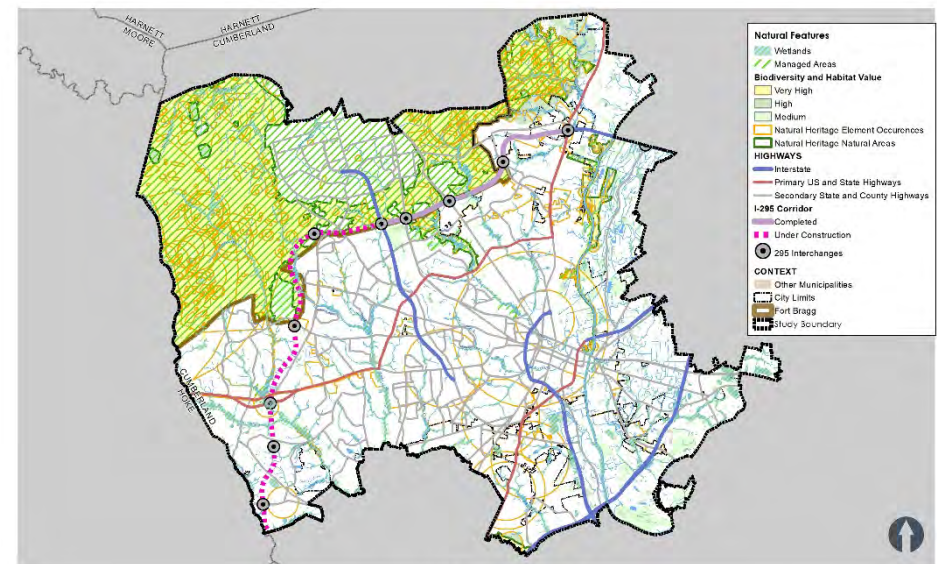
Hydric soils primarily exist in and around the Cape Fear River, making these areas unsuitable for intense development. The vast floodplain of the Cape Fear River has a significant footprint, especially on the older parts of town, including east of downtown. New development should respect these constraints, especially since a changing future climate predicts stronger, more intense rainfall events, which will test the ability of the floodplain to absorb and store water. Minimizing or eliminating development in the floodplains should be pursued as a way to protect existing investment on the fringe, and allow these lands to serve their highest and best function: storing floodwaters. Floodplains can also have secondary uses, however, such as passive recreation and wildlife habitat preservation.

### Natural Resources and Environmental Constraints

The area's natural heritage elements and natural areas are somewhat fragmented, as is common in highly urbanized and suburbanized areas. The majority of natural resources follow riparian corridors, preserved areas, or are contained on the military base property, which includes significant tracts of fairly undisturbed natural areas. Focused study and acquisition of key properties could enhance natural resources in the region by connecting habitat corridors and refuge areas.



ENVIRONMENTAL CONSTRAINTS



NATURAL RESOURCES



## EXISTING LAND USE AND LAND SUPPLY

### Existing Land Use

Existing land use was analyzed for all land within Fayetteville's municipal limits and municipal influence area. The exercise of mapping an area's existing land use is different from the city's zoning map or future land use designation in that it utilizes the city's tax parcel records and confirmation through aeriels and other means to verify what is occurring on any given parcel. For example, a parcel in the western part of the city may be zoned commercial but have an institutional use on-site (such as a church or school). For this analysis, the existing land use of that parcel would be considered institutional.

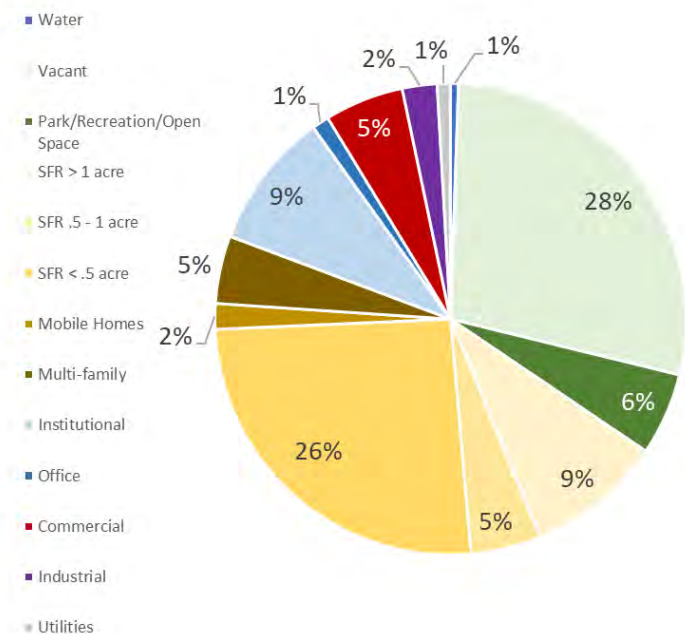
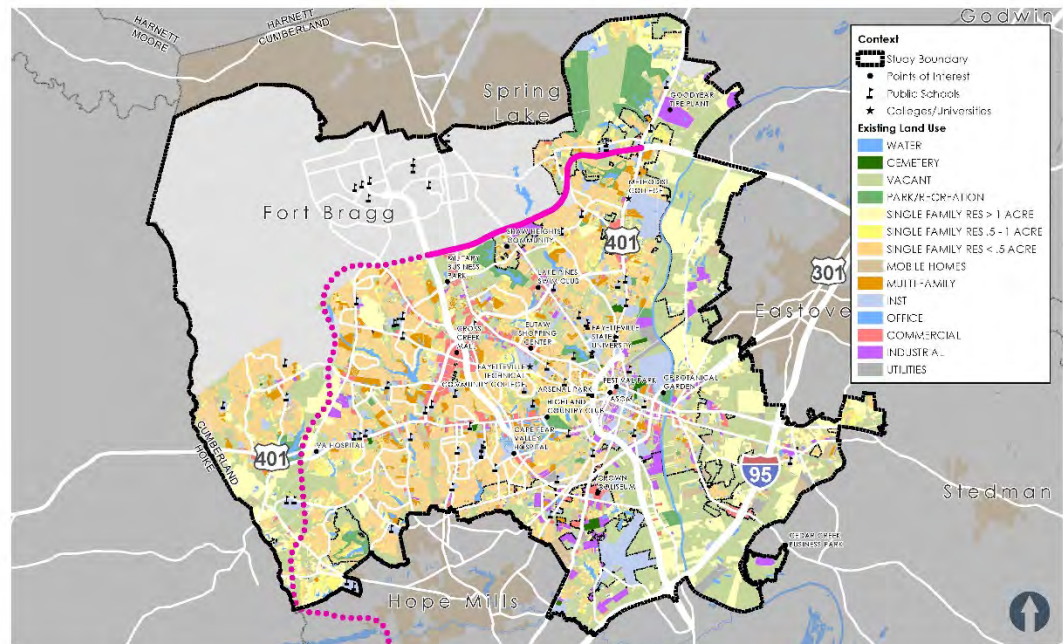
The dominant land uses in within Fayetteville's municipal limits are detached single family residential land (40%), vacant land (28%), and institutional land (9%). Much of the vacant land is located along the I-295 corridor and east of the Cape Fear River. Single family residential land was broken up into three categories:

- Single family residential <.5 acres
- Single family residential .5 – 1 acre
- Single family residential > 1 acre

The majority of single-family residential land (26%) is made up of residential parcels on lots less than .5 acres.

Additional existing land use observations include:

- There is more commercially zoned land than there are actual commercial land uses
- Much of existing commercial areas is older strip development along many older routes into Base and could benefit from targeted reinvestment.
- Much of the vacant land within the city is located around the I-295 corridor. This is expected to change over the next decade as the project nears completion.



## Land Supply

Using data derived from county tax records, a land supply analysis was conducted to identify land into three categories:

- Available
- Underutilized
- Utilized

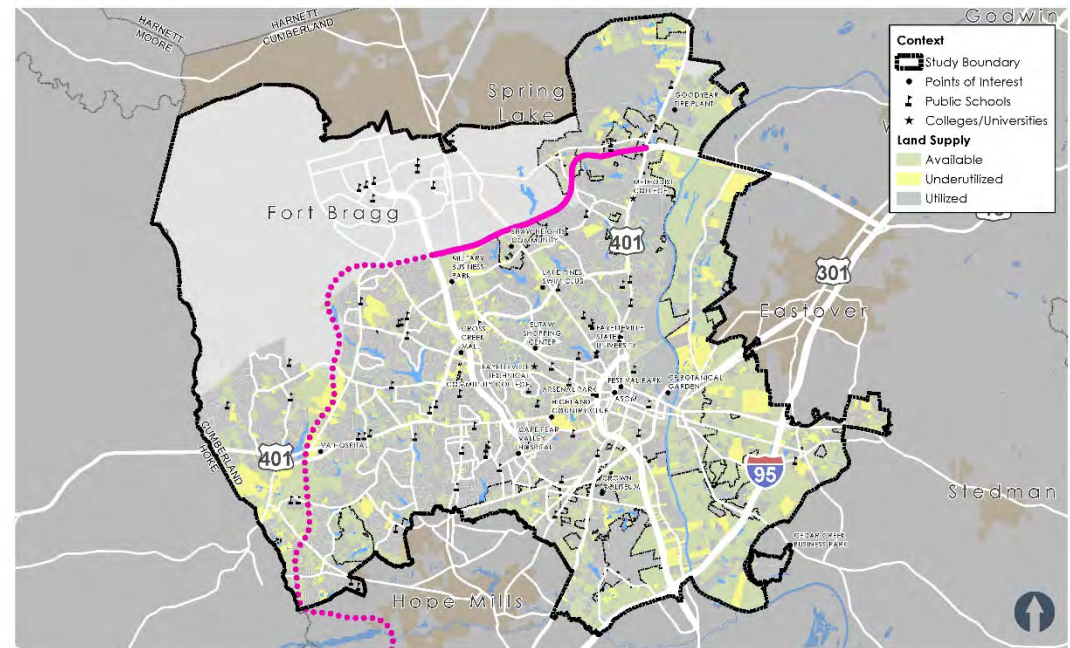
Available land is typically vacant land and may be, for example, currently used for farming purposes with no significant structure onsite.

Underutilized parcels are those that have a low structure value to land value ratio. Although some land identified as underutilized might already be developed, it provides insight into land that could conceivably be redeveloped if development pressures are experienced.

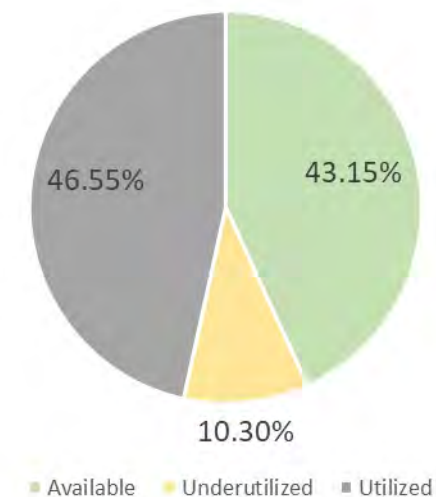
Utilized or “built” lands are those that have homes, businesses, churches or schools on them. This exercise showed that approximately 53 percent of the land in Fayetteville is either available or underutilized. Much of the available and underutilized land is situated along the Study Area’s periphery, predominantly east of the Cape Fear River where hydric soil and floodplain are found most frequently.

The methodology to develop a land supply estimate included the steps below:

- Calculate improvement value ratio (building / land value)
- Any parcels with an improvement to land value ratio of 1 or more were considered “Utilized”
- Parcels with a value under one but not zero were considered “Underutilized”
- Parcels with a value of zero not classified as utilities, cemeteries, parks, or institutional uses were considered “Available”.
- Additional adjustments were made for areas within the city that have a low land and building value.



LAND SUPPLY





## SUITABILITY ANALYSIS

To supplement and support the future land use map, suitability analysis was conducted utilizing geographic information systems (GIS) software to identify lands within Fayetteville that would be most appropriate for residential, commercial, and industrial land uses. Data that was factored into this analysis included identifying lands proximal to compatible uses (e.g. commercial centers close to residential neighborhoods or industrial development away from residential neighborhoods), proximity to Fort Bragg, lands located within or close to environmental constraints, and lands close to major intersections and interchanges (both existing and proposed).

Results from the suitability analysis exercise include:

- Identification of focal commercial and industrial nodes
- Better illumination of residential constraints
- Understanding the impacts and externalities of corridors

