

City of Fayetteville

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

Meeting Agenda - Draft City Council Regular Meeting

Monday, September 13, 2021

7:00 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 CITY MANAGER REPORT

6.0 APPROVAL OF AGENDA

7.0 CONSENT AGENDA

7.01 [21-2202](#) Approval of Meeting Minutes:
August 23, 2021 - Discussion of Agenda Items
August 23, 2021 - Regular
August 30, 2021 - Special

Attachments: [082321 Discussion of Agenda Items](#)
[082321 Regular](#)
[083021 Special - Redistricting](#)

7.02 [21-2093](#) Capital Project Ordinance Partial Closeout 2022-1; Capital Project Closeout 2022-2 for Various Building Maintenance Projects and Renovations for Americans with Disabilities Act Compliance; Capital Project Ordinance Amendment 2022-32 for Americans with Disabilities Act Compliance; Special Revenue Fund Project Partial Closeouts 2022-1 and 2022-2 for the funding of the FY2016-2017 and FY2017-2018 of the Community Development Block Grant Program

Attachments: [Capital Project CLO 2022-1](#)
[Capital Project CLO 2022-2](#)
[Special Revenue CLO 2022-1](#)
[Special Revenue CLO 2022-2](#)
[CPOA 2022-32 FY2018 ADA \(CPO 2018-12\)](#)

- 7.03** [21-2165](#) Adoption of Capital Project Ordinance Amendment 2022-33 to Appropriate Bond Premium Proceeds to the Dorothy Gilmore Therapeutic Recreation Center Project and Award the Contract for General Construction to Msquare Construction, Inc.
- Attachments:** [Bid Tab - Dorothy Gilmore Therapeutic Recreation Center](#)
 [CPOA 2022-33 Dorothy Gilmore \(CPO 2017-33\)](#)
- 7.04** [21-2167](#) Adoption of Capital Project Ordinance Amendment 2022-31 to Appropriate a Federal Aviation Administration Grant (Airport Improvement Program 48) and Customer Facility Charges for Part II Airline Terminal Improvement Project
- Attachments:** [Grant Agreement 3-37-0021-048-2020](#)
 [CPOA 2022-31 Airport Terminal Improvement Project Part II](#)
- 7.05** [21-2186](#) Adoption of Special Revenue Fund Project Ordinance Amendment 2022-2 to Appropriate Federal Forfeiture Funds and NC Substance Tax Received to Date as of July 31, 2021
- Attachments:** [SROA 2022-2 Federal Forfeiture and State Controlled Substance](#)
- 7.06** [21-2210](#) Adoption of Special Revenue Fund Project Ordinance 2022-5 for the Fayetteville Fire Department's Fiscal Year 2020 Fire Prevention and Safety Grant
- Attachments:** [SRO 2022-5 FY20 Fire Prevention & Safety Grant](#)
 [EMW-2020-FP-00334 - Award Package \(1\)](#)
 [fema fy-2020-fps-nofo](#)
 [FY 2020 FPS User Guide - final](#)
- 7.07** [21-2205](#) Water Main Encasements Under Railroads (Bruner St., Deep Creek Rd., Langdon St., and Pine St.)
- Attachments:** [Bid Recommendation - Water Main Encasements](#)

8.0 STAFF REPORTS

8.01 [21-2173](#) Acceptance of the FY 2021 Year End Strategic Performance Report

Attachments:

[FY 2021 Year End Strategic Performance Report](#)

[FY 2021 City Council Scorecard](#)

9.0 PUBLIC FORUM

10.0 LEGISLATIVE HEARINGS

10.01 [21-2197](#) TA21-009 thru -015: Seven (7) Proposed Text Amendments to the Unified Development Ordinance (Seasonal Text Amendments)

Attachments:

[TA21-009 - Summary Self-Service Storage](#)

[TA21-010 - Summary Open Space](#)

[TA21-011 - Summary Accessory Uses](#)

[TA21-012 - Summary Res Density in MR-5 and CC](#)

[TA21-013 - Summary SUPs in Use Table](#)

[TA21-014 - Summary Nonconformities](#)

[TA21-015 - Summary Political Signs](#)

[TA21-009 - Legal Ord. 30-4.C.4.j Self Storage](#)

[TA21-009 - Legal Ord. 30-5.A.4. Park Table Self Storage](#)

[TA21-009 - Legal Ord. 30-5.A.10. Load Table Self Storage](#)

[TA21-009 and -011 - Legal Ord. Definitions](#)

[TA21-010 - Legal Ord. Open Space Bonus](#)

[TA21-011 - Legal Ord. 30-3.D. Accessory Tables](#)

[TA21-011 - Legal Ord. 30-4.D.3.w Accessory](#)

[TA21-012 - Legal Ord. Res Density MR-5](#)

[TA21-012- Legal Ord. Res Density CC](#)

[TA21-013 - Legal Ord. Notes in UseTable](#)

[TA21-013 - Legal Ord. SUPs in UseTable Comm](#)

[TA21-013 - Legal Ord. SUPs in UseTable Res](#)

[TA21-014 - Legal Ord. Nonconforming Landscaping](#)

[TA21-015 - Legal Ord. Political Signs](#)

11.0 OTHER ITEMS OF BUSINESS

11.01 [21-2176](#) Violent Crime Initiative Strategy Funding and Police Officer Retention & Recruiting

- 11.02 [21-2200](#) Presentation of Appointments Committee Recommendations for
Boards and Commissions Appointments

Attachments: [Recommendations for 49 Appointments to 17 of the City of Fayetteville Boards :](#)

12.0 ADMINISTRATIVE REPORTS

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

- 12.01 [21-2190](#) City Managers Update - City Council Agenda Item Request

Attachments: [Council Agenda Request Tracker - September-23-2021](#)

13.0 ADJOURNMENT

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

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

CLOSING REMARKS

POLICY REGARDING CITY COUNCIL MEETING PROCEDURES **SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing thirteen (13) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

COUNCIL MEETING WILL BE AIRED **June 10, 2013 - 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, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

City of Fayetteville

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

City Council Action Memo

File Number: 21-2202

Agenda Date: 9/13/2021

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.01

TO: Mayor and Members of City Council

THRU: Jay Toland, Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: September 13, 2021

RE:

Approval of Meeting Minutes:

August 23, 2021 - Discussion of Agenda Items

August 23, 2021 - Regular

August 30, 2021 - Special

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

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**FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
FAST CONFERENCE ROOM
AUGUST 23, 2021
6:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Tisha S. Waddell (District 3) (via zoom);
D. J. Haire (District 4); Johnny Dawkins (District 5);
Larry O. Wright, Sr. (District 7); Yvonne Kinston (District 9)

Absent: Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Chris Davis (District 6); Courtney Banks-McLaughlin (District 8);

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Rebecca Jackson, Chief of Staff
Gerald Newton, Development Services Director
Sheila Thomas-Ambat, Public Services Director
Taurus Freeman, Planning and Zoning Manager
Pamela Megill, City Clerk
Members of the Press

Mayor Colvin called the meeting to order at 6:10 p.m.

Mayor Colvin announced there is a request to add an item to the agenda to authorize the purchase and demolition of a property for the Murchison Road Redevelopment Project (catalyst site).

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

Council Member Kinston stated she intends to pull Item 7.02, P21-44 - Rezoning of a split zoned property from Community Commercial (CC) and Single-Family 10 (SF-10) to Community Commercial (CC), 824 Santee Drive (REID # 0418049931000), 0.26 acres ± and being the property of Lenim Properties, LLC, represented by George Rose., for a Public Hearing to be scheduled for September 27, 2021.

Council Member Haire requested Administrative Report 10.01, Small Local Business Enterprise Program Update, be briefed at the meeting.

Council Member Kinston requested Administrative Report 10.02, Automation of Petition Process for Speed Humps, be briefed at the meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:17 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
082321

MITCH COLVIN
Mayor

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
AUGUST 23, 2021
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Shakeyla Ingram (District 2) (arrived 7:49 p.m.) (via zoom); Tisha S. Waddell (District 3) (via zoom); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Yvonne Kinston (District 9)

Absent: Council Members Katherine K. Jensen (District 1); Courtney Banks-McLaughlin (District 8)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Rebecca Jackson, Chief of Staff
Gina Hawkins, Police Chief
Kenneth Mayner, Interim Corporate Communications Director
Taurus Freeman, Planning and Zoning Manager
Craig Harmon, Senior Planner
David Nash, Senior Planner
Jennifer Baptiste, Senior Planner
Kecia Parker, Real Estate Manager
Scott Bullard, Emergency Management Coordinator
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Wright.

3.0 PLEDGE OF ALLEGIANCE

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

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mr. Scott Bullard, Emergency Management Coordinator, provided a COVID-19 update.

Mayor Colvin read a proclamation proclaiming August 26, 2021, as a day to recognize Women's Equality Day.

Council Member Wright announced the Heal the Land Outreach in conjunction with FAMPO have given out 50,000 masks and have 26,000 N95 masks and other PPE available to distribute to those in need.

Council Member Haire announced schools are back in session, and reminded all to use caution around the school zones and school buses.

Council Member Waddell wished her Mother a happy birthday today.

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5.0 CITY MANAGER REPORT

Mr. Jay Toland, Assistant City Manager, provided an overview of Item 10.01, Small Local Business Enterprise Program, and Item 10.02, Automation of Petition Process for Speed Humps.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Dawkins moved to add an item to the agenda: Budget Ordinance Amendment and Capital Project Ordinance Amendment for Paye Funeral Home).

SECOND: Council Member Haire

VOTE: UNANIMOUS (7-0)

MOTION: Council Member Dawkins moved to approve the agenda with the addition of Consent Item 7.016, Budget Ordinance Amendment 2022-1 and Capital Project Ordinance Amendment 2022-29.

SECOND: Council Member Haire

VOTE: UNANIMOUS (7-0)

7.0 CONSENT AGENDA

MOTION: Council Member Kinston moved to approve the consent agenda with the exception of Item 7.02, removed to be placed on the September 27, 2021, agenda as a public hearing item.

SECOND: Council Member Wright

VOTE: UNANIMOUS (7-0)

7.01 Approval of Meeting Minutes:

August 2, 2021 - Work Session

August 9, 2021 - Discussion of Agenda Items

August 9, 2021 - Regular

August 10, 2021 - Special Meeting

August 18, 2021 - Agenda Briefing

August 18, 2021 - Special Meeting

7.02 This item was removed from the consent agenda; to be placed on the September 27, 2021, agenda as a public hearing item.

7.03 P21-46. Initial Zoning from Cumberland County Conservation District (CD) and Residential 10 (R10) to Single-Family 10 (SF-10), located near the intersection Bingham Drive and Fisher Road (REID # 0405468555000), totaling 9.96 acres ± and being the property of CBMM Properties, LLC.

7.04 P21-47. Rezoning of a split zoned property from Community Commercial (CC) and Single-Family 6 (SF-6) to Community Commercial (CC), 2917 Murchison Road (REID # 0428587625000), 5.47 acres ± and being the property of David Evans.

7.05 Adoption of Community Police Advisory Board Recommended Formation and Charter

7.06 Adoption of Capital Project Ordinance 2022-13 and Capital Project Ordinance Amendment 2022-28 for Parks and Recreation Bond Projects

Capital Project Ordinance Amendment 2022-28 will reduce the current appropriation for park improvements for east of the river by \$756,660.00, and change the scope of the project to specifically identify the location as the Mable C. Smith Park. Capital Project Ordinance 2022-13 will appropriate the \$756,660.00 that is reduced from the Mable C. Smith Park to fund improvements to the park located at J. S. Spivey Recreation Center.

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7.07 Resolution Authorizing the City Manager to Accept the Donation of 720 Person Street

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF REAL PROPERTY LOCATED AT 720 PERSON STREET. RESOLUTION NO. R2021-055

7.08 Resolution Authorizing the City Manager to execute a Lease to Tailwind FAY, LLC located in the Fayetteville Regional Airport

A RESOLUTION AUTHORIZING THE LEASE FOR TAILWIND FAY, LLC AT THE FAYETTEVILLE REGIONAL AIRPORT. RESOLUTION NO. R2021-056

7.09 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 6722 Baldoon Drive and 7005 Ryan Street

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. RESOLUTION NO. R2021-057

7.010 Resolution Authorizing a Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation

A RESOLUTION BY CITY OF FAYETTEVILLE APPROVING THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION. RESOLUTION NO. R2021-058

7.011 Letter of support for the FAMPO iBRAGG grant fund project request to improve roadways within the Fort Bragg military reservation

Council support of NCDOT and FAMPO's grant application and direct the City Manager to sign a letter of support.

7.012 Award Contract - Civil Design for McArthur Sports Road Complex

Approval of the award of, and authorize the execution of, the civil design contract for McArthur Sports Road Complex. The recommended responsible consultant is Crawford Design Company, Inc., of Fayetteville, NC.

7.013 Bid Recommendation - One (1) 19,000 GVW Cab & Chassis with Flatbed & Valve Unit

Approval to award the purchase of One (1) 19,000 GVW Cab & Chassis with Flatbed & Valve Unit to Cooper Ford, Carthage, NC, the lowest responsive, responsible bidder in the total amount of \$135,416.00.

7.014 Bid Recommendation - Cable 1/0 AL & 750 MC AL

Approval to award the purchase for Cable 1/0 AL & 750 MCM AL to WESCO Distribution Inc., Clayton, NC, the lowest responsive, responsible bidder in the total amount of \$994,544.00.

7.015 Preliminary Resolution Author. The Filing of an Application with the LGC Requesting the LGC Sell Bonds at a Competitive Sale and Approving of the Financing Team

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL BONDS AT A COMPETITIVE SALE AND APPROVING THE FINANCING

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TEAM ALL IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2021-059

7.016 Adoption of Budget Ordinance Amendment 2022-1 and Capital Project Ordinance Amendment 2022-29 to Appropriate Funds for Acquisition and Clearance of Property for the Murchison Road Redevelopment Project (Catalyst Site)

Adoption of Budget Ordinance Amendment 2022-1 to appropriate \$315,000.00 from General Fund balance to support Capital Project Ordinance Amendment 2022-29 for the Murchison Road Redevelopment Project. The project, also referred to as the Catalyst Site, is for the elimination of blight and assemblage of property for redevelopment. The additional funding is needed for the purchase and demolition of the Paye Funeral Home.

8.0 EVIDENTIARY HEARINGS

8.01 SUP21-04. Special Use Permit to allow a religious institution to reduce the required 500 feet distance separation between a bar/nightclub and a religious institution to be located at 901-907 Bragg Boulevard and O Drive (REID #s 0437177949000, 0437176840000, 0437177998000, and 0437178937000), zoned as Community Commercial (CC), totaling 0.69 acres ± and being the property of Mary Demetrious, Paula Lawson, and Katina Demetrious Heirs.

Ms. Jennifer Baptiste, Senior Planner, presented this item and stated this site is located just south of Bragg Boulevard and west of Martin Luther King Jr. Freeway. This portion of Bragg Boulevard is a heavily commercialized area. To the east of the site is a commercial mini mall and to the west are several single commercial office type buildings. Across Bragg Boulevard to the north is a bar, Secrets Cabaret.

A religious institution is requesting a Special Use Permit to reduce the 500 feet distance separation between a bar/nightclub and a religious institution to 185 feet. The site is currently zoned as Community Commercial (CC) and is a three storefront retail shopping strip type building that housed an adult entertainment establishment. The current site is developed with the buildings addressed as 901 and 903 Bragg Boulevard being constructed in 1938 and the building addressed as 905 and 907 Bragg Boulevard being constructed in 1963. In total, the buildings have approximately 9,120 square feet of leasable area.

Religious institutions are allowed by right in the Community Commercial (CC) zoning district. This Special Use Permit is not to allow the use, but to reduce the required distance separation. Section 30-4.C of the Unified Development Ordinance states that "separation standards may be reduced upon approval of a Special Use Permit finding that the reduction in the separation standard does not increase negative, such as natural or man-made features that create visual or physical separation between the uses". According to Article 30-4.C.3.g.1. of the Unified Development Ordinance, a "religious institution shall be located at least 500 linear feet from any adult entertainment use and/or bars, nightclubs and similar establishment". A religious institution is requesting to reduce this required separation from 500 feet to 185 feet, based on the site plan submitted by the applicant. The site plan submitted demonstrates that the western corner of the 907 Bragg Boulevard portion of the building is located approximately 185 feet south of the bar, Secrets Cabaret.

The 2040 Land Use Plan and Map identifies this site as being suitable for Commercial Strip Redevelopment. Commercial Strip Redevelopment is defined as a "commercial mixed use area that encourages higher density. However, with overall composition of the area and with Bragg Boulevard being classified as a Major Thoroughfare, this site and the adjacent sites would probably be best

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suited for commercial development. Land within the City is generally classified by the Unified Development Ordinance to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C. The SUP must meet the following findings of facts:

- (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. John Bantsolas, 6304 Whitehall Drive, Fayetteville, NC, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

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

Discussion ensued.

MOTION: Council Member Dawkins moved to approve the Special Use Permit (SUP) to allow a religious institution to reduce the required 500 feet distance separation between a bar/nightclub and a religious institution from 500 feet to 185 feet as indicated by the supplied site plan subject to all other conditions identified in and conforming to the current Unified Development Ordinance standards as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because (1) the development is located in a Community Commercial zoning district, (2) this use complies with the findings listed, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is September 2, 2021. 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 have been met.

SECOND: Council Member Davis

VOTE: UNANIMOUS (7-0)

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8.02 SUP21-03. Special Use Permit to allow an existing funeral home to operate a crematory, zoned as Limited Commercial, Limited Commercial Conditional, and Single-Family 10 Zoning Districts, located at 6651 Raeford Road (REID # 0406080963000) near the intersection of Raeford and Strickland Bridge Roads, 2.55 acres ± and being the property of Crumpler Family Holdings LLC, represented by Del Crawford, Crawford Design Company.

Mr. Craig Harmon, Senior Planner, presented this item and stated the zoning districts associated with this property are Limited Commercial (LC), Limited Commercial Conditional (LC/CZ), and Single-Family 10 (SF-10). This property was recently recombined from three lots into one. The resulting recombination created a lot with three different zoning districts.

The area bordering Raeford Road is zoned LC, this is the proposed area for the crematorium. The area to the southeast was rezoned from SF-10 to LC/CZ to allow a parking lot in 2015. The remaining area to the southwest is zoned SF-10 and provides a buffer between the funeral home and the residential development to the south. The zoning districts surrounding the parcel are Light Industrial (LI), LC, and SF-10. The front of the parcel is adjacent to US 401/Raeford Road and abuts the LI and LC zoning districts. This property also abuts Kilmory Drive to the south. Most of the properties to the south are zoned SF-10. The SF-10 district provides for single-family homes. The adjacent LI zone allows for a crematorium. The adjacent residential zone is toward the rear half of the parcel, away from the building addition.

There is an automotive collision repair shop west of the proposed crematorium, and approximately 500 feet east of this property is a gas station/convenience store. A coffee shop and grocery store are to the north, across Raeford Road.

The existing use is a funeral home. The proposed use is a crematory that will be used as an accessory use to the funeral home. The owners are proposing a building addition that is approximately 1,350 square feet along with site improvements.

This application states that the hours of operation for the crematory will fall in line with the existing funeral home, which are 8:00 a.m. to 5:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. Sunday. There will be no increase in employees. The existing business employs four full-time and five part-time workers. According to the owners, there are typically two to three clients on the premises at the same time, but some families may have more. With funerals and visitations, the number varies.

Although the UDO does not identify use specific standards for crematoriums, the use is heavily regulated under North Carolina General Statute Article 13F, Cremations. The article establishes the right for the Board of Funeral Services to enforce the General Statute. Under the General Statute several safeguards to protect the general public are established. Some of the safeguards put in place are requiring inspections prior to licensing and yearly inspections associated with license renewal. In addition, crematoriums are also regulated by the Department of Environmental Quality (DEQ) for air and environmental safety. The SUP must meet the following findings of facts:

- _(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;

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- (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. Del Crawford, 116 North Cool Spring Street, Fayetteville, NC, representing the funeral home, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

Mr. Rick Wilhide, 6651 Raeford Road, Fayetteville, NC, stated he is the owner of the property and appeared in favor.

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

Discussion ensued.

MOTION: Council Member Wright moved to approve the Special Use Permit (SUP) to allow a crematorium to be operated on site with an existing funeral home as indicated by the site plan subject to all other conditions identified in and conforming to the current Unified Development Ordinance standards as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing, and that the application is consistent with applicable plans because (1) the development is located in a Limited Commercial zoning district, (2) this use complies with the findings listed, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective upon the approval of its Order of Findings by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time. All eight findings of fact are met.

SECOND: Council Member Haire

VOTE: UNANIMOUS (7-0)

9.0 PUBLIC HEARINGS

9.01 AX21-006: Annexation request for part of the proposed Commons at Arran Lakes West Subdivision, located West of Bingham Drive and at the end of Westfork Drive (part of one REID # 0405468555000), consisting of 9.96 acres, and being the property of CBMM Properties, LLC, and CJR Property Holdings, LLC; related to P21-46, Initial Zoning

Mr. David Nash, Senior Planner, presented this item and stated a local developer proposes to build a new subdivision to be known as The

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Commons at Arran Lakes West. Most of the land in the proposed new subdivision is already in the City, but part of the land is not in the City. The developer has requested that 9.96 acres be annexed. The land requested for annexation was within an area designated for annexation by the Town of Hope Mills. The Annexation Agreement between Fayetteville and the Town of Hope Mills has been amended to allow this property to be annexed by Fayetteville. Staff recommends annexation of this property.

On July 13, 2021, the Zoning Commission recommended that the property, if annexed, be initially zoned from CD and R10 in the County to Single-Family Residential 10 (SF-10) in the City.

This is the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

Discussion ensued.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA (Annexation Ordinance No. 2021-08-578, Part of The Commons at Arran Lakes West, West of Bingham Drive, at End of Westfork Drive, Part of One PIN: 0405-46-8555, REID: 0405468555000)

MOTION: Council Member Davis moved to adopt the proposed ordinance annexing the area effective August 23, 2021, and establish the initial zoning consistent with the prior action on the zoning case.

SECOND: Council Member Wright

VOTE: UNANIMOUS (8-0)

10.0 ADMINISTRATIVE REPORTS

10.01 Small Local Business Enterprise (SLBE) Program Update

This item was presented during the City Manager's Report.

10.02 Automation of Petition Process for Speed Humps - Council Member Request

This item was presented during the City Manager's Report.

10.03 City SPIRIT Model - Update

This item was for information only, and was not presented.

10.04 Childcare Services - Council Member Request - Update

This item was for information only, and was not presented.

11.0 ADJOURNMENT

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

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
082321

MITCH COLVIN
Mayor

DRAFT

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
FAST CONFERENCE ROOM, 505 WINSLOW STREET, FAYETTEVILLE, NC
AUGUST 30, 2021
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (via zoom) (arrived at 5:11 p.m.); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Absent: Council Member Tisha S. Waddell (District 3)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Jay Toland, Assistant City Manager
Gina Hawkins, Police Chief
Rebecca Jackson, Chief of Staff
Taurus Freeman, Planning and Zoning Manager
Pamela Megill, City Clerk
Caroline Mackie, Poyner Spruill, LLP
Blake Esselstyn, Mapfigure Consulting
Members of the Press

1.0 CALL TO ORDER

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

2.0 INVOCATION

The invocation was offered by Council Member Wright.

3.0 APPROVAL OF THE AGENDA

MOTION: Council Member Wright moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (8-0)

4.0 ITEMS OF BUSINESS

4.01 City of Fayetteville Redistricting Presentation - Criteria and Guiding Principles

Ms. Caroline Mackie, Redistricting Consultant, and Mr. Blake Esselstyn, Mapfigure Consulting, presented this item. Ms. Mackie stated she and Mr. Esselstyn need to know which guiding principles are important to Fayetteville and its residents; what should we know about Fayetteville. The contract we (LRS Consultants) have with the City requires we provide two to three alternative redistricting plans.

To comply with the one-person, one-vote constitutional principles, every district's total population should be within plus or minus 5 percent of the ideal district size. Minority voting strength should not be diluted, but race should not unnecessarily predominate. The 2019 estimated population of Fayetteville is 211,657. The ideal district population is 23,517, with a range of 22,341 to 24,693.

Discussion ensued.

DRAFT

Mayor Colvin stated he will announce and take a consensus vote on each of the following eight Guiding Principles:

1. **Recognize and respect communities of interest and neighborhood boundaries.**

Unanimous Consensus of Council was to accept this guiding principle.

2. **Use precincts as building blocks for the districts, to the extent possible.**

Consensus of Council was to not accept this guiding principal. Council Members Ingram and Kinston were in favor of this guiding principal.

Mayor Colvin recessed the meeting at 6:29 p.m., and reconvened the meeting at 6:34 p.m.

3. **Avoid the pairing of incumbents in the same district.**

Unanimous consensus of Council was to accept this guiding principal.

4. **Consider areas of potential future population growth.**

Consensus of Council was to accept this guiding principal. Council Members Colvin and Dawkins were in opposition to this guiding principal.

5. **In order to minimize voter confusion, districts should retain their current configuration, to the extent possible ("core preservation").**

Consensus of Council was to accept this guiding principal. Council Member Kinston was in opposition to this guiding principal.

6. **Alternatively, the existing district lines should not be considered except to the extent legally required ("blank slate").**

Consensus of Council was to not accept this guiding principal. Council Member Kinston was in favor of accepting this guiding principal.

7. **Follow natural boundaries and physical features, such as roads or waterways, to the extent possible.**

Consensus of Council was to accept this guiding principal. Council Member Ingram was in opposition of this guiding principal.

8. **Districts should be reasonably compact, to the extent possible.**

Consensus of Council was to not accept this guiding principal. Mayor Pro Tem Jensen and Council Member Dawkins were in favor of accepting this guiding principal.

4.02 Public Hearing Discussion

Mr. Blake Esselstyn stated the City must conduct, by law, a public hearing prior to adopting the revised districts.

Consensus of Council was to call for a public hearing; date to be determined.

Mr. Douglas Hewett, City Manager, stated all questions from City Council are to be sent to the City Clerk. The next meeting to discuss redistricting will be held on September 27, 2021. Mr. Esselstyn stated the maps will be provided to City Council at least one week prior to the meeting date.

DRAFT

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:23 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
083021

MITCH COLVIN
Mayor

City of Fayetteville

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

City Council Action Memo

File Number: 21-2093

Agenda Date: 9/13/2021

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.02

TO: Mayor and Members of City Council

THRU: Telly Whitfield, Assistant City Manager

FROM: Jay Toland, Chief Financial Officer/Assistant City Manager

DATE: September 13, 2021

RE:

Capital Project Ordinance Partial Closeout 2022-1; Capital Project Closeout 2022-2 for Various Building Maintenance Projects and Renovations for Americans with Disabilities Act Compliance; Capital Project Ordinance Amendment 2022-32 for Americans with Disabilities Act Compliance; Special Revenue Fund Project Partial Closeouts 2022-1 and 2022-2 for the funding of the FY2016-2017 and FY2017-2018 of the Community Development Block Grant Program

COUNCIL DISTRICT(S):

All Districts

Relationship To Strategic Plan:

Mission Statement 2 - The City government is financially sound and provides a full range of quality municipal services that are valued by our customers and delivered by a dedicated workforce in a cost effective manner.

Executive Summary:

Staff proposes to partially close one Capital Project Fund Ordinance; fully close one Capital Project Fund Ordinance; amend one Capital Project Fund Ordinance and partially close two Special Revenue Fund Project Ordinances. All revenues and expenditures for the projects have been recorded in previous years and the financial records have been audited. Closeouts are attached for each ordinance and a more detailed listing of project expenditures is also attached.

Background:

Capital Project Ordinance Partial Closeout 2022-1 is for various building maintenance and renovation projects, including renovations for Americans with Disabilities Act. The

partial closeout results in \$96,946 being consolidated with other ADA compliance funds in one project instead of three and \$885.90 available for use in other building maintenance projects.

Capital Project Ordinance Closeout 2022-2 is for various building projects, including renovations for Americans with Disabilities Act. The closeout results in \$75,000 being consolidated with other ADA compliance funds into one project instead of three and \$1,269.33 available for use in other building maintenance projects.

Capital Project Ordinance Amendment 2022-32 for ADA compliance with merge all ADA compliance work into one project making an additional \$171,946 available in this project.

Special Revenue Fund Project Ordinance Partial Closeout 2022-1 is for fiscal year 2017 Community Development Block Grant. The partial closeout results in \$22,623 remaining budget for fiscal year 2017 for completion of spending plan.

Special Revenue Fund Project Ordinance Partial Closeout 2022-2 is for fiscal year 2018 Community Development Block Grant. The partial closeout results in \$152, remaining budget for fiscal year 2018 for completion of spending.

All of the project components being closed were completed in previous fiscal years, audited by the City's external auditors as part of the annual audit process, and are ready for closure. Each closeout provides a brief description of the project, the year the project ordinance was adopted, and the final revenue and expenditure budgets and actuals that are being closed.

Issues/Analysis:

There are no issues associated with these projects. The projects are complete and are ready for closure.

Budget Impact:

Each of the proposed ordinances identifies summarized revenues and expenditures for the projects. Each of the projects being closed has been identified as being complete, resulting in excess funds being made available for other projects within the respective funds.

Options:

1. Adopt Capital Project Ordinance Partial Closeout 2022-1, Capital Project Closeout 2022-2, Capital Project Ordinance Amendment 2022-32 and Special Revenue Fund Ordinance Partial Closeouts 2022-1, and 2022-2.
2. Do not adopt the Capital Project Ordinance Partial Closeout, Capital Project Ordinance Closeout, Special Revenue Fund Ordinance Partial Closeouts or Capital Project Ordinance Amendment and provide guidance to staff.

Recommended Action:

Staff recommends Council move to adopt Capital Project Ordinance Partial Closeout 2022-1, Capital Project Closeout 2022-2, Capital Project Ordinance Amendment 2022-32, and Special Revenue Fund Ordinance Partial Closeouts 2022-1, and 2022-2.

Attachments:

- Capital Project Ordinance Partial Closeout 2022-1
- Capital Project Ordinance Closeout 2022-2
- Capital Project Ordinance Amendment 2022-32
- Special Revenue Fund Ordinance Partial Closeout 2022-1
- Special Revenue Fund Ordinance Partial Closeout 2022-2

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT
CLO 2022-1 (CPO 2009-3)

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 partially closed:

Section 1. The project partial closing authorized is to Capital Project Fund Ordinance 2009-3, adopted June 9, 2008, as amended, for the funding of miscellaneous building maintenance and renovation projects.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
Transfer In From General Fund	\$ 4,686,090	\$ (786,588)	\$ 3,899,502	\$ (786,588)
Investment Income	-	1,391.00	1,391	1,391
Public Safety Fund Transfer	49,775.00	(49,775)	-	(49,775)
Capital Lease Proceeds	3,094,000.00	(3,094,000)	-	(3,094,000)
	<u>\$ 7,829,865</u>	<u>\$ (3,928,972)</u>	<u>\$ 3,900,893</u>	<u>\$ (3,928,972)</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
Project Expenditures	\$ 7,164,083	\$ (3,263,190)	\$ 3,900,893	\$ (3,263,190)
Transfer to Recreation & Cultural Capital Project Fund	665,782	(665,782)	-	\$ (665,782)
	<u>\$ 7,829,865</u>	<u>\$ (3,928,972)</u>	<u>\$ 3,900,893</u>	<u>\$ (3,928,972)</u>

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

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

Adopted this 13th day of September, 2021.

Account Description	Budget	Current YTD	Inception to Date	Total Encumbranc	Unencumb. Balance
85920 Building Maintenance					
8945 Transfer to Rec/Cult Fd	665,782.00	.00	665,782.00	.00	.00
	665,782.00	.00	665,782.00	.00	.00
00030008 ADA Implementation					
8211 Supplies & Materials	5,247.00	2,640.35	2,640.35	.00	2,606.65
8231 Building Maintenance	97,356.00	.00	3,226.12	.00	94,129.88
8251 Telephone	500.00	390.15	390.15	.00	209.85
8253 Printing	24.00	24.00	24.00	.00	.00
00030008 ADA Implementation	103,227.00	3,054.50	6,280.62	.00	96,946.38
00085705 Dr. EE Smith House Restoratio					
8530 Improvements - Other	46,175.00	14,855.40	45,350.40	.00	824.60
	46,175.00	14,855.40	45,350.40	.00	824.60
00085705 Dr. EE Smith House Restoratio					
00365320 Building Maintenance CC POL S					
8231 Building Maintenance	8,112.00	.00	8,111.22	.00	.78
	8,112.00	.00	8,111.22	.00	.78
00365321 Building Maintenance Space Ne					
8231 Building Maintenance	1,080,369.00	.00	1,080,368.18	.00	.82
8490 Other Contract Services	56,599.00	.00	56,597.68	.00	1.32
00365321 Building Maintenance Space Ne	1,136,968.00	.00	1,136,965.86	.00	2.14
00365322 Building Maintenance Other					
8211 Supplies & Materials	120.00	.00	119.14	.00	.86
8231 Building Maintenance	388,671.00	.00	388,670.09	.00	.91
8530 Improvements - Other	16,426.00	.00	16,422.31	.00	3.69
00365322 Building Maintenance Other	405,217.00	.00	405,211.54	.00	5.46
00365323 Building Maintenance HVAC					
8231 Building Maintenance	612,083.00	12,484.00	612,082.82	.00	.18
	612,083.00	12,484.00	612,082.82	.00	.18
00365324 Building Maintenance ROOF					
8231 Building Maintenance	833,679.00	.00	833,678.18	.00	.82
8291 Rents	2,070.00	.00	2,070.00	.00	.00
00365324 Building Maintenance ROOF	835,749.00	.00	835,748.18	.00	.82
00365325 City Hall Renovations (Phase					
8211 Supplies & Materials	16,107.00	.00	16,104.64	.00	2.36
8291 Rents	1,296.00	.00	1,296.00	.00	.00
8490 Other Contract Services	41,768.00	.00	16,767.20	.00	25,000.80
8520 Buildings	1,901,552.00	7,061.00	1,741,777.09	.00	159,774.91
8610 Miscellaneous	1,934,776.00	.00	.00	.00	1,934,776.00

Account Description	Budget	Current YTD	Inception to Date	Total Encumbranc	Unencumb. Balance
00041 General Government CPO					
85920 Building Maintenance					
00365325 City Hall Renovations (Phase	5,394.00	.00	5,393.38	.00	.62
8721 Cost of Issuance					
00365325 City Hall Renovations (Phase	3,900,893.00	7,061.00	1,781,338.31	.00	2,119,554.69
00565319 Building Maintenance Energy R					
8231 Building Maintenance	1,632.00	.00	1,631.52	.00	.48
00565319 Building Maintenance Energy R	1,632.00	.00	1,631.52	.00	.48
00609770 Hurricane Matthew - All Other					
8490 Other Contract Services	10,500.00	.00	10,500.00	.00	.00
00609770 Hurricane Matthew - All Other	10,500.00	.00	10,500.00	.00	.00
00776096 Tokay Rec Center - Fire Damag					
8231 Building Maintenance	90,619.00	.00	90,618.27	.00	.73
00776096 Tokay Rec Center - Fire Damag	90,619.00	.00	90,618.27	.00	.73
08456302 Douglas Byrd Concession Stand					
8520 Buildings	7,174.00	.00	7,172.93	.00	1.07
8550 Equipment-Other	5,734.00	.00	5,733.74	.00	.26
08456302 Douglas Byrd Concession Stand	12,908.00	.00	12,906.67	.00	1.33
85920 Building Maintenance	7,829,865.00	37,454.90	5,612,527.41	.00	2,217,337.59

For the Eleven Months Ending May 31, 2021

Account Description	Budget	Current YTD	Inception to Date	Balance
00041 General Government CPO				
410 General Govt Revenues				
00085920 Building Maintenance Projects				
5701 Investment Income				
Investment Income	.00	.00	1,390.55-	1,390.55
5811 General Fund				
1 Regular	4,686,090.00-	.00	4,045,313.70-	640,776.30-
5844 Pub Safety Fund	49,775.00-	.00	49,775.00-	.00
5895 Capital Leases	3,094,000.00-	.00	1,800,000.00-	1,294,000.00-
Capital Leases				
00085920 Building Maintenance Projects	7,829,865.00-	.00	5,896,479.25-	1,933,385.75-
410 General Govt Revenues				
	7,829,865.00-	.00	5,896,479.25-	1,933,385.75-
00041 General Government CPO				
	7,829,865.00-	.00	5,896,479.25-	1,933,385.75-

CAPITAL PROJECT ORDINANCE PARTIAL CLOSEOUT
CLO 2016-32 (CPO 2009-3)

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 partially closed:

- Section 1. The project partial closing authorized is to Capital Project Fund Ordinance 2009-3, adopted June 9, 2008, as amended, for the funding of miscellaneous building maintenance and renovation projects.
- Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.
- Section 3. The following revenues were made available to the City for the project:

	Current <u>Budget</u>	Budget <u>Closeout</u>	Revised <u>Budget</u>	Actual <u>Closeout</u>
Transfer In From General Fund	\$ 5,585,309	\$ 899,219	\$ 4,686,090	\$ 899,219
Public Safety Fund Transfer	49,775	-	49,775	-
Capital Lease Proceeds	3,094,000	-	3,094,000	-
	<u>\$ 8,729,084</u>	<u>\$ 899,219</u>	<u>\$ 7,829,865</u>	<u>\$ 899,219</u>

- Section 4. The following amounts were appropriated and expended for the project:

	Current <u>Budget</u>	Budget <u>Closeout</u>	Revised <u>Budget</u>	Actual <u>Closeout</u>
Project Expenditures	\$ 8,063,302	\$ 899,219	\$ 7,164,083	\$ 899,219
Transfer to Recreation & Cultural Capital Project Fund	665,782	-	665,782	-
	<u>\$ 8,729,084</u>	<u>\$ 899,219</u>	<u>\$ 7,829,865</u>	<u>\$ 899,219</u>

- Section 5. Copies of this capital project ordinance partial closeout shall be made available to the budget officer and the finance officer for direction in carrying out this project.
- Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 13th day of June, 2016.

CAPITAL PROJECT ORDINANCE CLOSEOUT
CLO 2021-2 (CPO 2019-12)

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 closed:

Section 1. The closeout authorized is to Capital Project Fund Ordinance 2019-12, adopted June 11, 2018 for the funding of various building maintenance projects, including, but not limited to, renovations for Americans with Disabilities Act (ADA) compliance, roof replacement for the Police Administration Building, HVAC replacement for the Transportation Museum and other building maintenance projects.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
Transfer In From General Fund	<u>\$ 375,329</u>	<u>\$ 375,329</u>	<u>\$ -</u>	<u>\$ 375,329</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
Project Expenditures	<u>\$ 375,329</u>	<u>\$ 375,329</u>	<u>\$ -</u>	<u>\$ 375,329</u>

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

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

Adopted this 13th day of September, 2021.

For the Two Months Ending August 30, 2021

Account Description	Budget	Current YTD	Inception to Date	Balance
00041 General Government CPO				
410 General Govt Revenues				
00085933 FY 2019 Building Maintenance				
5811 General Fund				
1 Regular	375,329.00-	.00	299,059.67-	76,269.33-
00085933 FY 2019 Building Maintenance	375,329.00-	.00	299,059.67-	76,269.33-
410 General Govt Revenues	375,329.00-	.00	299,059.67-	76,269.33-
00041 General Government CPO	375,329.00-	.00	299,059.67-	76,269.33-

City of Fayetteville
Fund 41 Building Maintenance
Expenditures by Cost Center & Sub-Ledger
For the Two Months Ending August 30, 2021

Account Description	Budget	Current YTD	Inception to Date	Total Encumbranc	Unencumb. Balance
00041 General Government CPO					
85933 FY 2019 Building Maintenance					
00030008 ADA Implementation					
8231 Building Maintenance	75,000.00	.00	.00	.00	75,000.00
00030008 ADA Implementation	75,000.00	.00	.00	.00	75,000.00
00365323 Building Maintenance HVAC					
8231 Building Maintenance	329.00	.00	329.00	.00	.00
00365323 Building Maintenance HVAC	329.00	.00	329.00	.00	.00
00365324 Building Maintenance ROOF					
8231 Building Maintenance	300,000.00	.00	298,730.67	.00	1,269.33
00365324 Building Maintenance ROOF	300,000.00	.00	298,730.67	.00	1,269.33
85933 FY 2019 Building Maintenance	375,329.00	.00	299,059.67	.00	76,269.33
00041 General Government CPO	375,329.00	.00	299,059.67	.00	76,269.33

CAPITAL PROJECT ORDINANCE
ORD 2019-12

Section 1. The authorized project is FY2019 building maintenance projects, including, but not limited to, renovations for Americans with Disabilities Act (ADA) compliance, roof replacement for the Police Administration Building, HVAC replacement for the Transportation Museum and other building maintenance projects.

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

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

General Fund Transfer	<u>\$ 375,329</u>
-----------------------	-------------------

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

Project Expenditures	<u>\$ 375,329</u>
----------------------	-------------------

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

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

SPECIAL REVENUE FUND PROJECT ORDINANCE PARTIAL CLOSEOUT
CLO 2022-1 (ORD 2017-1)

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

Section 1. The project partial closing authorized is to Special Revenue Fund Project Ordinance 2017-1, adopted June 27, 2016, for the FY2016-2017 funding of the Community Development Block Grant Program (CDBG) awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	Current Budget	Budget Closeout	Revised Budget	Actual Closeout
CDBG - HUD	\$ 1,303,819	\$ 1,281,196	\$ 22,623	\$ 1,281,196
Program Income	186,958	186,958	-	186,958
	<u>\$ 1,490,777</u>	<u>\$ 1,468,154</u>	<u>\$ 22,623</u>	<u>\$ 1,468,154</u>

Section 4. The following amounts were appropriated and expended for the project:

	Current Budget	Budget Closeout	Revised Budget	Actual Closeout
Project Expenditures	<u>\$ 1,490,777</u>	<u>\$ 1,468,154</u>	<u>\$ 22,623</u>	<u>\$ 1,468,154</u>

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

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

Adopted this 13th day of September, 2021.

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00026 Federal & State Assistance Fun					
81108 CDBG - FY16-17					
8111 Salaries & Wages - Regu	89,461.00	.00	89,460.55	.00	.45
8113 Longevity Pay	4,969.00	.00	4,969.48	.00	.48
8114 Other Pay	105.00	.00	104.92	.00	.08
8121 Social Security	6,767.00	.00	6,767.33	.00	.33
8122 Pension	6,994.00	.00	6,993.70	.00	.30
1 General	879.00	.00	879.00	.00	.00
7 401K Non-Sworn	9,950.00	.00	9,950.44	.00	.44
8131 Medical Insurance	547.00	.00	546.85	.00	.15
8133 Dental Insurance	2,541.00	.00	2,540.80	.00	.20
8137 Workers' Compensation	185.00	.00	184.49	.00	.51
8211 Supplies and Materials	754.00	.00	754.03	.00	.03
8251 Telephone	851.00	.00	851.00	.00	.00
8252 Postage	2,039.00	.00	2,039.31	.00	.31
8254 Advertising	2,184.00	.00	2,183.89	.00	.11
8255 Photo Copier	191.00	.00	190.68	.00	.32
8263 Travel, Training & Conf	15.00	.00	14.95	.00	.05
8490 Other Contract Services	122,650.00	.00	122,650.00	.00	.00
8615 Indirect Cost Allocatio	251,082.00	.00	251,081.42	.00	.58
81108 CDBG - FY16-17	251,082.00	.00	251,081.42	.00	.58

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbrance	Unencumb. Balance
00024032 Community Outreach					
81108 CDBG - FY16-17					
8111 Salaries & Wages - Regu	95,193.00	.00	95,193.48	.00	.48-
8113 Salaries & Wages - Regular					
Longevity Pay	4,846.00	.00	4,846.33	.00	.33-
8121 Social Security					
Social Security	7,288.00	.00	7,288.33	.00	.33-
8122 Pension					
General	7,456.00	.00	7,456.01	.00	.01-
1 401K Non-Sworn	958.00	.00	957.36	.00	.64
8131 Medical Insurance					
Medical Insurance	10,723.00	.00	10,723.21	.00	.21-
8133 Dental Insurance					
Dental Insurance	591.00	.00	591.11	.00	.11-
8137 Workers' Compensation					
Workers' Compensation	2,692.00	.00	2,691.84	.00	.16
8211 Supplies and Materials					
Supplies and Materials	237.00	.00	237.38	.00	.38-
3 Small Computer Equipment	5,023.00	.00	5,022.55	.00	.45
8231 Building Maintenance					
Building Maintenance	100.00	.00	100.00	.00	.00
8251 Telephone					
Telephone	87.00	.00	86.79	.00	.21
8261 Local Mileage					
Local Mileage	1,448.00	.00	1,447.86	.00	.14
8490 Other Contract Services					
Other Contract Services	42,872.00	.00	42,871.75	.00	.25
81108 CDBG - FY16-17	179,514.00	.00	179,514.00	.00	.00
00024032 Community Outreach	179,514.00	.00	179,514.00	.00	.00

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00024033 Beautification/Demolition/Clea					
81108 CDBG - FY16-17					
8490 Other Contract Services	3,526.00	.00	2,140.65	1,385.00	.35
81108 CDBG - FY16-17	3,526.00	.00	2,140.65	1,385.00	.35
00024033 Beautification/Demolition/Clea	3,526.00	.00	2,140.65	1,385.00	.35

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00024037 City Wide Rehabilitation					
81108 CDBG - FY16-17					
8111 Salaries & Wages - Regu	15,757.00	.00	15,757.08	.00	.08-
8113 Longevity Pay	945.00	.00	944.88	.00	.12
8121 Social Security	1,255.00	.00	1,254.61	.00	.39
8122 Pension	1,245.00	.00	1,244.51	.00	.49
1 General	157.00	.00	157.23	.00	.23-
7 401K Non-Sworn					
8131 Medical Insurance	1,646.00	.00	1,646.23	.00	.23-
8133 Dental Insurance	90.00	.00	90.02	.00	.02-
8137 Workers' Compensation	445.00	.00	445.57	.00	.57-
8263 Travel, Training & Conf	1,689.00	.00	1,689.30	.00	.30-
8490 Other Contract Services	306,632.00	.00	305,057.85	.00	1,574.15
81108 CDBG - FY16-17	329,861.00	.00	328,287.28	.00	1,573.72
00024037 City Wide Rehabilitation	329,861.00	.00	328,287.28	.00	1,573.72

City of Fayetteville
CDBG Expenditure Report by project

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For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00024074 Target Area Revitalization Pro					
81108 CDBG - FY16-17					
8490 Other Contract Services	8,770.00	.00	8,770.00	.00	.00
Other Contract Services					
81108 CDBG - FY16-17	8,770.00	.00	8,770.00	.00	.00
00024074 Target Area Revitalization Pro	8,770.00	.00	8,770.00	.00	.00

City of Fayetteville
CDBG Expenditure Report by project

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For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00025014 CDBG - Homebuyers Education					
81108 CDBG - FY16-17					
8490 Other Contract Services	6,064.00	.00	6,064.13	.00	.13-
Other Contract Services					
81108 CDBG - FY16-17	6,064.00	.00	6,064.13	.00	.13-
00025014 CDBG - Homebuyers Education	6,064.00	.00	6,064.13	.00	.13-

City of Fayetteville
CDBG Expenditure Report by project

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For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00025018 CDBG - Business Assistance Pro					
81108 CDBG - FY16-17					
8111 Salaries & Wages - Regu	99,764.00	.00	99,763.68	.00	.32
8113 Longevity Pay	5,986.00	.00	5,985.87	.00	.13
8121 Social Security	7,580.00	.00	7,589.67	.00	.33
8122 Pension	7,884.00	.00	7,884.43	.00	.43-
1 General	997.00	.00	996.97	.00	.03
7 401X Non-Sworn					
8131 Medical Insurance	11,607.00	.00	11,607.27	.00	.27-
8133 Dental Insurance	595.00	.00	595.33	.00	.33-
8137 Workers' Compensation	2,845.00	.00	2,844.78	.00	.22
8490 Other Contract Services	113,691.00	.00	113,691.00	.00	.00
81108 CDBG - FY16-17	250,959.00	.00	250,959.00	.00	.00
00025018 CDBG - Business Assistance Pro	250,959.00	.00	250,959.00	.00	.00

City of Fayetteville
 CDBG Expenditure Report by project

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For the Fourteen Months Ending June 30, 2021

Account Description	Budget	Current	Inception	Total	Unencumb.
	FY20-21	Period	To Date	Encumbranc	Balance
00025019 CDBG - CEED					
81108 CDBG - FY16-17					
8490 Other Contract Services	95,000.00	.00	95,000.00	.00	.00
Other Contract Services					
81108 CDBG - FY16-17	95,000.00	.00	95,000.00	.00	.00
00025019 CDBG - CEED	95,000.00	.00	95,000.00	.00	.00

City of Fayetteville
 CDBG Expenditure Report by project

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For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00025021 SmallBusiness Development Gran					
81108 CDBG - FY16-17					
8490 Other Contract Services	15,000.00	.00	15,000.00	.00	.00
Other Contract Services					
81108 CDBG - FY16-17	15,000.00	.00	15,000.00	.00	.00
00025021 SmallBusiness Development Gran	15,000.00	.00	15,000.00	.00	.00

City of Fayetteville
CDBG Expenditure Report by project

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For the Fourteen Months Ending June 30, 2021

Account Description	Budget	Current	Inception	Total	Unencumb.
	FY20-21	Period	To Date	Encumbranc	Balance
00027051 Mobile Home Urgent Repair Prog					
81108 CDBG - FY16-17					
8111 Salaries & Wages - Regu	6,900.00	.00	6,899.98	.00	.02
8113 Longevity Pay	414.00	.00	414.02	.00	.02
8121 Social Security	550.00	.00	549.60	.00	.40
8122 Pension	527.00	.00	526.79	.00	.21
1 General	78.00	.00	77.91	.00	.09
7 401K Non-Sworn					
8131 Medical Insurance	717.00	.00	717.49	.00	.49
8133 Dental Insurance	40.00	.00	40.34	.00	.34
8137 Workers' Compensation	197.00	.00	196.57	.00	.43
8490 Other Contract Services	10,045.00	.00	10,044.92	.00	.08
81108 CDBG - FY16-17	19,468.00	.00	19,467.62	.00	.38
00027051 Mobile Home Urgent Repair Prog	19,468.00	.00	19,467.62	.00	.38

City of Fayetteville
 CDBG Expenditure Report by project

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For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00480593 Homeless Assistance Program					
81108 CDBG - FY16-17					
8490 Other Contract Services	2,108.00	.00	2,108.40	.00	.40-
Other Contract Services					
81108 CDBG - FY16-17	2,108.00	.00	2,108.40	.00	.40-
00480593 Homeless Assistance Program	2,108.00	.00	2,108.40	.00	.40-

City of Fayetteville
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For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00523670 Utility Deposit Assistance Pro					
81108 CDBG - FY16-17					
8490 Other Contract Services	2,274.00	.00	2,274.35	.00	.35-
Other Contract Services					
81108 CDBG - FY16-17	2,274.00	.00	2,274.35	.00	.35-
00523670 Utility Deposit Assistance Pro	2,274.00	.00	2,274.35	.00	.35-

City of Fayetteville
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For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00523697 True Vine Ministries					
81108 CDBG - FY16-17					
8490 Other Contract Services	14,015.00	.00	14,014.89	.00	.11
81108 CDBG - FY16-17	14,015.00	.00	14,014.89	.00	.11
00523697 True Vine Ministries	14,015.00	.00	14,014.89	.00	.11

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00523709 Salvation Army Homeless Shelter					
81108 CDBG - FY16-17					
8490 Other Contract Services	15,000.00	.00	15,000.00	.00	.00
Other Contract Services					
81108 CDBG - FY16-17	15,000.00	.00	15,000.00	.00	.00
00523709 Salvation Army Homeless Shelter	15,000.00	.00	15,000.00	.00	.00

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00523717 Demolition Recovery & Infill					
81108 CDBG - FY16-17					
8111 Salaries & Wages - Regu	13,800.00	.00	13,799.81	.00	.19
8113 Longevity Pay	828.00	.00	827.98	.00	.02
8121 Social Security	1,100.00	.00	1,099.54	.00	.46
8122 Pension	1,072.00	.00	1,071.45	.00	.55
1 General	138.00	.00	138.06	.00	.06
7 401K Non-Sworn					
8131 Medical Insurance	1,435.00	.00	1,434.83	.00	.17
8133 Dental Insurance	80.00	.00	80.42	.00	.42
8137 Workers' Compensation	389.00	.00	389.32	.00	.32
8490 Other Contract Services	25,425.00	.00	25,425.00	.00	.00
81108 CDBG - FY16-17	44,267.00	.00	44,266.41	.00	.59
00523717 Demolition Recovery & Infill	44,267.00	.00	44,266.41	.00	.59

City of Fayetteville
CDBG Expenditure Report by project

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For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00523742 Commercial Exterior Improvemen					
81108 CDBG - FY16-17					
8490 Other Contract Services	90,661.00	.00	70,997.35	2,200.00	17,463.65
Other Contract Services					
81108 CDBG - FY16-17	90,661.00	.00	70,997.35	2,200.00	17,463.65
00523742 Commercial Exterior Improvemen	90,661.00	.00	70,997.35	2,200.00	17,463.65

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00561908 Operation Inasmuch Day Center					
81108 CDBG - FY16-17					
8490 Other Contract Services	15,000.00	.00	15,000.00	.00	.00
Other Contract Services					
81108 CDBG - FY16-17	15,000.00	.00	15,000.00	.00	.00
00561908 Operation Inasmuch Day Center	15,000.00	.00	15,000.00	.00	.00

City of Fayetteville
CDBG Expenditure Report by project

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For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00602917 Section 108 Loan - Capitol Pro					
81108 CDBG - FY16-17					
8710 Principal Payments	75,000.00	.00	75,000.00	.00	.00
8720 Principal Payments	4,477.00	.00	4,477.03	.00	.03-
Interest Expense					
81108 CDBG - FY16-17	79,477.00	.00	79,477.03	.00	.03-
00602917 Section 108 Loan - Capitol Pro	79,477.00	.00	79,477.03	.00	.03-

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00602994 Job Skills Training Assistance					
81108 CDBG - FY16-17					
8490 Other Contract Services	4,900.00	.00	4,900.00	.00	.00
81108 CDBG - FY16-17	4,900.00	.00	4,900.00	.00	.00
00602994 Job Skills Training Assistance	4,900.00	.00	4,900.00	.00	.00

City of Fayetteville
CDBG Expenditure Report by project

08/12/21
10:09:00

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00603004 Small Business Retention Grant					
81108 CDBG - FY16-17					
8490 Other Contract Services	63,831.00	.00	63,831.15	.00	.15-
81108 CDBG - FY16-17	63,831.00	.00	63,831.15	.00	.15-
00603004 Small Business Retention Grant	63,831.00	.00	63,831.15	.00	.15-
00026 Federal & State Assistance Fun	1,490,777.00	.00	1,468,153.68	3,585.00	19,038.32

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2017-1

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

Section 1. The project authorized is for the FY2016-2017 funding of the Community Development Block Grant Program (CDBG) awarded by the U.S. Department of Housing and Urban Development.

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

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

CDBG - HUD	\$ 1,303,819
Program Income	186,958
	<u>\$ 1,490,777</u>

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

Project Expenditures	<u>\$ 1,490,777</u>
----------------------	---------------------

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

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

Adopted this 27th day of June, 2016.
CITY OF FAYETTEVILLE

June 27, 2016

SPECIAL REVENUE FUND PROJECT ORDINANCE PARTIAL CLOSEOUT
CLO 2022-2 (ORD 2018-1)

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

Section 1. The project partial closing authorized is to Special Revenue Fund Project Ordinance 2018-1, adopted June 26, 2017, for the FY2017-2018 funding of the Community Development Block Grant Program (CDBG) awarded by the U.S. Department of Housing and Urban Development.

Section 2. The project director is hereby directed to proceed with the necessary closing entries and collection of any and all grant and loan agreements outstanding.

Section 3. The following revenues were made available to the City for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
CDBG - HUD	\$ 1,292,101	\$ 1,142,061	\$ 150,040	\$ 1,142,061
Program Income	167,654	167,654	-	167,654
	<u>\$ 1,459,755</u>	<u>\$ 1,309,715</u>	<u>\$ 150,040</u>	<u>\$ 1,309,715</u>

Section 4. The following amounts were appropriated and expended for the project:

	<u>Current Budget</u>	<u>Budget Closeout</u>	<u>Revised Budget</u>	<u>Actual Closeout</u>
Project Expenditures	<u>\$ 1,459,755</u>	<u>\$ 1,309,715</u>	<u>\$ 150,040</u>	<u>\$ 1,309,715</u>

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

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

Adopted this 13th day of September, 2021.

City of Fayetteville
CDBG Expenditure Report by project

08/12/21
10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbrance	Unencumb. Balance
00026 Federal & State Assistance Fun					
81109 CDBG - FY17-18					
8111 Salaries & Wages - Regu	120,850.00	.00	120,849.99	.00	.01
8113 Longevity Pay	6,220.00	.00	6,219.51	.00	.49
8114 Other Pay	136.00	.00	136.49	.00	.49
8121 Social Security	8,511.00	.00	8,510.97	.00	.03
8122 Pension	10,989.00	.00	10,989.23	.00	.23
1 General	1,380.00	.00	1,379.76	.00	.24
7 401K Non-Sworn	15,546.00	.00	15,546.13	.00	.13
8131 Medical Insurance	17.00	.00	17.24	.00	.24
8132 Life Insurance	812.00	.00	811.94	.00	.06
8133 Dental Insurance	3,400.00	.00	3,400.08	.00	.08
8137 Workers' Compensation	572.00	.00	572.33	.00	.33
8211 Supplies and Materials	1,016.00	.00	1,016.16	.00	.16
8251 Telephone	1,328.00	.00	1,327.58	.00	.42
8252 Postage	297.00	.00	296.67	.00	.33
8253 Printing	285.00	.00	284.84	.00	.16
8254 Advertising	2,437.00	.00	2,437.46	.00	.46
8255 Photo Copier	455.00	.00	454.62	.00	.38
8261 Local Mileage	167.00	.00	166.63	.00	.37
8263 Travel, Training & Conf	1,909.00	.00	1,909.02	.00	.02
8490 Other Contract Services	159,164.00	.00	159,164.01	.00	.01
8615 Indirect Cost Allocatio	335,491.00	.00	335,490.66	.00	.34
81109 CDBG - FY17-18	335,491.00	.00	335,490.66	.00	.34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00024032 Community Outreach					
81109 CDBG - FY17-18					
8111 Salaries & Wages - Regu	19,981.00	.00	19,981.05	.00	.05-
8113 Longevity Pay	148.00	.00	148.46	.00	.46-
8121 Social Security	2,041.00	.00	2,041.16	.00	.16-
8122 Pension	162.00	.00	162.41	.00	.41-
1 General	20.00	.00	19.78	.00	.22
7 401K Non-Sworn	94.00	.00	93.84	.00	.16
8131 Medical Insurance	5.00	.00	4.74	.00	.26
8133 Dental Insurance	543.00	.00	543.28	.00	.28-
8137 Workers' Compensation	2,141.00	.00	2,141.44	.00	.44-
8251 Telephone	183.00	.00	182.76	.00	.24
8255 Photo Copier	876.00	.00	876.29	.00	.29-
8261 Local Mileage	40,316.00	.00	39,753.79	.00	562.21
8490 Other Contract Services	66,510.00	.00	65,949.00	.00	561.00
81109 CDBG - FY17-18					
00024032 Community Outreach	66,510.00	.00	65,949.00	.00	561.00

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00024037 City Wide Rehabilitation					
81109 CDBG - FY17-18					
8111 Salaries & Wages - Regu	922.00	.00	921.78	.00	.22
8113 Longevity Pay	55.00	.00	55.31	.00	.31
8121 Social Security	74.00	.00	73.90	.00	.10
8122 Pension	74.00	.00	74.29	.00	.29
1 General	9.00	.00	9.22	.00	.22
7 401K Non-Sworn	59.00	.00	58.82	.00	.18
8131 Medical Insurance	3.00	.00	3.12	.00	.12
8133 Dental Insurance	26.00	.00	26.39	.00	.39
8137 Workers' Compensation	13,249.00	.00	13,248.94	.00	.06
8490 Other Contract Services	14,471.00	.00	14,471.77	.00	.77
81109 CDBG - FY17-18					
00024037 City Wide Rehabilitation	14,471.00	.00	14,471.77	.00	.77

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00024074 Target Area Revitalization Pro					
81109 CDBG - FY17-18					
8490 Other Contract Services	8,903.00	.00	8,900.00	.00	3.00
Other Contract Services					
81109 CDBG - FY17-18	8,903.00	.00	8,900.00	.00	3.00
00024074 Target Area Revitalization Pro	8,903.00	.00	8,900.00	.00	3.00

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbrance	Unencumb. Balance
00024076 Emergency Housing Repair Progr					
81109 CDBG - FY17-18					
8111 Salaries & Wages - Regu	73,835.00	.00	73,835.24	.00	.24
8113 Longevity Pay	3,566.00	.00	3,565.88	.00	.12
8121 Social Security	5,853.00	.00	5,853.42	.00	.42
8122 Pension	5,864.00	.00	5,863.96	.00	.04
1 General	730.00	.00	729.67	.00	.33
7 401K Non-Sworn					
8131 Medical Insurance	10,356.00	.00	10,355.93	.00	.07
8133 Dental Insurance	576.00	.00	576.14	.00	.14
8137 Workers' Compensation	2,066.00	.00	2,065.54	.00	.46
8490 Other Contract Services	173,526.00	.00	173,526.22	.00	.22
81109 CDBG - FY17-18	276,372.00	.00	276,372.00	.00	.00
00024076 Emergency Housing Repair Progr	276,372.00	.00	276,372.00	.00	.00

City of Fayetteville
 CDBG Expenditure Report by project

08/12/21
 10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00025014 CDBG - Homebuyers Education					
81109 CDBG - FY17-18					
8490 Other Contract Services	4,774.00	.00	4,773.54	.00	.46
Other Contract Services					
81109 CDBG - FY17-18	4,774.00	.00	4,773.54	.00	.46
00025014 CDBG - Homebuyers Education	4,774.00	.00	4,773.54	.00	.46

City of Fayetteville
CDBG Expenditure Report by project08/12/21
10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbrance	Unencumb. Balance
00025018 CDBG - Business Assistance Pro					
81109 CDBG - FY17-18					
8111 Salaries & Wages - Regu	114,207.00	.00	114,206.84	.00	.16
8113 Longevity Pay	4,864.00	.00	4,864.00	.00	.00
8121 Social Security	5,507.00	.00	5,507.00	.00	.00
8122 Pension	5,869.00	.00	5,869.00	.00	.00
1 General	702.00	.00	702.00	.00	.00
7 401K Non-Sworn					
8131 Medical Insurance	7,908.00	.00	7,908.00	.00	.00
8133 Dental Insurance	371.00	.00	371.00	.00	.00
8137 Workers' Compensation	2,022.00	.00	2,022.00	.00	.00
8490 Other Contract Services	8,740.00	.00	8,740.00	.00	.00
81109 CDBG - FY17-18	150,190.00	.00	150,189.84	.00	.16
00025018 CDBG - Business Assistance Pro	150,190.00	.00	150,189.84	.00	.16

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00025019 CDBG - CEED					
81109 CDBG - FY17-18					
8490 Other Contract Services	85,000.00	.00	85,000.00	.00	.00
81109 CDBG - FY17-18					
Other Contract Services	85,000.00	.00	85,000.00	.00	.00
00025019 CDBG - CEED	85,000.00	.00	85,000.00	.00	.00

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00025021 SmallBusiness Development Gran					
81109 CDBG - FY17-18					
8490 Other Contract Services	10,098.00	.00	10,097.42	.00	.58
Other Contract Services					
81109 CDBG - FY17-18	10,098.00	.00	10,097.42	.00	.58
00025021 SmallBusiness Development Gran	10,098.00	.00	10,097.42	.00	.58

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00194431 Water & Sewer Assessment Assis					
81109 CDBG - FY17-18					
8490 Other Contract Services	176,110.00	44,000.00	96,250.00	79,860.00	.00
Other Contract Services					
81109 CDBG - FY17-18	176,110.00	44,000.00	96,250.00	79,860.00	.00
00194431 Water & Sewer Assessment Assis	176,110.00	44,000.00	96,250.00	79,860.00	.00

City of Fayetteville
CDBG Expenditure Report by project

08/12/21
10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00480593 Homeless Assistance Program					
81109 CDBG - FY17-18					
8490 Other Contract Services	2,257.00	.00	2,256.75	.00	.25
81109 CDBG - FY17-18	2,257.00	.00	2,256.75	.00	.25
00480593 Homeless Assistance Program	2,257.00	.00	2,256.75	.00	.25

City of Fayetteville
 CDBG Expenditure Report by project

08/12/21
 10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00480594 Veterans Empowering Veterans					
81109 CDBG - FY17-18					
8490 Other Contract Services	29,474.00	.00	29,474.04	.00	.04-
Other Contract Services					
81109 CDBG - FY17-18	29,474.00	.00	29,474.04	.00	.04-
00480594 Veterans Empowering Veterans	29,474.00	.00	29,474.04	.00	.04-

City of Fayetteville
CDBG Expenditure Report by project

08/12/21
10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget	Current	Inception	Total	Unencumb.
	FY20-21	Period	To Date	Encumbranc	Balance
00523670 Utility Deposit Assistance Pro					
81109 CDBG - FY17-18	1,217.00	.00	1,217.00	.00	.00
8490 Other Contract Services					
Other Contract Services	1,217.00	.00	1,217.00	.00	.00
81109 CDBG - FY17-18					
00523670 Utility Deposit Assistance Pro	1,217.00	.00	1,217.00	.00	.00

City of Fayetteville
 CDBG Expenditure Report by project

08/12/21
 10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget	Current	Inception	Total	Unencumb.
	FY20-21	Period	To Date	Encumbranc	Balance
00523696 Hope Center Homeless Shelter					
81109 CDBG - FY17-18					
8205 Utilities	7,945.00	.00	7,945.01	.00	.01-
81109 CDBG - FY17-18	7,945.00	.00	7,945.01	.00	.01-
00523696 Hope Center Homeless Shelter	7,945.00	.00	7,945.01	.00	.01-

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00523697 True Vine Ministries					
81109 CDBG - FY17-18	14,439.00	.00	14,438.95	.00	.05
8490 Other Contract Services					
Other Contract Services	14,439.00	.00	14,438.95	.00	.05
81109 CDBG - FY17-18					
00523697 True Vine Ministries	14,439.00	.00	14,438.95	.00	.05

City of Fayetteville
CDBG Expenditure Report by project

08/12/21
10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00523717 Demolition Recovery & Infill					
81109 CDBG - FY17-18					
8111 Salaries & Wages - Regu	19,220.00	.00	19,220.22	.00	.22-
8113 Longevity Pay	1,153.00	.00	1,153.19	.00	.19-
8121 Social Security	1,532.00	.00	1,532.36	.00	.36-
8122 Pension	1,541.00	.00	1,541.16	.00	.16-
1 General	192.00	.00	192.29	.00	.29-
7 401K Non-Sworn					
8131 Medical Insurance	1,947.00	.00	1,946.50	.00	.50
8133 Dental Insurance	106.00	.00	105.43	.00	.57
8137 Workers' Compensation	541.00	.00	541.06	.00	.06-
8490 Other Contract Services	53,018.00	.00	53,018.00	.00	.00
8510 Land	10,026.00	.00	10,026.00	.00	.00
81109 CDBG - FY17-18	89,276.00	.00	89,276.21	.00	.21-
00523717 Demolition Recovery & Infill	89,276.00	.00	89,276.21	.00	.21-

City of Fayetteville
CDBG Expenditure Report by project

08/12/21
10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbrance	Unencumb. Balance
00523742 Commercial Exterior Improvemen					
81109 CDBG - FY17-18					
8490 Other Contract Services	62,260.00	.00	40,702.79	.00	21,557.21
Other Contract Services					
81109 CDBG - FY17-18	62,260.00	.00	40,702.79	.00	21,557.21
00523742 Commercial Exterior Improvemen	62,260.00	.00	40,702.79	.00	21,557.21

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00561908 Operation Inasmuch Day Center					
81109 CDBG - FY17-18					
8490 Other Contract Services	15,000.00	.00	15,000.00	.00	.00
Other Contract Services					
81109 CDBG - FY17-18	15,000.00	.00	15,000.00	.00	.00
00561908 Operation Inasmuch Day Center	15,000.00	.00	15,000.00	.00	.00

City of Fayetteville
CDBG Expenditure Report by project

08/12/21
10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00602917 Section 108 Loan - Capitol Pro					
81109 CDBG - FY17-18					
8710 Principal Payments	75,000.00	.00	75,000.00	.00	.00
8720 Interest Expense	3,443.00	.00	3,442.50	.00	.50
81109 CDBG - FY17-18	78,443.00	.00	78,442.50	.00	.50
00602917 Section 108 Loan - Capitol Pro	78,443.00	.00	78,442.50	.00	.50

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00602994 Job Skills Training Assistance					
81109 CDBG - FY17-18					
8490 Other Contract Services	1,857.00	.00	1,856.68	.00	.32
81109 CDBG - FY17-18	1,857.00	.00	1,856.68	.00	.32
00602994 Job Skills Training Assistance	1,857.00	.00	1,856.68	.00	.32

City of Fayetteville
CDBG Expenditure Report by project

08/12/21
10:08:34

For the Fourteen Months Ending June 30, 2021

Account Description	Budget FY20-21	Current Period	Inception To Date	Total Encumbranc	Unencumb. Balance
00603004 Small Business Retention Grant					
81109 CDBG - FY17-18					
Other Contract Services	29,668.00	3,011.50	28,622.12	.00	1,045.88
Other Contract Services	29,668.00	3,011.50	28,622.12	.00	1,045.88
81109 CDBG - FY17-18					
00603004 Small Business Retention Grant	29,668.00	3,011.50	28,622.12	.00	1,045.88
00026 Federal & State Assistance Fun	1,459,755.00	47,011.50	1,356,726.28	79,860.00	23,168.72

Project Ordinance SRO 2015-1 (as amended SROA 2016-2)

81106

	Budget	Budget Closeout	Actual Closeout
Federal Revenue - CDBG	544,108	544,108	544,108.00
Program Income	127,610	127,610	127,610.00
Total Revenues	671,718	671,718	671,718.00
Expenses	671,718	671,718	671,718.00
Remaining			-

Total Federal Closeout
Total Program Income Closeout
Total Other Closeout
Total Expenditure Closeout

Difference

1,465,315.62	should equal unspent funds per IDIS
1,467,662.62	per IDIS
(2,347.00)	diff

Project Ordinance SRO 2016-3 (as amended SROA 2017-1)

81107

	Budget	Budget Closeout	Actual
Federal Revenue - CDBG	1,297,552	1,297,552	1,297,552.43
Program Income	287,707	287,707	287,706.33
Total Revenues	1,585,259	1,585,259	1,585,258.76
Expenses	1,585,259	1,585,259	c 1,585,258.76
Remaining			-

Budget as of 6/30/20:

Federal

Program Income

Local - Other

Budget	Closeout	Remaining	Actuals	Closeout	Remaining
7,302,877	4,264,917	3,037,960	5,837,561.81	4,264,917.43	1,572,644.38
1,088,652	769,929	318,723	1,300,013.40	769,927.79	530,085.61
-	-	-	-	-	-
8,391,529	5,034,846	3,356,683	7,137,575.21	5,034,845.22	2,102,729.99

Project Ordinance SRO 2017-1

81108

	Budget	Budget Closeout	Actual Closeout
Federal Revenue - CDBG	1,303,819	1,281,196	1,281,196.00
Program Income	186,958	186,958	186,957.68
Total Revenues	<u>1,490,777</u>	<u>1,468,154</u>	<u>1,468,153.68</u>
Expenses	1,490,777	1,468,154	1,468,153.68
Remaining			<u>22,653.00</u>

Project Ordinances Remaining:
SRO 2017-1
SRO 2018-1
SRO 2019-5
SRO 2020-1

Project Ordinance SRO 2018-1

81109

	Budget	Budget Closeout	Actual Closeout
Federal Revenue - CDBG	1,292,101	1,142,061	1,142,061.00
Program Income	167,654	167,654	167,653.78
Total Revenues	1,459,755	1,309,715	1,309,714.78
Expenses	1,459,755	1,309,715	1,309,714.78
Remaining			150,040.00

Project Ordinance 2019-5 (as amended SROA 2019-1)

81111

	Budget	Budget Closeout	Actual Closeout
Federal Revenue - CDBG	1,421,514		A
Program Income	170,416		B
Total Revenues	1,591,930	-	-
Expenses	1,591,930	-	C
Remaining			1,591,930.00

Project Ordinance SRO 2020-1

81112

	Budget	Budget Closeout	Actual Closeout
Federal Revenue - CDBG	1,443,753	A	
Program Income	148,307	B	
Total Revenues	1,592,090	-	-
Expenses	1,592,090	-	-
Remaining			1,592,090.00
Total Remaining			3,356,683.00

SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2018-1

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted for the program year beginning July 1, 2017:

Section 1. The project authorized is for the FY2017-2018 funding of the Community Development Block Grant Program (CDBG) awarded by the U.S. Department of Housing and Urban Development.

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

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

CDBG - HUD	\$ 1,294,448
Program Income	167,654
	<u>\$ 1,462,102</u>

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

Project Expenditures	<u>\$ 1,462,102</u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

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

Adopted this 26th day of June, 2017.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2022-32 (CPO 2018-12)**

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 2018-12, adopted effective July 1, 2017, for the funding of the FY2018 Americans with Disabilities Act (ADA) compliance projects.

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	\$ 75,000	\$ 171,946	\$ 246,946

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

Project Expenditures	\$ 75,000	\$ 171,946	\$ 246,946
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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 13th day of September, 2021.

City of Fayetteville

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

City Council Action Memo

File Number: 21-2165

Agenda Date: 9/13/2021

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.03

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

FROM: Robert Stone, Interim Construction Management Director
Michael Gibson, Parks and Recreation Director
Jay Toland, Chief Financial Officer / Assistant City Manager
Kelly Olivera, Budget and Evaluation Director

DATE: September 13, 2021

RE:

Adoption of Capital Project Ordinance Amendment 2022-33 to Appropriate Bond Premium Proceeds to the Dorothy Gilmore Therapeutic Recreation Center Project and Award the Contract for General Construction to Msquare Construction, Inc.

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 4 - The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for its citizens.

Executive Summary:

Council is asked to adopt Capital Project Ordinance Amendment 2022-33 to appropriate \$475,000 of bond premium funding to the Dorothy Gilmore Therapeutic Recreation Center project and to award the contract for the general construction to Msquare Construction, Inc., the lowest responsive, responsible bidder.

Background:

On March 15, 2016, Fayetteville voters passed a \$35 million bond referendum for parks and recreation projects. On November 26, 2018, City Council approved a revised schedule of project funding. On November 23, 2020, appropriation actions were adopted to more closely align appropriations with Council's revised plan as approved at the

November 2, 2020 work session. Cromwell Architects provided the final construction drawings for an addition and renovations to the Dorothy Gilmore Therapeutic Recreation Center. To date, \$400,000 has been appropriated for the addition and renovations to the Center.

The project was advertised to the general public consistent with North Carolina law, and a voluntary pre-bid meeting took place on site July 13, 2021. On August 5, 2021, the City opened bids from General Contractors, and accepted three bids for the construction of a 3,000 square foot addition and renovations to the existing building. All bids included a 5% bid bond, acknowledgement of the City's Small Disadvantaged Business Enterprise program and addenda as well as the appropriate required signatures.

Currently, expenditures to the project include staff time and the Architectural / Engineering contract encumbrances totaling \$82,620. The total amount available in the project for construction is \$317,380.

The cost for addition and renovations are:

A. Building addition and existing renovations	\$743,416 (1)
B. Construction contingency (5%)	\$37,170
C. City supplied items (IT, furniture, blinds, landscaping)	<u>\$12,000</u>
Total	\$792,586

The construction cost for the project is \$792,586 (listed above) which includes a 5% contingency. Using the remaining unspent amount of \$317,380, the needed amount to complete the project is projected to be \$475,000. This increases the total appropriation for the project to \$875,000.

(1) Lowest responsible bid given on 8/5/2021 which includes the building addition and the three alternatives for renovations to the existing building.

The low bid of \$743,416 for the building addition and renovations was submitted by Msquare Construction, Inc., License #84320 from Fayetteville, North Carolina. All three alternates are included in the bid.

Issues/Analysis:

Based on the latest bids received, the project cannot be completed from the approved funding. This is due in part to the rapid increase of material and labor costs experienced over the year.

Not providing additional funds for the renovation of the Dorothy Gilmore Therapeutic Recreation Center would reduce the ability for the center to service the community. Construction of the addition and renovations to the existing building at a later date would be expected to result in higher costs due to rapidly increasing material and labor prices.

Budget Impact:

There is no impact to the General Fund. The requested increase to the project appropriation is funded by bond premium funds.

Options:

1. Adopt Capital Project Ordinance Amendment 2022-33 to appropriate the funds needed for the construction of the Dorothy Gilmore Therapeutic Recreation Center project, and award and authorize the City Manager to execute a contract with the lowest responsive, responsible bidder, Msquare Construction, Inc., in the total amount of \$743,416.
2. Do not adopt Capital Project Ordinance Amendment 2022-33 or award the contract and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Capital Project Ordinance Amendment 2022-33 as presented and approve the contract award authorizing the City Manager to execute the contract with the lowest responsive, responsible bidder, Msquare Construction, Inc., in the total amount of \$743,416.

Attachments:

Bid Tab - Dorothy Gilmore Therapeutic Recreation Center.pdf
Capital Project Ordinance Amendment 2022-33

BID TABULATION								
Dortohy Gilmore Therapeutic Recreation Center Expansion								
			Group III Mgt, Inc		Msquare Construction, Inc		D. Wynne Corporation	
Description	Unit	Quantity	Price	Extension	Price	Extension	Price	Extension
General Excavation: As part of Alternate 2 (Single Restroom Renovation), provide unit price per foot for additional excavation and installation of 4-inch sanitary sewer lateral beyond the 30-feet indicated on the drawings.	LS	1	\$30.00	\$30.00	\$113.40	\$113.40	\$0.00	\$0.00
Removal of unsatisfactory soil	CY	1200	\$84.00	\$100,800.00	\$53.00	\$63,600.00	\$2.96	\$3,552.00
Alternate 1: Restroom Renovation	EA	1	\$135,000.00	\$135,000.00	\$90,000.00	\$90,000.00	\$33,765.00	\$33,765.00
Alternate 2: Single Restroom Renovation	EA	1	\$60,000.00	\$60,000.00	\$40,248.00	\$40,248.00	\$37,362.00	\$37,362.00
Alternate 3: Greenhouse Removal	EA	1	\$45,000.00	\$45,000.00	\$13,258.00	\$13,258.00	\$11,698.00	\$11,698.00
Base Bid	LS	1	\$912,000.00	\$912,000.00	\$599,909.00	\$599,909.00	\$663,623.00	\$663,623.00
			Total	\$1,252,830.00	Total	\$743,416.00	Total	\$750,000.00

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2022-33 (CPO 2017-33)**

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 2017-33, adopted February 27, 2017, as amended, for improvements at the Dorothy Gilmore Therapeutic Recreation Center.

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
Parks & Recreation Bond Issuance Phase 1	\$ 300,000	\$ -	\$ 300,000
Parks & Recreation Bond Issuance Phase 1 - Premium	-	475,000	475,000
Cumberland County Contributions	100,000	-	100,000
	<u>\$ 400,000</u>	<u>\$ 475,000</u>	<u>\$ 875,000</u>

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

Project Expenditures	<u>\$ 400,000</u>	<u>\$ 475,000</u>	<u>\$ 875,000</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 13th day of September, 2021.

City of Fayetteville

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

City Council Action Memo

File Number: 21-2167

Agenda Date: 9/13/2021

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.04

TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, PhD., Assistant City Manager

FROM: Alvester T. (Toney) Coleman, PhD, A.A.E., Airport Director
Kelly Olivera, Budget and Evaluation Director

DATE: September 13, 2021

RE:

Adoption of Capital Project Ordinance Amendment 2022-31 to Appropriate a Federal Aviation Administration Grant (Airport Improvement Program 48) and Customer Facility Charges for Part II Airline Terminal Improvement Project

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal IV: Desirable Place to Live, Work and Recreate

4.1) To maintain public transportation investments with high quality transit and airport services

Executive Summary:

The Federal Aviation Administration (FAA) has awarded grant 3-37-0021-048-2020 (Airport Improvement Project 48) for the Part II Airline Terminal Improvement project.

Capital Project Ordinance Amendment (CPOA) 2022-31 will appropriate \$2,742,407 of federal grant funds from the FAA for the Part II Airline Terminal Improvement project. The CPOA will also appropriate \$200,000 of Customer Facility Charges (CFC) for non-eligible FAA Airport Improvement Program (AIP) costs.

Background:

City Council previously appropriated \$33,470,360 to fund Part II of the Airport's terminal renovation project.

On June 22, 2020, Council authorized the Mayor to accept and execute the FAA's discretionary grant offer #3-37-0021-048-2020. The additional grant appropriation will allow the Airport to complete future terminal improvements. The increased appropriation of \$200,000 of CFC funding will be used for rental car related improvement costs that are not eligible for FAA funding.

The revised project budget will be \$36,412,767 with this appropriation.

Issues/Analysis:

None

Budget Impact:

There is no impact to the General Fund as the project appropriation is funded by a dedicated Airport funding source of restricted Customer Facility Charges and Federal Aviation Administration grant funds.

Options:

1. Adopt Capital Project Ordinance Amendment 2022-31 as presented.
2. Do not adopt Capital Project Ordinance Amendment 2022-31 and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Capital Project Ordinance Amendment 2022-31 as presented.

Attachments:

- FAA Grant offer No. 3-37-0021-048-2020
- Capital Project Ordinance Amendment 2022-31 (Part II Terminal Improvement Project)



U.S. Department
of Transportation
Federal Aviation
Administration

GRANTS AGREEMENT

Part I - Offer

Federal Award Offer Date September 10, 2020

Airport/Planning Area Fayetteville Regional/Grannis Field Airport

Grant Number 3-37-0021-048-2020

Unique Entity Identifier 040031700

TO: City of Fayetteville, North Carolina
(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated May 27, 2020, for a grant of Federal funds for a project at or associated with the Fayetteville Regional/Grannis Field Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Fayetteville Regional/Grannis Field Airport (herein called the "Project") consisting of the following:

Expand Terminal Building - Part 2A Construction

which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. § 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. § 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, as applied and interpreted consistent with the FAA Reauthorization Act of 2018 (see 2018 FAA Reauthorization grant condition.), (b) and the Sponsor's acceptance of this Offer; and, (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided.

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay one hundred (100) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$2,742,407.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$ 0 for planning

\$ 2,742,407 airport development or noise program implementation; and,

\$ 0 for land acquisition. The source of this Grant may include funding from the Small Airport Fund.

2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.

3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies, and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from performing the project that exceeds three months. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the assurances which are part of this agreement.

7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 18, 2020, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
11. **System for Award Management (SAM) Registration And Universal Identifier.**
 - A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
 - B. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/SAM/pages/public/index.jsf>.
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.
15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
16. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
17. **Maximum Obligation Increase.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
 - A. May not be increased for a planning project;
 - B. May be increased by not more than 15 percent for development projects if funds are available;
 - C. May be increased by not more than 15 percent for land project if funds are available.
18. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program specific audit in accordance with 2 CFR part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Provide one copy of the completed audit to the FAA if requested.
19. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
 - A. Verify the non-federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
 - B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
 - C. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.

20. **Ban on Texting While Driving.**

- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

21. **AIP Funded Work Included in a PFC Application.** Within 90 days of acceptance of this award, Sponsor must submit to the Federal Aviation Administration an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this grant award. The airport sponsor may not make any expenditure under this award until project work addressed under this award is removed from an approved PFC application by amendment.

22. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated October 7, 2019 is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

23. **Employee Protection from Reprisal.**

- A. Prohibition of Reprisals —
1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
 2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;

- iii. The Government Accountability Office;
 - iv. A Federal office or employee responsible for oversight of a grant program;
 - v. A court or grand jury;
 - vi. A management office of the grantee or subgrantee; or
 - vii. A Federal or State regulatory enforcement agency.
3. **Submission of Complaint** — A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. **Time Limitation for Submittal of a Complaint** — A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
5. **Required Actions of the Inspector General** — Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
6. **Assumption of Rights to Civil Remedy** — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).
24. **2018 FAA Reauthorization.** This grant agreement is subject to the terms and conditions contained herein including the terms known as the Grant Assurances as they were published in the Federal Register on April 3, 2014. On October 5, 2018, the FAA Reauthorization Act of 2018 made certain amendments to 49 U.S.C. chapter 471. The Reauthorization Act will require FAA to make certain amendments to the assurances in order to best achieve consistency with the statute. Federal law requires that FAA publish any amendments to the assurances in the Federal Register along with an opportunity to comment. In order not to delay the offer of this grant, the existing assurances are attached herein; however, FAA shall interpret and apply these assurances consistent with the Reauthorization Act. To the extent there is a conflict between the assurances and Federal statutes, the statutes shall apply. The full text of the Act is at <https://www.congress.gov/bill/115th-congress/house-bill/302/text>.

SPECIAL CONDITIONS

25. **Disadvantaged Business Enterprise (DBE)/Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program.** The Sponsor understands and agrees that the FAA will not make nor be obligated to make any payments on this grant until the Sponsor has received from the FAA Office of Civil Rights approval of its DBE Program (reflecting compliance with 49 CFR Part 26), and if applicable its ACDBE program.
26. **Small Airport Fund.** This grant includes funding from the Small Airport Fund.
27. **Building AIP Proration.** For purposes of computing the United States' share of the allowable project costs of the project, the allowable cost of the terminal expansion included in the project must not exceed 80 percent of the actual cost of the entire building
28. **Consultant Contract and Cost Analysis.** The Sponsor understands and agrees that no reimbursement will be made on the consultant contract portion of this grant until the FAA has received the consultant contract, the Sponsor's analysis of costs, and the independent fee estimate.

29. **Non-AIP Work in Application.** The Sponsor understands and agrees that:

- A. The Project Application includes the planning and/or construction of terminal area that is not being funded with any Federal funding in this project;
- B. Although the Sponsor has estimated a total project cost of \$32,000,000, the total allowable cost for purposes of determining federal participation equals \$25,600,000;
- C. It must maintain separate accounting of cost records for the AIP and non-AIP work;
- D. All pertinent records supporting project costs must be made available for inspection and audit by the FAA when requested; and,
- E. All non-AIP work is the sole responsibility of the Sponsor.

30. **Utilities Proration.** For purposes of computing the United States' share of the allowable project costs, the allowable cost of the utilities included in the project must not exceed 80 percent

31. **Utility Relocation in Project. The Sponsor understands and agrees that:**

- A. The United States will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs;
- B. FAA participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and
- C. The utilities exclusively serve the Airport.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

TOMMY L DUPREE

Digitally signed by TOMMY L
DUPREE
Date: 2020.09.10 13:10:33 -05'00'

(Signature)

Tommy L. Dupree

(Typed Name)

**Manager, Memphis Airports District
Office**

(Title of FAA Official)

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.¹

Dated September 15, 2020

City of Fayetteville

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By: MITCH COLVIN
(Typed Name of Sponsor's Authorized Official)

Title: MAYOR
(Title of Sponsor's Authorized Official)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Karen M McDonald, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of North Carolina. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Sept. 15, 2020

By:


(Signature of Sponsor's Attorney)

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act — 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.¹
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity¹
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 – Airport noise compatibility planning.
- f. 28 CFR Part 35 – Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 – Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 – Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 – Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 – New restrictions on lobbying.

- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 – Seismic safety of Federal and federally assisted or regulated new building construction.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

1. Purpose Directly Related to the Airport

It certifies that the reimbursement sought is for a purpose directly related to the airport.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise

compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and

examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.

- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-
 - 1. Operating the airport's aeronautical facilities whenever required;
 - 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3. Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will

be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 1. furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 2. charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
 - a. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities
 - b. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
 - c. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

- d. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - a. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
 - b. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied).

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
 - 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;

2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
3. the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
4. all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
 - a. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language.

It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The City of Fayetteville, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other

participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.

- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated April 18, 2019, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's

DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 1. Describes the requests;
 2. Provides an explanation as to why the requests could not be accommodated;
and
 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

FAA
Airports

**Current FAA Advisory Circulars Required for Use in AIP Funded and PFC
Approved Projects**

Updated: 4/18/2019

View the most current versions of these ACs and any associated changes at:
http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars/

NUMBER	TITLE
70/7460-1L Change 2	Obstruction Marking and Lighting
150/5000-9A	Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations
150/5000-17	Critical Aircraft and Regular Use Determination
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1- 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28F	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30D Change 1	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel

NUMBER	TITLE
150/5210-19A	Driver's Enhanced Vision System (DEVS)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E Changes 1	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26 Changes 1-2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-13A Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design
150/5320-6F	Airport Pavement Design and Evaluation
150/5320-12C Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5235-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN

NUMBER	TITLE
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retro reflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43H	Specification for Obstruction Lighting Equipment
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program

NUMBER	TITLE
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13A	Airport Terminal Planning
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction
150/5370-10H	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5390-2C	Heliport Design
150/5395-1A	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 3/22/2019

NUMBER	TITLE
150/5100-14E Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17 Changes 1 - 7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering Design of Airport Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2022-31 (CPO 2019-20)**

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 2019-20, adopted November 26, 2018, as amended, for the design, cost estimation and bidding, and construction phases for the Part II Airline Terminal Improvement project.

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

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

	Listed As	Amendment	Revised
Airport Operating Fund Transfer	\$ 7,131,344	\$ -	\$ 7,131,344
Federal Aviation Administration			
AIP Grant 46 (3-37-0021-046-2019)	11,500,000	-	11,500,000
AIP Grant 46 - Future Year Commitments	4,041,008	-	4,041,008
AIP Grant 48 (3-37-0021-048-2020)	-	2,742,407	2,742,407
North Carolina Department of Transportation			
Commercial Service Airport Funding - FY2020	2,685,707	-	2,685,707
Commercial Service Airport Funding - FY2021	2,685,707	-	2,685,707
Passenger Facility Charges	4,426,594	-	4,426,594
Customer Facility Charges	1,000,000	200,000	1,200,000
	<u>\$ 33,470,360</u>	<u>\$ 2,942,407</u>	<u>\$ 36,412,767</u>

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

	Listed As	Amendment	Revised
Project Expenditures	<u>\$ 33,470,360</u>	<u>\$ 2,942,407</u>	<u>\$ 36,412,767</u>

Section 5. Copies of this capital project ordinance amendment 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 13th day of September, 2021.

City of Fayetteville

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

City Council Action Memo

File Number: 21-2186

Agenda Date: 9/13/2021

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.05

TO: Mayor and Members of City Council

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

FROM: Gina V. Hawkins, Chief of Police
Kelly Olivera, Budget and Evaluation Director

DATE: September 13, 2021

RE:

Adoption of Special Revenue Fund Project Ordinance Amendment 2022-2 to
Appropriate Federal Forfeiture Funds and NC Substance Tax Received to Date
as of July 31, 2021

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 1: Safe and Secure Community

Executive Summary:

Special Revenue Fund Project Ordinance Amendment 2022-2 will appropriate \$514,352 in Federal Forfeiture and NC Substance Tax funds received as of July 31, 2021 to provide additional resources for law enforcement purposes.

Background:

Under the Department of Justice Asset Forfeiture Program, the Attorney General is authorized to share federally forfeited/seized property with participating state and local law enforcement agencies.

The North Carolina unauthorized substance tax is an excise tax imposed on controlled substances, illicit spirituous liquor, mash and illicit mixed beverages. If, during an investigation, state or local law enforcement agencies discover a taxable quantity of

drugs, the agency may receive a share of the revenues from the North Carolina Department of Revenue.

Funds received from either of these sources must only be expended for law enforcement purposes. The City Manager's Office approves the specific use of these funds before they may be expended.

Issues/Analysis:

None

Budget Impact:

There is no budget impact to the General Fund as the additional appropriation is funded by distributions of federal forfeiture funds and controlled substance tax funds received.

Options:

- 1) Adopt Special Revenue Fund Project Ordinance Amendment 2022-2.
- 2) Do not adopt Special Revenue Fund Project Ordinance Amendment 2022-2 and provide guidance to staff.

Recommended Action:

Staff recommends that Council move to adopt Special Revenue Fund Project Ordinance Amendment 2022-2 as presented.

Attachments:

Special Revenue Fund Project Ordinance Amendment 2022-2

**SPECIAL REVENUE FUND PROJECT ORDINANCE AMENDMENT
CHANGE 2022-2 (ORD 92-1)**

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

Section 1. The project change authorized is to the Special Revenue Project Ordinance 92-1, adopted on January 21, 1992, as amended, for the Fayetteville Police Department to utilize Federal Forfeiture Funds and Controlled Substance Tax Revenue from the State.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
Controlled Substance Tax Revenue	\$ 657,553	\$ 35,543	\$ 693,096
Federal Forfeiture Funds	1,454,984	478,809	1,933,793
Interest	47,987	-	47,987
	<u>\$ 2,160,524</u>	<u>\$ 514,352</u>	<u>\$ 2,674,876</u>

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

Project Expenditures	<u>\$ 2,160,524</u>	<u>\$ 514,352</u>	<u>\$ 2,674,876</u>
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Section 5. Copies of this special revenue project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out this project.

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

Adopted this 13th day of September, 2021.

City of Fayetteville

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

City Council Action Memo

File Number: 21-2210

Agenda Date: 9/13/2021

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.06

TO: Mayor and Members of City Council

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

FROM: Michael Hill, Fire Chief
Kelly Olivera, Budget and Evaluation Director

DATE: September 13, 2021

RE:

Adoption of Special Revenue Fund Project Ordinance 2022-5 for the Fayetteville
Fire Department's Fiscal Year 2020 Fire Prevention and Safety Grant

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal I: Safe and Secure Community

Executive Summary:

The Fayetteville Fire Department (FFD) has been awarded the Fiscal Year 2020 Fire Prevention and Safety Grant from the U.S. Department of Homeland Security, administered by the Federal Emergency Management Agency, to fund the personnel costs for one additional part-time fire inspector, including uniforms and equipment, for one year.

Council is asked to adopt Special Revenue Fund Project Ordinance 2022-5 to appropriate \$31,523. The funding sources for this project include \$30,021 of federal grant funding and a \$1,502 required local match.

Background:

The purpose of the Fire Prevention and Safety Grant Program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by assisting fire prevention programs and supporting firefighter health and safety research and

development.

The growth of the City has outpaced the growth of the FFD's fire prevention division resulting in an emerging trend where the department is unable to keep up with the demand for fire inspection services as mandated by the North Carolina Fire Inspection cycle.

The addition of a grant funded, part-time fire inspector will assist the department in completing fire inspections as required.

Issues/Analysis:

The FFD will fall increasingly behind in completing the number of state mandated fire inspections without the addition of staff. Acceptance of this grant opportunity will provide temporary relief until a more permanent solution can be identified.

The performance period for this grant is August 29, 2021 through August 28, 2022.

Budget Impact:

The City's local match is funded in the Fire Department's General Fund operating budget for Fiscal Year 2022.

Options:

- Adopt Special Revenue Fund Project Ordinance 2022-5.
- Do not adopt Special Revenue Fund Project Ordinance 2022-5 and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Special Revenue Fund Project Ordinance 2022-5 as presented.

Attachments:

- Special Revenue Fund Project Ordinance 2022-5
- FY20 Fire Prevention and Safety Grant Award Package
- Federal Emergency Management Agency Notice of Funding
- Fire Prevention & Safety Grant Program User Guide

**SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2022-5**

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

Section 1. The project authorized is for the Fiscal Year 2020 Fire Prevention & Safety Grant for the funding of one part-time fire inspector for one year awarded by the United States Department of Homeland Security.

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

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

U.S. Department of Homeland Security	\$ 30,021
Local Match - City of Fayetteville General Fund Transfer	<u>1,502</u>
	<u><u>\$ 31,523</u></u>

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

Project Expenditures	<u><u>\$ 31,523</u></u>
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Section 5. Copies of this special revenue fund project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

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

Adopted this 13th day of September, 2021.

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 08/22/2021
Mike Hill
FAYETTEVILLE, CITY OF
433 HAY STREET
FAYETTEVILLE, NC 28301

EMW-2020-FP-00334



Dear Mike Hill,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2020 Fire Prevention & Safety (FPS) Grant funding opportunity has been approved in the amount of \$30,021.90 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 5.00% of the Federal funds awarded, or \$1,501.10 for a total approved budget of \$31,523.00. Please see the FY 2020 FP&S Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- FY 2020 FP&S Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink that appears to read "Robert Farmer".

Robert Farmer
Acting Deputy Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2020 Fire Prevention & Safety

Recipient: FAYETTEVILLE, CITY OF

DUNS number: 040031700

Award number: EMW-2020-FP-00334

Summary description of award

The purpose of the Fire Prevention and Safety Grant Program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by assisting fire prevention programs and supporting firefighter health and safety research and development. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application — including budget information — was consistent with the Fire Prevention and Safety Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY 2020 Fire Prevention and Safety funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded table

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	First Year	Total
Personnel	\$31,523.00	\$31,523.00
Fringe benefits	\$0.00	\$0.00
Travel	\$0.00	\$0.00
Equipment	\$0.00	\$0.00
Supplies	\$0.00	\$0.00
Contractual	\$0.00	\$0.00
Construction	\$0.00	\$0.00
Other	\$0.00	\$0.00
Indirect charges	\$0.00	\$0.00
Federal	\$30,021.90	\$30,021.90
Non-federal	\$1,501.10	\$1,501.10
Total	\$31,523.00	\$31,523.00
Program Income		\$0.00

Approved scope of work

Approved request details:

Community Risk Reduction

Project: General Prevention/Awareness

Other (Explain)

Part-time fire Inspector

DESCRIPTION

Requested budget covers personnel costs for one part-time position to work 832 hours. It also includes \$5000 of one time cost in year one to cover uniforms, computer equipment and onboarding costs.

YEAR	QUANTITY	UNIT PRICE	TOTAL
1	1	\$31,523.00	\$31,523.00
2	0	\$0.00	\$0.00

BUDGET CLASS

Personnel

CHANGE FROM APPLICATION

Year 2 quantity from 1 to 0

Year 2 price from \$26,541.00 to \$0.00

Description changed

JUSTIFICATION

The award reflects a reduction from the amount requested and a change to the period of performance requested in the application in the application. The period of performance has been decreased to one year and aligns with guidance outlined in the Notice of Funding Opportunity (NOFO)

Agreement Articles

Program: Fiscal Year 2020 Fire Prevention & Safety

Recipient: FAYETTEVILLE, CITY OF

DUNS number: 040031700

Award number: EMW-2020-FP-00334

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Article 1**Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002. By accepting this agreement, the recipient and its executives, as defined in 2 C.F.R. § 170.315, certify that the recipient policies are in accordance with OMB guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article 2**DHS Specific Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administrative Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article 3**Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article 4**Activities Conducted Abroad**

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article 5	Age Discrimination Act of 1975 Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
Article 6	Americans with Disabilities Act of 1990 Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
Article 7	Best Practices for Collection and Use of Personally Identifiable Information Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf and Privacy Template at https://www.dhs.gov/sites/default/files/publications/privacy_pia_template_2017.pdf as useful resources respectively.
Article 8	Civil Rights Act of 1964 – Title VI Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article 9**Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article 10**Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article 11**Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article 12**Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

Article 13**Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article 14	Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
Article 15	Energy Policy and Conservation Act Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
Article 16	False Claims Act and Program Fraud Civil Remedies Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729-3733, which prohibit the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
Article 17	Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
Article 18	Federal Leadership on Reducing Text Messaging while Driving Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
Article 19	Fly America Act of 1974 Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 20	Hotel and Motel Fire Safety Act of 1990 In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, (codified as amended at 15 U.S.C. § 2225.)
Article 21	Limited English Proficiency (Civil Rights Act of 1964, Title VI) Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov .
Article 22	Lobbying Prohibitions Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.
Article 23	National Environmental Policy Act Recipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
Article 24	Nondiscrimination in Matters Pertaining to Faith-Based Organizations It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article 25	Non-Supplanting Requirement Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
Article 26	Notice of Funding Opportunity Requirements All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.
Article 27	Patents and Intellectual Property Rights Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.
Article 28	Procurement of Recovered Materials States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
Article 29	Rehabilitation Act of 1973 Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973) (codified as amended at 29 U.S.C. § 794) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 30	Reporting of Matters Related to Recipient Integrity and Performance If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.
Article 31	Reporting Subawards and Executive Compensation Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.
Article 32	SAFECOM Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
Article 33	Terrorist Financing Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
Article 34	Trafficking Victims Protection Act of 2000 (TVPA) Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
Article 35	Universal Identifier and System of Award Management Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article 36	USA PATRIOT Act of 2001 Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. §§ 175–175c.
Article 37	Use of DHS Seal, Logo and Flags Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
Article 38	Whistleblower Protection Act Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.
Article 39	Acceptance of Post Award Changes In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.
Article 40	Prior Approval for Modification of Approved Budget Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. § 200.308. FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 41**Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article 42**Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an EHP review are subject to the FEMA Environmental Planning and Historic Preservation (EHP) review process.

This review does not address all federal, state, and local requirements.

Acceptance of federal funding requires recipient to comply with all federal, state, and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website at:

<https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article 43**Award Performance Goals**

FEMA will measure the recipient's performance of the grant by comparing the input of federal resources used to develop outreach efforts/materials the FP&S Program (by organization type) and the total number of individuals reached with said materials, as requested in its application. In addition, FEMA will evaluate whether the recipient's activities impacted community risk reduction, code enforcement awareness, fire arson investigation, as requested in its application. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the program impact as stated in the NOFO.

Obligating document

1. Agreement No. EMW-2020-FP-00334	2. Amendment No. N/A	3. Recipient No. 566001226	4. Type of Action AWARD	5. Control No. WX00643N2021T
6. Recipient Name and Address FAYETTEVILLE, CITY OF 433 HAY ST FAYETTEVILLE, NC 28301	7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742	
9. Name of Recipient Project Officer Mike Hill	9a. Phone No. 9108183793	10. Name of FEMA Project Coordinator Fire Prevention and Safety Grant Program		10a. Phone No. 1-866-274-0960
11. Effective Date of This Action 08/22/2021	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING	14. Performance Period 08/29/2021 to 08/28/2022 Budget Period 08/29/2021 to 08/28/2022	

15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
FPS	97.044	2021-F0- GB01 - P410-xxxx- 4101-D	\$0.00	\$30,021.90	\$30,021.90	\$1,501.10
Totals			\$0.00	\$30,021.90	\$30,021.90	\$1,501.10
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						
17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)					DATE	
18. FEMA SIGNATORY OFFICIAL (Name and Title) Robert Farmer, Acting Deputy Assistant Administrator Grant Programs Directorate					DATE 08/22/2021	

**The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
Fiscal Year 2020 Fire Prevention and Safety (FP&S) Grant Program**

NOTE: If you are going to apply for this funding opportunity and have not obtained a Data Universal Numbering System (DUNS) number and/or are not currently registered in the System for Award Management (SAM), please take immediate action to obtain a DUNS Number, if applicable, and then to register immediately in SAM. It may take four weeks or more after you submit your SAM registration before your registration is active in SAM, then an additional 24 hours for Grants.gov to recognize your information. Information on obtaining a DUNS number and registering in SAM is available from Grants.gov at: <http://www.grants.gov/web/grants/register.html>. Detailed information regarding DUNS and SAM is also provided in [Section D – Application and Submission Information](#) of this NOFO, subsection, Content and Form of Application Submission. An active registration is required in order to apply for funding.

A. Program Description

- 1. Issued By**
Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA),
Grant Programs Directorate (GPD)
- 2. Assistance Listings (formerly Catalog of Federal Domestic Assistance Number)**
97.044
- 3. Assistance Listings Title (formerly CFDA Title)**
Assistance to Firefighters Grant (AFG)
- 4. Funding Opportunity Title**
FY 2020 Fire Prevention and Safety Grant
- 5. Funding Opportunity Number**
DHS-20-GPD-044-00-97
- 6. Authorizing Authority for Program**
Section 33 of the *Federal Fire Prevention and Control Act of 1974*, Pub. L. No. 93-498, as amended (15 U.S.C § 2229) <https://www.govinfo.gov/content/pkg/USCODE-2018-title15/pdf/USCODE-2018-title15-chap49-sec2229.pdf>
- 7. Appropriation Authority for Program**
Department of Homeland Security Appropriations Act, 2020 (Pub. L. No. 116-93)
<https://www.govinfo.gov/content/pkg/PLAW-116publ93/pdf/PLAW-116publ93.pdf>
- 8. Announcement Type**
Initial

9. Program Overview, Objectives, and Priorities

Overview

The Fiscal Year (FY) 2020 Fire Prevention and Safety (FP&S) Grant Program (hereafter referred to as the FP&S Program) is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA's) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The FP&S Program accomplishes this by providing financial assistance directly to eligible fire departments, national, regional, state, local, tribal and non-profit organizations such as academic (e.g., universities), public health, occupational health, and injury prevention institutions for fire prevention programs and supporting firefighter health and safety research and development. The FP&S Program represents one part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the five basic homeland security missions noted in the DHS [Strategic Plan](#), the FP&S Program supports the goal to Strengthen National Preparedness and Resilience. In awarding grants, the FEMA Administrator is required to consider:

- The findings and recommendations of the Technical Evaluation Panel;
- The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire related and other hazards; and
- The extent of an applicant's need for an FP&S Program grant and the need to protect the United States as a whole.

The [2018-2022 FEMA Strategic Plan](#) creates a shared vision for the field of emergency management and sets an ambitious, yet achievable, path forward to unify and further professionalize emergency management across the country. The FP&S Program supports the goal of Ready the Nation for Catastrophic Disasters. We invite all of our stakeholders and partners to also adopt these priorities and join us in building a stronger Agency and a more prepared and resilient Nation.

Objectives

The objectives of the FP&S Program are to provide critically needed resources to carry out fire prevention education and training, fire code enforcement, fire/arson investigation, firefighter safety and health programming, prevention efforts, and research and development.

Priorities

Information on program priorities and objectives for the FY 2020 FP&S Program can be found in [Appendix B – Programmatic Information and Priorities](#).

10. Performance Metrics

The grant recipient is required to collect data to allow FEMA to measure performance of the awarded grant in support of the FP&S Program metrics, which are tied to the programmatic objectives and priorities. In order to measure performance, FEMA will request information throughout the period of performance. In its final performance report

submitted at closeout, the recipient must submit sufficient information to demonstrate it has met the performance goal as stated in its award. FEMA will measure the recipient's performance of the grant by comparing the number of items, supplies, projects, and activities needed and requested in its application with the number of items, supplies, projects, and activities acquired and delivered by the end of the period of performance using the following programmatic metrics:

FP&S Activity

- Community Risk Reduction:
 1. Decrease in fire incidents per 1,000 residents in target population
 2. Decrease in fire deaths per 1,000 residents in target population
 3. Percent of whole community population trained
 4. Percent of target population trained
 5. Local number of lives saved
- Code Enforcement/Awareness:
 1. Decrease in percentage of total fire losses occurring in inspectable occupancies
 2. Decrease in structural fires per 1,000 residents of inspectable occupancies
 3. Decrease in fire deaths per 1,000 residents of inspectable occupancies
 4. Decrease in inspectable property structure fires with at least \$25,000 in loss
- Fire and Arson Investigation:
 1. Increase in percentage of fires where cause is determined
 2. Increase in arson arrest and conviction rates
- National/State/Regional Programs and Projects:
 1. Number of firefighters trained

Research and Development (R&D) Activity (All Categories)

1. Number of Training Academies adopting training materials developed through FP&S Program Research (breakout by Career and Volunteer)
2. Number of firefighters trained with materials developed through FP&S Program Research (breakout by Career and Volunteer)
3. Industry standards influenced, changed, or added through FP&S Program Research

B. Federal Award Information

- | | |
|---|---|
| 1. Available Funding for the NOFO: | \$35.5 million ¹ |
| 2. Projected number of Awards: | 100 |
| 3. Period of Performance: | 12 – 36 months from the date of award. Extensions to the period of performance are allowed. For additional information on period of performance |

¹ Note that this figure differs from the total amount appropriated under the *Department of Homeland Security Appropriations Act*, 2020, Pub. L. No. 116-93. In this FY 2020 FP&S NOFO, percentages of “available grant funds” refers to the total amount appropriated—\$355 million—by Pub. L. No. 116-93 to meet the statutory requirements of § 33 of the Federal Fire Prevention and Control Act of 1974, as amended (codified at 15 U.S.C. § 2229). A portion of these “available grant funds” will be allocated to the FP&S Program, which will have a separate NOFO and application period from the FY 2020 AFG Program. Allocated to FP&S for FY 2020 will be \$35.5 million.

extensions, refer to Section H.

FEMA awards only include one budget period, so it will be same as the period of performance. *See* 2 C.F.R. § 200.1 for definitions of “budget period” and “period of performance.”

- **FP&S Activity:** The period of performance for projects funded under the FP&S Activity is generally 12 months. Eligible applicants who propose complex projects, such as those under the National/Regional/State Programs and Projects category, may apply for up to a 24-month period of performance from the date of award.
- **R&D Activity:** The period of performance for projects proposed under the R&D Activity is 12, 24, or 36 months from the date of award.

4. **Projected Period of Performance Start Date(s):** May 17, 2021 (will vary based on award date)
5. **Projected Period of Performance End Date(s):** May 16, 2022 – May 16, 2024 (will vary based on award date)
6. **Funding Instrument Type:** Grant

C. **Eligibility Information**

1. **Eligible Applicants**

a. **FP&S Activity**

Fire departments operating in any of the 50 states, as well as fire departments in the District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico,² or any federally recognized Indian tribe or tribal organization. A fire department is an agency or organization having a formally recognized arrangement with a state, local, tribal or territorial authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression to a population within a geographically fixed primary first due response area. National, regional, state, local, tribal and non-profit interest organizations that are recognized for their experience and expertise in fire prevention and safety programs and activities are eligible applicants. Both private and public non-profit organizations are eligible to apply for funding in this activity.

b. **Firefighter Safety R&D Activity:**

National, state, local, federally recognized tribal, and non-profit organizations, such as academic (e.g., universities), public health, occupational health, and injury

² The District of Columbia, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico are all defined as “States” in the Federal Fire Prevention and Control Act of 1974. *See* 15 U.S.C. § 2203(10).

prevention institutions. Both private and public non-profit organizations are eligible to apply for funding in this activity. Fire departments are not eligible to apply for funding in the R&D Activity.

2. Eligible Activities

- **FP&S Activity:** The FP&S Activity is designed to reach high-risk target groups and mitigate the incidence of death and injuries caused by fire and fire-related hazards. The five project categories eligible for funding under this activity are:
 1. Community Risk Reduction;
 2. Wildfire Risk Reduction;
 3. Code Enforcement/Awareness;
 4. Fire & Arson Investigation; and
 5. National/State/Regional Programs and Projects.
- **Firefighter Safety R&D Activity:** The R&D Activity is aimed at improving firefighter safety, health, or wellness through research and development that reduces firefighter fatalities and injuries. The six project categories eligible for funding under this activity are:
 1. Clinical Studies;
 2. Technology and Product Development;
 3. Database System Development;
 4. Dissemination and Implementation Research;
 5. Preliminary Studies; and
 6. Early Career Investigator.

Each activity has its own eligibility requirements. These requirements are outlined in [Appendix B – Programmatic Information and Priorities](#).

3. Other Eligibility Criteria

a. National Fire Incident Reporting System (NFIRS)

NFIRS reporting is not a requirement to apply for any FP&S Program; however, fire departments that receive funding under this program must agree to provide information to the NFIRS for the period covered by the assistance. If a recipient does not currently participate in the incident reporting system and does not have the capacity to report at the time of the award, that recipient must agree to provide information to the system for the award performance period, commencing as soon as possible after they develop the capacity to report. Capacity to report to NFIRS must be established prior to the termination of the performance period. The recipient may be asked by FEMA to provide proof of compliance in reporting to NFIRS. Any recipient that stops reporting to NFIRS during their grant's period of performance may be subject to the remedies for noncompliance at 2 C.F.R. § 200.339, unless it has yet to develop the capacity to report to NFIRS, as described above.

Note: Although data collection is an important tool for understanding and justifying assistance, participation in other data sources, (e.g., National Fire Operations Reporting System [NFORS]) does not satisfy the requirement for reporting to NFIRS.

b. National Incident Management System (NIMS) Implementation

FP&S Program applicants are not required to comply with NIMS to apply for FP&S Program funding or to receive an FP&S Program award. Any applicant who receives an FY 2020 FP&S Program award must achieve the level of [NIMS compliance](#) required by the Authority Having Jurisdiction (AHJ) over the applicant's emergency service operations (e.g., a local government), prior to the end of the grant's period of performance.

4. Maintenance of Effort (MOE)

Pursuant to 15 U.S.C. § 2229(k)(3), an applicant seeking an FP&S Program grant shall agree to maintain, during the term of the grant, the applicant's aggregate expenditures relating to activities allowable under this NOFO, at not less than 80 percent of the average amount of such expenditures in the two fiscal years prior to the fiscal year an FP&S Program grant is awarded.

In other words, an applicant agrees that, if it receives a grant award, the applicant will keep its overall expenditures during the award's period of performance (including those funded with non-Federal funding) for activities that could be allowable costs under this FP&S Program NOFO at a level that is at least 80 percent or more of the average of what the applicant spent on such costs for those activities in fiscal years 2018 and 2019.

5. Cost Share or Match

Recipient cost sharing is generally required as described below and pursuant to 15 U.S.C. § 2229(k)(1). In general, eligible applicants shall agree to make available non-federal funds to carry out an FP&S Program award in an amount equal to and not less than 5 percent of the grant awarded.

FEMA has developed a cost share calculator tool in order to assist applicants with determining their cost share. The cost share tool is available at

<https://www.fema.gov/grants/preparedness/firefighters/safety-awards/documents>.

Types of Cost Share

- i. **Cash (Hard Match):** Cost share of non-federal cash is allowable for FP&S Program grants.
- ii. **In-kind (Soft Match):** In-kind cost share is allowable for FP&S Program grants. This includes using the values for the following in-kind contributions to meet the cost share requirement:
 - Complementary activities (such as providing additional smoke alarms for

- installation or education materials for public education); and
- Provision of staff, facilities, services, material or equipment.

In-kind is the value of something received or provided that does not have a cost associated with it. For example, where an in-kind match is permitted, then the value of donated services could be used to comply with the match requirement. Also, third party in-kind contributions may count toward satisfying match requirements, provided the recipient receiving the contributions expends them as allowable costs in compliance with provisions listed above.

Recipients who use in-kind contributions for their five percent cost share must comply with all applicable regulations and 2 C.F.R. Part 200 regarding matching or cost-sharing. Applicants who are under consideration for award and plan to use in-kind as their method for cost sharing will be asked to submit their plan for documenting and verifying in-kind contributions prior to award. Please see 2 C.F.R. § 200.306, as applicable, for further guidance regarding cost matching.

For more information on 2 C.F.R. Part 200, please visit https://www.ecfr.gov/cgi-bin/text-idx?SID=d0069c71db0a011854b3d1a2b5019133&mc=true&tpl=/ecfrbrowse/TITLE202/2cfr200_main_02.tpl

The award budget will not account for any voluntary committed cost sharing or overmatch. The use of an overmatch is not given additional consideration when scoring applicants.

6. *Economic Hardship Waivers*

The FEMA Administrator may waive or reduce recipient cost share or maintenance of effort requirements in cases of demonstrated economic hardship. Please see [Appendix C - Award Administration Information](#) for additional information.

D. Application and Submission Information

1. Key Dates and Times: all times listed are Eastern Time (ET)

Date Posted to Grants.gov:	January 18, 2021
Application Start Date:	January 25, 2021 at 8 a.m.
Application Submission Deadline:	February 26, 2021 at 5 p.m.

All applications must be received by the established deadline.

FEMA's Grants Outcomes System (FEMA GO) automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely

submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled “Timely Receipt Requirements and Proof of Timely Submission” in Section D of this NOFO.

FEMA will not review applications that are received after the deadline or consider these late applications for funding. FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant’s control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline. Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” of FEMA means the following: prior to the application deadline and within 48 hours after the applicant became aware of the issue.

If applicants experience technical issues, they must notify the FEMA GO Helpdesk as soon as possible. The FEMA GO Helpdesk can be reached at (877) 585-3242 or by e-mail at femago@fema.dhs.gov. The FEMA GO Helpdesk is open Monday through Friday, 8 a.m. – 6 p.m. ET.

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For programmatic or grants management questions, please contact your Program Analyst or Grants Management Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the FP&S Helpdesk at (866) 274-0960 or by e-mail at firegrants@fema.dhs.gov. The FP&S Helpdesk is open Monday through Friday, 8 a.m. – 4:30 p.m. ET.

Anticipated Funding Selection Date:

May 17, 2021

Anticipated Award Date:

Beginning on approximately

May 17, 2021 and continuing thereafter until all FY 2020 FP&S Program grant awards are issued (but no later than September 30, 2021).

Other Key Dates

Event	Suggested Deadline for Completion
Obtaining DUNS Number	Four weeks before actual submission deadline
Obtaining a valid Employer Identification Number (EIN)	Eight weeks before actual submission deadline
Registering in or Updating SAM registration	Four weeks before actual submission deadline
Registering Organization in FEMA Grants Outcomes (FEMA GO) System	Prior to beginning application

Submitting complete application in FEMA GO	One week before actual submission deadline
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2. Agreeing to Terms and Conditions of the Award

By submitting an application, the applicant agrees to comply with the requirements of this NOFO and the terms and conditions of its award, should the applicant receive an award.

3. Address to Request Application Package

The online FY 2020 FP&S Program application is only available via the FP&S Program's FEMA GO application portal at <https://go.fema.gov>.

Note: Hard copies of the application are not available. However, the Telephone Device for the Deaf (TDD) and/or Federal Information Relay Service (FIRS) number available for this Notice is: (800) 462-7585.

Content and Form of Application Submission

FEMA will process applications through FEMA GO. Application tutorials and Frequently Asked Questions (FAQs) explain the current FP&S Program, assist with the online grant application, and highlight lessons learned and changes for FY 2020. For more details, please visit the FP&S Program website at <https://www.fema.gov/grants/preparedness/firefighters/safety-awards>.

DHS makes all funding opportunities available on the internet, accessible at <http://www.grants.gov>. If applicants experience difficulties accessing information or have any questions, please call the Grants.gov Contact Center at (800) 518-4726.

The Grants.gov website will direct applicants to FEMA GO, at <https://go.fema.gov>, which contains the online FP&S Program application. The online FP&S Program application incorporates all required forms.

FEMA GO will allow the applicant's authorized representative(s) to log in and create their own account. This account is specific to the authorized user and must not be shared with other personnel. The FEMA GO account is separate from any previous accounts created in the eGrants system. Applicants can save, retrieve, update and revise their work through the end of the application period. The automated system does not allow applicants to submit incomplete applications. The system alerts applicants when required information has not been entered. Prior to final submission, an online application may be saved, retrieved, or edited up to the application deadline.

Note: FEMA GO will support only the most recent major release of the following browsers:

- Google Chrome
- Internet Explorer
- Mozilla Firefox
- Apple Safari

- Microsoft Edge

Users who attempt to use tablet type devices or other browsers may encounter issues with using FEMA GO.

NO APPLICATIONS WILL BE RELEASED BACK TO THE APPLICANT AFTER FINAL SUBMISSION

After the application period has ended, no changes can be made. There is no appeal process for inaccurate or incomplete information.

a. Standard Required Application Forms and Information

The following forms or information are required to be submitted via FEMA GO. The Standard Forms (SF) are also available at

<https://www.grants.gov/web/grants/forms/sf-424-family.html>.

- **SF-424, Application for Federal Assistance**
- **Grants.gov Lobbying Form, Certification Regarding Lobbying**
- **SF-424A, Budget Information (Non-Construction)**
- **SF-424B, Standard Assurances (Non-Construction)**
- **SF-LLL, Disclosure of Lobbying Activities**
- **Indirect Cost Agreement or Proposal** If the budget includes indirect costs, the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see the “Funding Restrictions and Allowable Costs” section of this NOFO for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

b. Program-Specific Required Forms and Information

For program-specific required and optional forms and information, please see the appendices to this NOFO.

4. Steps Required to Obtain a Unique Identifier, Register in the System for Award Management (SAM), and Submit an Application

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for submitting an application may disqualify that application from funding.

To apply for an award under this program, all applicants must:

- a. Apply for, update, or verify their Data Universal Numbering System (DUNS) number from Dun & Bradstreet and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide a valid DUNS number, which is currently the unique entity identifier;
- c. Have an account with login.gov;
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- e. Register in FEMA GO, add the organization to the system, and establish the Authorized Organizational Representative (AOR). The organization's electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see <https://www.fema.gov/media-library/assets/documents/181607>;
- f. Submit the complete application in FEMA GO; and
- g. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the past three years, if applicable.

Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable DUNS and SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a federal award. Further, applicants must maintain an active SAM registration with current information at all times during which the applicant has an active federal award or an application or plan under consideration by any federal awarding agency. If an applicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, FEMA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

Per 2 C.F.R. § 25.110(c)(2)(ii), if an applicant is experiencing exigent circumstances that prevents it from receiving a DUNS number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting askcsid@fema.dhs.gov and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain a DUNS number and complete SAM registration within 30 days of the federal award date.

Electronic Delivery

DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires applicants to submit their applications online through Grants.gov, depending on the

funding opportunity. For this funding opportunity, FEMA requires applicants to submit applications through FEMA GO.

5. How to Register to Apply

a. *General Instructions:*

Registering and applying for an award under this program is a multi-step process and requires time to complete. Read the instructions below about registering to apply for FEMA funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to four weeks to complete. To ensure an application meets the deadline, applicants are advised to start the required steps well in advance of their submission.

Organizations must have a Data Universal Numbering System (DUNS) Number, Employer Identification Number (EIN), and an active System for Award Management (SAM) registration.

b. *Obtain a DUNS Number:*

All entities applying for funding, including renewal funding, must have a DUNS number from Dun & Bradstreet (D&B). Applicants must enter the DUNS number in the data entry field labeled "Organizational DUNS" on the SF-424 form.

For more detailed instructions for obtaining a DUNS number, refer to <https://www.grants.gov/web/grants/applicants/organization-registration/step-1-obtain-duns-number.html>.

Note: At some point, the DUNS Number will be replaced by a “new, non-proprietary identifier” requested in, and assigned by, SAM.gov. This new identifier is being called the Unique Entity Identifier (UEI), or the Entity ID. Grants.gov has begun preparing for this transition by educating users about the upcoming changes and updating field labels and references to the DUNS Number (the current identifier) within the Grants.gov system. Users should continue using the DUNS Number in UEI fields until further notice. To learn more about SAM’s rollout of the UEI, please visit <https://gsa.gov/entityid>.

c. *Obtain Employer Identification Number*

In addition to having a DUNS number, all entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS at <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>.

d. *Create a login.gov account:*

Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account here: https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd3.

Applicants only have to create a login.gov account once. For applicants that are existing SAM users, use the same email address for the login.gov account as with SAM.gov so that the two accounts can be linked.

For more information on the login.gov requirements for SAM registration, refer to: <https://www.sam.gov/SAM/pages/public/loginFAQ.jsf>.

e. *Register with SAM:*

In addition to having a DUNS number, all organizations applying online through Grants.gov must register with SAM. Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually.

For more detailed instructions for registering with SAM, refer to <https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html>.

Note: As a new requirement per 2 C.F.R. § 25.200, applicants must also provide the applicant's immediate and highest-level owner, subsidiaries, and predecessors that have been awarded federal contracts or federal financial assistance within the past three years, if applicable.

f. *Additional SAM Reminders*

Existing SAM.gov account holders should check their account to make sure it is "ACTIVE." SAM registration should be completed at the very beginning of the application period and should be renewed annually to avoid being "INACTIVE." **Please allow plenty of time before the grant application submission deadline to obtain a DUNS number and then to register in SAM. It may be four weeks or more after an applicant submits the SAM registration before the registration is active in SAM, and then it may be an additional 24 hours before FEMA's system recognizes the information.**

It is imperative that the information applicants provide is correct and current. Please ensure that your organization's name, address, DUNS number, and Employer Identification Number, or EIN, are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all other FEMA awards. Payment under any FEMA award is contingent on the recipient's having a current SAM registration.

Help with SAM

The SAM quick start guide for new recipient registration and SAM video tutorial for

new applicants are tools created by the General Services Administration (GSA) to assist those registering with SAM. If applicants have questions or concerns about a SAM registration, please contact the Federal Support Desk at <https://www.fsd.gov/fsd-gov/home.do> or call toll free (866) 606-8220, Monday through Friday, 8 a.m. – 8 p.m. ET.

g. Register in FEMA GO, Add the Organization to the System, and Establish the AOR:

Applicants must register in FEMA GO and add their organization to the system. The organization's electronic business point of contact (EBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see <https://www.fema.gov/media-library/assets/documents/181607>.

Note: FEMA GO will support only the most recent major release of the following browsers:

- Google Chrome
- Internet Explorer
- Mozilla Firefox
- Apple Safari
- Microsoft Edge

Users who attempt to use tablet type devices or other browsers may encounter issues with using FEMA GO.

6. Timely Receipt Requirements and Proof of Timely Submission

All applications must be completed in FEMA GO and received by **February 26, 2021** at 5 p.m. ET. FEMA GO automatically records proof of timely submission and the system generates an electronic date/time stamp when FEMA GO successfully receives the application. The individual with the Authorized Organization Representative role that submitted the application will also receive the official date/time stamp and a FEMA GO tracking number in an email serving as proof of their timely submission on the date and time that FEMA GO received the application. Applications received by FEMA GO after the established due date for applications will be considered late and will not be considered for funding.

Applicants who experience system-related issues will be addressed until 3 p.m. ET on the date applications are due. No new system-related issues will be addressed after this deadline.

Applicants using slow internet connections, such as dial-up connections, should be aware that transmission can take some time before FEMA GO receives your application. FEMA GO will provide either an error message or a successfully received transmission in the form of an email sent to the AOR that submitted the application. The FEMA GO Support Center reports that some applicants end the transmission because they think that nothing is occurring during the transmission process. Do not do this. It may cause your

application to fail to be submitted and consequently not be considered for funding. Please be patient and give the system time to process the application.

7. Intergovernmental Review

An intergovernmental review may be required. Applicants must contact their State's Single Point of Contact (SPOC) to comply with the State's process under Executive Order 12372 (<https://www.archives.gov/federal-register/codification/executive-order/12372.html>; https://www.whitehouse.gov/wp-content/uploads/2020/01/spoc_1_16_2020.pdf).

8. Funding Restrictions and Allowable Costs

All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in the NOFO, or the terms and conditions of the award. This includes, among other requirements, that costs must be incurred, and products and services must be delivered, within the period of performance of the award. *See* 2 C.F.R. § 200.403(h) (referring to budget periods, which for FEMA awards is the same as the period of performance).

In general, the Cost Principles establish standards for the allowability of costs, provide detailed guidance on the cost accounting treatment of costs as direct or administrative costs, and set forth allowability principles for selected items of cost. More specifically, except as otherwise stated in this NOFO, the terms and condition of an award, or other program materials, costs charged to awards covered by this NOFO must be consistent with the Cost Principles for Federal Awards located at 2 C.F.R. Part 200, Subpart E. In order to be allowable, all costs charged to a FEMA award or applied to the cost share must be reasonable in nature and amount and allocable to the particular FEMA award.

Additionally, all costs charged to awards must comply with the grant program's applicable statutes, policies, requirements in this NOFO as well as with the terms and conditions of the award. If FEMA staff identify costs that are inconsistent with any of these requirements, these costs may be disallowed, and FEMA may recover funds as appropriate, consistent with applicable laws, regulations, and policies.

As part of those requirements, grant recipients and subrecipients may only use federal funds or funds applied to a cost share for the purposes set forth in this NOFO and the terms and conditions of the award, and those costs must be consistent with the statutory authority for the award.

Grant funds may not be used for matching funds for other federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the federal government or any other government entity.

Additionally, federal employees are prohibited from serving in any capacity (paid or unpaid) on the development of any proposal submitted under this program.

In addition to the subsections below, please see Appendix B to this NOFO for additional information on funding restrictions and allowable costs.

a. Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services

Recipients and subrecipients of FEMA federal financial assistance are subject to the prohibitions described in section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.326, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Additional guidance is available at https://www.fema.gov/sites/default/files/documents/fema_prohibitions-expending-fema-award-funds-covered-telecommunications-equipment-services.pdf

Effective August 13, 2020, FEMA recipients and subrecipients **may not** use any FEMA funds under open or new awards to:

- (1) Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
- (2) Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or
- (3) Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

i. Replacement Equipment and Services

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of the NOFO.

ii. Definitions

Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, covered telecommunications equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);

- ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
- iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or
- iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of "covered telecommunications equipment or services." *See* 2 C.F.R. § 200.471.

b. Construction

Construction costs are *not eligible* under the FP&S Program. Construction includes major alterations to a building that changes the profile or footprint of the structure.

c. Pre-award Costs

Only costs incurred during the period of performance are allowable. However, recipients may request to be reimbursed for grant writer fees. *See also* [Appendix C](#) for further information regarding grant writer fees and the "[Additional Information](#)" section of this NOFO for general procurement under grants requirements.

d. Award Limits

The total amount of funding a recipient may receive under an FP&S Program award is limited to a maximum federal share of \$1.5 million set by § 33(d)(2) of the Federal Fire Prevention and Control Act of 1974, Pub. L. 93-498, as amended, (15 U.S.C. § 2229(d)(2)). FP&S Program R&D applicants applying under the Early Career Investigator category are limited to a maximum federal share of \$75,000 per project year.

e. Management and Administration (M&A) Costs

M&A expenses should be based only on actual expenses or known contractual costs; requests that are simple percentages of the award, without supporting justification, will not be allowed or considered for reimbursement. Salaries and fringe benefits for personnel directly supporting the grant are not required to be included in the M&A budget line item. No more than 3 percent of the federal share of FP&S Program funds awarded may be expended by the recipient for M&A for purposes associated with the FP&S Program award.

f. Indirect Facilities & Administrative (F&A) Costs

Indirect costs are allowable under this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to FireGrants@fema.dhs.gov for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to FireGrants@fema.dhs.gov for further instructions. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon the de minimis rate or cost allocation plan, as applicable.

g. Multiple Projects

Applicants (identified by the Unique Entity Identifier) may apply for funding under both eligible activities (FP&S and R&D) but must complete separate applications for each eligible activity. However, each application may be for up to three projects under that activity; each project within an application must be presented separately as a free-standing proposal. Applicants are limited to one application per activity, per application period. Any applicant that submits more than one application per eligible activity may have all applications deemed ineligible. Risk assessments are eligible for funding under the FP&S Activity; however, if selected as an activity project, no other projects may be eligible for funding under the FP&S Activity for the FY 2020 FP&S Program.

Example 1

A community has a strategic goal of reducing the number of fires caused by the use of barbecue grills on the balconies of apartments. Attainment of this goal will be supported through two projects.

The applicant plans to:

- Launch a public education project; and
- Strengthen code enforcement activities.

Although both projects aim to reach the same goal, the projects are independent of one another and will be funded as such. Therefore, the public education items would be listed as one supporting project and the code enforcement items listed as the second supporting project.

Although both projects will be included in one application, the projects must be independent in that the completion of one project, or any tasks within that project,

does not depend on the funding of the other project. Each project requires its own separate supporting budget and narrative statement explaining how accomplishing these independent projects will help achieve the overall goal.

Example 2

A community or organization may have more than one strategic goal depending on its audience or risk. For example, a national organization may have a goal to reduce firefighter fatalities through a national outreach project. It may also have a goal to implement an online training program. The organization would create one project for firefighter safety initiatives and a second project for the online training program. Both projects can be included in one application under the FP&S Activity.

9. Environmental and Historical Preservation (EHP)

As a federal agency, DHS/FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by the agency, including grant-funded projects, comply with Federal EHP regulations, laws, Executive Orders, regulations, and policies, as applicable.

Recipients proposing projects that have the potential to impact the environment, including but not limited to modification or renovation of existing buildings, structures, and facilities, must participate in the DHS/FEMA EHP review process. The EHP review process involves the submission of a screening form that includes a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation, so that DHS/FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, DHS/FEMA may also be required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. Grant recipients must receive confirmation of a completed EHP review prior to beginning project activities. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.

Applicants may attach the optional EHP form during the application period for the project(s) they wish to pursue; however, it does not guarantee award. Once the awards are announced, it is the responsibility of the grant recipients to supply the required EHP form at that time to DHS/FEMA, if they have not submitted already during the application period. Applicants can only proceed with their project(s) once the EHP review is completed and approved. DHS/FEMA may notify grant recipients via email if EHP review is required and will provide instructions on how to comply.

DHS and FEMA EHP policy is found in directives and instructions available on the [FEMA.gov EHP page](#), the FEMA website page that includes documents regarding EHP responsibilities and program requirements, including implementation of the National Environmental Policy Act and other EHP regulations and Executive Orders.

Additionally, all FP&S recipients are required to comply with FEMA GPD EHP Policy

Guidance. FEMA Policy # 108-023-1, [Environmental Planning and Historic Preservation Policy Guidance](#).

FP&S Program projects that involve the installation of supplies/equipment not specifically excluded from a FEMA EHP Review, per the GPD Programmatic Environmental Assessment (PEA), such as ground-disturbing activities, or modification/renovation of existing buildings or structures, will require an EHP review. Some equipment activities will require an EHP review as well. Such activities include but are not limited to the installation of:

- Air compressor/fill station/cascade system (fixed) for filling Self-Contained Breather Apparatus (SCBA);
- Air quality systems;
- Fire/smoke/carbon monoxide alarm systems for the facility (life safety);
- Generators (fixed);
- Sprinklers;
- Vehicle exhaust systems (fixed);
- Washer/dryer/extractor;
- Fixed communication antennas onto a building;
- Building renovations such as removal of wall or installation of electrical or water lines;
- Training/exercises in natural settings such as rope or swift water;
- LED Signs; and
- Any scope of work that involves ground disturbances.

The following activities would not require the submission of the FEMA EHP Screening Form:

- Planning and development of policies or processes;
- Management, administrative or personnel actions;
- Classroom-based training;
- Acquisition of mobile and portable equipment (not involving installation) on or in a building and does not require a storage area to be constructed; and
- Purchase of Personal Protective Equipment (PPE) and/or SCBA.

E. Application Review Information

1. Application Evaluation Criteria

a. Programmatic Criteria

Funding priorities and programmatic criteria for evaluating FP&S Program applications are established by FEMA based on the recommendations from the Criteria Development Panel (CDP). Each year, FEMA convenes a panel of fire service professionals to develop funding priorities for the FP&S Program. The panel makes recommendations about funding priorities as well as developing criteria for

awarding grants.

The **nine major fire service organizations** represented on the panel are:

- International Association of Fire Chiefs;
- International Association of Fire Fighters;
- National Volunteer Fire Council;
- National Fire Protection Association;
- National Association of State Fire Marshals;
- International Association of Arson Investigators;
- International Society of Fire Service Instructors;
- North American Fire Training Directors; and
- Congressional Fire Service Institute.

The CDP is charged with making recommendations to FEMA regarding the creation or modification of previously established funding priorities as well as developing criteria for awarding grants. The content of this NOFO reflects implementation of the CDP's recommendations with respect to the priorities, direction, and criteria for awards.

FEMA will rank all complete and submitted applications based on how well they respond to the evaluation criteria. Answers to the application's activity specific questions provide information used to determine each application's ranking.

b. Financial Integrity Criteria

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as amended, by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any Office of Management and Budget (OMB)-designated repositories of government-wide eligibility qualification or financial integrity information, including whether the applicant is suspended or debarred. FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

- i. Financial stability;
- ii. Quality of management systems and ability to meet management standards;
- iii. History of performance in managing federal award;
- iv. Reports and findings from audits; and
- v. Ability to effectively implement statutory, regulatory, or other requirements.

c. Supplemental Financial Integrity Review

Prior to making a federal award where the anticipated federal share of a federal award will be greater than the simplified acquisition threshold (currently \$250,000).

- i. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-

level owner, subsidiaries, and predecessors, if applicable, that is the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the Federal Awardee Performance and Integrity Information System (FAPIIS).

- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants, as described in 2 C.F.R. § 200.206.

2. Review and Selection Process

All applications submitted are scored competitively by no less than three members of a Peer Review Panel. Applications with the highest score rankings per activity, will also be evaluated through a series of internal FEMA review processes for completeness, adherence to programmatic guidelines, technical feasibility, costs/quantities, and anticipated effectiveness of the proposed project(s). Below is the process by which applications will be reviewed:

i. Peer Review Panel Process

FP&S Activity Projects

All applications will be evaluated by the Peer Review Panel process. A panel of peer reviewers is comprised of fire service representatives recommended by the CDP. Peer reviewers will assess the merits of each project within the application based on the narrative statement on each requested activity. The evaluation elements listed in the "Narrative Evaluation Criteria" below will be used to calculate the narrative's score for each activity requested. Panelists will independently score each project within the application, discuss the merits or shortcomings of the project with his or her peers, and document the findings. A consensus is not required.

R&D Activity Projects

The peer review process is comprised of a Fire Service Panel Review and a Science Panel Review.

Fire Service Panel Review

All eligible project applications will first be reviewed and scored by a panel of fire service experts to assess the need for the research results and the likelihood that the results would be implemented by the fire service in the United States. The projects that are determined most likely to be implemented to enable improvement in firefighter safety, health, or wellness will be deemed to be in the "competitive range" and will be forwarded to the second level of project review, which is the scientific panel review process. A consensus is not required.

Science Panel Review

This panel will be comprised of scientists and technology experts who have expertise pertaining to the subject matter of the proposal. Scientific reviewers will independently score projects in the competitive range and, if necessary, discuss the merits or shortcomings of the project in order to reconcile any major discrepancies identified by fellow reviewers. A consensus is not required.

ii. Technical Evaluation Process (TEP)

The highest ranked projects from both activities will be considered within the fundable range. Applications that are in the fundable range will undergo a Technical Review by the FEMA Program Office prior to being recommended for award. The FEMA Program Office will assess the request with respect to costs, quantities, feasibility, eligibility, and recipient responsibility prior to recommending any application for award. Additionally, FEMA will review whether the project duplicates other federally funded research or prevention activities in order to avoid duplication.

Once the TEP is complete, each project's final score will be determined, and a final ranking of project applications will be created. FEMA will award grants based on this final ranking and the ability to meet statutorily required funding limitations outlined in [Section D – Application and Submission Information](#).

3. Narrative Evaluation Criteria

The Narrative Statement of the application must provide specific details about the activity for which applicants seek funding, including budget details. The weighted evaluation criteria used by the peer reviewers in the determination of the grant award, as described below, make up the elements of the Narrative.

The Narrative Statement blocks do not allow for formatting. Do not type the Narrative Statement using only capital letters. Additionally, do not include tables, special fonts (e.g., quotation marks, bullets), or graphs. Space for the Narrative Statement is limited. While each element must have a minimum of 200 characters, the maximum amount of characters varies based on the questions being asked. Once the Narrative Statement is saved to the online application, log-out and then log back into the application to verify that the information was successfully saved.

Fire Departments and Interest Organizations are assigned differing weights for each scored element. Peer Review Panelists will evaluate and score each activity based on the following narrative elements within each activity.

FP&S Activity

a. Financial Need (Fire Departments –10%Interest Organizations-0%)

Applicants must provide details in the Applicant Information section of the application on the need for financial assistance to carry out the proposed project(s).

Applicants may include other unsuccessful attempts to acquire financial assistance. Applicants should: provide detail about the applicant's operating budget, including a high-level breakdown of the budget; describe the applicant's inability to address financial needs without federal assistance; and discuss other actions the applicant has taken to meet their needs (e.g., state assistance programs or other grant programs).

While interest organizations do not receive points for their financial need, they must provide all details listed above in their application regarding their financial need to be considered for funding.

b. Commitment to Mitigation (Fire Departments only–5%)

Fire Department applicants that can demonstrate their commitment and proactive posture to reducing fire risk will receive higher consideration. Applicants must explain their code adoption and enforcement (to include Wildland Urban Interface [WUI] and commercial/residential sprinkler code adoption and enforcement) and mitigation strategies (including whether or not the jurisdiction has a FEMA-approved mitigation strategy). Applicants can also demonstrate their commitment to reducing fire risk by applying to implement fire mitigation strategies (code adoption and enforcement) via this application.

c. Vulnerability Statement (Fire Departments–15%, Interest Organizations–25%)

The assessment of fire risk is essential in the development of an effective project goal, as well as meeting FEMA's goal to reduce risk by conducting a risk assessment as a basis for action. Vulnerability is a "weak link," demonstrating high-risk behavior, living conditions, or any type of high-risk situation. The Vulnerability Statement should include a description of the steps taken to determine the vulnerability and identify the target audience. The methodology for determination of vulnerability (i.e., how the vulnerability was found) should be discussed in-depth in the application's Narrative Statement.

- The specific vulnerability that will be addressed with the proposed project can be established through a formal or informal risk assessment. FEMA encourages the use of local statistics, rather than national statistics, when discussing the vulnerability.
- In a clear, to-the-point statement, the applicant should summarize the vulnerability the project will address, including who is at risk, what the risks are, where the risks are, and how the risks can be prevented, reduced, or mitigated.
- For the purpose of the FY 2020 FP&S Program NOFO, formal risk assessments consist of the use of software programs or recognized expert analysis that assess risk trends.
- Informal risk assessments could include an in-house review of available data (e.g., NFIRS) to determine fire loss, burn injuries or loss of life over a period of time, and the factors that are the cause and origin for each occurrence, including a lack of adoption and enforcement of certain codes.

d. Project Description (Fire Departments–20%, Interest Organizations–25%):

Applicants must describe in detail not only the project components but also how the proposed project addresses the identified capability gap, due to financial need and/or the vulnerabilities identified in the vulnerability statement. The following information should be included:

- Project components;
- Review of any existing programs or models that have been successful;
- Detailed description of how the proposed project components fill the identified capability gap; and
- If working with Fire Service Partners/Organizations, identify each partner/organization and the role(s) they will fill in the successful completion of the proposed project.

e. Implementation Plan (Fire Departments–25%, Interest Organizations–30%)

Each project proposal should include details on the implementation plan that discusses the proposed project's goals and objectives. The following information should be included to support the implementation plan:

- Goals and objectives;
- Details regarding the methods and specific steps that will be used to achieve the goals and objectives;
- Timelines outlining the chronological project steps (this is critical for determining the likeliness of the project's completion within the period of performance);
- Where applicable, examples of marketing efforts to promote the project, who will deliver the project (e.g., effective partnerships), and the manner in which materials or deliverables will be distributed;
- Requests for props (i.e., tools used in educational or awareness demonstrations), including specific goals, measurable results, and details on the frequency for which the prop will be utilized as part of the implementation plan. Applicants should include information describing the efforts that will be used to reach the high-risk audience and/or the number of people reached through the proposed project (examples of props include safety trailers, puppets, or costumes); and
- Where human subjects are involved, describe plans for submission to the Institutional Review Board (IRB) (for further guidance and requirements, see the [Human Subjects Research](#) section).

NOTE: For applicants proposing a complex project that may require a 24-month period of performance, please include significant justification and details in the implementation plan that justify the applicant's need for a period of performance of more than 12 months.

f. Evaluation Plan (Fire Departments–15%, Interest Organizations–15%)

Projects should include a plan for evaluation of effectiveness and identify measurable goals. Applicants seeking to carry out awareness and educational projects, for example, should identify how they intend to determine that there has been an increase in knowledge about fire hazards, or measure a change in the safety behaviors of the audience. Applicants should demonstrate how they will measure risk at the outset of the project in comparison to how much the risk decreased after the project is finished. There are various ways to measure the knowledge gained about fire hazards, including the use of surveys, pre- and post-tests, or documented observations. Applicants are encouraged to attend training on evaluation methods, such as the National Fire Academy’s “[Demonstrating Your Fire Prevention Program’s Worth](#).”

NOTE: In addition to a detailed evaluation plan as described above, if awarded, grant recipients are required to report on specific performance metrics through performance reports and at closeout (see page 3 of this NOFO for required [performance metrics](#)).

g. Cost-Benefit (Fire Departments–10%, Interest Organizations–5%)

Projects will be evaluated and scored by the Peer Review Panelists based on how well the applicant addresses the fire prevention needs of the department or organization in an economic and efficient manner. The applicant should show how it will maximize the level of funding that goes directly into the delivery of the project. The costs associated with the project also must be reasonable for the target audience that will be reached, and a description should be included of how the anticipated project benefit(s) (quantified if possible) outweighs the cost(s) of the requested item(s). The application should provide justification for all costs included in the project in order to assist the Technical Evaluation Panel with their review.

Additional Considerations:

The following considerations are not scored but may impact the evaluation of the application as a whole. This information may be used by application reviewers or by FEMA during technical review prior to making funding decisions.

- **Meeting the needs of people with disabilities:** Applicants in the Community Risk Reduction category will receive additional consideration if, as part of their comprehensive smoke alarm installation and education program, they address the needs of people with disabilities (e.g., deaf/hard-of-hearing) in their community.
- **Experience and Expertise:** Applicants who demonstrate their experience and ability to conduct fire prevention and safety activities, and to execute the proposed or similar project(s), will receive additional consideration.

R&D Activity

All projects will be reviewed by a fire service expert panel using weighted evaluation criteria, and those projects deemed to be in the “competitive range” will then be reviewed by a scientific peer review panel using weighted evaluation criteria to score the project. Scientific peer review evaluations will impact the ranking of a project for funding.

Funding decisions will be informed by an assessment of how well the application addresses the criteria and considerations listed below.

i. Fire Service Panel Evaluation Criteria:

- a. Purpose (25%):** Applicants should clearly identify the benefits of the proposed research project to improve firefighter safety, health, or wellness, and identify specific gaps in knowledge that will be addressed.
- b. Implementation by Fire Service (25%):** Applicants should discuss how the outcomes/products of this research, if successful, are likely to be widely/nationally adopted and accepted by the fire service as changes that enhance firefighter safety, health, or wellness.
- c. Potential Impact (15%):** Applicants should discuss the potential impact of the research outcome/product on firefighter safety by quantifying the possible reduction in the number of fatal or non-fatal injuries or on projected wellness by significantly improving the overall health of firefighters.
- d. Barriers (15%):** Applicants should identify and discuss potential fire service and other barriers to successfully completing the study on schedule, including contingencies and strategies to deal with barriers if they materialize. This may include barriers that could inhibit the proposed fire service participation in the study, barriers that could inhibit the adoption of successful results by the fire service when the project is completed, or project components most likely to cause delay in successful completion.
- e. Partners (20%):** Applicants should recognize that participation of the fire service as a partner in the research from development to dissemination is regarded as an essential part of all projects. Describe the fire service partners and contractors that will support the project to accomplish the objectives of the study. The specific roles and contributions of the partners to the project should be described. Partnerships should be formed with national fire-related organizations, in addition to local and regional fire departments. Letters of support and letters of commitment to actively participate in the project should be included in the Appendix of the application. Generally, participants of a diverse population, including both career and volunteer firefighters, are expected to facilitate acceptance of results nationally. In cases where this is not practical, due to the nature of the study or other limitations, these circumstances should clearly be explained.

ii. Science Panel Evaluation Criteria:

- a. Project goals, objectives, and specific aims (15%):** Applicants should address how the purpose, goals, objectives, and specific aims of the proposal will lead to results that will improve firefighter safety, health, or wellness. Describe the specific goals and objectives for each year of the project.

- b. Literature Review (10%):** Applicants should provide a literature review that is relevant to the project's goals, objectives, and specific aims. The citations are placed in the narrative text and references listed at the end of the Narrative Statement (and not in the Appendix) of the application. The review should be of sufficient depth to make it clear that the proposed project is necessary, adds to an existing body of knowledge, is different from current and previous studies, and offers a unique contribution.
- c. Project Methods (20%):** Applicants should provide a description of how the project will be carried out, including demonstration of the overall scientific and technical rigor and merit of the project. This includes the operations to accomplish the purpose, goals, and objectives, and the specific aims of the project. Plans to recruit and retain human subjects, where applicable, should be described. Where human subjects are involved, describe plans for submission to the IRB (for further guidance and requirements, see the [Human Subjects Research](#) section).
- d. Project Measurements (20%):** Applicants should provide evidence of the technical rigor and merit of the project, such as data pertaining to validity, reliability, and sensitivity (where established) of the facilities, equipment, instruments, standards, and procedures that will be used to carry out the research. The applicant should discuss the data to be collected to evaluate the performance methods, technologies, and products proposed to enhance firefighter safety, health, or wellness. The applicant should demonstrate that the measurement methods and equipment selected for use are appropriate and sufficient to successfully deliver the proposed project objectives.
- e. Project Analysis (20%):** The applicant should indicate the planned approach for analysis of the data obtained from measurements, questionnaires, or computations. Specify within the plan what will be analyzed, the statistical methods that will be used, the sequence of steps, and interactions as appropriate. It should be clear that the Principal Investigator (PI) and research team have the expertise to perform the planned analysis and defend the results in a peer review process.
- f. Dissemination and Implementation (15%):** Applicants should indicate dissemination plans for scientific audiences (e.g., plans for submissions to specific peer review publications) and for firefighter audiences (e.g., via websites, magazines, and conferences). Also, assuming positive results and where applicable, indicate future steps that would support dissemination and implementation throughout the fire service. These are likely to be beyond the current study, so those features of the research activity that will facilitate future dissemination and implementation should be discussed. All applicants should specify how the results of the project, if successful, might be disseminated and implemented in the fire service to improve firefighter safety, health, or wellness.

It is expected that successful R&D Activity Projects may give rise to future programs including FP&S Activity Projects.

Additional Considerations:

The following considerations are not scored but may impact the evaluation of the application as a whole. This information may be used by application reviewers or by FEMA during technical review prior to making funding decisions.

- **Cost vs. Benefit:** Cost vs. benefit in this evaluation element refers to the costs of the grant for the R&D project vs. the benefits that are projected for firefighters who would have improved safety, health, or wellness. Applicants should demonstrate a high benefit for the cost incurred and effective utilization of federal funds for research activities.
- **Financial Need:** In the Applicant Information section of the application, applicants must provide details on the need for federal financial assistance to carry out the proposed project(s). Included in the description might be other unsuccessful attempts to acquire financial assistance. Applicants should provide details about the organization's operating budget, including a high-level breakdown of the budget; the department's inability to address financial needs without federal assistance; and other actions the department has taken to meet their staffing needs (e.g., state assistance programs, other grant programs).
- **Mentoring (for Early Career Investigator Projects Only):** An important part of Early Career Investigator projects is the integration of mentoring for the PI by experienced researchers in areas appropriate to the research project, including exposure to the fire service community as well as support for ongoing development of knowledge and skills. Mentoring is regarded as critical to the research skills development of early career PIs. As part of the application Appendix, the applicant should identify the mentor(s) that have agreed to support the applicant and the expected benefit of their interaction with the researcher. A biographical sketch and letter of support from the mentor(s) are encouraged and should be included in the Appendix materials.

iii. R&D Activity Formatting Requirements:

- a. Applications must include one Narrative Statement and one Appendix document per project.
- b. The Narrative Statement for the R&D Activity is limited to 20 pages per project. The first page of the Narrative Statement must include an abstract of approximately 250 words that addresses purpose and aims, relevance, methods, and anticipated outcomes. All narrative text, including pertinent footnotes, must be in the Narrative Statement. The contact information (e-mail address and telephone number) for the PI must be provided on the first page of the Narrative Statement.

- c. The Narrative Statement must follow the order of the R&D Evaluation Criteria listed within this announcement.
 - d. Responses to the Fire Service criteria should be provided within the application in FEMA GO.
 - e. Tables and figures may be included in either the Narrative Statement or the Appendix document.
 - f. The Appendix is limited to 25 pages per project. It may include, as appropriate, data collection instruments, additional tables and figures, illustrations, specifications for product designs, and letters of commitment and role description from partners. Additionally, if this project is a resubmission, applicants may use the Appendix to address how they adapted the proposal to address reviewer concerns from a previous year.
 - g. A biographical sketch (bio sketch) for the PI and lead scientists, as well as other key research personnel listed in the budget, are to be included in the Appendix, but are limited to a maximum of two pages per biographical sketch. Applicants are strongly encouraged to follow the biographical sketch sample (see below Section iv. Biographical Sketch Sample for R&D Projects) in preparing the biographical sketch.
 - h. **Font:** Times New Roman or Arial.
 - i. **Font Size:** 11 point or larger.
 - j. **Page Dimensions:** Page dimensions must be 8.5" x 11" or smaller.
 - k. **Margins:** All margins (top, bottom, left, and right) must be at least 1".
 - l. **Header:** The header on each page of the Narrative Statement and the Appendix must contain:
 - PI (surname)
 - Institution name (abbreviated)
 - Project Short Title
 - Page Number
- iv. **Biographical Sketch Sample for R&D Projects:**
Applicants for the R&D Activity should provide a biosketch for PIs and also for lead scientists in the application Appendix. The applicant is limited to a maximum of two pages per biosketch.
- **Font Size:** 11 point or larger
 - **Font Type:** Times New Roman or Arial

- **Page Count:** Two (maximum)
- **Must be completed by PI and Co-PI(s)**

NAME (Last, First, Middle)		POSITION TITLE	
Institution/Organization			
EDUCATION/TRAINING <i>(Begin with baccalaureate or other initial professional education, such as nursing, and include postdoctoral training.)</i>			
INSTITUTION AND LOCATION	DEGREE <i>(if applicable)</i>	YEAR(s)	FIELD OF STUDY

Each biosketch should include:

- **Positions.** List all selected appointments or other professional positions held, beginning with the present position and include years, title, organization, city, state and country.
- **Service.** Include selected positions held on advisory committees or other working groups, including all Federal Government advisory committees or other public working groups, beginning with most recent.
- **Honors.** Include selected honors received in the past 10 years beginning with the most recent.
- **Peer reviewed publications.** Include selected peer-reviewed publications in the past ten years, beginning with the most recent.
- **Other publications.** Include selected documents produced in the past ten years, beginning with the most recent.
- **Research Support.** List funding sources and amounts for all ongoing and selected completed research projects (federal and non-federal support) for the past ten years.

4. Specific Terms and Conditions

These Research Terms and Conditions implement the requirements of the Uniform Guidance (2 C.F.R § 200), issued by the U.S. Office of Management and Budget, as it applies to research-related grants made by Federal awarding agencies to institutions of higher education and non-profit organizations and consistent with government-wide research policy.

a. R&D Activity: Responsible and Ethical Conduct of Research

This term only applies to the R&D activity. Applicants must have a plan in place to provide appropriate training and oversight in the responsible and ethical

conduct of research to undergraduates, graduate students, and postdoctoral researchers who will be supported by FP&S funds to conduct research. Training plans should comply with Federal laws covering the use of humans in research, and establish procedures for investigating and reporting research misconduct, conflicts of interest, and for managing recipient's responsibilities under a Federal award consistent with the ethical principles of the Belmont Report. (See the National Research Act, Pub. L. 93-348 and the Federal policy for the Protection of Human Subjects or the "Common Rule," codified at 6 C.F.R. Part 46). Training plans are subject to review, upon request. The recipient shall ensure that these requirements flow down to all subrecipients or are otherwise appropriately addressed in the subaward.

b. R&D Activity: Academic Technology Transfer and Commercialization of University Research

This term only applies to the R&D activity. Any institution of higher education (as such is defined in section 101(A) of the Higher Education Act of 1965 (20 U.S.C. § 100(a)) that receives FP&S support and has received at least \$25 million in total Federal research grants in the most recently completed Federal fiscal year shall keep, maintain and make available upon request information concerning its general approach to and mechanisms for transfer of technology and commercialization of research results.

c. R&D and FP&S Activities: Human Subjects Research

The information in this section pertains to both FP&S Activity and R&D Activity applications with project and studies that include human subjects.

Human subjects may be, for instance, firefighters who participate in laboratory or field testing. As it would be standard practice for such research in the clinical sciences, all investigators with studies involving human subjects must submit their protocols to their local IRB. IRB approval must precede any research activities involving human subjects.

In addition, DHS-funded research that involves human subjects carries with it an additional obligation that involves review and approval by the DHS Compliance Assurance Program Office (CAPO). The FEMA FP&S Program Office will serve as a liaison for gaining DHS approvals prior to proceeding with the human subjects aspect of the project.

If no human subjects are involved, such as a technology project that is primarily product development with an emphasis on engineering, it is possible that such a project may be exempt from CAPO review and approval. Such determinations will be made by CAPO in cooperation with the FP&S Program Office following award.

DHS/FEMA has a responsibility to ensure that mechanisms and procedures are in place to protect the safety of human subjects in DHS/FEMA-supported research. DHS requirements are set forth in DHS Management Directive No. 026-04,

Protection of Human Subjects, which adopts 45 C.F.R. Part 46, Subparts A-D. A grant recipient must agree to meet all DHS requirements for studies using human subjects (and ensure any subrecipients or subcontractors meet those requirements) prior to implementing any work with human subjects. Therefore, before enrolling participants or commencing research involving human subjects, a grant recipient will provide a copy of the following for review and approval by the DHS CAPO:

- Department of Health and Human Services (HHS) Federal-Wide Assurance (FWA) Number (NOTE: The CAPO will assist domestic or international institutions that do not currently have an FWA in submitting an application to HHS)
- Documentation of review by an Institutional Review Board (IRB) registered with HHS, including IRB registration number, IRB name, and notice of IRB approval or exemption of the relevant research
- IRB-approved research protocol, such as contained in the methods section
- IRB-approved informed consent document (template) or IRB waiver of informed consent

Documentation should be submitted to the FP&S Program Office, which coordinates directly with the CAPO. The CAPO will conduct a regulatory compliance assessment and forward comments or concerns to the grant recipient. The recipient must address in writing all regulatory concerns to the satisfaction of the CAPO before a letter of certification is issued and participant enrollment can begin. However, development of tools (e.g., survey instruments), protocols, and data gathering approaches may proceed prior to project certification. The grant recipient must submit annual reports to the CAPO to include evidence of subsequent IRB reviews, amendments, or any changes of protocol.

F. Federal Award Administration Information

In addition to the language here, please see Appendix C to this NOFO for additional award administration information.

1. Notice of Award

Before accepting the award, the recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipients must accept all conditions in this NOFO as well as any specific terms and conditions in the Notice of Award to receive an award under this program.**

FEMA will provide the federal award package to the applicant electronically via FEMA GO. Award packages include an Award Letter, Summary Award Memo, Agreement Articles, and Obligating Document. An email notification of the award package will be sent through FEMA's grant application system to the Authorized Organization Representative (AOR) that submitted the application. Recipients must accept their awards no later than 30 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award through the FEMA GO system.

Funds will remain on hold until the recipient accepts the award through the FEMA GO system and all other conditions of the award have been satisfied or until the award is otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds. Recipients may request additional time to accept the award if needed.

2. Differences Between Application Request and Award

During the review process for an FP&S Program award, FEMA may have modified the application request(s). These modifications will be identified in the award package provided upon the offer of an award. If the awarded activities, scope of work, or requested dollar amount(s) do not match the application as submitted, the recipient shall only be responsible for completing the activities actually funded by FEMA. The recipient is under no obligation to start, modify, or complete any activities requested by but not funded by the award. The award package will identify any differences under the Approved scope of work section.

3. Turndown Notifications

FEMA GO will provide all applicants who do not receive an FY 2020 FP&S Program award with a turndown notification.

4. Administrative and National Policy Requirements

In addition to the requirements of in this section and in this NOFO, FEMA may place specific terms and conditions on individual awards in accordance with 2 C.F.R. Part 200.

DHS Standard Terms and Conditions

All successful applicants for all DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at: [DHS Standard Terms and Conditions](#). The applicable DHS Standard Terms and Conditions will be those in effect at the time in which the award was made.

Before accepting the award, the AOR should carefully read the award package for instructions on administering the grant award and the terms and conditions associated with responsibilities under Federal Awards. Recipients must accept all conditions in this NOFO as well as any special terms and conditions in the Notice of Award to receive an award under this program. By submitting an application, applicants are deemed to have accepted all of the conditions in this NOFO as well.

R&D Activity Awards

The recipient agrees to participate in each two-day annual meeting that may take place during the period of performance and should include the primary staff involved with the grant (example: PI and one researcher). The award recipient also agrees to notify and allow participation/attendance by FP&S Program Office staff at key meetings involving grant activities.

For any publication that results from FEMA grant-supported research, the award recipient

must include an acknowledgment of FEMA grant support. If the award recipient issues any press releases concerning the outcome of the funded research, FEMA must be notified in advance to allow for coordination.

Finally, the award recipient agrees to provide full public access to any peer reviewed scholarly publications directly arising from research funded by the Federal Government in whole or in part under this award. This shall be accomplished by the recipient providing FEMA the final published documents no later than twelve months after their initial publication for republication by FEMA, in keeping with FEMA's rights under 2 C.F.R. §200.315(b).

5. Reporting

Recipients are required to submit various financial and programmatic reports as a condition of their award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent. Recipients should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of purchasing documentation along with copies of cancelled checks or other proof of payment documentation for verification.

6. Federal Financial Reporting Requirements

The Federal Financial Report Form (SF-425) and instructions are available at the following sites: [SF-425 OMB #4040-0014](#).

a. Federal Financial Reports (FFR)

Recipients of FP&S Program grants are required to submit an FFR (SF-425) on a semi-annual basis. The FFR is to be submitted using the online FEMA GO based on the calendar year beginning with the period after the award is made. Grant recipients are required to submit an FFR throughout the entire period of performance of the grant.

Reports are due:

1. No later than July 30 (for the period January 1 – June 30)
2. No later than January 30 (for the period July 1 – December 31)
3. Within 90 days after the end of the Period of Performance

b. Program Performance Reporting Requirements

The recipient is responsible for completing and submitting a Programmatic Performance Report (PPR) using FEMA GO. The PPR is due every six months after the grant's award date, and thereafter until the period of performance ends.

The PPR should include the following:

1. A brief narrative of overall project(s) status
2. A summary of project expenditures
3. A description of any potential issues that may affect project completion
4. Other information specific to the Activities awarded

c. Closeout Reporting Requirements

Within 120 days after the end of the period of performance, recipients must liquidate all financial obligations and submit a final FFR (SF-425) and a final PPR (within the closeout module in FEMA GO) detailing all accomplishments and a qualitative summary of the impact of those accomplishments throughout the period of performance. The closeout tutorial may be found at:

<https://www.fema.gov/grants/preparedness/firefighters/closeout-report-tutorial>

R&D recipients must provide a minimum of ten (10) pages in addition to the final SF-425 that includes data, results and conclusions derived from the funded project throughout the period of performance.

In addition, any recipient that issues subawards to any subrecipient is responsible for closing out those subawards as described in 2 C.F.R. § 200.344; subrecipients are still required to submit closeout materials within 90 days of the period of performance end date. Recipients must ensure that they complete the closeout of their subawards in time to submit all necessary documentation and information to DHS/FEMA during the closeout of their prime grant award.

After the final SF-425 and final performance reports have been reviewed and approved by FEMA, a Closeout Notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for a minimum of three years from the date of the final FFR (SF- 425). The record retention period may be longer, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in 2 C.F.R. § 200.334.

The recipient is responsible for returning any federal funds that they have liquidated but remain unobligated by the recipient. Information on how to return funds to FEMA is available at: <https://www.fema.gov/about/payment>

d. Administrative Closeout

Administrative closeout is a mechanism for FEMA to unilaterally move forward with closeout of a grant award using available grant award information in lieu of final reports from the recipient per 2 C.F.R. § 200.344(h)-(i). It is a last resort available to FEMA, and if FEMA needs to administratively close an award, this may negatively impact a recipient's ability to obtain future funding. This mechanism can also require FEMA to make cash or cost adjustments and ineligible cost determinations based on the information it has, which may result in identifying a debt owed to FEMA by the recipient.

When a recipient is not responsive to FEMA's reasonable efforts to collect required reports needed to complete the standard closeout process, FEMA is required under 2 C.F.R. § 200.344(h) to start the administrative closeout process within the regulatory

timeframe. FEMA will make at least three written attempts to collect required reports before initiating administrative closeout. If the recipient does not submit all required reports in accordance with 2 C.F.R. § 200.344, this NOFO, and the terms and conditions of the award, FEMA must proceed to administratively close the award with the information available within one year of the period of performance end date. Additionally, if the recipient does not submit all required reports within one year of the period of performance end date, per 2 C.F.R. § 200.344(i), FEMA must report in FAPIIS the recipient's material failure to comply with the terms and conditions of the award.

If FEMA administratively closes an award where no final FFR has been submitted, FEMA uses that administrative closeout date in lieu of the final FFR submission date as the start of the record retention period under 2 C.F.R. § 200.334.

In addition, if an award is administratively closed, FEMA may decide to impose remedies for noncompliance per 2 C.F.R. § 200.339, consider this information in reviewing future award applications, or apply special conditions to existing or future awards.

e. Additional Reporting Requirements

i. Disclosing Information per 2 C.F.R. § 180.335

This reporting requirement pertains to disclosing information related to government-wide suspension and debarment requirements. Before a recipient enters into a grant award with FEMA, the recipient must notify FEMA if it knows if it or any of the recipient's principals under the award fall under one or more of the four criteria listed at 2 C.F.R. § 180.335:

- Are presently excluded or disqualified;
- Have been convicted within the preceding three years of any of the offenses listed in 2 C.F.R. § 180.800(a) or had a civil judgment rendered against it or any of the recipient's principals for one of those offenses within that time period;
- Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses listed in 2 C.F.R. § 180.800(a); or
- Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

At any time after accepting the award, if the recipient learns that it or any of its principals falls under one or more of the criteria listed at 2 C.F.R. § 180.335, the recipient must provide immediate written notice to FEMA in accordance with 2 C.F.R. § 180.350.

ii. Reporting of Matters Related to Recipient Integrity and Performance

Per 2 C.F.R. Part 200, Appendix I § F.3, the additional post-award reporting requirements in 2 C.F.R. Part 200, Appendix XII may apply to applicants who, if

upon becoming recipients, have a total value of currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds \$10 million for any period of time during the period of performance of an award under this funding opportunity.

Recipients that meet these criteria must maintain current information reported in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII at the reporting frequency described in paragraph 4 of Appendix XII.

iii. Single Audit Report

For audits of fiscal years beginning on or after December 26, 2014, recipients that expend \$750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report, also known as the single audit report.

The audit must be performed in accordance with the requirements of U.S. Government Accountability Office's (GAO) Government Auditing Standards, located at <https://www.gao.gov/yellowbook/overview>, and the requirements of Subpart F of 2 C.F.R. Part 200, located at <http://www.ecfr.gov/cgi-bin/text-idx?node=sp2.1.200.f>.

7. Monitoring and Oversight

Per 2 C.F.R. § 200.337, FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits or conduct desk reviews to review project accomplishments and management control systems to review award progress and to provide any required technical assistance. During site visits or desk reviews, FEMA will review recipients' files related to the award. As part of any monitoring and program evaluation activities, recipients must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization's staff and contractors regarding the program. Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestones, budgets, and other related program criteria are being met. Monitoring may be accomplished through either a desk-based review or on-site monitoring visits, or both. Monitoring will involve the review and analysis of the financial, programmatic, performance, compliance, and administrative processes and policies, activities, and other attributes of each federal assistance award and will identify areas where technical assistance, corrective actions, and other support may be needed.

The recipient is responsible for monitoring all subaward activities to ensure compliance with federal and state laws, regulations, and guidance. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, reporting and refunding expenditures disallowed by audits,

monitoring, or other assessments and reviews.

Recipients should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of purchasing documentation along with copies of cancelled checks or other adequate payment documentation for verification.

G. DHS Awarding Agency Contact and Resource Information

1. FP&S Application Guidance Documents

Guidance documents such as application tutorials, Self-Evaluation Guides, and FAQs are provided to further explain the current FP&S Program, assist with the online grant application, and highlight lessons learned and changes for FY 2020. For more details, please visit the FP&S Program website at

<https://www.fema.gov/grants/preparedness/firefighters/safety-awards>.

2. FP&S Help Desk

The FP&S Help Desk provides technical assistance to applicants for the online completion and submission of applications into FEMA GO, answers questions concerning applicant eligibility and recipient responsibilities, and helps in the programmatic administration of awards. The FP&S Help Desk can be contacted at (866)

274-0960 or by email at FireGrants@fema.dhs.gov. Normal hours of operation are Monday through Friday, 8 a.m. to 4:30 p.m. ET.

3. Environmental Planning and Historic Preservation

GPD's EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to gpdehpinfo@fema.dhs.gov.]

4. FEMA GO System Information

For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at (877) 585-3242, Monday through Friday, 8 a.m. to 6 p.m. ET.

H. Additional Information

1. Termination Provisions

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards.

a. Noncompliance

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This

may take the form of a Compliance Notification. If the noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in FAPIIS the recipient's material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance in this NOFO.

b. With the Consent of the Recipient

FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

c. Notification by the Recipient

The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.

2. Extensions to the Grant Period of Performance

Extensions to the period of performance under this grant program are allowed. An award's period of performance must be active for a recipient to submit a proposed extension request to FEMA. Recipients should request extensions sparingly and only under exceptional circumstances. *Approval is not guaranteed.*

Extensions to the initial period of performance identified in the award will only be considered through formal amendment requests, via FEMA GO, and must contain specific and compelling justifications as to why an extension is required.

All extension requests must contain:

- Grant Program, fiscal year, and award number;
- Reason for delay—this must include details of the legal, policy, or operational challenges being experienced that prevent the final outlay of awarded funds by the applicable deadline;
- Current status of the activity/activities;
- Approved period of performance termination date and new project completion date;
- Amount of funds drawn down to date;
- Remaining available funds, both federal and non-federal;
- Budget outlining how remaining federal and non-federal funds will be expended;

- Plan for completion, including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion; and
- Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA.

3. Requirements for Period of Performance Extension Consideration

To be eligible for consideration, recipients must submit extension requests via FEMA GO. Recipients generally can submit requests at least 60 days prior to the end of the award's period of performance. In accordance with FEMA policy, FEMA reviews extensions on a case-by-case basis and typically grants them for no more than a six-month period. FEMA will grant extension requests only due to compelling legal, policy, or operational challenges. The review process can take up to 30 days or longer. Applicants should factor this review period into the timing of when to submit a request for an extension.

Example: Recipients may request an extension when an equipment order was placed during the period of performance but factors beyond the recipients' control have resulted in a delay in the expected delivery and receipt of the equipment outside of the existing period of performance; where a specific statute or regulation mandates an environmental review that cannot be completed within this timeframe; or where other extenuating circumstances warrant a brief extension.

4. Conflicts of Interest in the Administration of Federal Awards or Subawards

For conflicts of interest under grant-funded procurements and contracts, refer to the section on Procurement Integrity in this NOFO and 2 C.F.R. §§ 200.317 – 200.327.

To eliminate and reduce the impact of conflicts of interest in the subaward process, recipients and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipients and pass-through entities are also required to follow any applicable federal and state, local, tribal, or territorial (SLTT) statutes or regulations governing conflicts of interest in the making of subawards.

The recipient or pass-through entity must disclose to the respective Program Analyst or Program Manager, in writing, any real or potential conflict of interest that may arise during the administration of the federal award, as defined by the federal or SLTT statutes or regulations or their own existing policies, within five days of learning of the conflict of interest. Similarly, subrecipients, whether acting as subrecipients or as pass-through entities, must disclose any real or potential conflict of interest to the recipient or next-level pass-through entity as required by the recipient or pass-through entity's conflict of interest policies, or any applicable federal or SLTT statutes or regulations.

Conflicts of interest may arise during the process of FEMA making a federal award in

situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, subapplicant, recipient, subrecipient, or FEMA employees.

5. Procurement Integrity

Through audits conducted by the DHS Office of Inspector General (OIG) and FEMA grant monitoring, findings have shown that some FEMA recipients have not fully adhered to the proper procurement requirements when spending grant funds. Anything less than full compliance with federal procurement requirements jeopardizes the integrity of the grant as well as the grant program. To assist with determining whether an action is a procurement or instead a subaward, please consult 2 C.F.R. § 200.331.

The below highlights the federal procurement requirements for FEMA recipients when procuring goods and services with federal grant funds. FEMA will include a review of recipients' procurement practices as part of the normal monitoring activities. **All procurement activity must be conducted in accordance with federal procurement standards at 2 C.F.R. §§ 200.317 – 200.327.** Select requirements under these standards are listed below. The recipient and any of its subrecipients must comply with all requirements, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a federal award, states (including territories) must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states must now follow 2 C.F.R. § 200.321 regarding socioeconomic steps, 200.322 regarding domestic preferences for procurements, 200.323 regarding procurement of recovered materials, and 2 C.F.R. § 200.327 regarding required contract provisions.

All other non-federal entities, such as tribes (collectively, non-state entities), must have and use their own documented procurement procedures that reflect applicable SLTT laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319 and § 200.320.

a. Important Changes to Procurement Standards in 2 C.F.R. Part 200

OMB recently updated various parts of Title 2 of the Code of Federal Regulations, among them, the procurement standards. States are now required to follow the socioeconomic steps in soliciting small and minority businesses, women's business enterprises, and labor surplus area firms per 2 C.F.R. § 200.321. All non-federal entities should also, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States per 2 C.F.R. § 200.322.

The recognized procurement methods in 2 C.F.R. § 200.320 have been reorganized into informal procurement methods, which include micro-purchases and small

purchases; formal procurement methods, which include sealed bidding and competitive proposals; and noncompetitive procurements. The federal micro-purchase threshold is currently \$10,000, and non-state entities may use a lower threshold when using micro-purchase procedures under a FEMA award. If a non-state entity wants to use a micro-purchase threshold higher than the federal threshold, it must follow the requirements of 2 C.F.R. § 200.320(a)(1)(iii)-(iv). The federal simplified acquisition threshold is currently \$250,000, and a non-state entity may use a lower threshold but may not exceed the federal threshold when using small purchase procedures under a FEMA award.

See 2 C.F.R. §§ 200.216, 200.471, and Appendix II as well as section D.13.a of the NOFO regarding prohibitions on covered telecommunications equipment or services.

b. Competition and Conflicts of Interest

Among the requirements of 2 C.F.R. § 200.319(b) applicable to all non-federal entities other than states, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a non-federal entity develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the non-federal entity.

Under this prohibition, unless the non-federal entity solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of those specifications. This rule applies to all contracts funded with federal grant funds, including pre-award costs, such as grant writer fees, as well as post-award costs, such as grant management fees.

Additionally, some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Per 2 C.F.R. § 200.319(c), non-federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed SLTT geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Under 2 C.F.R. § 200.318(c)(1), non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.** Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity. If the recipient or subrecipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local, tribal, or territorial government, the non-federal entity must also maintain written standards of conduct covering organizational conflicts of interest. In this context, organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-federal entity must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

c. Supply Schedules and Purchasing Programs

Generally, a non-federal entity may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

i. General Services Administration Schedules

States, tribes, and local governments, and any instrumentality thereof (such as local education agencies or institutions of higher education) may procure goods and services from a General Services Administration (GSA) schedule. GSA offers multiple efficient and effective procurement programs for state, tribal, and local governments, and instrumentalities thereof, to purchase products and services

directly from pre-vetted contractors. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term government-wide contracts with commercial firms that provide access to millions of commercial products and services at volume discount pricing.

Information about GSA programs for states, tribes, and local governments, and instrumentalities thereof, can be found at <https://www.gsa.gov/resources-for/programs-for-State-and-local-governments> and <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments>.

For tribes, local governments, and their instrumentalities that purchase off of a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, tribes, local governments, and their instrumentalities will still need to follow the other rules under 2 C.F.R. §§ 200.317 – 200.327, such as solicitation of minority businesses, women’s business enterprises, small businesses, or labor surplus area firms (§ 200.321), domestic preferences (§ 200.322), contract cost and price (§ 200.324), and required contract provisions (§ 200.327 and Appendix II).

ii. *Other Supply Schedules and Programs*

For non-federal entities other than states, such as tribes, local governments, and nonprofits, that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, in order for such procurements to be permissible under federal requirements, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the non-federal entity complies with state and local law, regulations, and written procurement procedures;
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the non-federal entity and other similar types of entities;
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount, and geography;
- The procurement of the original contract or purchasing schedule complied with all the procurement standards applicable to a non-federal entity other than states under at 2 C.F.R. §§ 200.317 – 200.327; and
- With respect to the use of a purchasing schedule, the non-federal entity must follow ordering procedures that adhere to applicable state, tribal, and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

- d. **If a non-federal entity other than a state seeks to use a state supply schedule, cooperative purchasing program, or other similar type of arrangement, FEMA recommends the recipient discuss the procurement plans with its FEMA Program Analyst Procurement Documentation**

Per 2 C.F.R. § 200.318(i), non-federal entities other than states and territories are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, contract type, contractor selection or rejection, and the basis for the contract price. States and territories are encouraged to maintain and retain this information as well and are reminded that in order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g).

Examples of the types of documents that would cover this information include but are not limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.

6. Record Retention

a. Record Retention Period

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award generally must be maintained for at least three years from the date the final FFR is submitted. *See* 2 C.F.R. § 200.334. Further, if the recipient does not submit a final FFR and the award is administratively closed, FEMA uses the date of administrative closeout as the start of the general record retention period.

The record retention period **may be longer than three years or have a different start date** in certain cases. These include:

- Records for real property and equipment acquired with federal funds must be retained for **three years after final disposition of the property**. *See* 2 C.F.R. § 200.334(c);
- If any litigation, claim, or audit is started before the expiration of the three-year period, the records **must be retained until** all litigation, claims, or audit findings involving the records **have been resolved and final action taken**. *See* 2 C.F.R. § 200.334(a);
- The **record retention period will be extended if the recipient is notified in writing** of the extension by FEMA, the cognizant or oversight agency for audit, or the cognizant agency for indirect costs. *See* 2 C.F.R. § 200.334(b);

- Where FEMA requires recipients to report program income after the period of performance ends, the **program income record retention period begins at the end of the recipient's fiscal year in which program income is earned.** *See* 2 C.F.R. § 200.334(e); and
- For indirect cost rate proposals, cost allocation plans, or other rate computations records, the start of the record retention period depends on whether the indirect cost rate documents were submitted for negotiation. If the **indirect cost rate documents were submitted for negotiation, the record retention period begins from the date those documents were submitted** for negotiation. If indirect cost rate documents were **not submitted for negotiation, the record retention period begins at the end of the recipient's fiscal year or other accounting period covered by that indirect cost rate.** *See* 2 C.F.R. § 200.334(f).

b. Types of Records to Retain

FEMA requires that non-federal entities maintain the following documentation for federally funded purchases:

- Specifications;
- Solicitations;
- Competitive quotes or proposals;
- Basis for selection decisions;
- Purchase orders;
- Contracts;
- Invoices; and
- Canceled checks.

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of cancelled checks for verification. *See, e.g.,* 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

In order for any cost to be allowable, it must be adequately documented per 2 C.F.R. § 200.403(g). Non-federal entities who fail to fully document all purchases may find their expenditures questioned and subsequently disallowed.

7. Actions to Address Noncompliance

Non-federal entities receiving financial assistance funding from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms set forth in applicable federal statutes, regulations, NOFOs, and policies. Throughout the award lifecycle or even after an award has been closed, FEMA or the pass-through entity may discover potential or actual noncompliance on the part of a recipient or subrecipient. This potential or actual noncompliance may be discovered through routine monitoring, audits, closeout, or reporting from various sources.

In the case of any potential or actual noncompliance, FEMA may place special

conditions on an award per 2 C.F.R. §§ 200.208 and 200.339, FEMA may place a hold on funds until the matter is corrected, or additional information is provided per 2 C.F.R. § 200.339, or it may do both. Similar remedies for noncompliance with certain federal civil rights laws are authorized pursuant to 44 C.F.R. Parts 7 and 19.

In the event the noncompliance is not able to be corrected by imposing additional conditions or the recipient or subrecipient refuses to correct the matter, FEMA might take other remedies allowed under 2 C.F.R. § 200.339. These remedies include actions to disallow costs, recover funds, wholly or partly suspend or terminate the award, initiate suspension and debarment proceedings, withhold further federal awards, or take other remedies that may be legally available. For further information on termination due to noncompliance, see the section on Termination Provisions in the NOFO.

FEMA may discover and take action on noncompliance even after an award has been closed. The closeout of an award does not affect FEMA's right to disallow costs and recover funds as long the action to disallow costs takes place during the record retention period. *See* 2 C.F.R. §§ 200.334, 200.345(a). Closeout also does not affect the obligation of the non-federal entity to return any funds due as a result of later refunds, corrections, or other transactions. 2 C.F.R. § 200.345(a)(2).

The types of funds FEMA might attempt to recover include, but are not limited to, improper payments, cost share reimbursements, program income, interest earned on advance payments, or equipment disposition amounts.

FEMA may seek to recover disallowed costs through a Notice of Potential Debt Letter, a Remedy Notification, or other letter. The document will describe the potential amount owed, the reason why FEMA is recovering the funds, the recipient's appeal rights, how the amount can be paid, and the consequences for not appealing or paying the amount by the deadline.

If the recipient neither appeals nor pays the amount by the deadline, the amount owed will become final. Potential consequences if the debt is not paid in full or otherwise resolved by the deadline include the assessment of interest, administrative fees, and penalty charges; administratively offsetting the debt against other payable federal funds; and transferring the debt to the U.S. Department of the Treasury for collection.

FEMA notes the following common areas of noncompliance for FEMA's grant programs:

- Insufficient documentation and lack of record retention;
- Failure to follow the procurement under grants requirements;
- Failure to submit closeout documents in a timely manner;
- Failure to follow EHP requirements;
- Failure to comply with the POP deadline.

8. Audits

FEMA grant recipients are subject to audit oversight from multiple entities including the

DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits, and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award. Recipients and subrecipients must retain award documents for at least three years from the date the final FFR is submitted, and even longer in many cases subject to the requirements of 2 C.F.R. § 200.334. In the case of administrative closeout, documents must be retained for at least three years from the date of closeout, or longer subject to the requirements of 2 C.F.R. § 200.334. If documents are retained longer than the required retention period, the DHS OIG, the GAO, and the pass-through entity, as well as FEMA in its oversight capacity, have the right to access these records as well. *See* 2 C.F.R. §§ 200.334, 200.337.

Additionally, non-federal entities must comply with the single audit requirements at 2 C.F.R. Part 200, Subpart F. Specifically, non-federal entities, other than for-profit subrecipients, that expend \$750,000 or more in federal awards during their fiscal year must have a single or program-specific audit conducted for that year in accordance with Subpart F. 2 C.F.R. § 200.501. A single audit covers all federal funds expended during a fiscal year, not just FEMA funds. The cost of audit services may be allowable per 2 C.F.R. § 200.425, but non-federal entities must select auditors in accordance with 2 C.F.R. § 200.509, including following the proper procurement procedures. For additional information on single audit reporting requirements, see section F of this NOFO under the header “Single Audit Report” within the subsection “Additional Reporting Requirements.”

The objectives of single audits are to:

- Determine whether financial statements conform to generally accepted accounting principles (GAAP);
- Determine whether the schedule of expenditures of federal awards is presented fairly;
- Understand, assess, and test the adequacy of internal controls for compliance with major programs; and
- Determine whether the entity complied with applicable laws, regulations, and contracts or grants.

For single audits, the auditee is required to prepare financial statements reflecting its financial position, a schedule of federal award expenditures, and a summary of the status of prior audit findings and questioned costs. The auditee also is required to follow up and take appropriate corrective actions on new and previously issued but not yet addressed audit findings. The auditee must prepare a corrective action plan to address the new audit findings. 2 C.F.R. §§ 200.508, 200.510, 200.511.

Non-federal entities must have an audit conducted, either single or program-specific, of their financial statements and federal expenditures annually or biennially pursuant to 2 C.F.R. § 200.504. Non-federal entities must also follow the information submission requirements of 2 C.F.R. § 200.512, including submitting the audit information to the

[Federal Audit Clearinghouse](#) within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The audit information to be submitted include the data collection form described at 2 C.F.R. § 200.512(c) and Appendix X to 2 C.F.R. Part 200 as well as the reporting package described at 2 C.F.R. § 200.512(b).

The non-federal entity must retain one copy of the data collection form and one copy of the reporting package for three years from the date of submission to the Federal Audit Clearinghouse. 2 C.F.R. § 200.512; *see also* 2 C.F.R. § 200.517 (setting requirements for retention of documents by the auditor and access to audit records in the auditor's possession).

FEMA, the DHS OIG, the GAO, and the pass-through entity (if applicable), as part of monitoring or as part of an audit, may review a non-federal entity's compliance with the single audit requirements. In cases of continued inability or unwillingness to have an audit conducted in compliance with 2 C.F.R. Part 200, Subpart F, FEMA and the pass-through entity, if applicable, are required to take appropriate remedial action under 2 C.F.R. § 200.339 for noncompliance, pursuant to 2 C.F.R. § 200.505.

Appendix A – FY 2020 FP&S Program Updates

Appendix A contains a brief list of changes between FY 2019 and FY 2020 to the FP&S Program

New for FY 2020

The FY 2020 FP&S Program NOFO contains some changes to definitions, descriptions, and priority categories. Changes to the FY 2020 FP&S Program NOFO include:

- Under section E – Application Review Information
 - Fire Department applicants that can demonstrate their commitment and proactive posture to reducing fire risk will receive higher consideration
- Under sections D – Application and Submission Information, E – Application Review Information, F – Federal Award Administration Information, G – DHS Awarding Agency Contact and Resource Information, and H – Additional Information:
 - Various grants management changes due to recent OMB revisions to 2 C.F.R., particularly regarding SAM registration, performance measures, procurement, closeout, and termination
- Under section E – Application Review Information
 - New Research Terms and Conditions added
- Under Supporting Definitions:
 - Definitions added for Authority Having Jurisdiction, Career Fire Department, Combination Fire Department, Human Subject, Interest Organizations, Primary First Due, Research, and Volunteer Fire Department
- Under National/State/Regional Programs and Projects:
 - Guidance regarding human subjects added
- Under Regional Projects:
 - Guidance regarding regional projects added
- Under EHP
 - Updated process for EHP added
- Under Ineligible Costs and Items for FPS Activity
 - Intruder alerting systems and deployment notification systems were added as ineligible
- Under Award Administration Information (Appendix C):
 - Updated process for Economic Hardship Waiver added
 - List of supporting documentation is added for advance and reimbursement payment requests

Appendix B – Programmatic Information and Priorities

*Appendix B contains details on FP&S Program information and priorities.
Reviewing this information may help applicants make their application(s)
more competitive*

A. Ineligible Applications and/or Organizations

If two or more of the following entities have different funding streams, personnel rosters, and EINs but share the same facilities, FEMA considers them as being separate organizations for the purposes of FY 2020 FP&S Program eligibility:

- Fire departments;
- National, state, local, federally recognized tribal, and non-profit interest organizations; and/or
- Other non-profit organizations, such as academic (e.g. universities), public health, occupational health, and injury prevention institutions.

If two or more organizations share facilities and each submits an application in the same program area (i.e., Community Risk Reduction, Wildfire Risk Reduction, Code Enforcement/Awareness, Fire & Arson Investigation, and National/State/Regional Programs and Projects), FEMA reserves the right to review all of those program area applications for eligibility. This determination is designed to avoid the duplication of benefits.

Examples of ineligible applications and/or organizations include:

- For-profit organizations, federal agencies, and individuals are not eligible to receive an FP&S Program award.
- Fire departments that are a Federal Government entity, or contracted by the Federal Government, and are solely responsible under a formally recognized agreement for suppression of fires on federal installations or land.
- Fire departments that are not independent entities but are part of, controlled by, or under the day-to-day operational command and control of a larger department, agency or AHJ.
 - However, if a fire department is considered to be the same legal entity as a municipality or other governmental organization, and otherwise meets the eligibility criteria, that municipality or other governmental organization may apply on behalf of that fire department as long as the application clearly states that the fire department is considered part of the same legal entity.
- Eligible applicants may submit only one application for each eligible activity (FP&S or R&D) but may submit for up to three projects within each activity. All submissions of duplicate applications may be disqualified. Under the FP&S Activity, applications that request a risk assessment project are precluded from applying for additional FP&S Activity projects.
- If an applicant submits two or more applications for the same activity, both applications may be disqualified.
 - This is different from when where an entity is applying on behalf of other organizations that are agencies or instrumentalities of the applicant (e.g., multiple

fire departments under the same county, city, borough, parish, or other municipality). In that situation, the applicant may request similar or the same equipment as long as the application clearly states which equipment (including quantities) is for which agency/instrumentality. This is permissible even if that entity submits multiple applications across regional versus direct applications

B. Supporting Definitions for this NOFO

Authority Having Jurisdiction is that person or office charged with enforcing the NFPA codes (Per NFPA101-2015 Edition: Life Safety Code).

Career Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

Combination Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has paid firefighting personnel and volunteer firefighting personnel. FEMA considers a fire department with firefighting personnel paid a stipend on a per event basis, or paid on-call, to be a combination fire department.

Human Subject means a living individual about whom an investigator (whether professional or student) conducting research obtains data (including tissue, specimens, and cognitive phenomena) through intervention or interaction, whether identifiable or not, or private information. Human subjects are a participant, either as a recipient of the test article or as a control. Human subjects may be a healthy individual or a patient. Conducting research means 1) obtaining information or biospecimens through intervention or interaction with the individual, and uses, studies, or analyzes the information or biospecimens, and/or 2) obtaining, using, studying, analyzing, or generating identifiable private information or identifiable biospecimens.

Interest Organizations are national, regional, state, local, tribal and non-profit entities that are recognized for their experience and expertise in fire prevention and safety programs.

Primary First Due is a geographic area surrounding a fire station in which a company from that station is projected to be first to arrive on the scene of an incident. NFPA 1710; 3.3.28. <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>.

Research means a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

Volunteer Fire Department, as defined in 15 U.S.C. § 2229, means a fire department that has an all-volunteer force of firefighting personnel.

C. Application Tips

Once the application has been submitted, it cannot be changed. There is *no appeal process* for inaccurate or incomplete information retained by the system due to improper or multiple browser usage by the applicant.

The AOR that submitted the application will receive an automatic FEMA GO notification email once the system receives the application.

Application Notes

- For the most competitive application, select those local need(s) that most closely align with one or more FP&S Program priorities.
- When filling out the online application, applicants are required to provide basic demographic information regarding their organization and the community served and must provide detailed information regarding the items or activities for which they are seeking funding.
- If awarded, the application request(s) may be modified during the award review process; if the awarded activities, Scope of Work, or amount(s) do not match the application as submitted, the grant recipient shall only be responsible for completing the activities actually funded. The grant recipient is under no obligation to start, modify, or complete any activities requested, but not funded by this award. Please review the Award Package.

D. Restrictions on Use of Award Funds

- Firefighter overtime for fire suppression and operational activities are not allowable expenses but documented firefighter overtime costs to support awarded activities (such as smoke alarm installation) are allowable personnel expenses.
- Fire Safety Trailers are only eligible under regional projects.
- A project awarded under either the FP&S activity or the R&D Activity requires IRB review if it fits the definition for research and human subjects (definitions above).

E. Funding Priorities

I. FP&S Activity Overview

FEMA desires to provide flexibility to applicants to design innovative strategies and/or unique proposals that reach for a higher level of safety for the public with respect to fire and fire-related hazards. All proposals, as part of the vulnerability statement, will be evaluated on how well the applicant demonstrates the understanding of their actual community fire and safety risks. A community risk assessment should be used to document the “risk” as a basis for mitigation. If the applicant has evidence of a community risk, the application should be based on solving the problem that will reduce the risk. A risk analysis should be the foundation of the application. Risk assessments are eligible for funding; however, if selected as activity project, no other projects may be eligible for funding under the FP&S Activity for the FY 2020 FP&S Program.

FEMA encourages applicants designing fire prevention initiatives to utilize the “Fire is Everyone’s Fight™” campaign from the United States Fire Administration (USFA). This program uses a wide range of resources to communicate the importance of taking action

to protect ourselves and the people we love from the dangers of fire. “Fire is Everyone’s Fight™” is designed to unite the fire service and many others in a collaborative effort to reduce home fire injuries, deaths, and property loss. It invites fire departments, safety advocates, community groups, schools, and others to rally behind a common and compelling theme. USFA and its partners will communicate and reinforce key lessons across many proven fire safety and prevention initiatives and programs. This initiative can be found at <https://www.usfa.fema.gov/prevention/outreach/fief/>.

1. Comprehensive Fire and Life Safety Education Program

A comprehensive education program goes beyond awareness of risk factors. It is based on a plan that contains elements designed to result in knowledge gain, application of knowledge, and, ultimately, behavior change based upon understanding and acceptance of new knowledge and skills. The five-step planning process, as developed by the USFA, is used for the design, implementation and evaluation of comprehensive education programs. Important steps in the process include risk analysis, community partners, intervention strategy, implementation and evaluation. An intervention strategy that incorporates multiple Es (Education, Engineering, and Enforcement) has the best chance of making a measurable difference.

Note: More information on the five-step planning process can be found at www.usfa.fema.gov in the document titled “Public Fire Education Planning, a Five-Step Process” at <https://www.usfa.fema.gov/downloads/pdf/publications/fa-219.pdf>.

EXAMPLE

People learn best when information is presented simply, repeated often, sustained over a period of time, and practiced. This is especially true when educating children about fire and life safety. A comprehensive education program using a fire safety trailer might look like this:

- **Risk Analysis:** The fire department uses local incident data to identify and prioritize the types of fires occurring in the community. The program planning team ensures appropriate educational messages are included to address the fire problems that are causing these incidents. They focus attention and resources in specific areas or neighborhoods where fire calls are most frequent.
- **Community Partners:** The fire department reaches out to schools in the neighborhoods at highest risk of fire to schedule a safety trailer visit. They partner with classroom teachers, who work with the students ahead of time to prepare for the visit. The teacher introduces key fire safety concepts, along with vocabulary words the firefighters will use during the visit.
- **Intervention Strategy:** The safety trailer is used as a hands-on tool for students to learn and practice what they know about fire safety. Lessons are tailored to the age and ability of the students. For example, the smoke feature is not used for a classroom of preschoolers, as this would frighten some of the children.

- **Implementation:** The trailer visit is implemented as part of a three-part implementation strategy - before, during, and after. BEFORE the visit, teachers prepare students about what they will learn and do when the trailer visits their school. DURING the visit, firefighters explain key safety messages in simple terms and give students a chance to practice what to do. AFTER the visit, teachers talk with students about what they learned, and encourage them to test their smoke alarms and practice a home fire drill with their families. The teachers help identify families that do not have smoke alarms. When possible, the fire department follows up with these families to install smoke alarms in these homes and educate the parents and caregivers about fire safety. Use of multiple Es might be appropriate lessons (Education) combined with free smoke alarm installation (Engineering) according to code requirements (Enforcement).
- **Evaluation:** With the teacher's help, the fire department conducts a follow up session with the students in class to review lessons learned and gauge sustained knowledge. Additionally, with assistance from the school, the fire department may send home a parent survey to determine how many homes installed smoke alarms, tested smoke alarms, and practiced a family fire drill since the visit. The fire department would then compare current local incident data with the data collected during the risk analysis to determine the impact of the program.

2. Category Priorities and Eligible Projects

The following tables list the eligible categories and priorities under the FP&S Activity.

a. Community Risk Reduction Category

Community Risk Reduction Category — Program Priorities

According to data available to FEMA and the USFA, working smoke alarms and residential sprinklers greatly reduce the risk of fire casualties for the nation's residents. Therefore, under this category there are three distinct, but equal, priorities.

1. **Smoke Alarm Installations:** Programs that target a specific high-risk population to conduct both door-to-door smoke alarm installations and provide home safety inspections, as part of a comprehensive home fire safety campaign. The comprehensive home fire safety campaign must also include an educational program that is delivered to the occupant at the time of the installation and inspection.

Further, additional consideration will be given to applicants who incorporate supplies for deaf/hard-of-hearing alarm installations as part of their comprehensive installation and education effort (hardwiring of deaf/hard-of-hearing smoke alarms is eligible).

FEMA, through its FP&S Program, promotes the use of smoke alarms that are powered by non-removable, long-life batteries, and are enclosed within a tamper-resistant housing.

Community Risk Reduction Category — Program Priorities

Applicants who do not plan on using smoke alarms powered by non-removable, long-life batteries, and are not enclosed within a tamper-resistant housing, must address the rationale for using alternatives.

- 2. Sprinkler Awareness:** Programs that include sprinkler awareness that affect the entire community in this effort, such as educating the public about sprinklers, promoting sprinklers, and demonstrating working models of sprinklers. Installation of sprinkler systems is only eligible if proposed as part of a sprinkler demonstration/educational effort.
- 3. Risk Assessments:** Community-appropriate comprehensive risk assessments and risk reduction planning. WUI risk assessment projects should be applied for under this category.

NOTE: Applications that request a risk assessment are precluded from applying for additional projects.

Community Risk Reduction — Examples of Other Eligible Projects

Smoke Alarms: Applicants who are unable to meet the above stated funding priority (door-to-door installations and home safety inspections) for this category are still eligible to apply for smoke alarms. This includes projects that encompass educational components that teach how smoke alarms work to provide early warning in case of a fire, while promoting the installation of smoke alarms and/or inspections to assure that previously installed smoke alarms are operational. Applicants who will not perform installation of the alarms should discuss in their Narrative Statement the methodology for ensuring that the alarms will be properly installed. FEMA, through its FP&S Program, promotes the use of smoke alarms that are powered by non-removable, long-life batteries, and are enclosed within a tamper-resistant housing. Applicants who do not plan on using smoke alarms powered by non-removable, long-life batteries, and are not enclosed within a tamper-resistant housing,

Public Education: National or local projects that promote the reduction of injury due to fire or other safety hazards are eligible under this activity. Projects may include burn prevention, media/public relations campaigns, injury prevention, or other community risk reductions that could be justified in the Narrative Statement. Educational props (educational tools), including fire extinguisher trainers, must be part of a comprehensive and detailed public safety education campaign. Eligible items include escape planning, model homes, safety trailers (for regional applications only) and curriculum delivery tools. Projects that will deliver training to the public in the area of automatic external defibrillators (AEDs), Cardio-Pulmonary Resuscitation (CPR), or age-appropriate fire extinguisher training will be considered. However, if the projects are for fire department operational staff, these projects should be requested under the AFG Program.

Community Risk Reduction — Examples of Other Eligible Projects	
must address the rationale for using alternatives.	
Training: Local or regional projects to educate or train personnel in the area of public education are eligible under this activity.	Juvenile Fire Setter Projects: Projects that are designed to mitigate the instances of fire set by children are eligible under this activity. Projects may have treatment and intervention components. The intervention components should be age appropriate.
General Prevention/Awareness: Projects that include general prevention initiatives, including lock-box installation, Carbon-Monoxide (CO) detectors, address markers, cooking range technologies, etc., are eligible under this activity.	

b. Wildfire Risk Reduction

Wildfire Risk Reduction — Program Priority
<p>Education and awareness programs that protect lives, property, and natural resources from fire in the WUI (not forestry), including Community Wildfire Protection Plans (CWPP) or programs supporting fire adapted community initiatives, should be applied for under this activity. Fuel reduction demonstrations, in a targeted location as part of an awareness and education effort, are considered. Education and awareness programs should apply to the entire community such as educating the public about fire-related WUI risks, promoting fuel reduction, and may include a community Wood Chipper Program and/or External Home Sprinkler Kits.</p> <p>Note: WUI risk assessment projects should be applied for under the community Risk Reduction, Risk Assessment Category.</p>

Wildfire Risk Reduction — Examples of Other Eligible Projects	
External Home Sprinkler Kits—only eligible if proposed as part of a WUI education/awareness effort.	<p>Wood Chipper Programs—only eligible if proposed as part of a WUI education/awareness effort.</p> <p>Wood Chipper Programs may include contract services for fuel reduction or removal (community wood chipper) or renting wood</p>

	chippers plus salary and benefits for employees with dedicated community wood chipper duties. Wood Chippers may not be purchased through this grant program.
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c. Code Enforcement/Awareness Category

Code Enforcement/Awareness Category — Program Priority
Projects that focus on first time or reinstatement of code adoption and code enforcement, including WUI fire codes for communities with a WUI-wildfire risk. See the U.S. Fire Administration Wildland Urban Interface toolkit for additional information on WUI codes.

Code Enforcement/Awareness — Examples of Other Eligible Projects	
<ul style="list-style-type: none">• Assistance for the adoption or awareness of building codes• Support for conducting inspections (including personnel costs, equipment, code books, and/or training assistance)	<ul style="list-style-type: none">• Promotion of code enforcement to improve engineering and/or enacting fire-related ordinances for new construction

d. Fire & Arson Investigation Category

Fire & Arson Investigation Category — Program Priority
Projects that aim aggressively to investigate every fire.

Fire & Arson Investigation — Examples of Other Eligible Projects	
<ul style="list-style-type: none">• Arson investigation trailers• Arson investigation equipment (including PPE)• Arson investigator training• Arson-related surveillance equipment	<ul style="list-style-type: none">• Arson prevention training• Personnel costs• Educational materials• Media equipment

e. National/State/Regional Programs and Projects Category

National/State/Regional Programs and Projects — Program Priority
Projects that: <ol style="list-style-type: none"> Focus on residential fire issues;

National/State/Regional Programs and Projects — Program Priority

2. Focus on firefighter safety, health and wellness by dissemination and implementation of programs, policies, or products from previous research studies that used rigorous scientific methods to determine effectiveness; or,
3. Develop new firefighter safety, health and wellness projects that do not include a research component.

Firefighter safety, health and wellness projects should aim to measurably change firefighter behavior and decision-making.

Projects involving human subjects must have an IRB review to determine if exemptions apply and the outcome letter provided to the FP&S Program Office and DHS CAPO prior to onset of any aspect of the project.

Applicants proposing to interface with government databases must explain how the systems will interface or data exchange will occur. The narrative must also explain how this effort will not duplicate existing databases or previously funded efforts.

The following projects cannot be applied for under the National/State/Regional Programs and Projects Category:

- Creation of new databases must be applied for under the R&D Activity
- Projects to determine effectiveness of firefighter safety, health, or wellness programs, policies, or products should be applied for under the R&D Activity
- Projects requiring IRB approval to work with human subjects must be applied for under the R&D Activity
- Fire departments that wish to carry out internal, local, firefighter safety and wellness projects should apply under the AFG Program

3. Ineligible Projects and Items

The following table describes the projects and items that are **ineligible** under the FP&S Activity:

Ineligible Projects and Items for FP&S Activity	
<ul style="list-style-type: none"> • Educational props (i.e., tools that are used in educational or awareness demonstrations) that are not part of a comprehensive educational program, a planned educational effort, or lack description of these elements • Costumes and/or puppets that are not part of a comprehensive educational program 	<ul style="list-style-type: none"> • Fire suppression equipment, supplies, and vehicles • Fire extinguishers • Firefighting training tools or equipment, PPE, fitness equipment, or immunizations (NOTE: PPE traditionally worn in fire suppression may also be appropriate for arson investigation when a risk for reignition exists, and is allowable under

Ineligible Projects and Items for FP&S Activity

<ul style="list-style-type: none"> • AED, CPR, or fire extinguisher training for operational staff • Fire hydrants/dry hydrants, supplies, labor, and installation costs • Weather/disaster notification devices (e.g., sirens) • Intruder alerting systems and deployment notification systems • Driver simulator training tools that are not part of a state or national education effort that leads to driver certifications compliant to NFPA 1002 or its equivalent • Sprinkler head caps • Development of Administrative Documents (e.g., Standard Operating Procedures, manuals) • Live animals • Firearms • Equipment that is considered entertainment as opposed to educational tools that are part of a comprehensive program • Fire extinguisher training for children under 14 years old and adults over the age of 65 • Fire extinguisher training that is not part of a comprehensive prevention/education program • Vehicles (not including tow vehicles, which are limited to \$6,000 per application) • Dollar amount for giveaways (plastic fire helmets, stickers, plastic badges, etc.) is limited to \$2,500 per project (or \$5,000 for a regional project) • Inflatable bounce houses (this does not include houses with non-inflatable floors, commonly used in education programs) • Unmanned Aerial Vehicles (UAV), drones, or related costs • Fire Safety Trailers will only be eligible under regional projects 	<ul style="list-style-type: none"> • the Arson Investigation Category if justified in the Narrative) • Installation of sprinkler systems that do not include an educational/demonstration component • Suppression-related training including Firefighter I, Firefighter II, wildland firefighting, training exercises, or drills for suppression or disasters activities • Communication equipment, including portable radios or computer-aided dispatch (CAD) systems • Community projects that include the use of tot finder/child finder, seniors, or pet finder decals • Hydrant poles or markers • Fire-retardant house gel(s) • Fire safety equipment (e.g., smoke alarms, carbon monoxide detectors, surge protectors) that does not adhere to a fire service recognized standard (e.g., non-UL, listed, ANSI fire safety equipment) • Alarm system and alarm system installation • Equipment that has no intrinsic fire prevention or life safety education application • Command Center Packages on fire safety trailers • Prescribed burns • Fuel reduction equipment • Vegetation removal equipment • Entertainment: electronics, events, etc. • Props (except as required for educational programs) • Robotics • Demonstration tugboats • Other items or services that do not directly support the FP&D Program objectives
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II. R&D Activity Overview

The goal of the R&D Activity is to reduce firefighter line-of-duty fatalities and injuries through research to improve firefighter safety, health, or wellness.

In November 2015, the National Fallen Firefighters' Foundation (NFFF) hosted the third National Fire Service Research Agenda Symposium (RAS) to update the agenda with current priorities. A copy of the research agenda is available on the NFFF Website at <http://www.everyonegoeshome.com/resources/research-symposium-reports/>.

Projects that meet the intent of this research agenda with respect to firefighter health and safety, as identified by the NFFF working group, will be given consideration. However, the applicant is not limited to these specific projects. All proposed projects, regardless of whether they have been identified by this working group, will be evaluated.

1. R&D Activity Project Eligibility Information

Applicants are strongly encouraged to seek partnerships with the fire service that will support the ongoing project efforts from design through dissemination and implementation. It would be appropriate for most applications to include one or more local or regional fire departments and one or more national level fire-related organizations.

Because the R&D Activity aims to improve the safety, health, or wellness of firefighters, having strong partnerships with the fire service is essential to the likely relevance and effectiveness of the project. Letters of commitment to actively participate in the project from the fire service are encouraged and may be inserted in the Appendix Section of the application for funding.

Cost effectiveness analysis is encouraged in all research projects. The World Health Organization's [Guide to Cost-Effectiveness Analysis](#) provides information on how to evaluate and utilize cost-effectiveness analysis.

Ultimately, the use of cost effectiveness results will be based on the overall study being successful and finding that firefighter safety, health or wellness was improved by the program, policy or product.

All proposed projects under the R&D Activity must address the potential for improvement in firefighter safety, health or wellness both in the short term and long term.

Proposed projects must address the potential for a successful research outcome to be disseminated and implemented in the fire service and reduce firefighter fatalities or injuries.

The following are descriptions of six R&D Activity categories. These categories are not listed in order of importance. This is not intended to be an all-inclusive list of

projects that will be considered. Applicants may also find the list of previously funded R&D Activity projects on the AFG Program Website:
<https://www.fema.gov/grants/preparedness/firefighters/safety-awards>.

a. Clinical Studies Category

Clinical Studies

The clinical studies R&D category include projects that address behavioral, social science, and cultural research as well as physiological and medical research activities.

Such studies must address the relevant aspects of reducing fatal and non-fatal injuries among firefighters and, where possible, have rigorous design that permits attribution of results to the intervention.

In addition to being relevant and rigorous, each study should target the appropriate level of investigation based on the state of the science.

At the most basic level, the study might be foundational, investigating the underlying risk and protective factors associated with certain injury outcomes.

These may include the following:

- Individual level characteristics;
- Departmental/organizational policies;
- Firefighters behavioral practices and norms; and
- Environmental factors.

Where evidence exists to progress to more applied research, the study should emphasize intervention development and testing for effectiveness, including in the field setting. For instance, if certain tests in clinical care settings are known to identify those at risk for cardiovascular events, then the study may focus on modification, if necessary, and implementation of such tests in fire service settings. To ensure study rigor, the study's design would use a randomized control trial, with comparison to usual care. Inclusion of a cost-effectiveness analysis is strongly encouraged.

Where the effectiveness of an intervention has been established in the field setting, the final level of study aims to facilitate adoption of the research results in the fire service by conducting dissemination and implementation research. Such study may investigate the impact of strategies for widespread implementation with fidelity.

b. Technology and Product Development

Technology and Product Development

The technology and product development category includes projects that result in outcomes that can enhance safety of firefighter activities. Firefighter safety can be improved through greater understanding of fire phenomena inside and outside structures, and the development of

Technology and Product Development

products to enhance firefighter situational awareness and effectiveness. Projects can develop new technology or adapt existing products and technology to new uses.

Projects shall address the safety of firefighters for all types of responses including residential, commercial, industrial, and wildland fires. Technology and product development projects can address fire and firefighting hazards by making use of technology transfer opportunities in which existing technologies can be adapted to enhance firefighter safety.

As the intention of the R&D Activity is to deliver outcomes that are likely to be implemented nationally by the fire service, inclusion of a cost-effectiveness analysis is encouraged.

Technology and product development projects need to assess the ultimate practicality of deployment and use of the results by the fire service. In making a selection of local fire department and national fire service organization partners, consideration should be given to the capabilities of the partners to assist in the evaluation of the project outcomes.

c. Database System Development

Database System Development

Database systems are used for the systematic collection of information that aims to determine the predictors and correlates for incidents pertaining to fatal and non-fatal injuries. The focus of the data collection may include but is not limited to:

- Firefighter demographic and health factors (e.g., age, blood pressure);
- Firefighter employment factors (e.g., shift, volunteer, training);
- Firefighter safety behaviors (e.g., seat belt use, hydration);
- Firefighting equipment;
- PPE;
- Departmental/organizational safety policies and practices;
- Cultural or social norms regarding injury prevention practices;
- Community-based resources (e.g., hospitals, communication systems); and
- Environmental factors such as local building structures and types of building materials.

Applications may, for instance, focus on the design and feasibility of a new database system, expand variables and/or data collection methods, seek to build upon an existing database system, or move from a local level database system to a broader state or regional system.

Applicants proposing to interface with government databases must explain how the systems will interface or data exchange will occur. The narrative must also explain how this effort will not duplicate existing databases or previously funded efforts.

d. Dissemination and Implementation Research

Dissemination and Implementation Research

Applications may propose dissemination and implementation research projects including the ways new programs, policies, or products, with credible evidence of effectiveness, are moved to nationwide adoption and use. Credible evidence of effectiveness is defined as positive results from systematic and rigorous study, and the absence of negative results or side effects.

For instance, this category may be used to apply to conduct a study for the dissemination and implementation of a result from a prior firefighter safety, health, or wellness R&D Activity, provided the project resulted in success as represented by publication in a peer review journal or other expert review of findings deemed appropriate by the grantor.

e. Preliminary Studies

Preliminary Studies

Project ideas may require information, evidence, experimentation, and study in order to justify a larger and complete project that can impact firefighter safety, health or wellness. Preliminary studies of one-year duration may be proposed to obtain a sufficient amount of evidence to justify a future larger study. Preliminary studies, while narrower in scope, must have the same high levels of scientific rigor and relevance to the fire service as studies in other R&D categories. The successful completion of a preliminary study does not result in special priority for the larger follow-on proposal submitted in a subsequent application period. The level of funding requested should be proportionate to the limited goal and purpose of the preliminary effort.

f. Early Career Investigator

Early Career Investigator

This project category is intended to promote the development of PIs engaged in research to improving firefighter safety, health and wellness. This category is reserved for projects led by a PI who received a Ph.D. or equivalent advanced level research degree within five years of the opening date of the application period. Projects that are affiliated with larger ongoing fire service research efforts are encouraged. The applicant must be the sponsoring institution, as individuals are not eligible to receive an award under this program. All proposed projects must also have a fire service partner. As noted earlier, these projects are limited to a maximum \$75,000 federal share per project year.

2. Special Emphasis Topics

The following considerations are not scored but may impact the evaluation of the application as a whole. This information may be used by application reviewers or by FEMA during technical review prior to making funding decisions.:

Special Emphasis Topic #1. Behavioral Health

To address firefighters' concerns with post-traumatic stress, depression, suicide, and related issues, and because resiliency intervention studies have demonstrated

effectiveness with firefighters and other first responders, the FP&S Program Office encourages proposals for behavioral health projects that use a dissemination and implementation research approach so that evidence-based resiliency programs will be more readily adopted, implemented with fidelity, and sustained.

Special Emphasis Topic #2. Occupational Health

In the course of responding to fire and other emergencies, firefighters routinely work in an environment where they are exposed to chemical and physical hazards. Initial research shows that these exposures are linked with disease outcomes in areas of cancer, cardiovascular and reproductive health. Proposals are encouraged to understand contributions of biological, genetic, physiological, behavioral, psychological and sociological factors; to develop and test interventions, procedures and products for efficacy and effectiveness; and to conduct dissemination and implementation research that will consider how best to adopt evidence-based standards and practices. Priority is given to studies that include under-researched populations, those with higher risks, and those with unique exposures.

Special Emphasis Topic #3. Wildland and Wildland Urban Interface (WUI)

In recent years, there has been an increase in the frequency of large, uncontrollable wildland fires including those that impact communities in the WUI. The physical demands and fire environment, as well as the tactics and equipment associated with wildland fire fighting differ from structural firefighting. Research directed at mitigating the safety and health hazards associated with wildland fire fighting is encouraged. Firefighter safety, health and wellness research issues include vehicle crashes, acute exposures, respiratory protection, PPE requirements, communications, physical fitness, and wildland fire incident modeling. Proposals are encouraged to improve wildland firefighter safety, health and wellness through applicable technology and product development; behavioral, clinical and social research; and dissemination and implementation research.

3. Ineligible Projects and Items

The following tables describe projects and items that are ineligible under the R&D Activity.

Ineligible Projects and Items for R&D Activity	
<ul style="list-style-type: none"> • Projects that focus primarily on curriculum development and delivery of education or training materials • A descriptive study about the fire service or any study without reduced firefighter injury or enhanced firefighter safety aims • Projects with local emphasis and little or no indication of application to the broader fire service 	<ul style="list-style-type: none"> • Projects that emphasize funding for service delivery • Applications that include violations of intellectual property

F. Regional Projects

Overview

A Regional project is an opportunity for an eligible FP&S Activity organization to act as a host and apply for funding on behalf of itself and any number of other participating FP&S Activity eligible organizations. Regional activities should achieve cost effectiveness, support regional efficiency and resilience, and have a direct regional or local benefit to more than one local jurisdiction (county, parish, town, township, city, or village). Direct benefit means that other eligible organizations will receive a portion of the grant awarded funds, will receive items purchased with the grant funds, or share an item purchased with grant funds.

The community identification characteristic, the organizational status of the applicant, and the permanent resident population should be entered for the host entity, regardless of the composition of the participating partners.

Regional populations served are the aggregate of the geographically fixed areas of the host and participating partner organizations.

Neither the regional host nor any participating partner is prevented from also applying on behalf of their own organization for any FP&S Activity or R&D Activity however, it cannot be for the same item. For example, a department cannot apply for smoke alarms under its own organization and participate in a regional smoke alarm project.

In completing the application, the applicant must include a list of all participating organizations, including a point of contact and phone number for each organization that will directly benefit from the regional project if they receive the grant. The organizations that will benefit from the recruitment and retention project may also apply for funding under the FP&S Program as long as the organizations do not apply for a project or activity that could conflict with or duplicate the host applicant's project. Applicants must also certify that they will ensure the organizations participating in this application have not received grants for similar items/activities.

In order to apply for a regional project, the host organization must agree, if awarded, to be responsible for all aspects of the grant. This includes, but is not limited to, cost share, accountability for the assets, and all reporting requirements in the regional application.

All participants of a Regional applicant must be compliant with FP&S Program requirements, including being current with past grants, closeouts, and other reporting requirements. Upon notification by the FP&S Program Office, the host agency shall not distribute grant funded assets or provide grant-funded contractual services to non-compliant partner organizations. The host and the delinquent partners will be notified by the FP&S Program Office of their specific deficiency.

Regional host applicants and participating partner agencies must execute a Memorandum of Understanding (MOU) or equivalent document signed by the host and all participating organizations participating in the award **prior** to submitting an application under the

Regional Program activities. The MOU must specify the individual and mutual responsibilities of the host and participating partners, the host's and participants' level of involvement in the project(s), the participating partners' EIN numbers, and the proposed distribution of all grant funded assets or contracted services. Any entity named in the application as benefiting from the award must be an eligible FP&S Program organization and must be a party to the MOU or equivalent document.

Appendix C - Award Administration Information

Appendix C contains detailed information on FP&S Program Award Administration. Reviewing this information may help recipients in the programmatic and financial administration of their award(s).

Help FEMA Prevent Fraud, Waste, and Abuse

If applicants or recipients have information about instances of fraud, waste, abuse, or mismanagement involving FEMA programs or operations, they should contact the DHS Office of Inspector General (OIG) Hotline at (800) 323-8603, by fax at (202) 254-4297, or email DHSOIGHOTLINE@dhs.gov.

I. Economic Hardship Waivers of Cost Share and Maintenance of Effort

In cases of demonstrated economic hardship, and upon the request of the recipient, the FEMA Administrator may waive or reduce an FP&S Program cost share or MOE requirement for certain recipients (15 U.S.C. § 2229(k)(4)(A)). As required by statute, the FEMA Administrator established guidelines for determining what constitutes economic hardship and published these guidelines on FEMA's website at https://www.fema.gov/media-library-data/1519836401291-5ab3e7fc3eaea15bea8a68b5638e892d/Eco_Hardship_Waiver_FPS_SAFER_AFG_IB_FINA_L.pdf.

FP&S Program fire department applicants must indicate at the time of application whether they are requesting a waiver and whether the waiver is for the cost share requirement, for the MOE requirement, or both. The applicant is required to submit documentation supporting their request for an Economic Hardship Waiver at the time of the application by attaching the supporting document to the grant application.

To receive an Economic Hardship Waiver the applicant must address the specific conditions as well as format the waiver request submission as specified in 'Section III – Guidance, Part D: Eligibility – Demonstrating Economic Hardship' of Information Bulletin No. 427.

Failure to provide documentation at the time of application or address the conditions or following the prescribed format in Information Bulletin No. 427 will result in a denial of the waiver.

II. Grant Writer/Preparation Fees

Fees for grant writers may be included as a pre-award expenditure. Fees payable on a contingency basis are not an eligible expense. For grant writer fees to be eligible as a pre-award expenditure, the fees must be specifically identified and listed within the "Request Details" section of the application. FEMA will only consider reimbursements for application preparation, not administration, up to, but not more than \$1,500.

Pursuant to 2 C.F.R. Part 180, recipients may not use federal grant funds to reimburse any entity, including a grant writer or preparer, if that entity is presently suspended or debarred by the Federal Government from receiving funding under federally-funded grants or contracts. Recipients must verify that the contractor is not suspended or debarred from participating in specified federal procurement or nonprocurement transactions pursuant to 2 C.F.R. § 180.300.

By submitting the application, applicants are certifying all of the information contained therein is true and an accurate reflection of the organization, and that regardless of the applicant's intent, the submission of information that is false or misleading may result in actions by FEMA. These actions include but are not limited to the submitted application not being considered for award, temporary withholding of funding under the existing award pending investigation, or referral to the DHS OIG.

Prior to submission of the application, please review all work produced by grant writers or other third parties for accuracy. In addition, in order to charge grant writer fees to the grant award, the fees must have been paid no later than 30 days after the end of the application period. The following documentation shall be provided to FEMA upon request:

- i. A copy of the grant writer's contract for services;
- ii. A copy of the invoice or purchase order; and
- iii. A copy of the canceled check (front and back).

Failure to provide the requested documentation may result in the grant writer fee being deemed ineligible and the grant reduced accordingly.

NOTE: FEMA requires that all applicants identify any individual or organization that assisted with the development, preparation, or review of the application to include drafting or writing the narrative and budget, whether that person, entity, or agent is compensated or not and whether the assistance took place prior to submitting the application.

III. Maintenance and Sustainment for FP&S Programs

The use of FEMA preparedness grant funds for the costs of repairs or replacement, as well as maintenance contracts, warranties, and user fees may be allowable.

The intent of eligible Maintenance and Sustainment activities is to provide direct support to the critical capabilities developed using FEMA and other DHS grants and support activities. Routine upkeep and the supplies, expendables, or one-time use items that support routine upkeep (e.g., gasoline, tire replacement, routine oil changes, monthly inspections or grounds and facility maintenance) are the responsibility of the recipient and may not be funded with FP&S Program funding.

Generally, when purchasing a maintenance agreement, service contract, or extended warranty for systems or equipment, the period of coverage provided under such a plan may not extend beyond the period of performance of the grant with which the agreement, warranty or contract is purchased.

The duration of an extended warranty purchased incidental to the original purchase of the equipment may exceed the period of performance as long as the coverage purchased is consistent with that which is typically provided for, or available through, these types of agreements, warranties, or contracts. When purchasing a stand-alone warranty or extending an existing maintenance contract on an already-owned piece of equipment or system, coverage purchased may not exceed the period of performance of the award used to purchase the maintenance agreement or warranty. As with warranties and maintenance agreements, this policy extends to licenses and user fees as well.

Even if purchased incidental to the original purchase of the equipment, the duration of an extended maintenance agreement or warranty must also be reasonable for the type of equipment or system being purchased. For example, if a vendor offers a 10-year extended warranty incidental to the purchase of a piece of equipment, but the useful life of that equipment being purchased is five years, the purchase of a 10-year extended warranty would not be a reasonable cost and may not be charged to the grant.

IV. Taxes, Fees, Levies, and Assessments

Taxes, fees, levies, or assessments that the recipient is legally required to pay and is directly related to any eligible FP&S Program acquisition activity may be charged to an FP&S Program award pursuant to 2 C.F.R. §200.470. These charges shall be identified and enumerated in the FP&S Program application narrative, as well as the “Request Details” section of the acquisition activity.

Any avoidable and unreasonable costs that result from the action or inaction of a recipient (or recipient’s agent) or that prevent that recipient from enjoying any lawful exemption, waiver, or reduction of any tax, fee, levy, or assessment directly related to any eligible FP&S Program acquisition activity, are not chargeable to any FP&S Program award.

Example: Governmental entities and Public Safety Agencies are exempt from some Federal Communications Commission (FCC) fees*, but only if the eligible organization submits an exemption or waiver request to the FCC.

**Government entities are not required to pay FCC regulatory fees. Non-profit entities (exempt under Section 501 of the Internal Revenue Code) may also be exempt. The FCC requires that any entity claiming exempt status submit, or have on file with the FCC, a valid Internal Revenue Service Determination Letter documenting its nonprofit status or certification from a governmental authority attesting to its exempt status. For more information, please visit <http://www.fcc.gov>.*

V. Excess Funds

After completing the initial projects proposed in the recipient's application, some recipients may have unexpended funds remaining in their budget. These excess funds may result from any combination of under-budget acquisition activities or competitive procurement processes.

These cost-shared excess funds may be utilized to address an organization's local needs or to mitigate identified capability gaps. FEMA expects excess funds to be obligated concurrent with an award's period of performance to address a known or critical need. An amendment request must be submitted to document the expenditure of excess funds.

VI. Payments and Amendments

FEMA uses the Direct Deposit/Electronic Funds Transfer method of payment to recipients.

FP&S Program payment/drawdown requests are generated using FEMA GO. FP&S Program payment/drawdown requests from state or local government entities will be governed by applicable federal regulations in effect at the time a grant is awarded to the recipient and may be either advances or reimbursements. Recipients should not expend funds until all special conditions listed on the grant award document have been met, including completion of EHP review, and the request for payment in FEMA GO has been approved. Recipients should draw down funds based upon immediate disbursement requirements; however, FEMA strongly encourages recipients to draw down funds as close to disbursement or expenditure as possible to avoid accruing interest.

When submitting payment requests, the grant recipient must identify the budget line item with which the reimbursements are associated. This detail should be entered in the Reason for Request section.

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of canceled checks for verification. See, e.g., 2 C.F.R. §§ 200.318(i), 200.334, 200.337.

Advances

Recipients shall be paid in advance, provided they maintain, or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds and its disbursement by the recipient (not to exceed 30 days), and the financial management systems that meet the standards for fund control and accountability as established in 2 C.F.R. Part 200. The recipient shall include invoice(s) and/or purchase orders for advance FP&S Program payment/drawdown requests. EHP review requirement must be met prior to advanced payments.

Although advance drawdown requests are permissible, recipients remain subject to applicable federal laws in effect at the time a grant is awarded to the recipient.

Governing interest requirements include the *Uniform Administrative Requirements Cost Principles, and Audit Requirements for Federal Awards* at 2 C.F.R. Part 200 and the *Cash Management Improvement Act (CMIA)* and its implementing regulations at 31 C.F.R. Part 205. Interest under CMIA will accrue from the time federal funds are credited to a recipient's account until the time the recipient pays out the funds for program purposes. For the rate to use in calculating interest, please visit Treasury Current Value rate at https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr_home.htm.

Reimbursement

Payment by reimbursement is the preferred method when the requirements to be paid in advance, pursuant to 2 C.F.R. § 200.305, cannot be met. In accordance with US Department of Treasury regulations at 31 C.F.R. Part 205, if applicable, the recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds.

Rebates

Recipients shall disburse program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments, in accordance with 2 C.F.R. § 200.305. The reduction of federal financial participation via rebates/refunds *may* generate excess funds for the recipient if the recipient previously obligated their Cost Share match based upon the original award figures. If the recipient previously obligated their original Cost Share *prior* to the rebate, then the recipient *may* have minimum excess funds equal to the difference between the original Cost Share less the rebate adjusted Cost Share.

Payment Requests During Closeout

A recipient may only submit reimbursement payment requests up to 120 days after the expiration of the period of performance, during an award's closeout reconciliation per 2 C.F.R. § 200.344. Reimbursement payments are the only eligible type of requests to be submitted after a grant's period of performance has expired. The expenditure must have been obligated and received during the period of performance of the award. The recipient's request should contain clear and specific information certifying that the liquidation of federal funds is reimbursement for an obligation properly incurred during the active period of performance; FEMA may request documentation supporting the reimbursement for review at any time.

Amendments

FEMA may approve FP&S Program award amendments on a case-by-case basis, for the following reasons:

- Extension of the period of performance in order to complete the scope of work;
- Changes to the activity, mission, a key person (such as a PI),

retroactive approval (pre-award), closeout issues, and some excess funds requests;

- Budget changes (adding funds to award/non-closeout deobligation of funds).

FEMA will only consider amendments submitted via FEMA GO. These requests must contain specific and compelling justifications for the requested change. Amendments or changes to the scope of work may require additional EHP review. FEMA strongly encourages recipients to expend grant funds in a timely manner, to be consistent with FP&S Program goals and objectives.

NOTE: A recipient may deobligate (i.e., return) unused funds (i.e., those remaining funds previously drawn down via payment request and/or remaining award funding that was never requested) to DHS/FEMA prior to the end of an award's period of performance. To exercise this option, a recipient must submit an amendment via FEMA GO and state in the amendment that the unliquidated funds (i.e., the funds to be returned) are not necessary for the fulfillment or success of the grant's obligations or mission. The recipient must also indicate in the amendment that it understands that the returned funds will be deobligated and unavailable for any future award expenses. Deobligation of funds will decrease the federal portion of the grant and the amount of the recipient's Cost Share obligation. FEMA will confirm deobligation amendments with all points of contact; after confirmation of the recipient's intent to deobligate, FEMA will hold the approved deobligation request for 14 calendar days as a period for recipient reconsideration before FEMA processes the deobligation request.

VII. Disposition of Grant Funded Equipment

A recipient must use, manage, and dispose of FP&S Program funded equipment in accordance with the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* at 2 C.F.R. § 200.313. With the exception of state governments, when original or replacement equipment acquired under an FP&S Program award is no longer needed for the original project, program, or other activities currently or previously supported by a federal awarding agency, the recipient must request disposition instructions from FEMA. FEMA strongly recommends contacting the FP&S Help Desk prior to the disposition of FP&S Program funded equipment, to include vehicles.

Appendix D

In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the DHS will review and consider applications for funding pursuant to this notice of funding opportunity in accordance with the:

- President's September 2, 2020 memorandum, entitled Memorandum on Reviewing Funding to State and Local Government Recipients of Federal Funds that Are Permitting Anarchy, Violence, and Destruction in American Cities;
- Executive Order on Combating Race and Sex Stereotyping (E.O. 13950);
- Executive Order on Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence (E.O. 13933); and
- Guidance for Grants and Agreements in Title 2, Code of Federal Regulations (2 CFR), as updated in the Federal Register's 85 FR 49506 on August 13, 2020, particularly on:
 - Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR part 200.205),
 - Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. No. 115—232) (2 CFR part 200.216),
 - Promoting the freedom of speech and religious liberty in alignment with Promoting Free Speech and Religious Liberty (E.O. 13798) and Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities (E.O. 13864) (§§ 200.300, 200.303, 200.339, and 200.341),
 - Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR part 200.322), and
 - Terminating agreements in whole or in part to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities (2 CFR part 200.340).



Fire Prevention & Safety (FP&S) Grant Program

Fiscal Year 2020 User Guide

August 2021



FEMA

Fire Prevention and Safety (FP&S) Grant Program

FY 2020 User Guide

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Introduction

The purpose of this user guide is to help grant award recipients effectively manage their Fire Prevention and Safety (FP&S) Grant Program award. The Fiscal Year (FY) 2020 FP&S User Guide (User Guide) explains how to complete required grant reports, request reimbursement or advanced payments, and comply with grant requirements. Any personnel within your organization that will be involved in the management of the grant award and those that will be providing information to you about the grant award (e.g., contractors, departments/organizations participating in the grant [regional and interest organizations], etc.), should read this User Guide.

If you have not already done so, please review the Notice of Funding Opportunity (NOFO) and the Frequently Asked Questions for the grant award. These documents are available at <https://www.fema.gov/grants/preparedness/firefighters/safety-awards/documents>. Please note that the terms of the FY 2020 FP&S NOFO are incorporated into the terms and conditions of every grant award.

Please also review the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* in the Code of Federal Regulations (CFR) at 2 C.F.R. Part 200 (“Uniform Guidance”). The Uniform Rules are comprised of a set of mandatory requirements, as well as recommended guidance, which applies to all federal awards, including non-federal entities. The terms of the Uniform Guidance are incorporated into the terms and conditions of every grant award. The Uniform Guidance is available at: <https://www.ecfr.gov/cgi-bin/text-idx?SID=704835d27377ef5213a51c149de40cab&node=2:1.1.2.2.1&rgn=div5>

This user guide is intended for technical assistance purposes only and does not represent the FP&S Award Grant Terms and Conditions. Please note that in case of any discrepancy, the terms of your award package, including the FY 2020 FP&S NOFO and the Uniform Guidance at 2 C.F.R. Part 200, prevail for governing your FP&S Grant Program award.

Contact and Resource Information

Recipients that have programmatic questions regarding their FP&S Grant Program award can reach the FEMA Headquarters (HQ) Grant Programs Directorate (GPD) Program Office staff via the Assistance to Firefighters Grant Programs (AFGP) Help Desk.

Toll-free: 1-866-274-0960

Email: FireGrants@fema.dhs.gov

Normal hours of operation are from 8:00 a.m. to 4:30 p.m., Monday through Friday. All times listed are Eastern Time.

Recipients that have financial management questions regarding their FP&S Grant Program award can reach out to the assigned FEMA AFGP Grant Management Specialist. Recipients may call 866-927-5646 to be connected to their Grants Management Specialist.

If a recipient has knowledge of fraud, waste, abuse, allegations of civil liberties or civil rights abuses, or mismanagement involving FEMA programs or operations, please contact the DHS OIG Hotline:

Website: <https://www.oig.dhs.gov/hotline>

Email: Hotline@oig.dhs.gov

Fax: (202) 254-4292

Or write to:

DHS Office of Inspector General
MAIL STOP 0305
245 Murray Lane, SW
Washington, DC 20528-0305

When making a report convey as much information as possible such as: Who? What? Where? When? Why? How? Complaints may be made anonymously, or a recipient may request confidentiality.

Grant Number

The grant number is a unique identifier and should be used in all correspondence with FEMA regarding the recipient's award, including e-mail, voicemail, regular mail, etc. An example of an FP&S grant award number is EMW-2020-FP-XXXXX. It is also helpful to provide this number when contacting AFGP Help Desk and/or FP&S program staff at Headquarters.

Grant File

Pursuant to 2 C.F.R. Part 200, including 2 C.F.R. § 200.302 – Financial Management, and the Record Retention and Access requirements at 2 C.F.R. §§ 200.334 – 200.338, the recipient organization must retain records and these records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation. FEMA recommends that grant recipients maintain their records in a grant file, either electronic or hard copy, as this information is subject to review during monitoring and/or auditing. Some suggested grant files include an electronic grants management file, a 6-section file folder, or a 3-ring binder.

The following are examples of the types of source documentation and information which would be retained in a grant file:

- Grant application
- Grant award package
- NOFO and Frequently Asked Questions (FAQs)
- Important Grant Dates – provided in this User Guide
- Regional Grant – Memorandum of Understanding (if applicable)
- Environmental and Historic Preservation (EHP) screening form and notice of approval or waiver – if required
- Correspondence (emails, letters, etc.) communications between recipient, FEMA and other entities as it relates to the grant award
- Programmatic performance and financial reporting (SF-425) forms and completed reports
- Payment requests (receipts, PAID invoices, and copies of cancelled checks and/or an electronic source document from an external financial institution demonstrating the outlay of funds
- Procurement information (e.g. recipient agency procurement policies, bid specifications, bid responses, vendors contacted, vendor responses, price/cost analysis, supporting records for the vendor selected for procurement, executed contracts, etc.)
- Monitoring reports and letters
- Audit records (as they relate to the grant award)
- Internal controls to provide reasonable assurance that the recipient is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award
- Amendment request records (requests for a grant extension, grant revision, excess funds, scope of work change, cost overrun and cost underrun)
- Property Tracking – Inventory of grant funded equipment, maintenance and tracking of same
- NFIRS Reporting – FDID Number
- Closeout report – Retain copy when the Closeout is submitted

Note that 2 C.F.R Part 200 includes several rules about how to properly use and document federal funds used for funding the salaries and fringe benefits of personnel. Please read 2 C.F.R. §200.430 *Compensation—personal services* and 2 C.F.R. §200.431 *Compensation—fringe benefits*.

With certain exceptions, the recipient organization must retain grant files and supporting documentation, including financial records, supporting documents, statistical records, and all other records, for three (3) years from the date of submission of the final expenditure report (SF-425). The only exceptions are the following: (a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. (b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period. (c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition. (d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity. (e) Records for program income transactions after the period of performance. In some cases, recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned. (f) Indirect cost rate proposals and cost allocation plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates). Federal regulations related to the Record Retention and Access requirements can be found in 2 C.F.R. §§ 200.334 – 200.337.

Please note that FEMA can ask to review your grant file.

FEMA GO

You may access your FP&S Grant Program award through FEMA GO at <https://go.fema.gov/>. Resources on FEMA GO are available at <https://www.fema.gov/grants/guidance-tools/fema-go/assistance-firefighters-grants>.

Recipients that require technical support while using FEMA GO may contact the FEMA GO Help Desk.

Toll-free: 1-877-585-3242

Email: femago@fema.dhs.gov

Normal hours of operation are from 8:00 a.m. to 5:00 p.m. Eastern Time, Monday through Friday.

Below are several commonly asked questions regarding FEMA GO.

How do I register in FEMA GO?

FY 2020 Award Recipients will need to register in the FEMA GO system to accept and manage FY 2020 grant awards. Registration instructions can be found here:

https://www.fema.gov/sites/default/files/2020-07/fema_go_account.pdf.

I have registered in FEMA GO, but I do not see my application/award. What do I do?

You must be assigned as an Authorized Organization Representative (AOR) or another team member role in FEMA GO in order to gain access to an application or any task for that application. There are two ways to be assigned a role:

- If you are the Electronic Business (e-Biz) point of contact (POC) in SAM.gov for your organization, you will be assigned the AOR role by entering the DUNS information after you have logged in to your FEMA GO account; or
- If you are not the e-Biz point of contact, you must ask the e-Biz POC to assign you a role.

The e-Biz POC on our System for Award Management (SAM.gov) account is not the POC for our grant. How do I become the AOR?

There are two options:

- First option is to have the e-Biz POC register in FEMA GO. Once they have registered and been assigned the AOR role, they can then add other members to the organization.
- If the e-Biz POC is no longer with the organization or does not wish to be the e-Biz POC, you may need to update your SAM.gov account. The new e-Biz POC can now register in FEMA GO and will be assigned the AOR role for that organization.

Award Package

The recipient should carefully read the Award Package, which is available in FEMA GO. The Award Package may contain adjustments or special conditions (see Agreement Articles) that were added to the grant award during the award process. The recipient should review the “Approved Scope of Work” section of the Award Package as Program Office notes may have been added during the technical review process.

Scope of Work

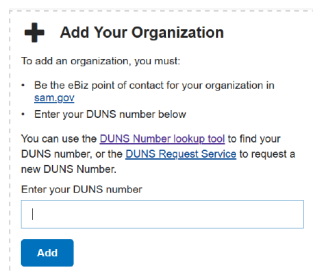
The scope of work within the approved grant application consists of the itemized request details section. (Please note: The line item(s) may have been adjusted prior to award based on the final programmatic review). If you have any questions or concerns regarding the changes applied to the initial application, please contact the AFGP Help Desk to be referred to a FP&S Program Officer. The recipient may not change or make any material deviations from the approved scope of work without prior approval from the FP&S Program Office.

Points of Contact

FEMA GO updates organization information from SAM.gov nightly. The electronic business (e-Biz) person of contact (POC) is automatically associated with their organization within FEMA GO when the email address used in SAM.gov is the same as the email address used to register in FEMA GO. Once the e-Biz POC has been assigned the AOR role, they can add other members to the organization.

If the e-Biz POC (in SAM.gov) is no longer with the organization, the recipient will need to update the SAM.gov account. The new e-Biz POC can then register in FEMA GO and will be assigned the AOR role for that organization.

If you are not the electronic business POC and simply wish to be added as a team member, then you can email the electronic business POC to request to be added to the organization in FEMA GO. If you do not know who your e-Biz POC is, you can search for them using your department’s DUNS number as shown in the snapshot below.



+ Add Your Organization

To add an organization, you must:

- Be the eBiz point of contact for your organization in [SAM.gov](#)
- Enter your DUNS number below

You can use the [DUNS Number lookup tool](#) to find your DUNS number, or the [DUNS Request Service](#) to request a new DUNS Number.

Enter your DUNS number

Add

There are five roles and associated permissions available in FEMA GO:

1. Authorized Organization Representative – can manage team members and has all the permissions for the organization, including grant submitting information to FEMA;
2. Organization Member – can view and edit all information, but cannot submit to FEMA or manage team members;
3. Grant Writer – can view and edit all information for an application or sub-application;
4. Programmatic Member – can view and edit all information, but can only submit amendments and programmatic reports; and
5. Financial Member – can view and edit all information, but can only submit payments or draw down requests, financial reports, and amendments.

The e-Biz POC's grant landing page will allow the AOR to add new members as shown in the screenshots below:

Top Screenshot: Add new team member

The top screenshot shows the 'Dulles Disaster Recovery' organization page. The 'Manage my team' section has a table with columns: Name, Roles, Phone, Email, and Actions. A red box highlights the '+ Add new team member' button. A callout box says 'To add a team member click this button'. Another callout box says 'Add a new team member to your organization' and 'Input email and click "Enter" button'.

Bottom Screenshot: Manage team member

The bottom screenshot shows the same 'Manage my team' section. A red box highlights the 'Manage' button in the Actions column. A callout box says 'Click here to manage this team member'. Another callout box says 'Manage this team member' and 'Edit role or delete this member'. A third callout box says 'Add another role' and 'Add a role'.

YOUR Grant's Landing Page VIEW will depend on your ROLE/ROLES in FEMA GO

SAM.gov Registration

The System for Award Management (SAM) is an official government registration system that is required for all recipients of federal funding. All grant award recipients must maintain an active SAM registration, with current information, at all times during which you have an active federal award. Recipients should check their account frequently to make sure it is “ACTIVE.” SAM registration must be renewed annually to avoid being “INACTIVE.” Annual renewals are free and managed directly at the SAM.gov website.

Update your SAM.gov registration at <https://www.sam.gov/SAM/>.

If you need assistance with SAM:

- Visit the AFGP System for Award Management Resource Page at <https://www.fema.gov/grants/preparedness/firefighters/rules-tools#sam>
- Visit <https://www.sam.gov/SAM/> and click on the “Help” link.
- Contact the Federal Support Desk at <https://www.fsd.gov>
- Call (866) 606-8220 (toll-free) to speak with a representative

Data Universal Number System (DUNS) /Unique Entity Identifier (UEI)

If you need assistance with DUNS, call 1-866-705-5711 or visit <http://fedgov.dnb.com/webform>. Your organization should use one DUNS number for all FEMA applications and grants.

By **April of 2022**, the federal government will stop using the DUNS number to uniquely identify entities registered in the System for Award Management (SAM). At that point, entities doing business with the federal government will use a Unique Entity Identifier (UEI) created in SAM.gov. Active registrants will have their UEI assigned and viewable within SAM.gov; there is no action for registered entities to take at this time.

Users should continue using the DUNS Number in UEI fields until further notice. To learn more about SAM’s rollout of the UEI, please visit <https://gsa.gov/entityid>.

Banking and Payment Information

In the FEMA GO system, the banking information is linked to your organization’s SAM.gov account. If you need to make changes to your banking information, please reference the information in the SAM.gov section above. All changes to banking information made in SAM.gov will automatically transfer to FEMA GO within 24-48 hours.

Period of Performance (POP)

The grant award Period of Performance (POP) means the time during which the recipient may incur new obligations to carry out the work authorized under the Federal award. The POP will differ from the grant award notification date. You can find your grant award's POP in a number of places in the FEMA GO system.

A recipient may charge to the Federal award only allowable costs incurred (meaning received, installed, and completed) during the period of performance and any costs incurred before FEMA made the Federal award that were authorized by FEMA.

Recipients may not submit a request to delay the start of the period of performance, regardless of when the FP&S grant activities are scheduled to begin. Recipients may submit a period of performance extension amendment. However, the amendment function in FEMA GO is not currently available. Please note that an extension to the period of performance is unnecessary if the recipient only needs to complete final reports or request a final payment after the grant's period of performance end date. Recipients will have an automatic period of 120-days after the end of the grant award's POP to request final reimbursement of eligible grant-related expenses incurred during the POP.

Recipient should contact an FP&S Program Officer (via the AFGP Help Desk) if there is interest in a period of performance extension. Please also reference the "Amendment" section of this guide.

Reporting Requirements

During the POP and prior to the grant's Closeout, the recipient will be required (semi-annually) to submit two separate reports: The first is a performance report, which covers six-month periods that begin at the start of the period of performance. The second is the Federal Financial Report (FFR); this form is also referred to as the SF-425. The FFR/SF-425 reporting periods are June 30th and December 31st of each year. Near the end of this guide is an "Important Grant Date" document that will help with remembering these requirements.

Programmatic Semi-Annual Performance Report

The Programmatic Semi-Annual Performance Reports are not yet available in FEMA GO

The Programmatic Semi-Annual Performance Report will cover each six-month period during the grant period of performance. Per 2 C.F.R. §200.329, the report is due no later than 30 days after the end of each six-month period. Please note that the FEMA GO

system will not allow you to request payment until you have submitted any overdue performance reports.

SF-425 Federal Financial Report (FFR)

The SF-425 Federal Financial Report (FFR) is required for all federal grant recipients. The SF-425 report covers a semi-annual period based on the calendar year beginning with the period after the award is made. Grant recipients are required to submit an SF-425 throughout the entire grant award POP. Recipients must complete all required semi-annual reports before requesting grant funds via a payment request.

The reporting periods and due dates are listed below:

- **No later than July 30** (for period January 1 – June 30)
- **No later than January 31** (for period July 1 – December 31)
- Within 120 days after the end of the Period of Performance (POP)

Instructions for submitting the SF-425 in FEMA GO are available at https://www.fema.gov/sites/default/files/documents/fema_go-initiate-application-guide-fire-grant-programs.pdf. Please refer to Section 20: Federal Financial Report for step by step instructions.

To obtain the instructions on how to complete the SF-425, please visit the following webpage: <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortby%3D1> or call 866-927-5646 to be directed to a Grant Management Specialist.

Below are some additional tips that may help the recipient complete the SF-425, which must be submitted twice a year during the grant period of performance, regardless of whether any grant funds have been drawn:

- The report is cumulative and based on the total Federal grant funds received since the start of the award's period of performance through the end of the applicable reporting period, which will be as of June 30 or December 31.
- Question 7 Basis of Accounting: Select the recipient's basis of accounting (cash or accrual). You may need to consult with your jurisdiction's finance department, treasurer, bookkeeper or accountant to answer this question.
- Question 10(a) Cash Receipts: The total amount of funds drawn since the start of the award's period of performance through the end of the current reporting period (June 30 or December 31) will be prepopulated here.
- Question 10(b) Cash Disbursements: Enter the amount of FP&S grant funds that

you *spent* from the amount that you drew down which is reported in 10(a) above. This should cover all grant expenses since the start of the period of performance through the end of the current reporting period. You may have withdrawn funds from your FP&S grant, but you did not spend the entire amount by the end of the current reporting period. If you have drawn funds as they were expended, the answer to this question will be the amount of grant funds drawn down. If you submitted a payment request before June 30 or December 31 but did not receive the funds in your bank until after one of those cutoff dates, do not include those funds in the total.

- Question 10(c) Cash on Hand: After you enter the amount for 10(b), the difference between what you drew down and what you spent will appear here as your Cash on Hand.
- Question 10(d) Total Federal Funds Authorized: This amount will be prepopulated.
- Question 10(e) Federal Share of Expenditures: Enter the amount of Federal fund expenditures. The answer to this question is often the same as the amount you entered in 10(b). However, if you spent your own funds on expenses for which you expect to be reimbursed through the grant, that amount should be added to the amount reported on 10(b) and entered here.
- Question 10(f) Federal Share of Unliquidated Obligations: Subtract the number in 10(e) from the number in 10(d) and put the result in 10(f).
- Question 10(i) Total Recipient Share Required: The amount of the cost share required by the grant will be pre-populated. You do not need to enter an amount for this question.
- Question 10(j) Recipient Share of Expenditures: Enter the total amount of actual cash disbursements or outlays paid toward meeting the recipient share since the start of the award's period of performance through the end of the current reporting period.
- Questions 10(l), (m), and (n) Program Income: Complete if you received program income under this grant, otherwise you can leave these fields completed with \$0.
- Question 12 Remarks: If you have any additional information, enter it here.

If this is the first federal financial report due for this grant and the recipient has not drawn down any grant funds, enter 0 in response to questions 10(b), 10(e), 10(i) and 10(j). In Box 10(f) enter the same number as is displayed in 10(d) (total amount awarded).

Note: If the recipient does not require a grant award extension, then the recipient must

liquidate obligations incurred prior to the POP end date no more than 120 days after the POP end date. This 120-day period is referred to as the liquidation period. Final SF-425 reports and final payment requests (drawdowns) of Federal expenditures must be submitted prior to the end of the liquidation period (120 days after the end date of the project). Failure to request final payment by this date will cause delays and result in additional administrative paperwork. The recipient is responsible for returning any federal funds that they have drawn down but remain unobligated by the recipient. The purpose of the payment(s) must be submitted as “reimbursement” only; also the item(s)/service(s)/good(s) must be received prior to the POP end date.

Payment Requests

The recipient will need to submit a payment request through the FEMA GO system in order to draw down and receive grant funds.

When can the recipient submit a payment request?

The recipient may submit a payment request after the POP start date (refer to the Period of Performance section above).

Once the performance and financial reports become available, the recipient will not be able to submit a payment request if there are any outstanding reports due.

How frequently should a recipient submit a payment request?

The recipient may submit a payment request for reimbursement of eligible expenses as often as necessary but should submit a payment request at least quarterly. Failure to request funds in a timely manner creates the appearance that there is no immediate need for federal funding. The recipient should review all Agreement Articles within the Award Package for more information and for instruction regarding any special conditions that may impact the frequency and/or documentation necessary for payments that may have been added.

A recipient should request funds for immediate needs, or for costs that have already been paid (expended) or incurred (encumbered). A recipient may also submit a payment request for funds up to 30 days in advance (but not for costs incurred after the end of the POP). If this occurs, the recipient will need to use the comments section of the request to explain how the amounts were determined. If a recipient receives a payment in advance, the recipient will be expected to expend the funds within 30 days of deposit from FEMA.

The recipient may only submit one payment request at a time and will need to wait for one payment to be approved before another can be submitted.

What expenses are eligible for reimbursement?

A recipient should request payment for actual and allowable expenses incurred during the time period of the payment request unless the expenses are approved grant-writer fees. Only the specific budgeted items shown in the “Approved Scope of Work” section of the Award Package are eligible for reimbursement. The costs must also be considered eligible under the Fire Prevention and Safety Notice of Funding Opportunity and 2 C.F.R. §200. The recipient may also request funds for activities that were approved under a scope of work amendment, if applicable (see the section on Amendments below). The recipient is encouraged to review the grant award, and any amendments, prior to submitting payment requests. Reimbursements will only be approved for activities and items as outlined in the grant award. Also, only grant related obligations made during the POP start and end date and paid for no later than 120 days after the end of the POP, will be approved for reimbursement. The recipient must also receive purchased equipment, training, goods and/or services prior to the end of the POP.

IMPORTANT: The recipient should take care not to drawdown grant funds for any supplies that will not be distributed or installed prior the end of the grant period of performance. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other Federal award, the recipient must retain the supplies for use on other activities or sell them, but must compensate the Federal Government for its share. See 2 C.F.R. §200.314.

Follow the steps below to submit a payment request:

1. Log in to the FEMA GO system.
2. Navigate to your FY 2020 FPS award and click the “Manage Grant” button.
3. On the left-hand side there is a menu titled “Grant Summary” and you should click the “Payments” option.
4. Scroll past the grant’s summary until you arrive at a blue “Select an Action” box like the one below:



Select an action ▼

5. Click the drop-down arrow in that blue box to select the “Request a Payment” action.

6. You will arrive at the following screen:

Fiscal Year (FY) 2019 Fire Prevention and Safety (FP&S)

Grant ID: EMW-2019-FP-58786

Period of performance: 07/23/2020 to 07/23/2021

Federal resources awarded: \$12,857.15

Payment request

Instructions
Please ensure your organization's banking information is up-to-date in SAM.gov before submitting your payment request. Payment requests may be delayed if the banking information is incorrect. Please use this page to request a payment under grant EMW-2019-FP-58786. Enter the amount you are requesting and a brief narrative describing the items for which you are requesting funding, and attach any associated files. Your narrative should include a description of items purchased with the payment, the number of items, the cost per item, and the total acquisition cost. Then sign and submit the payment request by selecting the signature statement and providing your system password. Only an Authorized Organization Representative (AOR) or a financial member of the recipient organization can submit a payment request.

Period of performance	07/23/2020 - 07/23/2021
Federal resources awarded	\$12,857.15
Required non-federal resources	\$642.85
Federal resources disbursed to recipient	\$0
Pending disbursements to recipient	\$0
Balance of federal resources available	\$12,857.15

Balance of federal resources available: \$12,857.15

Payment amount:

Payment request narrative

Attachments

Maximum File Size: 1074.79MB

Accepted File Types: .pdf, .doc, .docx, .xls, .xlsx, .jpg

[Upload from your computer](#)

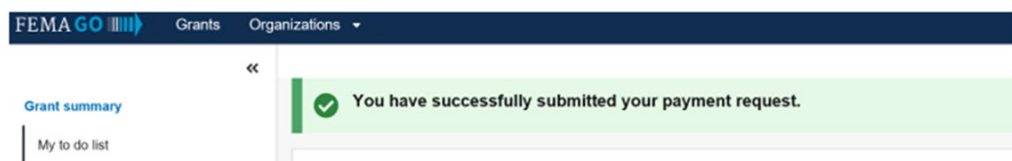
Filename	Date uploaded	Description
<input type="checkbox"/> I, FNAOR LNAOR, certify that I am authorized to request payment, and I am hereby providing my signature to acknowledge that the payment request information is accurate and is consistent with my articles of agreement, to the best of my knowledge.		
Please enter your password.		

[Submit](#)

- Enter the total payment amount requested.
- Enter a payment request narrative that itemizes the requested funds according to the awarded line items from the grant award package. For example, “\$23,200 smoke alarms, \$3,000 installation tools, \$14,000 personnel costs, \$300 travel.”
- You must upload any supporting documents (purchase orders, contracts, invoices, proof of payment (cancelled checks, electronic funds transfers, etc.)) directly to the system by utilizing the “Attachments” feature embedded into the payment request. The system will not allow a payment request to be submitted without an uploaded attachment.

10. Once you have completed the payment request, select the checkbox certifying that you are authorized to request payment (if applicable), enter your password, and select the “Submit” button.

11. Once you have submitted the reimbursement request, your page will load with the message shown below:



Payments will not be approved if:

- You have one or more overdue AFGP closeout reports (see Closeout section); or
- There are issues with the information submitted in the payment.

If your payment has been released back to you, please review the comments provided by the Program Office and make the necessary updates prior to resubmission. If you need additional assistance, please contact the AFGP Help Desk or your FP&S Program Office POC.

Environmental Planning and Historic Preservation (EHP) Compliance

FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by the agency, including grant-funded projects, comply with federal environmental planning and historic preservation (EHP) regulations, laws, and Executive Orders, as applicable. FP&S projects that involve the installation of equipment in a fixed facility or that require renovations to fixed facilities maybe subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. Please refer to the FY 2020 Notice of Funding Opportunity for more information. FEMA will not fund projects that have been initiated or completed before any required EHP review(s) have been conducted.

Examples of such projects include, but are not limited to, to the following:

- LED signs (fixed)
- Sprinklers
- Key lock boxes

Completed EHP screening forms must be submitted to the EHP Office at:

GPDEHPinfo@fema.dhs.gov. Please include the following text within the subject line of your email: EHP Submission: Project Title, location, Grant Award Number (Example, EHP

Submission: LED Sign, Springfield, IL 12345; EMW-2020-FP-00002).

The EHP Screening form and instructions are available at:

<https://www.fema.gov/grants/preparedness/firefighters/rules-tools#ehp>

National Fire Incident Reporting System (NFIRS)

If the recipient is a fire department, the recipient must agree to provide information through established reporting channels to the USFA National Fire Incident Reporting System (NFIRS) for the period covered by the grant. All other organizations do not have to comply with the NFIRS reporting requirement. If a fire department does not participate in the incident reporting system and does not have the capacity to report at the time of award, the recipient must agree to provide information to the NFIRS system for the award performance period, commencing as soon as they develop the capacity to report. FEMA expects non-reporting recipients to pursue the capacity to report immediately after notification of award, and for these non-reporting recipients to be actively reporting to NFIRS within the approved POP.

National Incident Management System (NIMS)

FP&S Program applicants are not required to comply with NIMS to apply for FP&S Program funding or to receive an FP&S Program award. Any applicant who receives an FY 2020 FP&S Program award must achieve the level of NIMS compliance required by the Authority Having Jurisdiction (AHJ) over the applicant's emergency service operations (e.g., a local government), prior to the end of the grant's period of performance. Additional information can be found at www.fema.gov/national-incident-management-system.

Improper Payment Information Act (IPIA) and Improper Payments Eliminations and Recovery Act (IPERA) of 2012 (Pub. L. No. 112-248)

The recipient may be randomly selected to participate in AFG's annual IPIA and IPERA assessments. One or more of the recipient's payment requests will be reviewed by DHS's Office of the Chief Financial Officer (OCFO). The recipient will be asked to provide all related PAID receipts and invoices, purchase orders and proof of the outlay of funds and the financial transactions (copies of a cancelled check(s), bank statement, or electronic source document from an external financial institution) for the goods/services purchased within the payment. If the recipient exhibits organized and appropriate file maintenance, then obtaining and providing the requested documentation to FEMA should not be overly burdensome. However, if the recipient does not provide the necessary documentation to FEMA in a timely manner, federal funds for the payment could be forfeited and the recipient

may be required to repay the grant funds back to the federal agency.

Compliance Monitoring Reviews

During the period of performance of your grant award, you may be selected for a compliance monitoring desk review or site visit. FEMA makes both random and risk-based selections of grant awards for annual monitoring schedules. If selected for a monitoring review (also called a desk review and compliance review), recipients will be monitored programmatically and financially on a periodic basis by FEMA staff to ensure that the project goals, objectives, performance requirements, timelines, budgets, and other grant award related program criteria are being met.

Compliance monitoring reviews will be accomplished through a combination of desk reviews and on-site monitoring visits, or both. Monitoring will involve the review and analysis of the financial, programmatic, performance, compliance, and administrative processes and policies, activities, and other attributes of each federal assistance award and will identify areas where technical assistance, corrective actions, and other support may be needed and/or can be provided during or after the monitoring event. During a review, FEMA will request all of your grant-related Standard Operating Procedures (SOP's) or policy manuals, as well as supporting documentation for transactions charged to the FP&S Grant Program award.

Important: By signing the grant award letter, all grant award recipients certify that they will abide by the terms and conditions of the grant award. The terms and conditions specify that all award recipients must comply with the record retention requirements for federal grant awards according to 2 C.F.R. § 200.334 Retention requirements for records.

Please ensure that your record retention policies and practices are updated to comply with 2 C.F.R. § 200.334 Retention requirements for records. As a reminder, all grant-related records must be maintained and retained for a minimum of three (3) years after the final SF-425 (financial report) is submitted to FEMA during the closeout process. A failure to retain all grant-related records may result in remedies for noncompliance and a potential debt owed to FEMA.

Procurement Integrity

Through audits conducted by the U.S. Department of Homeland Security's (DHS) Office of Inspector General (OIG) and FEMA grant monitoring, findings have shown that some grant recipients have not fully adhered to the proper procurement requirements when spending

grant funds. Anything less than full compliance with federal procurement policies jeopardizes the integrity of the grant as well as the grant program. Below are the federal procurement requirements for grant recipients. These requirements apply when procuring goods and services with federal grant funds.

The recipient must have a written procurement policy in place. The recipient should maintain procurement documents in the grant file in case they are requested during monitoring. FEMA will include a review of recipients' procurement practices and policies as part of normal monitoring activities.

All procurement activity must be conducted in accordance with Federal Procurement Standards at 2 C.F.R. §§ 200.317 – 200.327. Select requirements under these standards are listed below. The recipient must comply with all requirements of these standards, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with § 200.323 Procurement of recovered *materials* and ensure that every purchase order or other contract includes any clauses required by section § 200.327 Contract provisions.

All other non-Federal entities, including sub recipients of a state, will follow 2 C.F.R. § 200.318 General procurement standards through § 200.327 Contract provisions. Those non-federal entities must use their own documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200. These standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319.

Generally, a non-Federal entity may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement. State and local governments may procure goods and services from a General Services Administration (GSA) schedule. Information about GSA programs for state and local governments can be found at <https://www.gsa.gov/resources-for/programs-for-state-and-local-governments>. For local governments that purchase off a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, local governments will still need to follow the other rules under 2 C.F.R. §§ 200.318 through 200.327, such as contract cost and price (§ 200.324) and solicitation of minority, women-owned, or small businesses (§ 200.321).

For non-federal entities other than states that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, in order for such procurements by to be permissible, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the recipient complies with state and local law, regulations, and written procurement procedures.
- The state or other entity that originally procured the original contract or purchasing schedule entered into the contract or schedule with the express purpose of making it available to the recipient and other similar types of entities.
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount, and geography.
- The procurement of the original contract or purchasing schedule complied with all of the procurement standards applicable to a non-federal entities other than states under at 2 C.F.R. §§ 200.318 to 200.327.
- With respect to the use of a purchasing schedule, the recipient must follow ordering procedures that adhere to state and local laws and regulations and the minimum requirements of full and open competition under 2 C.F.R. Part 200.

If a recipient other than a state government seeks to use such a prequalified list, purchasing schedule, or other similar type of arrangement, the organization must first contact the FP&S Program Office, to obtain approval to proceed; an amendment request will be required.

To the greatest extent possible, FEMA recommends that federal grant funds be used for the purchase of goods and services manufactured, assembled, and distributed in the United States.

Pursuant to 2 C.F.R. § 200.318(c)(1), the recipient (other than a State) is required to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent *Conflicts of Interest*. Such *Conflicts of Interest* would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

If the recipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-federal entity must also maintain written standards of conduct covering organizational *Conflicts of Interest*. Organizational *Conflicts of Interest* means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-federal entity must disclose in writing any potential *Conflicts of Interest* to the federal awarding agency or pass-through entity in accordance with applicable federal awarding agency policy.

NOTE: For the purposes of *Conflicts of Interest* under procurements executed by the recipient, FEMA considers volunteers of an organization and grant writers to be employees, officers, and/or agents of the recipient. As such, no volunteer or member of an organization or anyone involved in preparing the application for funding can participate in, or benefit from, the procurement if federal funds are involved.

Recipients who purchase items with grant funds from vendors who employ any of their volunteers/members will have to document how they avoided a *Conflicts of Interest* during the procurement process (i.e., provide specific details regarding how the members/volunteers removed themselves or how they were prevented from participating in the process). Recipients may be required to provide this documentation upon request. Recipients who fail to fully document their purchases may find their expenditures questioned and subsequently disallowed. Remember that FEMA reserves the right to request and review any and all bids or specifications prior to purchase. Recipients may be subject to an audit after award.

Documentation

Recipients are required to maintain and retain the following:

- Backup documentation, such as bid specifications and solicitations, bid responses/quotes
- Cost/price analyses on file for review by federal personnel
- Procurement policies and procedures used by the recipient agency for the grant award
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient

FEMA requires that the recipient maintain the following documentation for federally funded purchases:

- Specifications

- Solicitations
- Competitive quotes or proposals
- Basis for selection decisions
- Purchase orders
- Contracts (executed)
- Invoices
- Cancelled check(s) and/or an electronic source document from an external financial institution demonstrating the outlay of funds

Recipients who fail to fully document grant purchases may find their expenditures questioned and, subsequently, disallowed.

Specifications

When drafting bid specifications, recipients (excluding states) must ensure that all procurement transactions are conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. §§ 200.317 – 200.327. Pursuant to 2 C.F.R. § 200.319 (b), in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- Placing unreasonable requirements on firms in order for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Pursuant to 2 C.F.R. § 200.319 (c), the recipient (excluding states) must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except

in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Amendments

Amendments are not available in FEMA GO

FP&S award amendments may be approved, on a case-by-case basis, for the following reasons:

- Extension of the period of performance in order to complete the scope of work
- Changes to the activity, mission, retroactive approval, closeout issues, and excess funds requests
- Cost over/under run (adding funds to award/non-closeout de-obligation of funds)

For any of the above amendments, the recipient should first contact an FP&S Program Officer (via the AFGP Help Desk) to discuss if the proposed request is timely, justified, and necessary.

Period of Performance Extension Amendments

An award's period of performance must be active for a recipient to submit a proposed extension request to FEMA. Recipients should request extensions sparingly and only under exceptional circumstances. Approval is not guaranteed. Extensions to the initial period of performance identified in the award will only be considered through formal amendment requests, via the FEMA GO system (as soon as it is available), and must contain specific and compelling justifications as to why an extension is required. An extension request must contain:

- Grant program, fiscal year, and award number
- Reason for delay – this must include details of the legal, policy, or operational challenges being experienced that prevent the final outlay of awarded funds by the applicable deadline
- Current status of the activity/activities
- Approved period of performance termination date and new project completion date
- Amount of federal funds drawn down to date
- Remaining available funds, both federal and non-federal

- Budget outlining how remaining federal and non-federal funds will be expended
- Plan for completion, including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion
- Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA

Recipients generally can submit requests at least 60 days prior to the end of the award's period of performance. Prior to submitting the extension request, the grant must be current on payment requests and required reporting (refer to the NOFO and applicable sections of this guide). The review process can take up to 30 days or longer. Recipients should factor this review period into the timing of when to submit a request for an extension.

Excess Funds or Budget Amendments

After completing the initial projects proposed in the recipient's application, some recipients may have unexpended funds remaining in their budget. These excess funds may result from any combination of under-budget acquisition activities or competitive procurement processes. The recipient may also encounter challenges with implementing the grant as originally awarded and may need to revise grant spending. In both cases, the recipient is required to submit an amendment requesting permission to change the approved grant budget. An excess funds or budget amendment request must contain:

- Grant Program, fiscal year, and award number
- Reason for excess/unspent funds, including any cost savings, delays, or other reasons why the awarded funds will not be spent as planned
- Current status of the activity/activities
- Amount of grant funds drawn down to date
- Remaining available funds, both federal and non-federal
- Budget outlining how remaining federal and non-federal funds will be expended
- Plan for completion including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion
- Certification that the activity/activities will be completed within the period of performance without any modification to the original Statement of Work approved by FEMA

Note that the opportunity for an excess funds amendment is limited when the original scope

of work has not been completed. For a budget amendment to be approved, the recipient must first take action to implement the awarded budget and demonstrate compelling reasons to support the need to amend spending.

Until FEMA GO becomes available for amendments, excess funds and budget amendments will be documented via a paper process. Recipients should contact an FP&S Program Officer to initiate this process.

Closeout

The closeout function is not yet available in FEMA GO

The recipient is expected to close out the grant no later than 120 days after the POP end date. The recipient cannot incur additional expenses during this period of time but can submit outstanding reports and request final payment (reimbursement only).

The “Closeout” process requires submission of a final SF-425 FFR and Programmatic Performance report. The FP&S closeout report will be processed through FEMA GO. When the closeout module becomes available, the grant’s AOR(s) will receive an e-mail notification through FEMA GO.

If the recipient drew down more federal funds than it has in supported expenditures, the recipient needs to return the unspent funds at the end of the grant. The recipient is required to complete the “FEMA Return of Funds Form.” The form and instructions are available at: <https://www.fema.gov/grants/preparedness/firefighters/rules-tools>

As mentioned above, payment requests will not be processed until the recipient submits all available closeout reports.

Recipients with questions about the closeout report may contact the AFGP Help Desk at 866-274-0960 or send an email to firegrants@fema.dhs.gov.

Disposition of Grant Funded Equipment

A recipient must use, manage, and dispose of FP&S-funded equipment in accordance with the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* at 2 C.F.R. § 200.313. With the exception of state governments, when the original or replacement equipment acquired under an FP&S award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the recipient must request disposition instructions from FEMA. FEMA strongly recommends contacting the AFGP Help Desk prior to the disposition of grant-funded equipment.

FEMA Fire Grant Training Tools and Resources

To assist all grant award recipients with grant management, FEMA provides many helpful programs, guidance tools, and resources available to all grant recipients. The following resources are available to you at the below listed links:

- FEMA Grants (www.fema.gov/grants)
The central landing page for all FEMA grant operations and a list of current grant programs. The Assistance to Firefighters Grant Program is under the Preparedness Grants Division.
- Assistance to Firefighters Grant Program
(www.fema.gov/grants/preparedness/firefighters)
This webpage contains all of the tools, resources, and announcements applicable to all Assistance to Firefighters Grant Program (AFGP) recipients, including awards for Assistance to Firefighters Grant (AFG), Fire Prevention & Safety (FP&S), and Staffing for Fire and Emergency Response (SAFER).
- FP&S Grant Program
(<https://www.fema.gov/grants/preparedness/firefighters/safety-awards>)
This is the landing page where FP&S award announcements are shared, along with FP&S guidance and documents, rules and tools, and the location for the list of upcoming workshops.
- FEMA Grants Outcomes (www.fema.gov/grants/guidance-tools/fema-go)
A landing page for the new FEMA grant management system, FEMA Grant Outcomes (FEMA GO). This webpage provides manuals for accessing, navigating, and managing accounts on FEMA GO.
- Procurement Under Grants (www.fema.gov/grants/procurement)
Resources detailing regulations for both state and non-state entities to comply with federal grant awards. Additional resources include guidance tools, webinar sign-ups, and documentation templates and examples.
- Top 10 Procurement under Grants Mistakes
https://www.fema.gov/sites/default/files/2020-08/fema_top-10-mistakes_flyer.pdf

Important Grant Dates

Grant Number: EMW-2020-FP- _____

My period of performance (POP) started on _____ and ends on _____.

I am reporting to NFIRS and I formally acknowledge the grant on _____.

NFIRS reporting must commence prior to accepting the award; the responsible person is _____.

SAM needs to be renewed on: _____. The responsible person is _____.

Environmental Planning and Historic Preservation Compliance (if applicable) submitted on: _____.

Approval received on: _____.

Reports

My Performance Report is due: _____. Submitted: _____.

This report covers the first six (6) months of the grant from the start of the period of performance. It is considered late 30 days after the end of the 6-month period.

My SF-425 financial report is due:

December 31, 2021; Completed January _____ 2022

June 30, 2022; Completed July _____ 2022

Closeout Report is due on: _____

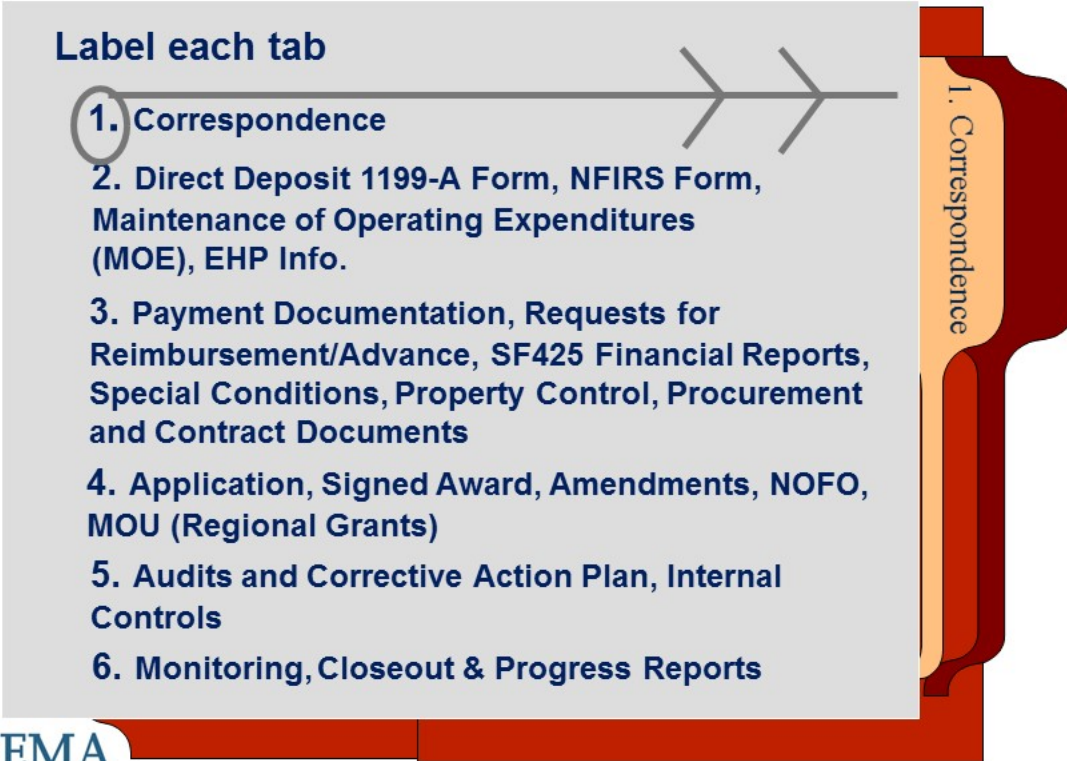
Please print all reports and place them into the recipient's grant documentation binder.

Sample Grant File


Below is a Sample Grant File with the types of source documentation which recipients should maintain in a grant file (electronic or hard copy) in addition to the eGrants documentation which is the recipient's official grant file with FEMA. All grant-related records, correspondence, receipts, etc. must be retained for a period of three (3) years from the date of submission of the final SF-425 financial report. Exceptions to the 3-year retention period are for any litigation, claim, or audit which is started before the expiration of the 3-year period. In such cases, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Sample Grant File

Label each tab



- 1. Correspondence**
- 2. Direct Deposit 1199-A Form, NFIRS Form, Maintenance of Operating Expenditures (MOE), EHP Info.**
- 3. Payment Documentation, Requests for Reimbursement/Advance, SF425 Financial Reports, Special Conditions, Property Control, Procurement and Contract Documents**
- 4. Application, Signed Award, Amendments, NOFO, MOU (Regional Grants)**
- 5. Audits and Corrective Action Plan, Internal Controls**
- 6. Monitoring, Closeout & Progress Reports**

 **FEMA**

Sample Grant File Content Descriptions

1. Correspondence: Welcome letter, emails, etc. Even if the recipient's agency has its own grants manuals or policies and procedures manuals, it is recommended that the recipient keep all administrative documents in the grant file.
2. Maintenance of Operating Expenditures (MOE): Copies of present and last year's budgets. Maintaining operating expenditures refers to the fact that these funds are meant to be supplementary – not to replace current funding. Therefore, in addition to the amount of federal grant dollars and recipient cost share/matching funds, the recipient must maintain an average of the last two year's spending levels on items for which the recipient received a grant during the grant period of performance.
3. Payment Documentation: Purchase orders, PAID invoices, receipts, cancelled check(s) or external source documentation from a financial institution showing the outlay of funds, payment history, manufacturer's certifications, attendance verification (Sign-in sheet, not roster), training certificates, etc. All records to support grant-related expenditures from FEMA.
4. Property Control: Identify items purchased with federal funds and maintain a control system for tracking the item(s), location of item(s), federal funding amount, date of purchase, condition of item(s), maintenance schedule, etc.
5. Amendments: Copies of requests with justification for budget/program revisions, as well as, period of performance extensions.
6. NOFO-Notice of Funding Opportunity:
<https://www.fema.gov/grants/preparedness/firefighters/safety-awards/documents>
7. Memorandum of Understanding (MOU) Regional Grants: Copy of MOU with participating departments.
8. Audit and Corrective Actions: All audit-related documentation should be retained.
9. Internal Controls: A recipient must establish and maintain effective internal controls over the Federal award that provides reasonable assurance that the recipient is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award (see 2 C.F.R. § 200.303).
10. Monitoring, Closeouts and Progress Reports: All documentation should be retained that is submitted to FEMA during desk or site monitoring.

City of Fayetteville

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

City Council Action Memo

File Number: 21-2205

Agenda Date: 9/13/2021

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.07

TO: Mayor and Members of City Council

THRU: Elaina L. Ball, CEO/General Manager
Fayetteville Public Works Commission

FROM: Fayetteville Public Works Commission

DATE: September 13, 2021

RE:

Water Main Encasements Under Railroads (Bruner St., Deep Creek Rd., Langdon St., and Pine St.)

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

High Quality Built Environment

Executive Summary:

Bids were received to award the contract for the Water Main Encasements Under Railroads (Bruner St., Deep Creek Rd., Langdon St., and Pine St.). The recommended lowest responsive, responsible bidder is T.A. Loving Company, Goldsboro, NC, in the total amount of \$2,061,265.00.

Background:

The Fayetteville Public Works Commission, during their meeting on August 25, 2021, approved the bid recommendation to award the contract for the Water Main Encasements Under Railroads (Bruner St., Deep Creek Rd., Langdon St., and Pine St.) to T. A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder, in the total amount of \$2,061,265.00, and authorized staff to forward this recommendation to

the City Council for approval.

Bids were received on June 24, 2021

BIDDERS	AMOUNT
T. A. Loving Company, Goldsboro, NC	\$2,061,265.00

Issues/Analysis:

This project consists of replacing uncased sections of existing water mains crossing CSX railroad right-of-way, with new cased ductile iron piping, valves, hydrants, and related appurtenances. The existing water mains are of varying sizes and materials and are located on four (4) sites. This project also includes the abandonment of the uncased sections of water mains.

Notice of the bid was advertised on April 29, 2021 with an original bid opening date of June 2, 2021. Addendum No. 1 was issued on May 26, 2021 to provide Contract Document Revisions and a list of attendees of the Mandatory Pre-Bid Meeting. Addendum No. 2 was issued on June 8, 2021 to Re-Advertise the project with a new bid opening date of June 24, 2021, as the originally scheduled bid opening failed to produce three (3) bids.

SDBE/Local: T.A. Loving Company is a firm based in Goldsboro, NC that also has a local office in Fayetteville, NC, and pays Cumberland County taxes. They anticipate \$4,000.00 in SDBE spend with Crowder Trucking, Fayetteville, NC for hauling needs.

Budget Impact:

The Water Main Encasements Under Railroads (Bruner St., Deep Creek Rd., Langdon St., and Pine St.) project is a budgeted item. Funding is provided in WS-8 (CPR1000100) in the amount of \$967,114.77 is available in FY22, \$1,010,000.00 is budgeted in FY23, and \$1,010,000.00 is budgeted in FY24.

Options:

N/A

Recommended Action:

The Fayetteville Public Works Commission recommends the Fayetteville City Council approve to award the contract for the Water Main Encasements Under Railroads (Bruner St., Deep Creek Rd., Langdon St., and Pine St.) to T. A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder, in the total amount of \$2,061,265.00. The Fayetteville Public Works Commission also recommends the City Council authorize the

CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its construction.

Attachments:

Bid Recommendation - Watermain Encasements

**PUBLIC WORKS COMMISSION
ACTION REQUEST FORM**

TO: Elaina L. Ball, CEO/General Manager

DATE: August 18, 2021

FROM: Trent K. Ensley, Procurement Manager

.....

ACTION REQUESTED: Approve contract award for the Water Main Encasements Under Railroads (Bruner St., Deep Creek Rd., Langdon St., and Pine St.) to the lowest, responsive, responsible bidder, T.A. Loving Company, Goldsboro, NC 27533. This project consist of replacing uncased sections of existing water mains crossing CSX railroad right-of-way, with new cased ductile iron piping, valves, hydrants, and related appurtenances. The existing water mains are of varying sizes and materials and are located on four (4) sites. This project also includes the abandonment of the uncased sections of water mains.

.....

BID/PROJECT NAME: Water Main Encasements Under Railroads (Bruner St., Deep Creek Rd., Langdon St., and Pine St.)

BID DATE: June 24, 2021

DEPARTMENT: Water Resources Engineering

.....

BUDGET INFORMATION: Funding for this project is from WS-8 (CPR1000100) funding in the amount of \$967,114.77 is available in FY22, \$1,010,000.00 is budgeted in FY23, and \$1,010,000.00 is budgeted in FY24.

.....

BIDDERS	TOTAL COST
T.A. Loving Company, Goldsboro, NC	\$2,061,265.00

.....

AWARD RECOMMENDED TO: T.A. Loving Company, Goldsboro, NC 27533

BASIS OF AWARD: Lowest responsive, responsible bidder

.....

COMMENTS: The Commission is asked to approve the award for the Water Main Encasements Under Railroads (Bruner St., Deep Creek Rd., Langdon St., and Pine St.) to the lowest, responsive, responsible bidder, T.A. Loving Company, Goldsboro, NC. Notice of the bid was advertised through our normal channels on April 29, 2021 with an original bid opening date of June 2, 2021. Addendum No. 1 was issued on May 26, 2021 to provide Contract Document Revisions and a list of attendees of the Mandatory Pre-Bid Meeting. Addendum No. 2 was issued on June 8, 2021 to Re-Advertise the project with a new bid opening date of June 24, 2021, as the originally scheduled bid opening failed to produce three (3) bids. The bids were evaluated by Water Resources Engineering and for this project the recommendation is to award this project to the lowest responsive and responsible bidder, T.A. Loving Company, Goldsboro, NC in the amount of \$2,061,265.00.

ACTION BY COMMISSION

APPROVED _____ **REJECTED** _____

DATE _____

ACTION BY COUNCIL

APPROVED _____ **REJECTED** _____

DATE _____

BID HISTORY
WATER MAIN ENCASEMENTS UNDER RAILROADS
(BRUNER ST., DEEP CREEK RD., LANGDON ST., AND PINE ST.)
BID DATE: JUNE 24, 2021, AT 2:00PM

Consulting Engineer

McKim & Creed, Inc., Raleigh, NC 27606

Advertisement

- | | | |
|----|------------------------|-------------------------------|
| 1. | PWC Website | 04/29/2021 through 06/24/2021 |
| | Addendum No. 1 | 05/26/2021 through 06/24/2021 |
| | Addendum No. 2 | 06/08/2021 through 06/24/2021 |
| 2. | The Fayetteville Press | General Monthly Ad |

List of Prospective Bidders

1. State Utility Contractors, Inc., Monroe, NC
2. Sanford Contractors, Sanford, NC
3. Wells Brothers Construction Company, Turkey, NC
4. Sandy's Hauling & Backhoe Service, Roseboro, NC
5. T.A. Loving Company, Goldsboro, NC
6. J. Cumby Construction Inc., Cookeville, TN
7. M.B. Kahn Construction Co., Inc., Columbia, SC
8. Crowder Construction Company, Apex, NC
9. Wharton-Smith, Inc., Charlotte, NC
10. Adams Robinson Enterprises, Inc., Dayton, OH
11. Haren Construction Company, Inc., Etowah, TN
12. English Construction, Lynchburg, VA
13. Ulliman Schutte Construction, LLC, Roanoke, VA
14. Dellinger-Inc., Monroe, NC
15. Garney Construction, Raleigh, NC
16. J. Smith Civil, Goldsboro, NC 27530
17. Sandhill Contractors, Sandford, NC
18. Utilities Plus Inc., Linden, NC
19. Lanier Construction, Snow Hill, NC
20. Hine Sitework Inc., Goldsboro, NC
21. Odell Smith & Sons, Spring Lake, NC
22. Mechanical Jobbers, Lithonia, GA
23. Am-Liner East, Inc., Berryville, VA
24. Sak Construction, LLC, O'Fallon, MO
25. Armen Construction, LLC, Charlotte, NC
26. ES&J Enterprise Inc., Autryville, NC
27. Billy Bill Grading, Fayetteville, NC

PWC Procurement Mailing List- Registered vendors via the PWC website and BBR registrants. (approximately 1000+ contacts)

Small Business Administration Programs:

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

Local Business and Community Programs

FSU Construction Resource Office (FSUCRO)
FSU Economic Development Administration Program (FSUEDA)
FSU Career Pathways Initiative
NAACP, Fayetteville Branch
FTCC Small Business Center (SBC)
Greater Fayetteville Chamber
Hope Mills Chamber
Spring Lake Chamber
Hoke Chamber
Fayetteville Business & Professional League (FBPL)
Latinos United for Progress
Latino Community Connects
The Center for Emerging Business
Fayetteville Black Business Website

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
International Erosion Control Association (IECA)

Media

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

SDBE/Local Participation

SDBE/Local: T.A. Loving Company is a firm based in Goldsboro, NC that also has a local office in Fayetteville, NC, and pays Cumberland County taxes. They anticipate \$4,000.00 in SDBE spend with Crowder Trucking, Fayetteville, NC for hauling needs.

City of Fayetteville

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

City Council Action Memo

File Number: 21-2173

Agenda Date: 9/13/2021

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Staff Reports

Agenda Number: 8.01

TO: Mayor and Members of City Council

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

FROM: Rebecca Jackson, Chief of Staff / Chief Performance Officer

DATE: September 13, 2021

RE:

Acceptance of the FY 2021 Year End Strategic Performance Report

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

As the City of Fayetteville continues to grow and thrive, the City Council looks to chart a course with a strategic plan which articulates a vision for our community's future that will ensure vitality and sustainability and provides direction for the City's programmatic performance expectations. Commitment to strategic planning and performance management strengthens the City of Fayetteville, ensuring excellent services and a high quality of life for residents.

Executive Summary:

The Fayetteville City Council has worked very diligently to commit this organization to high performance and to use data and stakeholder input to create a strategic plan for the City that is forward thinking, progressive, relevant and outcome based.

The FY2021 strategic plan was adopted in June 2020. Following adoption of the FY 2021 strategic plan the Mayor, City Council, and staff share a duty to ensure that the actions of public officials, employees, contractors, and volunteers of the City are carried out in the most responsible manner possible and that City policy, budgets, goals and objectives are fully implemented.

The strategic plan lays out Targets for Actions (TFA) that are projects or initiatives identified by Council to move the needle toward defined outcomes laid out in the Council's strategic plan. TFA are defined by a one-year action plan with milestones to

focus the work of Council and staff. Under each TFA are Key Performance Indicators (KPI) that set a quantifiable measurement to gauge how well the City is performing to reach its goals. These measurements help determine the operational achievements of the City to its TFA.

The City Manager's Office has directed the Office of Strategy and Performance Analytics to meet regularly with teams to advance the Council's TFA and to report progress to City Council on a quarterly basis during a City Council Meeting. As many of the TFA for FY 2021 and FY 2022 are tightly related and/ or continuing, staff has incorporated the End of Year Strategic Performance Report which also includes FY 2022 action plans moving forward into the next fiscal year.

Commitment to performance management and strategic planning strengthens the operations of the City of Fayetteville, ensuring excellent services and a high quality of life for residents. It allows for long range planning at the organizational level with alignment to departmental operations and performance expectations. With this system in place, the City is able to allocate resources appropriately and build strategies for continuous improvement.

Background:

The City of Fayetteville desires to be data driven and results-focused with a robust strategic plan and performance framework. The City believes that better policy is developed through proactively encouraging resident, employee and business participation in government and by providing diverse engagement opportunities with easy and open access to public data and information.

Issues/Analysis:

None

Budget Impact:

Budget/ resources have been provided per individual TFA action plan.

Options:

- 1) City Council accepts the FY 2021 Year End Strategic Performance Report
- 2) City Council rejects the FY 2021 Year End Strategic Performance Report and provides additional direction to the City Manager.

Recommended Action:

City Council accepts the FY 2021 Year End Strategic Performance Report.

Attachments:

FY 2021 Year End Strategic Performance Report.ppt

FY 2021 City Council Scorecard.xlsx

The City of
Fayetteville's



FY 2021 Year-End Performance Report

September 13, 2021

Rebecca Jackson, Chief of Staff/ Chief Performance Officer
Chris Lowery, Strategy & Performance Manager
Angela Schweibinz, Sr. Strategy & Performance Analyst

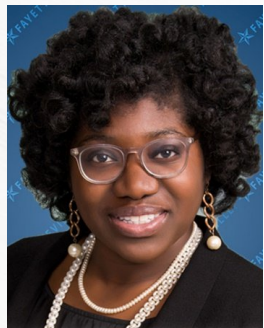


City Council Members

Mitch Colvin
Mayor
mayor@ci.fay.nc.us



Kathy Jensen
Mayor Pro Tem
District 1
kjensen@ci.fay.nc.us



Shakeyla Ingram
District 2
singram@ci.fay.nc.us



Tisha Waddell
District 3
twaddell@ci.fay.nc.us



D.J. Haire
District 4
dhaire2@nc.rr.com



Johnny Dawkins
District 5
jdawkins@ci.fay.nc.us



Chris Davis
District 6
cdavis@ci.fay.nc.us



Larry Wright
District 7
Larry.Wright@ci.fay.nc.us



Courtney Banks-
McLaughlin
District 8
cbanks-mclaughlin@ci.fay.nc.us



Yvonne Kinston
District 9
ykinston@ci.fay.nc.us



Douglas J. Hewett, ICMA-CM
City Manager
dhewett@ci.fay.nc.us

The Mayor, City Council, and City Manager's Office provide tremendous support for strategic planning and performance management efforts. Each of the Targets For Action included in this Strategic Plan is led by a team of employees who work with community partners, collaborators and stakeholders to move projects forward. In short, the City of Fayetteville's Strategic Plan represents the efforts of dedicated public servants who champion a vision for positive and sustainable growth.

A huge
THANK YOU
to all of our employees for
their continued efforts
throughout the past 18
months of this COVID-19
pandemic!



Layout of Presentation and Handout

- Strategic Planning Framework
- Goal Results
 - Targets For Action
 - Key Performance Indicators
 - Other Goal Accomplishments
- Scorecard



Strategic Plan and Performance Program Results:

- Fayetteville awarded excellence in Performance Management by the ICMA for four years
- Recognized by Living Cities and Governing as the most innovative city in the nation
- Publically reported Annual Performance Scorecard and Quarterly Performance reports accepted by City Council





Performance Report Includes:

- Strategic and Performance Framework
- Goal Results:
 - Target For Action (TFA)
 - Key Performance Indicators (KPI)
 - Other Goal Accomplishments
 - Yearend ScoreCard

1. Visionary Leadership



Long-term strategy provides direction, identifies outcomes and is the basis for performance analysis.



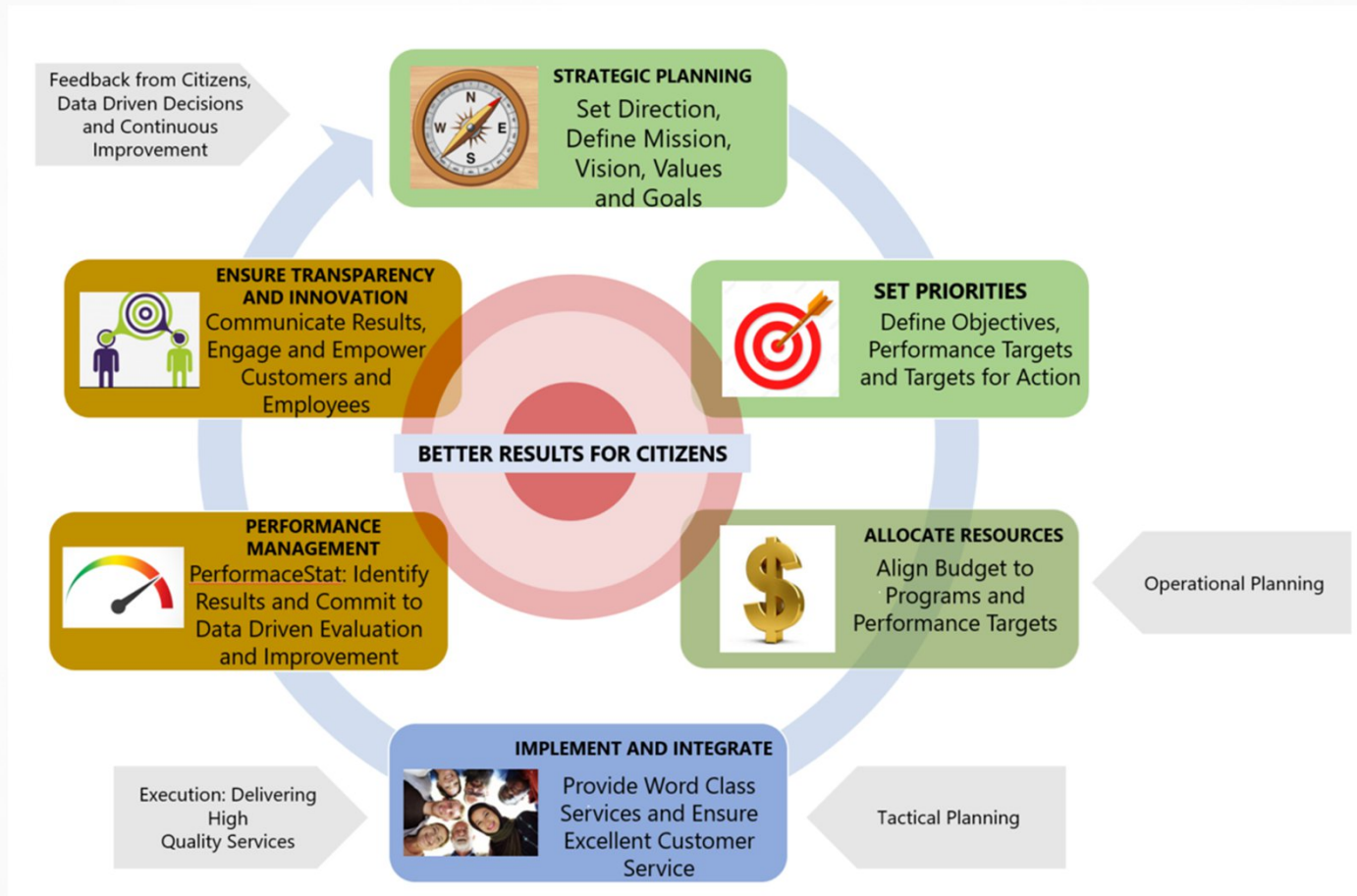
Vision: What do we want Fayetteville to be like for future generations?

Mission: What is our purpose for existence?

Core Values: What are our beliefs and attitudes that guide behavior and how are relationship with others?

Strategy: What needs to be done first?

Performance: How will we track our progress?



Performance Management



The City Council and staff will work to execute the City's Strategic Plan and report progress to the public throughout the fiscal year in an effort to be transparent and accountable. The City's performance program identifies strategic and operational Key Performance Indicators (KPI) and aligns the KPI to the City Council's strategic plan.

[PerformanceStat Program](#)- The City of Fayetteville, in its efforts to perform at a high level of efficiency and to provide quality programs and services to its citizens, has developed its own PerformanceStat program. Stat is a reference to the CompStat and CityStat models employed by municipalities around the country used to measure and manage organizational performance.

[Annual Performance Scorecard](#)- A Strategic Performance Scorecard is produced annually and presented to Council and the public. The Performance Scorecard KPI cascade from the City Goal Objectives and focus on community outcomes.

Performance Management



[High Performing Organization Framework-](#) City Council championed the commitment for the City to be a High Performing Organization with the adoption of a Council Resolution. The City of Fayetteville is committed to:

- Visionary leadership with strategic planning at all levels of organization
- Satisfied and engaged workforce
- Satisfied and engaged customers, suppliers, partners and collaborators
- Demonstrable results with Key Performance Metrics (KPI) at all levels (Strategic & Operational)
- Continuous improvement

[Quality Improvement Program-](#) QuEST (Quality, Engagement, Sustainable Solutions, and Training) framework to address areas of underperformance. QuEST is built on tools, methodologies, and guidance from Lean, Six Sigma, and ISO 9001 and provides a common way for everyone in the City to approach process improvement.

[Data Analytics Team](#)

- Provide support and guidance with development of performance metrics and QuEST projects.

City of Fayetteville City Council's Strategic Planning Process

CIP & TIP

Citizen
Survey

SMT
Retreat

Café
Conversation

Community Input
Staff Input

Strategic Planning
Retreat:
Council's Strategic
plan identifies the
priorities and focus
of work for this
year.

Strategic Plan
Development:
Finalize and
Budget based off
Targets for Action

Finalize and Adopt
Strategic Plan &
City Budget

**Implement
and Report
Performance**

December-
January

February
2021

April
2021

May -
June
2021

**July+
2021**

Annual Process

Incorporates City Council's HPO Elements

VISION 2032

An attractive, culturally diverse and inclusive city that is safe, prosperous, innovative and unified.



MISSION

The City of Fayetteville provides quality and sustainable public services for our communities to thrive and businesses to grow.





Goal 1: Safe & Secure Community

- Objective 1: Fully prepare for emergency and disaster response.
- Objective 1.2: Ensure traffic and pedestrian safety.
- Objective 1.3: Ensure low incidents of property and violent crime.
- Objective 1.4: Engage citizens in community watch and safety events

Goal 2: Responsive City Government Supporting a Diverse and Viable Economy.

- Objective 2.1: Ensure a diverse City tax base.
- Objective 2.2: Community Revitalization- Invest in community places to ensure revitalization and increase quality of life.
- Objective 2.3: Leverage partnerships for job creation and retention, with focus on local and regional workforce to increase per capita income.
- Objective 2.4: Economic Development: Sustain a favorable development climate to encourage business growth.

Goal 3: City Investment in Today & Tomorrow

- Objective 3.1: Infrastructure- Enhance City street connectivity, traffic flow and stormwater systems.
- Objective 3.2: Manage the City's future growth and strategic land use.
- Objective 3.3: Sustain a favorable development and business climate through timely and accurate construction review and building inspection services.
- Objective 3.4: Revitalize neighborhoods with effective code enforcement and violations abatement.
- Objective 3.5: Infrastructure- Increase our smart city capacity

Goal 4: Desirable Place to Live, Work and Recreate

- Objective 4.1: Maintain public transportation investments with high quality transit and airport services.
- Objective 4.2: Community Revitalization- Enhance diverse recreation, leisure and cultural opportunities.
- Objective 4.3: Infrastructure: Improve mobility and connectivity through sidewalk, trail and bike lane investments.
- Objective 4.4: Provide a clean and beautiful community with increased green spaces.
- Objective 4.5: Neighborhood Vitality- Ensure a place for people to live in great neighborhoods.
- Objective 4.6: Affordable Housing- Reduce poverty and homelessness.

Goal 5: Financially-sound City Providing Exemplary City Services.

- Objective 5.1: Ensure strong financial management with fiduciary accountability and plan for future resource sustainability by aligning resources with City priorities.
- Objective 5.2: Identify and achieve efficiencies through innovation and technology utilization, by increasing data driven decisions and using business intelligence strategies.
- Objective 5.3: Promote an organizational climate that fosters an exceptional, diverse, engaged, and healthy workforce that delivers excellent services.

Goal 6: Collaborative Citizen & Business Engagement.

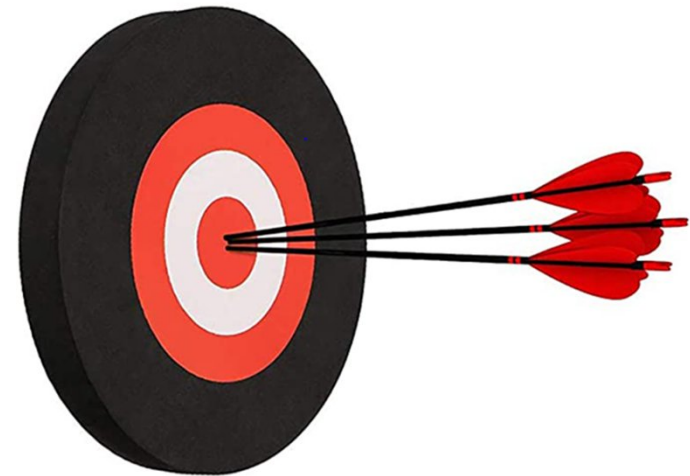
- Objective 6.1: Ensure collaborative relationships with the business community, local governments, military, and stakeholders.
- Objective 6.2: Ensure trust and confidence in City government through transparency & high-quality customer service.
- Objective 6.2: Inform and educate about local government by enhancing public outreach and increasing community dialogue, collaboration and empowerment.















Targets For Action

Targets for Action (TFA): Defined and measurable activities needed to accomplish our strategic objectives that involve a significant amount of financial and/or staff resources and/or have a significant community impact. These plans specify the resources and time for accomplishing plans. TFA are well defined with an identified beginning and end.

TFAs can be:

- Council Policy
- New Program Initiative
- Program Improvement Effort
- A critical CIP/TIP



FY 21 TFA Year End Report and FY 22 Action Plans			Priority	Status
TFA 2.1.1	Execute Opportunity Zone Plan		Med	Behind Schedule
TFA 2.4.1	Execute redevelopment and business growth plan for Murchison Road, Bragg Blvd. with beautification of City Gateways		Med	Behind Schedule
TFA 3.1.1	Develop funding plan for infrastructure (Combined)		High	Complete
TFA 3.4.1	Develop and Implement Council Policy to Incentivize Positive Property Ownership		Low	NEW TFA
TFA 3.5.1	Build Smart City Capacity		Med	Behind Schedule
TFA 4.2.1	Parks and Recreation Master Plan implementation with access for diverse needs (FY 21 focused on dog park inclusion, FY 22 focus on access)		Low	Complete
TFA 4.4.1	Reduce litter and illegal dumping		Med	Complete
TFA 4.5.1	Implement residential revitalization efforts (Combined efforts)		Med	Behind Schedule
TFA 4.5.2	Complete Housing Study and implement affordable housing strategy		High	Complete
TFA 4.6.1	Strategy to address poverty and homelessness		Low	Behind Schedule
TFA 5.1.1	Implement strategies to engage Council, staff & citizens in finance, budget & performance reporting		Low	NEW TFA
FY 2021	Employer of Choice (Completed and operational)		High	Complete
TFA 6.1.1	Develop a strategy to maximize a relationship with the Military		Med	Complete
TFA 6.1.2	Conduct a Disparity Study		Low	Complete
TFA 6.3.1	Develop a strategy to educate and engage citizens		Low	Behind Schedule

1 TFA Action Plan Complete and Operational
 6 TFA Action Plan Complete and Moving Forward
 6 TFA Action Plan Slightly Behind Schedule and Moving Forward
 2 Brand New TFA Action Plans

FY 2021 CITY SNAPSHOT





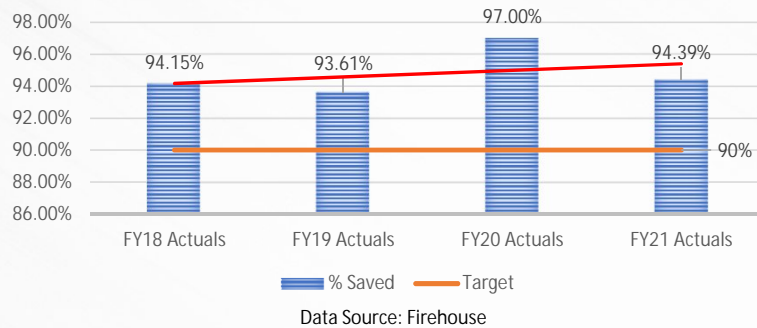
Goal 1: Safe & Secure Community Strategic Objectives

- Objective 1.1: Fully prepare for emergency and disaster response.
- Objective 1.2: Ensure traffic and pedestrian safety.
- Objective 1.3: Ensure low incidents of property and violent crime.
- Objective 1.4: Engage citizens in community watch and safety events

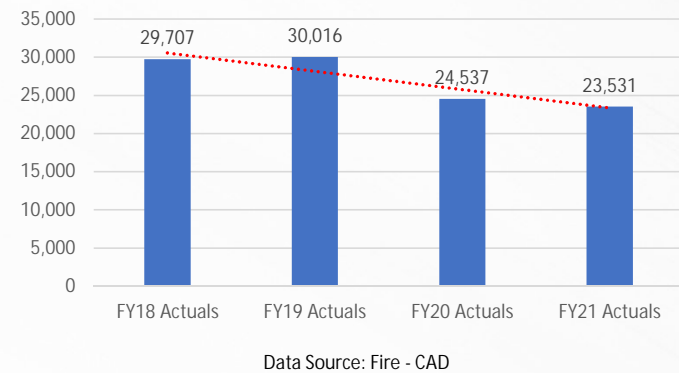


Goal 1: Safe & Secure Community - KPI

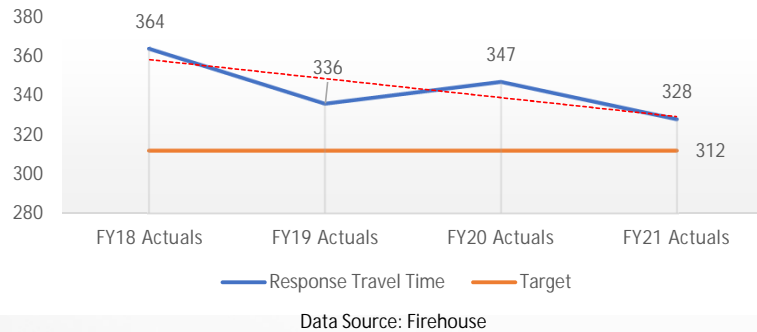
Fire Departments Average Actual Dollar Loss/Save Ratio Percentage



of Total FFD Calls For Service



90th Percentile for Fire Department First Unit Emergency Response Travel Time (seconds)



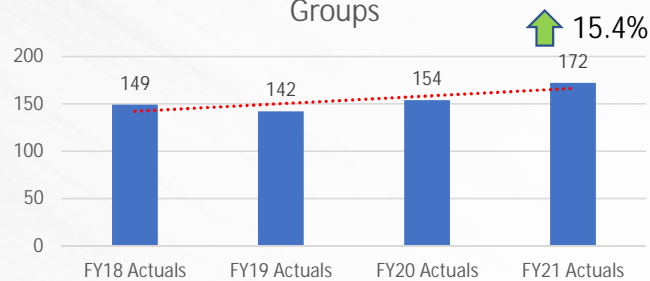
% satisfaction with overall quality of fire protection and rescue services:

City of Fayetteville: 86%
National Average: 81%

Data Source: Resident Survey

Goal 1: Safe & Secure Community - KPI

of Active Residential Community Watch Groups



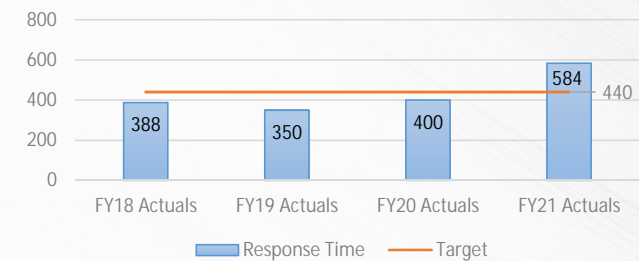
Data Source: FPD Office Records

% satisfaction with overall police relationship with your community:

City of Fayetteville: 61% 8% increase since 2013

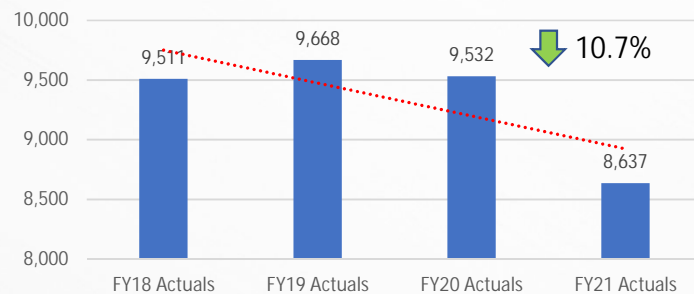
Data Source: Resident Survey

Average Police Department Response Time for Priority 1 Calls (in seconds)



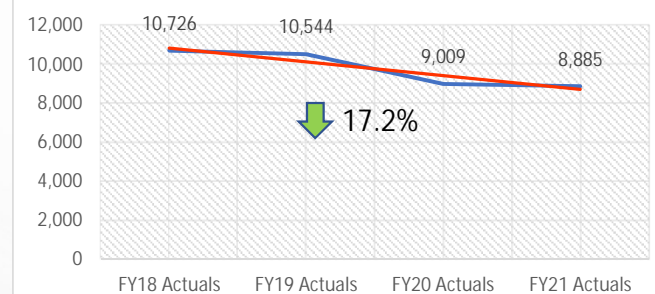
Data Source: Police - CAD

of Traffic Collisions within the City



Data Source: RMS

Total Crimes



Data Source: RMS



Goal 1: Safe & Secure Community Other Goal Accomplishments

- The Fire Department held a Youth Summer camp and collaborated with Cape Fear CERT for youth grades 9-12 to cover topics including Fire safety, first aid, emergency management and law enforcement.
- Fighting Covid-19, the Fire Department had some internal changes to business process with call screening, PPE use, advanced cleaning, alternate work schedules, etc. There was no service degradation while firefighters were used to administer COVID vaccines.
- All cardiac defibrillators in FY21 were replaced with new technology using grant assistance.





Goal 1: Safe & Secure Community Other Goal Accomplishments

- The Police Department's Police Activity League (PAL) hosted a Youth Empowerment Camp for youth ages 11-15 free of charge. The participants learned how to use their voice without fear, and lift themselves and others up.
- 42 citizens went through the Citizen's Police Academy both in person and virtually and have a better understanding of police operations and functions.
- Operation Ceasefire Movie Night was converted into a Drive-In event to help combat the spread of COVID-19 while still offering families a fun night out.





Goal 2: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1: Ensure a diverse City tax base.
- Objective 2.2: Community Revitalization- Invest in community places to ensure revitalization and increase quality of life.
- Objective 2.3: Leverage partnerships for job creation and retention, with focus on local and regional workforce to increase per capita income.
- Objective 2.4: Economic Development: Sustain a favorable development climate to encourage business growth.



Project Description



Priority Ranking: MEDIUM PRIORITY

Scope: Execute Council strategy for Opportunity Zones by deploying the 3 C's approach: Conceive ideas for projects, Catalog properties, and Connect opportunity investors.

TFA Budget:

No current budget for FY 21. Any public private partnership will require Council approval and funding. FY 22 needs market analysis budget estimated at \$50,000.

TFA Leadership Sponsor:

Mr. Chris Cauley, ECD Director

TFA Lead:

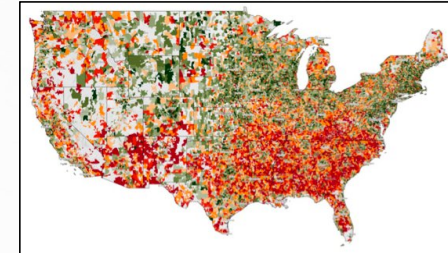
ECD Assistant Dir.

TFA Team:

Dr. Newton, Development Services. Dir.; Mr. Isaac, Construction Management Dir.

Partners/ Collaborators:

FCEDC, PWC and Business Investors



Community Outcomes

Goal 2: Responsive City Government Supporting a Diverse and Viable Economy

Strategic Objective 2.1: Ensure a diverse tax base

Performance Results:

- % of increase in City tax base (Residential, commercial, industrial)
- % satisfaction with overall strength of the Fayetteville's economy

TFA 2.1.1- Execute Opportunity Zone Plan

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
City Council briefing with FCEDC (Jan 2020)	01/01/20	07/31/20	100%			
Investor day/ Postponed due to pandemic	07/01/20	09/30/20	0%	0%	0%	0%
			FY 22			
Report to Council on market analysis of (3)opportunities zones (include workforce) \$50 K	07/01/21	12/31/21			---	---
Review City's incentive policy and propose framework (for 3 opportunities zones)	07/01/21	12/31/21			---	---
Review / Create City's land bank policy to effectively deploy	09/01/21	06/30/22				
With partners, conduct "Investor Day" virtually or in person	07/01/21	06/30/22				

TFA 2.1.1- Execute Opportunity Zone Plan

Overall Project Status:
Behind Schedule



FY 21 Quarter 3 ending March 31, 2021

- Opportunity Zones program encourages qualified investors to engage in long-term investments in low-income communities. The program [provides tax incentives for qualified investors to re-invest their unrealized capital gains into Opportunity Funds](#). The NC Opportunity Zones Program is designed to encourage job creation, economic activity, housing and other community investments. The City of Fayetteville has 9 census tracts identified as Opportunity Zones.
- FCEDC partnered with the City to develop a presentation that was presented in January of 2020.
- Investor day was planned but postponed due to COVID.

FY 21 Quarter 4 ending June 30, 2021

- Investor day was planned but postponed to FY 22 due to COVID. (Council allotted money for outside source to complete)

Project Description



Priority Ranking: MEDIUM PRIORITY

Scope: Improve corridor and gateway infrastructure, through public investment, beautification efforts and business growth strategies.

TFA Budget:

Funding includes various public infrastructure improvements, Parks Bond funding and potential CDBG funding

TFA Leadership Sponsor:

Dr. Whitfield, ACM

TFA Lead:

Mr. Cauley, ECD Dir.

TFA Team:

Dr. Newton, Development Services Dir.; Mr. Gibson, Parks and Rec Dir.; Mr. Isaac, Construction Management Dir.; Ms. Thomas-Ambat Public Services Dir.

Partners/ Collaborators:

Fayetteville State University



Community Outcomes

Goal 2: Responsive City Government Supporting a Diverse and Viable Economy

Strategic Objective 2.4: To sustain a favorable development climate to encourage business growth

Performance Results (Segmented data for Murchison Road):

- Amount of public investment annually in the Murchison Rd. corridor
- % of increase in City tax base (Residential, commercial, industrial)
- % satisfaction with overall appearance of major corridors



TFA 2.4.1- Execute Redevelopment and Business Growth Plan for Murchison Road, Bragg Blvd with Beautification of City Gateways

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
V-Point Grocery purchase & demo	07/01/20	12/31/20	25%	100%		
NCVP Design	07/01/20	06/30/21	25%	75%	75%	95%
Tennis Center Design	07/01/20	06/30/21	50%	75%	75%	75%
Senior Center East Design	07/01/20	06/30/21	50%	75%	75%	75%
Center City Trail Master Plan: Mazarick to Downtown	07/01/20	06/30/21	25%	25%	25%	100%
Beautification: Utilize Tree Fund	07/01/20	06/30/21	25%	25%	75%	75%
Improved Lighting: Submit Rowan Street - NCDOT	07/01/20	06/30/21	0%	25%	75%	75%
			FY 22			
NCVP Phase II Construction	07/01/20	06/30/22				
Tennis Center Site Work / Design & Begin Construction	07/01/20	06/30/22				
Senior Center East Site Work/ Design & Begin Construction	07/01/20	06/30/22				
Trail Master Plan: Mazarick to Downtown	07/01/20	06/30/22				
Beautification: Utilize Tree Fund	07/01/20	06/30/22				

TFA 2.4.1- Execute Redevelopment and Business Growth Plan for Murchison Road, Bragg Blvd with Beautification of City Gateways

Overall Project Status:
Behind Schedule



FY 21 Quarter 3 ending March 31, 2021

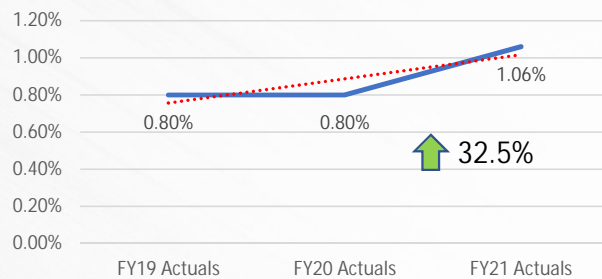
- This TFA includes funding from multiple projects including Cat Site 1, NCVP Phase II, municipal agreements with NCDOT, Tree Preservation Fund, ECD Community Beautification program, Downtown Master Plan/Murchison Road Corridor Plan and two park bonds projects - Senior Center East and the Tennis Center.
- Many of these elements are being worked concurrently and expected delivery will occur over the next 3-4 years. Estimated investment of \$20+M.
- Purchased and demolished V-Point Grocery in continued effort to clean up the corridor.
- NCVP-Phase II- Schematic design in progress
- Council approved schematic design for Tennis Center
- Senior Center East- Consider FSU partnership with schematic design
- Enhance Rowan St Bridge Lighting – Submitted to NCDOT for approval
- Planted 100 trees on Murchison Road

FY 21 Quarter 4 ending June 30, 2021

- NCVP – site designer is finalizing the design
- Tennis Center – site designer and building designer have been selected and are in the design stage
- Senior Center East – architect is working on construction drawings for the building
- Center City Trail Master Plan: Mazarick to Downtown – presented to and adopted by Council
- Improved lighting on Rowan St. – PWC is working with CSX for easements; project not managed by City staff

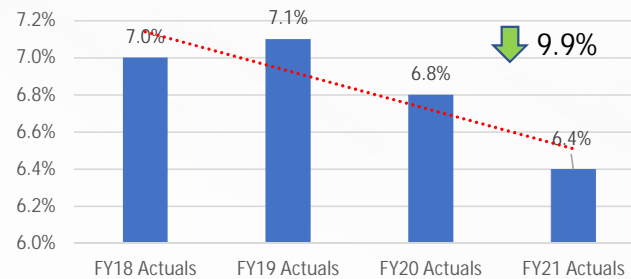
Goal 2: Responsive City Government Supporting a Diverse and Viable Economy - KPI

% Increase in Tax Base (Residential, Commercial, Industrial)



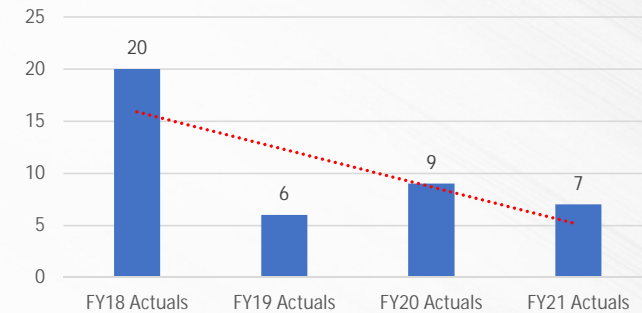
Data Source: TR2

% Vacancy Rate in City (Office, Industrial, Retail)



Data Source: FCEDC

of Jobs Created by ECD Programs



Data Source: ECD - CAPER

% satisfaction with overall appearance of major corridors:

**City of Fayetteville: 44%
6% increase since 2018**

Data Source: Resident Survey

% satisfaction with overall strength of Fayetteville's economy:

**City of Fayetteville: 43%
8% increase since 2018**

Data Source: Resident Survey



Goal 2: Responsive City Government Supporting a Diverse and Viable Economy Other Goal Accomplishments

- Distributed \$553,045 to small business and \$1.25 million to qualified resident for rent, mortgage, and utility assistance through CDBG CARES Act Funds
- Awarded Choice Neighbor Hood Planning grant of \$450,000



- Launched an Emergency Rental Assistance Program in partnership with Cumberland County

Goal 3: City Investment in Today & Tomorrow

- Objective 3.1: Infrastructure- Enhance City street connectivity, traffic flow and stormwater systems.
- Objective 3.2: Manage the City's future growth and strategic land use.
- Objective 3.3: Sustain a favorable development and business climate through timely and accurate construction review and building inspection services.
- Objective 3.4: Revitalize neighborhoods with effective code enforcement and violations abatement.
- Objective 3.5: Infrastructure- Increase our smart city capacity



Project Description



Priority Ranking: HIGH PRIORITY

Scope: Develop funding plan for infrastructure to include public safety needs, sidewalks, streets and lighting.

TFA Budget:

None for action plan. Infrastructure needs are identified in CIP

TFA Leadership Sponsor:

Mr. Toland, ACM

TFA Lead:

Mrs. Olivera, Budget and Evaluation Dir.

TFA Team:

CIP team

Partners/ Collaborators:

None identified



Community Outcomes

Goal 3: City Investment in Today and Tomorrow

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

Performance Results:

- \$ value of completed stormwater projects
- Miles of streets resurfaced
- % of streets rated with an excellent or good pavement condition rating

TFA 3.1.1-Develop Funding Plan for Infrastructure

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Identify and quantify public safety and public services infrastructure needs	07/01/20	12/30/20	75%	75%	100%	
			FY 22			
Identify funding source options for infrastructure and present recommendations to Council based on peer city review	07/01/21	12/31/21				



TFA 3.1.1-Develop Funding Plan for Infrastructure

Overall Project Status:
On Schedule



FY 21 Quarter 3 ending March 31, 2021

- Public Safety- Reviewed project list from the Schrader report and reached out to Construction to validate costs. Projects entered into CIP. Bond process calendar prepared. Approximately \$81.2M of capital public safety needs have been identified. The recommended projects address gaps in service delivery, service efficiency, safety of employees, safety of the public and non-compliance with established regulatory standards. Council failed to pass Public Safety Bond Referendum.
- Public Services (Streets/Sidewalks) Project list and costs reviewed and intersected with CIP process, consistent with Council's pedestrian plan.

FY 21 Quarter 4 ending June 30, 2021

- Identified public safety and public services infrastructure needs along with quantity.

TFA 3.4.1- Develop and Implement Council Policy to Incentivize Positive Property Ownership

Project Description



Priority Ranking: LOW PRIORITY

Scope: Develop and implement policy to incentivize positive property ownership behaviors, exploring options for the City to regulate a residential management program.

TFA Budget:

None

TFA Leadership Sponsor:

Dr. Newton, Dev. Services Dir.

TFA Lead:

Mr. Steinmetz, Dev. Services Assistant Dir.

TFA Team:

Mr. Cauley, ECD Dir.; Kevin Arata, Corporate Communications Dir./ Legislative Affairs

Partners/ Collaborators:

Homeowners Associations



Community Outcomes

Goal 3: City Investment in Today and Tomorrow

Strategic Objective 3.4: To revitalize neighborhoods with effective code enforcement and violations abatement

Performance Results:

- # of code enforcement violation cases opened by type
- % satisfaction with overall enforcement of codes and ordinances
- % of code enforcement cases opened proactively



TFA 3.4.1- Develop and Implement Council Policy to Incentivize Positive Property Ownership

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
N/A NEW FY 22 TFA						
			FY 22			
Develop residential management program (eg. incentives to promote positive ownership and rental behavior, policy violation and correction process) and brief Council	07/01/21	12/30/21				
Seek authority from NCGA to regulate property management	01/01/22	06/30/22				
Create an inventory of Homeowner Associations (HOA) in the City and assess effectiveness of HOA impact on neighborhood	07/01/21	12/30/21				

TFA 3.4.1- Develop and Implement Council Policy to Incentivize Positive Property Ownership

Overall Project Status: 
N/A

FY 21 Quarter 3 ending March 31, 2021

- NEW TFA for FY 22

FY 21 Quarter 4 ending June 30, 2021

- NEW TFA for FY 22

TFA 3.5.1- Build Smart City Capacity

Project Description



Priority Ranking: MEDIUM PRIORITY

Scope: Leverage an IT Strategic Plan that incorporates digital transformation to improve City services.

TFA Budget:

None

TFA Leadership Sponsor:

Mr. Campbell, Chief Information Officer

TFA Lead:

Mr. Wesley, IT Business Intelligence Manager

TFA Team:

City Departments/Technology Improvement Plan Committee

Partners/ Collaborators:

Metronet (Broadband infrastructure), FCEDC, CC School System (digital divide)



Community Outcomes

Goal 3: City Investment in Today and Tomorrow

Strategic Objective 3.5: To increase our smart city capacity

Performance Results:

- % of city properties with wi-fi access
- % of residents indicating they have internet access
- % of departments with IT strategic plans with smart city focus

TFA 3.5.1- Build Smart City Capacity

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Implement SMART City strategies including Zoom, parking kiosk implementation, Wi-Fi, Website, GIS and community broadband upgrades (10 items)	07/01/20	06/30/21	25%	50%	75%	80%
			FY 22			
Prepare gap analysis for Smart City capacity for each program/department and brief CMO	07/01/21	03/31/22				
Develop a comprehensive and prioritized IT 3-year strategic plan and brief CMO and Council	07/01/21	03/31/22				
Incorporate recommendations (from gap analysis) into TIP process	10/01/21	06/30/22				
Implement departmental SMART City initiatives	07/01/21	06/30/22				

TFA 3.5.1- Build Smart City Capacity

Overall Project Status:
Behind Schedule



FY 21 Quarter 3 ending March 31, 2021

- Metronet partnership in place.
- Continue technology enhancement for citizen engagement for 24-hour City Hall (eg. Virtual assistant & website enhancements)
- Completed Zoom room implementation.

FY 21 Quarter 4 ending June 30, 2021

- Completed Zoom Virtual Assistant pilot to enhance citizen engagement for 24-hour City Hall
- Completed Transit Operational Dashboard that provides information on ridership, but routes and trends

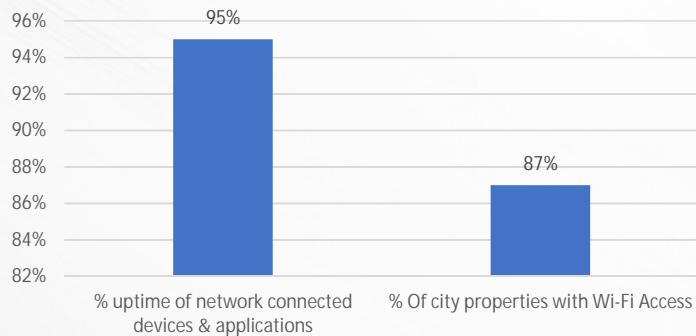
Goal 3: City Investment in Today & Tomorrow - KPI

78%

streets rated with an excellent or good pavement condition rating

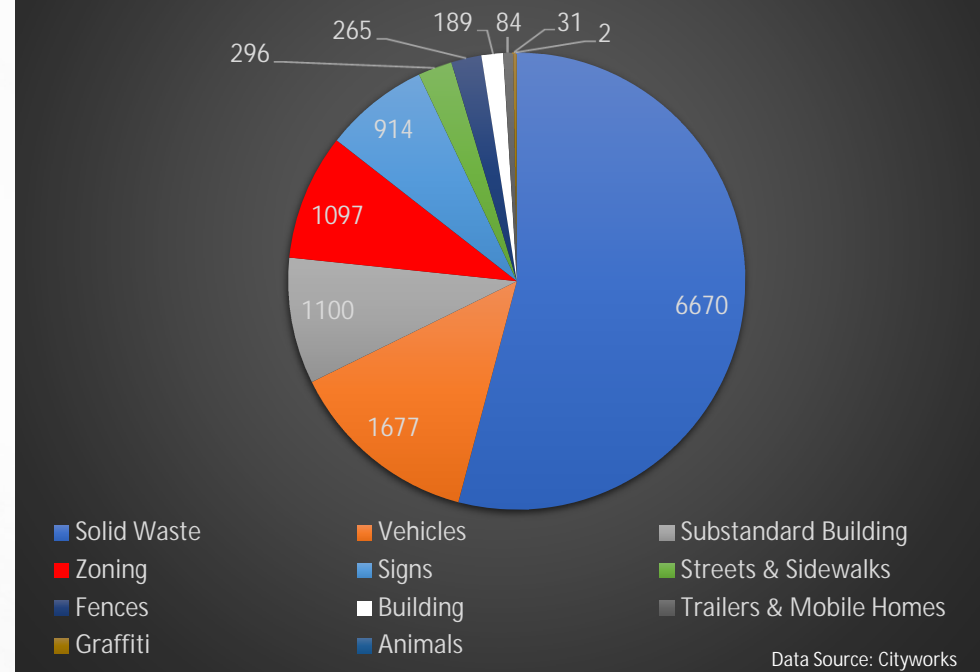
Data Source: PCR Executive Summary

FY'21 Smart City Capacity



Data Source: IT Office Records

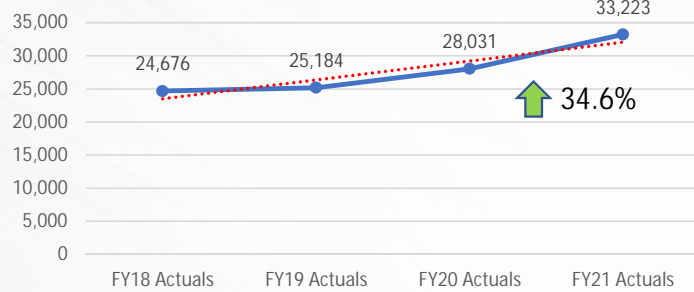
of Code Enforcement Violation Cases Opened by Type
Total: 12,325



Data Source: Cityworks

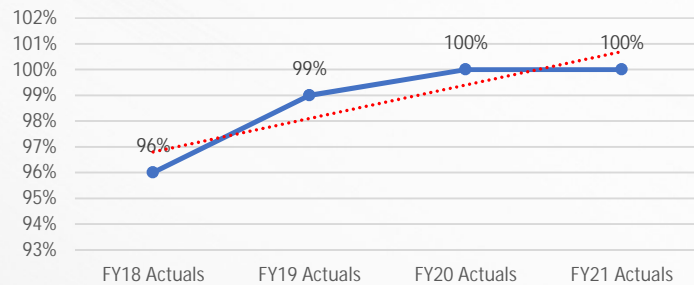
Goal 3: City Investment in Today & Tomorrow - KPI

of Building Trades Inspections
(Residential / Commercial)



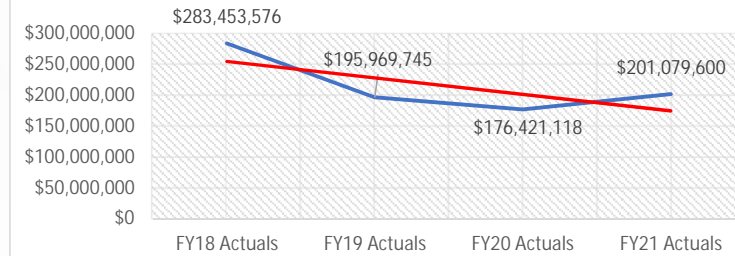
Data Source: Cityworks

% of Building Trades Inspections Completed
with in the Established Deadline



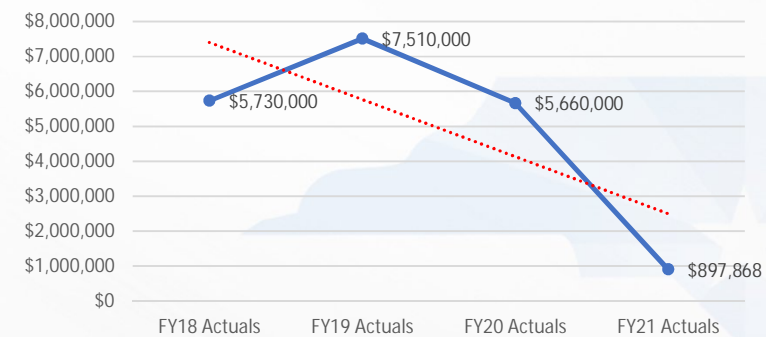
Data Source: Cityworks

\$ Value of Residential & Commercial Permits
Issued



Data Source: Cityworks

\$ Completed Stormwater Projects



Data Source: Public Services Office Records



Goal 3: City Investment in Today & Tomorrow

Other Goal Accomplishments

- Held Shred Event where 1,604 boxes of documents were shredded which allows the city to more effectively access and protect current stored records.
- City Hall first floor renovations are underway to allow better access to the general public while providing a higher level of security and safety. Bathrooms will be brought up to current ADA regulations.



- Pavement Preservation Program was started to help with aging conditions and rejuvenate to good or excellent condition.
- 434 Commercial projects and 533 Residential activities were reviewed and moved for construction in FY 21.
- The Watershed Master Plan is still a high priority and is close to completion in Beaver Creek 3, Rockfish Creek, Little Cross Creek, Blount's, and Cape Fear 2.

Current Park Bond Projects*	2020		2021				2022				2023			
	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec
Bill Crisp Senior Center	Design	Bid		Construction: March 2021 - April 2022										
Senior Center East	Property	Program	Design			Bid		Construction: April 2022 - April 2023						
McArthur Road Sports Complex	Property	Program			Design		Bid	Construction: Mar. 2022 - Dec. 2022						
Jordan Soccer Complex	Program	Design	Bid		Constr.: May-Nov. 2021									
Tennis Center	Program			Design			Bid	Construction: May 2022 - April 2023						
D. Gilmore Center	Program		Design		Bid	Constr.: Oct.-Jun. 2022								
Bailey Lake Dog Park	Program	Design	Bid	Construction										
Morganton Road Dog Park	Program	Design	Bid	Construction										
E. Melvin Honeycutt Park Splash Pad	Program	Design	Bid	Construction										
Montclair ES Park Playground	Program	Design	Bid	Construction										

Current Park Bond Projects	Allocated Budget
Bill Crisp Senior Center	\$8,300,338
Senior Center East	\$6,197,900

Current Park Bond Projects	Allocated Budget
Bill Crisp Senior Center	\$8,300,338
Senior Center East	\$6,197,900
McArthur Road Sports Complex	\$3,677,663
Jordan Soccer Complex	\$1,835,241
Tennis Center	\$6,000,000
D. Gilmore Center	\$400,000
Bailey Lake Dog Park	\$99,000
Morganton Road Dog Park	\$99,000
E. Melvin Honeycutt Park Splash Pad	\$450,000
Montclair ES Park Playground	\$300,000

10 projects with a total community investment of \$27,359,142

Current City Projects*	2020		2021				2022				2023			
	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec
Fire Station #4		Design				Bid	Construction: February 2022 - February 2023							
First Floor Renovations	Program	Design		Bid	Constr. - Oct. 2021									
Russell Street Parking Lot	Property			Design	Bid	Constr.								
Day Resource Center	Programming		Property		Design		Bid	Construction: April 2022 - April 2023						
Airport Terminal Improvements	Construction: 2019 - January 2022													
Veterans Park II	Property			Design		Removal of soil / Bid			Construction: Aug. 2022 - Feb. 2023					
Ballpark Plaza / Fountain		Constr. - May. 2021		Baseball	Utility fix	Constr. - Feb. 2022								
Lake Rim Splash Pad				Program	Design	Bid	Construction							
	Current City Projects						Allocated Budget							

UNDER CONSTRUCTION



8 projects with a total
community investment of
\$73,891,644

Current City Projects	Allocated Budget
Fire Station #4	\$8,313,284
First Floor Renovations	\$1,049,803
Russell Street Parking Lot	\$935,983
Day Resource Center	\$3,990,000
Airport Terminal Improvements	\$57,655,104
Veterans Park II	\$1,142,470
Ballpark Plaza / Fountain	\$305,000
Lake Rim Splash Pad	\$500,000



Goal 4: Desirable Place to Live, Work and Recreate



- Objective 4.1: Maintain public transportation investments with high quality transit and airport services.
- Objective 4.2: Community Revitalization- Enhance diverse recreation, leisure and cultural opportunities.
- Objective 4.3: Infrastructure: Improve mobility and connectivity through sidewalk, trail and bike lane investments.
- Objective 4.4: Provide a clean and beautiful community with increased green spaces.
- Objective 4.5: Neighborhood Vitality- Ensure a place for people to live in great neighborhoods.
- Objective 4.6: Affordable Housing- Reduce poverty and homelessness



TFA 4.2.1 Parks and Recreation Master Plan Implementation with Access for Diverse Needs

Project Description



Priority Ranking: LOW PRIORITY

Scope: Implement Parks and Recreation Master Plan with attention to appropriate citizen access to City facilities and a focus on ADA and identified population needs consistent with adopted Master Plan.

TFA Budget:

FY 21 \$117K Master Plan cost; FY 22- None

TFA Leadership Sponsor:

Mr. Gibson, Parks and Rec. Dir.

TFA Lead:

Mrs. Legette, Business Manager Parks and Rec.

TFA Team:

ADA Transition Plan Coordinator (Mr. Redding);
Recreation and Parks Division Managers

Partners/ Collaborators:

Millennial Council



Community Outcomes

Goal 4: Desirable Place to Live, Work and Recreate
Strategic Objective 4.2: To enhance diverse recreation, leisure and cultural opportunities

Performance Results:

- # of recreation participants
- # of athletic program participants
- Acres of publically accessible open space
- % satisfaction with diversity of City recreation opportunities

TFA 4.2.1 Parks and Recreation Master Plan Implementation with Access for Diverse Needs

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Parks & Rec. Master Plan Adopted	07/01/20	12/30/21	100%			
Investigate dog parks (2 locations), report to Council and incorporate into Master Plan	07/01/20	06/30/21	25%	25%	100%	
Complete Parks & Rec. construction projects on time/ on schedule with reports to Council	07/01/20	06/30/21	25%	50%	75%	100%
ADA transition plan with public input phase	07/01/20	06/30/21	25%	40%	65%	100%
			FY 22			
Incorporate ADA recommendations into Parks & Rec. capital improvement planning (CIP) efforts	07/01/21	12/31/21				
Investigate if there are disparities in Parks & Rec. services per geographic area (Gilmore Center)	01/01/22	06/30/22				
Complete 16 Parks & Rec. construction projects on time/ on schedule with reports to Council	07/01/22	06/30/22				

TFA 4.2.1 Parks and Recreation Master Plan Implementation with Access for Diverse Needs

Overall Project Status:
On Schedule



FY 21 Quarter 3 ending March 31, 2021

- Parks and Recreation Master Plan was adopted by City Council.
- Parks and Recreation and Maintenance (PRM) staff identified parcels for potential dog park locations. Sites have been presented to Council and site clearing and prep in progress.
- ADA transition plan underway with Council briefing accepted, sites mapped and public input phase beginning.

FY 21 Quarter 4 ending June 30, 2021

- 16 Parks & Rec projects are on time / on schedule including: Lake Rim Splash Pad, Senior Center West, Senior Center East, Sports Field Complex, Tennis Center, etc.

Project Description



Priority Ranking: MEDIUM PRIORITY

Scope: Reduce illegal dumping and littering through public education, engagement and the increase of city beautification and litter collection services

TFA Budget: None

TFA Leadership Sponsor:

Mrs. Jackson, Chief Performance Officer/COS

TFA Lead:

Mr. Redding, Assistant To the City Management

TFA Team:

Ms. Thomas-Ambat, Public Services Dir.;

Dr. Newton, Dev. Services Dir.; Mr. Gibson, Parks and Rec. Dir.

Partners/ Collaborators:

Sustainable Sandhills, Fayetteville Beautiful, Cumberland County Landfill and Solid Waste



Community Outcomes

Goal 4: Desirable Place to Live, Work and Recreate

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

Performance Results:

- # of illegal dump sites identified and mitigated by the Removing And Preventing Illegal Dumping (R.A.P.I.D) team
- Litter index
- # of curb lane miles swept
- # of illegal dump sites identified and mitigated

TFA 4.4.1- Reduce Litter and Illegal Dumping

TFA Action Plan			FY 21 (Study ROW maintenance and litter)			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Hire and deploy additional litter crews in PRM	07/1/20	03/31/21	25%	75%	100%	
Develop and deploy RAPID team as joint effort: Code Enforcement/ Solid Waste/ CMO	07/01/20	03/31/21	25%	50%	100%	
Plan & conduct citywide cleanup April 17	01/01/21	04/30/21	---	50%	75%	100%
Develop and launch 5 for Friday	07/01/20	06/30/21	25%	50%	100%	
Develop and launch public education campaign	10/01/20	06/30/21	---	50%	75%	100%
			FY 22			
Implement RAPID team camera system to further reduce illegal dumping	07/01/21	06/30/22				
Add a 2 nd citywide clean up in Sept. 18/ April 2022	07/01/21	04/30/22				
Synchronize environmental sustainability operations and events (Calendar of events, public education campaign, 5 for Friday, E-waste Drive, Shred Event, Adopt a Street, Citywide clean ups)	07/01/21	06/30/22				

TFA 4.4.1- Reduce Litter and Illegal Dumping

Overall Project Status:
On Schedule



FY 21 Quarter 3 ending March 31, 2021

- The appearance of major thoroughfares within the City have benefited from additional litter crews. As of March, 2021, additional litter crews were hired in Parks and Recreation and Maintenance (PRM).
- PRM litter crews collectively pick up 5-6 tons of litter per week.
- Removing And Preventing Illegal Dumping (RAPID) team has already identified over 60 illegal dumping sites and cleaned up 17.

FY 21 Quarter 4 ending June 30, 2021

- Conducted a city wide cleanup in April
- Launched public education campaign on littering

Project Description

Priority Ranking: HIGH PRIORITY

Scope: Implement residential revitalization efforts through implementation of FOUR city programs:

- 1) Community Impact Teams
- 2) Murchison Choice Neighborhood Initiative (CNI)
- 3) Good Neighbor- Expand to City employees and market
- 4) Commercial Corridor Program

Budget:

\$450K Good Neighbor, \$200K Commercial Corridor, \$711K CNI

TFA Leadership Sponsor:

Mr. Cauley, ECD Dir.

TFA Lead:

ECD Assistant Dir.

TFA Team:

Chief Hawkins, Police Chief; Mr. Arata, Corporate Communications Dir., Mrs. Jackson, Chief Performance Officer/CSO; Mr. Gibson, Parks and Recreation Dir.

Partners/ Collaborators:

FMHA, Fayetteville State University, Community Watch Groups, Business Leaders, Non-Profits, Faith Communities.



Community Outcomes

Goal 4: Desirable Place to Live, Work and Recreate

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

Performance Results:

- % satisfaction with overall quality of life in your neighborhood
- % of residents living in poverty



TFA 4.5.1- Implement Residential Revitalization Efforts

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Launch new Good Neighborhood Program with goal of expensing grants (\$450K)	07/01/20	06/30/21	25%	25%	50%	50%
Develop a new Community Impact Team with Bi-annual meetings	07/01/20	06/30/21	0%	15%	20%	50%
Implement a new Commercial Corridor Program (\$200K)	07/01/20	06/30/21	25%	75%	75%	100%
Apply for and launch Murchison Choice Neighborhood Initiative planning grant (\$711K)	07/01/20	06/30/21	25%	50%	75%	100%
			FY 22			
Implement & promote a Good Neighborhood Program	07/01/21	06/30/22				
Implement a new Community Impact Team with Bi-annual meetings	07/01/21	06/30/22				
Assist 2 businesses per year with a Commercial Corridor Program	07/01/21	06/30/22				
Implement the Choice Neighborhood Early Action	07/01/21	06/30/22				

TFA 4.5.1- Implement Residential Revitalization Efforts

Overall Project Status:
Behind Schedule



FY 21 Quarter 3 ending March 31, 2021

- City applied for and was awarded a Choice Neighborhood Initiative Planning grant for the Murchison Road Corridor.
- Community Impact Teams is an approach for greater collaboration in high focus neighborhoods. ECD is developing a plan for twice annual block parties that would bring information and resources related to City services to high focus neighborhoods, when it is safe to do so (COVID). We are also looking to develop with our partners (FSU) and team members, a neighborhood selection and evaluation strategy via a cross functional GIS tool.
- Commercial Corridor program- \$120,000 of \$200,000 is allocated /awarded with regular reoccurring outreach to business owners within redevelopment area.
- Good Neighbor Program- \$0 allocated/awarded. Expanding to all city staff.

FY 21 Quarter 4 ending June 30, 2021

- Community Impact Team could not meet due to COVID restrictions
- Good Neighbor Program - \$0 awarded



TFA 4.5.2- Complete Housing Study and Implement Affordable Housing Strategy

Project Description



Priority Ranking: MEDIUM PRIORITY

Scope: Increase the supply of affordable housing to meet the needs of diverse residents consistent with the Housing Study.

TFA Budget:

FY 21 was \$42K

TFA Leadership Sponsor:

Mr. Cauley, ECD Dir.

TFA Lead:

ECD Assistant Dir.

TFA Team:

ECD staff

Partners/ Collaborators:

Habitat for Humanity, Housing Authority, Faith-based communities, Kingdom Community Development Corporation, P4P, Mid Carolina Council of Governments



Community Outcomes

Goal 4: Desirable Place to Live, Work and Recreate

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

Performance Results:

- % of affordable housing to total City housing inventory
- # of affordable housing units provided via ECD funding
- % satisfaction with overall affordability of housing in Fayetteville

TFA 4.5.2- Complete Housing Study and Implement Affordable Housing Strategy

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Partner with Mid-Carolina Council of Governments and Triangle J to develop a comprehensive housing plan and brief City Council	07/01/20	06/30/21	25%	50%	75%	100%
Council adoption of a 10-year strategic plan for affordable housing	04/01/21	06/30/21	---	----	----	100%
			FY 22			
Implement Council approved actions for top 3 items (1.1, 2.2, 4.3)	07/01/21	06/30/22				
Bring a proposal for housing trust fund policy and procedures; incorporate potential funding mechanisms	07/01/21	06/30/22				

TFA 4.5.1- Implement Residential Revitalization Efforts

Overall Project Status:
On Schedule



FY 21 Quarter 3 ending March 31, 2021

- City partnered with Mid Carolina Council of Governments and Triangle J Council of Government to develop a comprehensive housing plan. After extensive outreach, the draft report is being prepared for review with the steering committee.
- Report to be presented April 6 to City Council.

FY 21 Quarter 4 ending June 30, 2021

- Council adopted the 10 year strategic plan for affordable housing on June 28, 2021
- Of the 14 strategies, 6 are currently under way including new content design for ECD website
- Staff will explore the remaining items to bring back for policy changes and funding requests

TFA 4.6.1 – Strategy to Address Poverty and Homelessness

Project Description



Priority Ranking: LOW PRIORITY

Scope: Move forward strategies to address poverty and homelessness with a homeless day center, a partnership with the County on homeless strategic plan and a partnership with Pathways for Prosperity (P4P)

TFA Budget:

FY 21= \$80K Student Support specialist; \$10K for reentry Council; TBD (Homeless Day Center)

TFA Leadership Sponsor:

Mr. Cauley, ECD Dir.

TFA Lead:

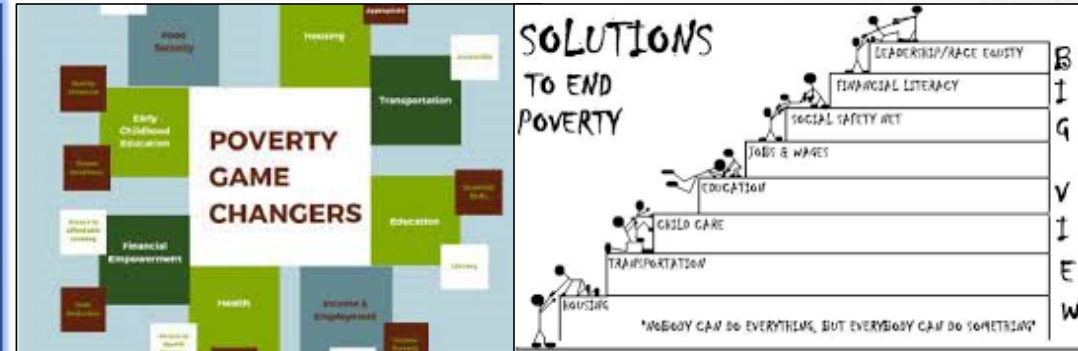
ECD Assistant Dir.

TFA Team:

ECD staff

Partners/ Collaborators:

Pathways for Prosperity (P4P), Continuum for Care



Community Outcomes

Goal 4: Desirable Place to Live, Work and Recreate
Strategic Objective 4.6: To reduce poverty and homelessness

Performance Results:

- % residents living in poverty
- Point-in-Time (PIT) homeless count
- # of beds available for the homeless

TFA 4.6.1 – Strategy to Address Poverty and Homelessness

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Support P4P strategies – Communities in Schools	07/01/20	06/30/21	25%	50%	75%	75%
Support P4P strategies – Re-entry council	07/01/20	06/30/21	25%	50%	75%	100%
Support P4P strategies – Homeless Day Center planning	07/01/20	06/30/21	25%	50%	75%	100%
			FY 22			
Support P4P strategies – Communities in Schools	07/01/21	06/30/22				
Investigate the empowerment plan model for applicability to the City of Fayetteville	07/01/21	12/30/21			---	---
Support P4P strategies – Homeless Day Center construction	07/01/21	06/30/22				

TFA 4.6.1 – Strategy to Address Poverty & Homelessness

Overall Project Status:
Behind Schedule



FY 21 Quarter 3 ending March 31, 2021

- ECD staff continues to be a part of several working groups with Pathways for Prosperity.
- City Council allocated \$80,000 for Communities in Schools (CIS) for FY21. CIS is currently hiring for a Student Support Specialist at Luther Nick Jeralds Middle School.
- City Council allocated \$10,000 for the Re-Entry Council and carried forward \$10,000 from the prior year
- ECD Dir. serves on board of Continuums of Care and United Way.

FY 21 Quarter 4 ending June 30, 2021

- Communities in Schools will begin with the new school year
- Re-entry Council is operational and City Council continued to allocate \$10k
- ECD continues to focus efforts on addressing poverty and homelessness

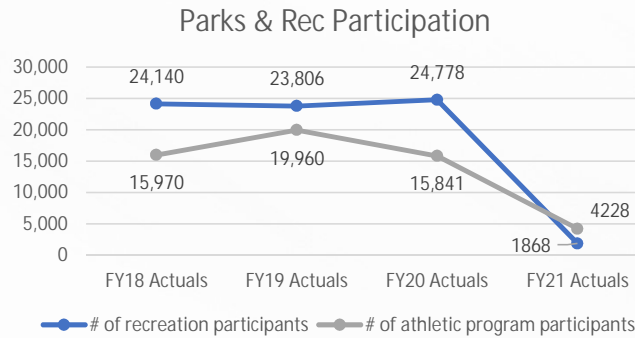


Goal 4: Desirable Place to Live, Work and Recreate - KPI

% satisfaction with overall quality of life in your neighborhood:

**City of Fayetteville: 63%
6% increase from 2018**

Data Source: Resident Survey

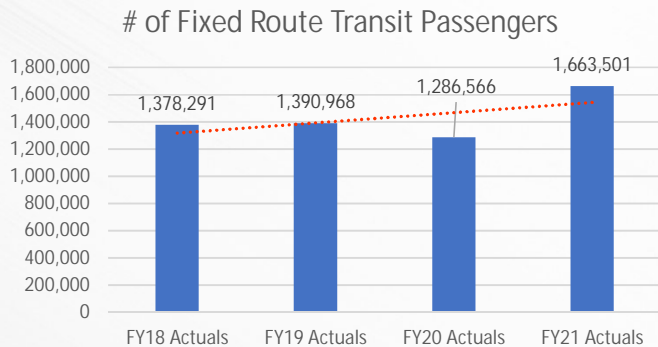


Data Source: RecTrac

1,284

Acres of Publicly Accessible Green Space

Data Source: Facilities Inventory



Data Source: UTA - APC

20,209
Linear Feet of Sidewalk Installed

Data Source: Cityworks & GIS

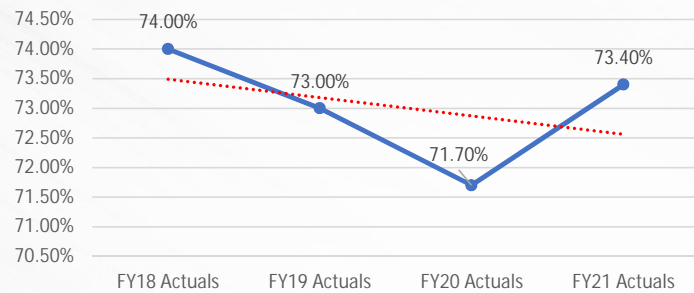
% satisfaction with overall affordability of housing in Fayetteville:

**City of Fayetteville: 49%
10% increase from 2018**

Data Source: Resident Survey

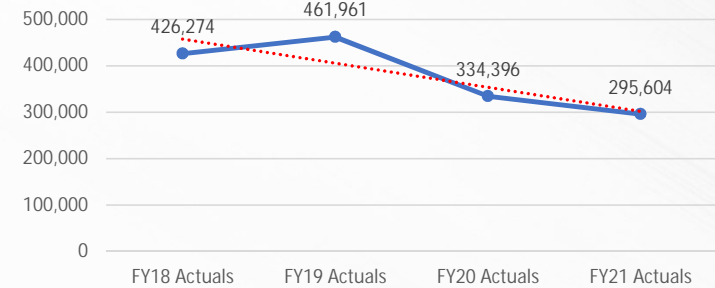
Goal 4: Desirable Place to Live, Work and Recreate - KPI

Average Load Factor Percentage - Airport



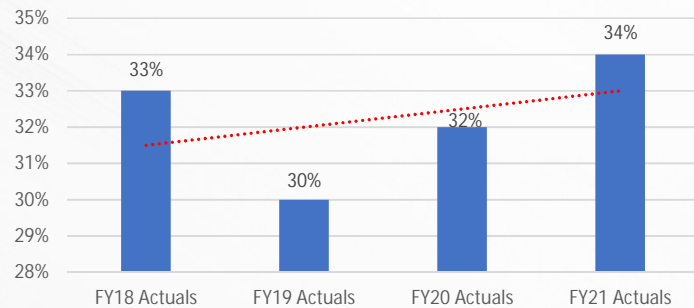
Data Source: Airlines

of Enplaned/Deplaned Passengers



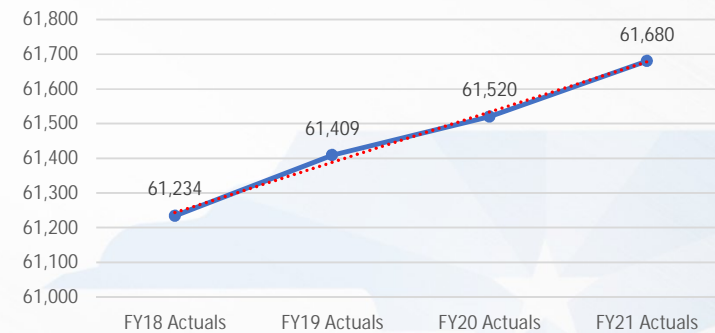
Data Source: Airlines

Diversion Rate for Recycling as a Percentage



Data Source: Solid Waste Office Records

of Household Solid Waste Collection Points



Data Source: FleetMind



Goal 4: Desirable Place to Live, Work and Recreate

Other Goal Accomplishments



- RAPID team cleared 393 sites of illegal dumping from February through June 30th with ID of violators and fines issued
- Construction is ongoing for the 11th splash pad to be operated by Fayetteville Cumberland Parks & Rec.
- Naming of Bill Crisp Senior Center completed and construction of center is underway
- Emergency Rental Assistance Program (RAP) to launch by funds provided from the Consolidated Appropriations Act 2021 for up to 12 months of assistance
- Final stages of Cape Fear River Trail being completed





Goal 4: Desirable Place to Live, Work and Recreate

Other Goal Accomplishments

- Airport Construction / renovations are underway in Phase II
- Fayetteville - Dallas Fort Worth kickoff announcement was made for direct flights
- Solid Waste delivered 59,134 96-gallon carts



- Completed Affordable Housing Study with experts from Triangle J which was adopted by Council
- Transit received a grant to enable FAST to start transition from diesel buses to battery electric buses
- Transit donated a bus to Fayetteville Technical Community College for use in their bus operation training program to help fill driver vacancies
- Stormwater management conducted 98 off right of way drainage assistance program investigations with \$415,000 worth of projects completed.



Goal 5: Financially-sound City Providing Exemplary City Services

- Objective 5.1: Ensure strong financial management with fiduciary accountability and plan for future resource sustainability by aligning resources with City priorities.
- Objective 5.2: Identify and achieve efficiencies through innovation and technology utilization, by increasing data driven decisions and using business intelligence strategies.
- Objective 5.3: Promote an organizational climate that fosters an exceptional, diverse, engaged, and healthy workforce that delivers excellent services.



Project Description



Priority Ranking: LOW PRIORITY

Scope: To promote transparency and accountability and a deeper understanding of local government, the City will implement best practice for financial & budget reporting and engagement.

TFA Budget: None

TFA Leadership Sponsor:

Mr. Jay Toland, ACM

TFA Lead:

City Treasurer

TFA Team:

Mrs. Olivera, Budget and Evaluation Dir; Mrs. Jackson, Chief Performance Officer/COS, GIS Office

Partners/ Collaborators:

None identified



Community Outcomes

Goal 5: Financially Sound City Providing Exemplary City Services

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

Performance Results:

- % unassigned fund balance
- General obligation bond rating

TFA 5.1.1- Implement Strategies to Engage Council, Staff and Citizens in Finance, Budget and Performance Reporting

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
New TFA for FY22						
			FY 22			
Benchmark peer cities on options to report financial data including open data trends	07/01/21	06/30/22				
Investigate participatory budget model and additional engagement options for budget process	07/01/21	06/30/22				
Build performance data dashboard for KPIs using ESRI	07/01/21	06/30/22				
Creation of searchable database for the expenditures of the City with quarterly updates (eg. checks issues - with date amount, and vendor)	07/01/21	06/30/22				
Conduct Café Conversations virtually/ in person as allowable	07/01/21	06/30/22				

TFA 5.1.1- Implement Strategies to Engage Council, Staff and Citizens in Finance, Budget and Performance Reporting

Overall Project Status:
N/A, New TFA



FY 21 Quarter 3 ending March 31, 2021

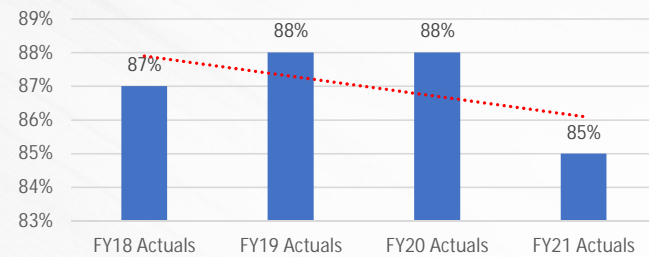
- Staff engaged Durham in discussions regarding participatory budget model.

FY 21 Quarter 4 ending June 30, 2021

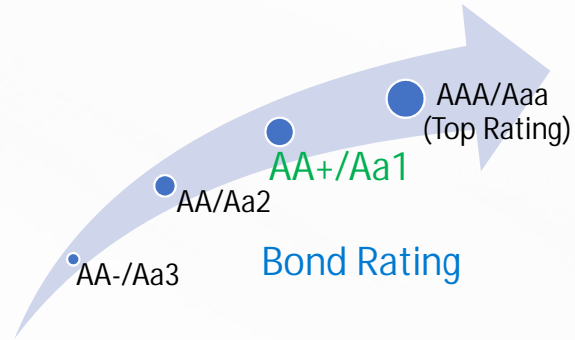
- Have a contractor in place to start project in FY22
- New TFA for FY22

Goal 5: Financially-sound City Providing Exemplary City Services - KPI

Retention Rate

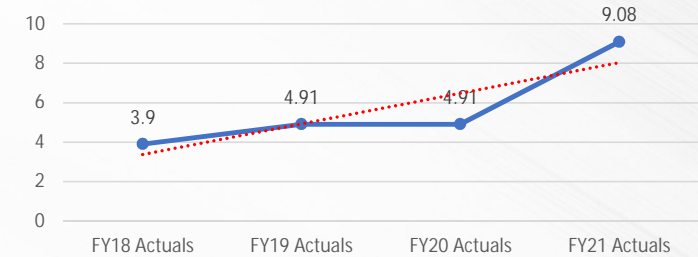


Data Source: HRD Office Records



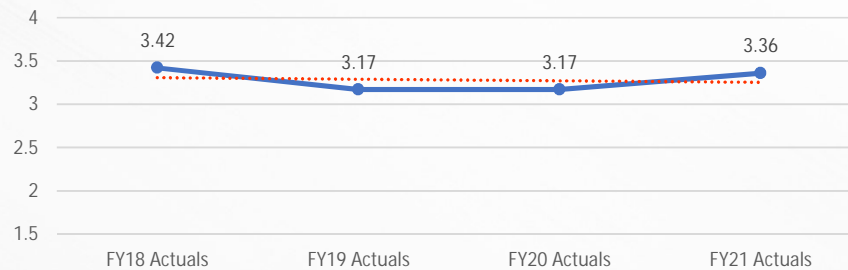
Data Source: Bond Rating Agencies

DART Score



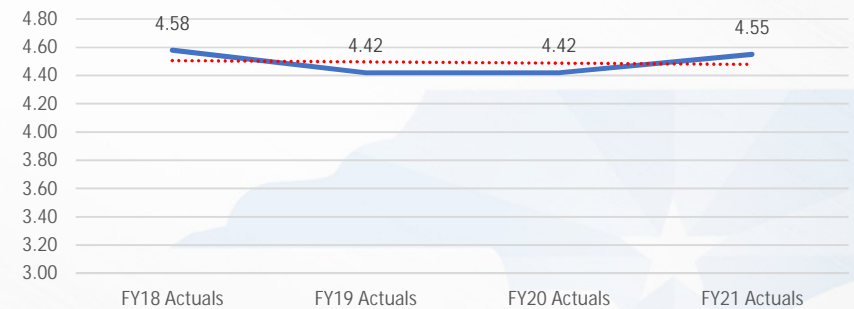
Data Source: JJ Keller Incident Tracker

Mean Response of Employees that Feel They are Paid Fairly for the Work that They Do



Data Source: Employee Survey

Mean Response of Employees Satisfied with their Job



Data Source: Employee Survey



Goal 5: Financially-sound City Providing Exemplary City Services Other Goal Accomplishments

- FY 2021-2022 Annual Operating Budget was unanimously adopted by city council with no changes to tax rate or major fees
- Fleet department transition to internal city department
- Human Resource Development rolling out results for employee engagement survey to help move toward employer of choice
- IT staff started rollout 1 of ERP system
- Employer of Choice completed and operational
 - City Manager newsletter, videos and employee engagement to improve communications between employees, citizens, and City Council
 - Comprehensive pay plan for FY 2022





Goal 6: Collaborative Citizen & Business Engagement



- Objective 6.1: Ensure collaborative relationships with the business community, local governments, military, and stakeholders.
- Objective 6.2: Ensure trust and confidence in City government through transparency & high-quality customer service.
- Objective 6.2: Inform and educate about local government by enhancing public outreach and increasing community dialogue, collaboration and empowerment.



TFA 6.1.1-Develop a Strategy to Maximize a Relationship with the Military

Project Description



Priority Ranking: MEDIUM PRIORITY

Scope: Develop partnerships with the Military Host Cities Coalition, Fort Bragg, the State Department of Military and Veteran's Affairs and with other community military related agencies (MAC & VA).

TFA Budget:

None

TFA Leadership Sponsor:

Mr. Kevin Arata, Corporate Communications Dir.

TFA Lead:

Mr. Kevin Arata, Corporate Communications Dir.

TFA Team:

City Manager's Office

Partners/ Collaborators:

Fort Bragg, RULAC, Military Host Cities Coalition, NC Department of Military and Veterans Affairs



Community Outcomes

Goal 6: Collaborative Citizen and Business Engagement

Strategic Objective 6.1: To ensure collaborative relationships with the business community, local governments, military and stakeholders

Performance Results:

- % satisfaction level of public involvement in local decisions
- % of residents who felt the city is moving in the right direction
- % satisfaction with overall customer service

TFA 6.1.1-Develop (Implement) a Strategy to Maximize a Relationship with the Military

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Outreach to Fort Bragg including, Inter Governmental Service Agreements, Veterans Day Ceremony, participation in Community Information Exchange events	07/01/20	06/30/21	25%	50%	75%	100%
Volunteer to host Military Host Cities Coalition	03/01/21	06/30/21	---	---	25%	100%
			FY 22			
Draft a military liaison program to strengthen and leverage partnerships and present to Council	07/01/21	06/30/22				
Hold Quarterly Military Host Cities Coalition meetings	07/01/21	06/30/22				
Participate in quarterly meetings with the NC Dept. of Military and Veterans Affairs and the MAC	07/01/21	06/30/22				

TFA 6.1.1-Develop a Strategy to Maximize a Relationship with the Military

Overall Project Status:
On schedule



FY 21 Quarter 3 ending March 31, 2021

- Planned and conducted virtual Veterans Day ceremony (photo, Missing Man table tribute; Mayor presented Key to City to Deputy Garrison Commander).
- Received conditional approval for \$66,000 grant from Military Affairs Commission for two digital information kiosks.
- Regularly attends monthly Community Information Exchange.
- Met with Fort Bragg Garrison Commander and CMO regarding Intergovernmental Service Agreements (IGSA).
- Began discussions with other cities to reengage Military Host Cities Coalition.

FY 21 Quarter 4 ending June 30, 2021

- Hosted Military Host City Coalition meeting via Zoom at NCLM
- Hosted and planned 249th Army birthday event
- McArthur Rd sports complex MOU signing to formalize partnership to establish playing fields on Fort Bragg property for the City
- Touchpoint brief to XVIII Airborne Corps Commander (McArthur Rd Sports Complex, Policing)



TFA 6.1.2- Conduct a Disparity Study

Project Description



Priority Ranking: LOW PRIORITY

Scope: Improve the City's policy and practices related to contracting with minority, women – owned, and disadvantaged business enterprises.

TFA Budget:

FY 21 = \$300,000; FY 22= None

TFA Leadership Sponsor:

Mr. Jay Toland, ACM

TFA Lead:

Ms. Kim Toon, Purchasing Manager

Partners/ Collaborators:

What Works Cities (Harvard Government Performance Lab), PWC



Community Outcomes

Goal 6: Collaborative Citizen and Business Engagement

Strategic Objective 6.1: To ensure collaborative relationships with the business community, local governments, military and stakeholders

Performance Results:

- % of city contracts awarded to Local Small Disadvantaged Business Enterprises (LSBDE)

TFA 6.1.2- Conduct a Disparity Study

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Partnered with WWC on RFP	07/01/20	09/30/20	100%			
Receive RFP bids and select vendor	10/01/20	03/31/21	---	50%	75%	100%
Consider PWC partnership	02/01/21	03/30/21	---	---	75%	100%
Begin Disparity Study	05/01/21	06/30/21	---	---	---	100%
			FY 22			
Complete Disparity Study (target completion date 12/31/22)	07/01/21	06/30/22				
Determine if revisions to policy and procedures for contracting are needed (target completion date 12/31/22)	10/01/21	06/30/22	---			
Report quarterly KPI performance (LSDBE report)	10/01/21	06/30/22	---			



TFA 6.1.2- Conduct a Disparity Study

FY 21 Quarter 3 ending March 31, 2021

- Disparity Study determines whether a government engages in exclusionary practices in the solicitation and award of contracts to minority, and women-owned, and disadvantaged business enterprises (MWDBEs)
- Worked with Harvard Government Performance Lab to craft RFP which was used to solicit bids from vendors
- RFP presented to the Internal Committee
- RFP was advertised with 4 proposals received
- PWC partnership being developed.

FY 21 Quarter 4 ending June 30, 2021

- Disparity Study is a 12-18 month project
- Vendor selected for Disparity Study, Introductory presentation to Council (approved by Council)
- PWC will be involved in the Disparity Study

TFA 6.3.1- Develop a Strategy to Educate and Engage Citizens

Project Description



Priority Ranking: LOW PRIORITY

Scope: Develop a strategic communication plan to educate and engage citizens, focusing on social media, improving FayFixIT engagement and conducting customer service surveys.

TFA Budget:

None

TFA Leadership Sponsor:

Mr. Kevin Arata, Corporate Communications Dir.

TFA Team Lead:

Maine Johnson, Public Information Specialist

TFA Team:

Chief of Staff, Call Center, Assistant to the City Manager, Ms. Tuckey, City departments

Partners/ Collaborators:

Media

Community Outcomes

Goal 6: Collaborative Citizen and Business Engagement

Strategic Objective 6.3: To inform and educate about local government by enhancing public outreach and increasing community dialogue, collaboration and empowerment

Performance Results:

- # and type of FayFixIT tickets
- # and type of Call Center interactions
- # of followers on Facebook
- # of unique website visits
- # of Boards and Commission members
- % satisfaction with overall effectiveness of communication with the public



TFA 6.3.1- Develop a Strategy to Educate and Engage Citizens

TFA Action Plan			FY 21			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Launch Zencity to understand public sentiment on social media & begin regular reporting	07/01/20	06/30/21	0%	50%	100%	
Select Strategic Communications Firm and begin developing strategic communication & engagement plan	09/01/20	06/30/21	--	25%	75%	100%
Virtual Citizens Academy Fall and Spring	07/01/20	12/30/20	25%	50%	50%	50%
			FY 22			
Execute strategic communication & engagement plan (eg. Messaging, marketing, tools, branding, identification of audiences, ways to leverage media)	07/01/21	06/30/22				
Use Zencity to leverage social media (& assess)	07/01/21	12/31/21			--	--
Assess and improve FayFixIT (COS)	07/01/21	12/31/21			--	--
Develop citywide customer service surveys on one platform to leverage and report holistically (COS)	07/01/21	06/30/22				

TFA 6.3.1- Develop a Strategy to Educate and Engage Citizens

Overall Project Status:
Behind Schedule



FY 21 Quarter 3 ending March 31, 2021

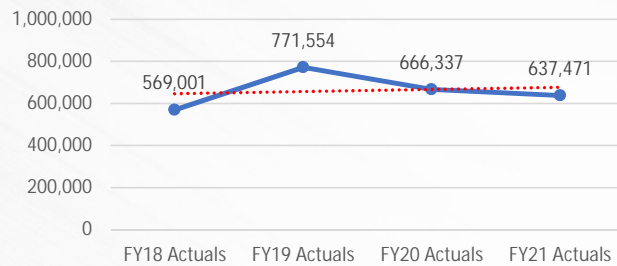
- Currently in process of inventory of previous outward facing citizen engagement methods and frequency, to help determine where we are.
- Purchased Zencity and working to understand platform and uses
- Selected strategic communication firm and working to develop strategic communication and engagement strategy.

FY 21 Quarter 4 ending June 30, 2021

- Receive final strategic communication plan and working on implementation
- Continuing to integrate Zencity into social media battle rhythm to assess its usefulness
- Executed virtual citizens academy in the fall. Unable to execute spring event due to competing demands and low ROI

Goal 6: Collaborative Citizen & Business Engagement - KPI

of Unique Website Visits

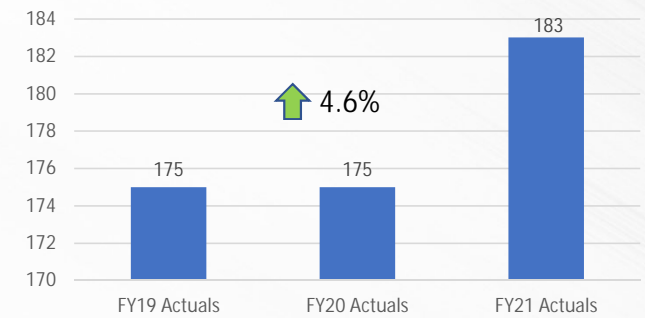


Data Source: Site Improve

21.76%
City Contracts
awarded to LSBDE

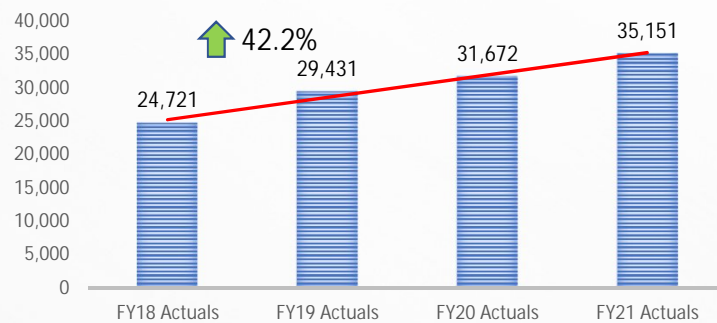
Data Source: ERP

of Board and Commission Members



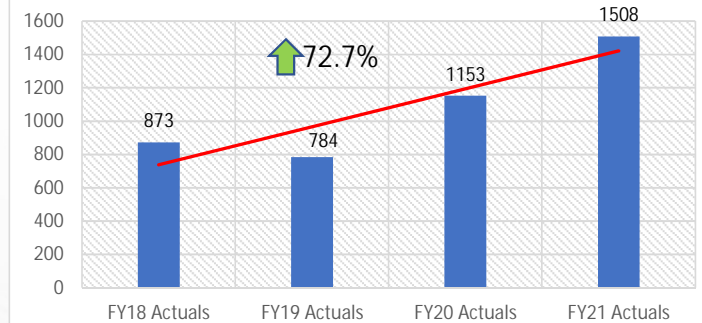
Data Source: B & C Member Record

of Followers on Facebook



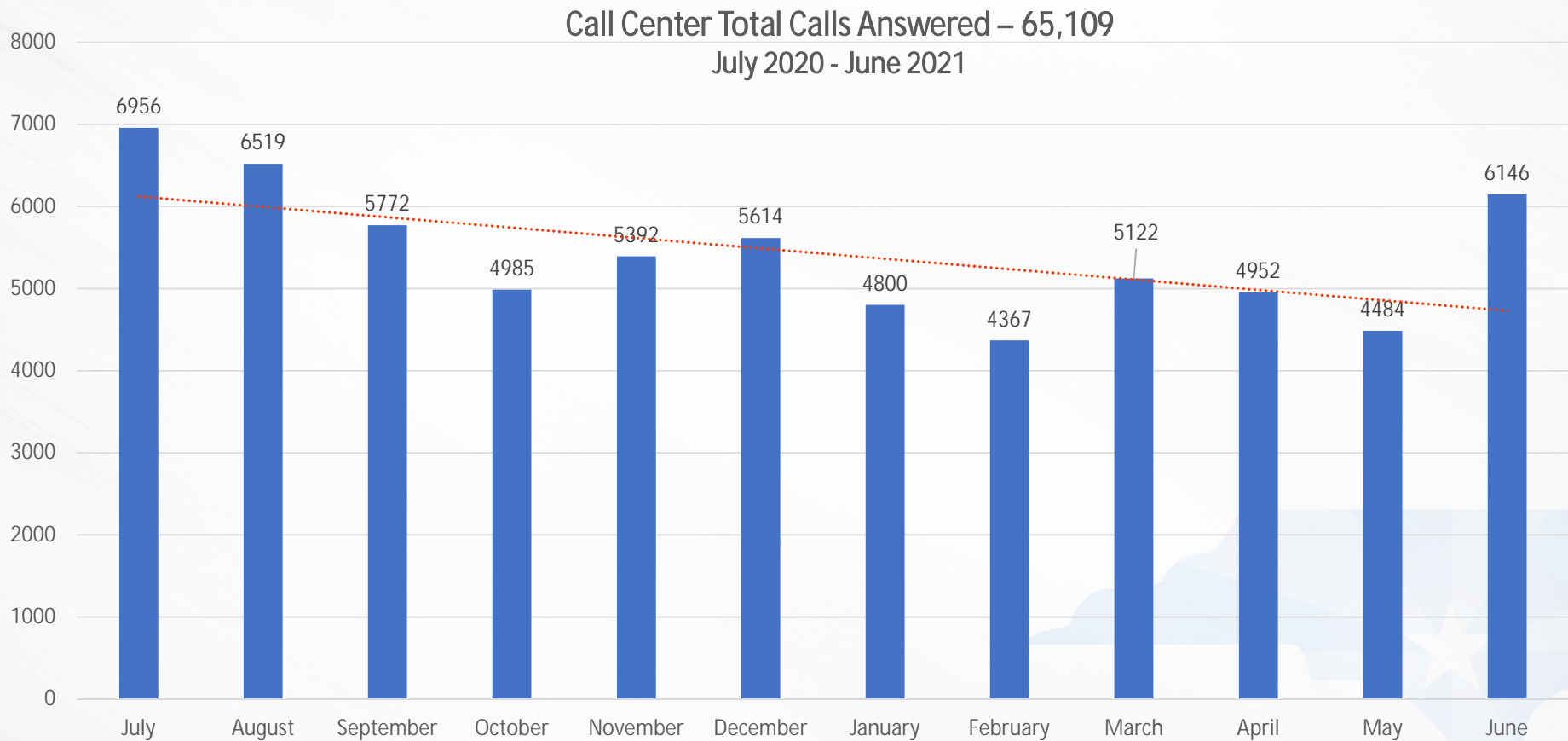
Data Source: Facebook

of Public Records Requests



Data Source: NextRequest

Goal 6: Collaborative Citizen & Business Engagement - KPI

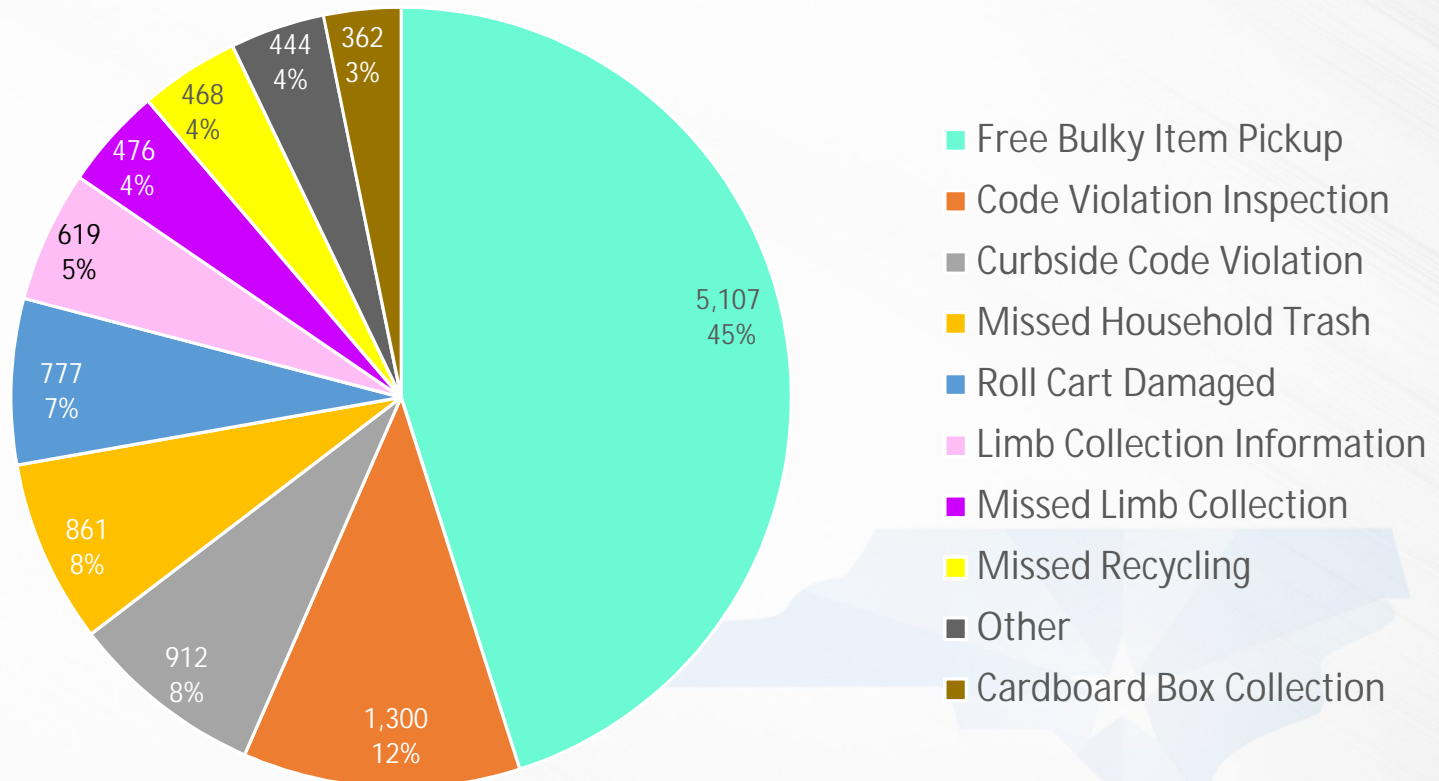


Data Source: Taske

Goal 6: Collaborative Citizen & Business Engagement - KPI

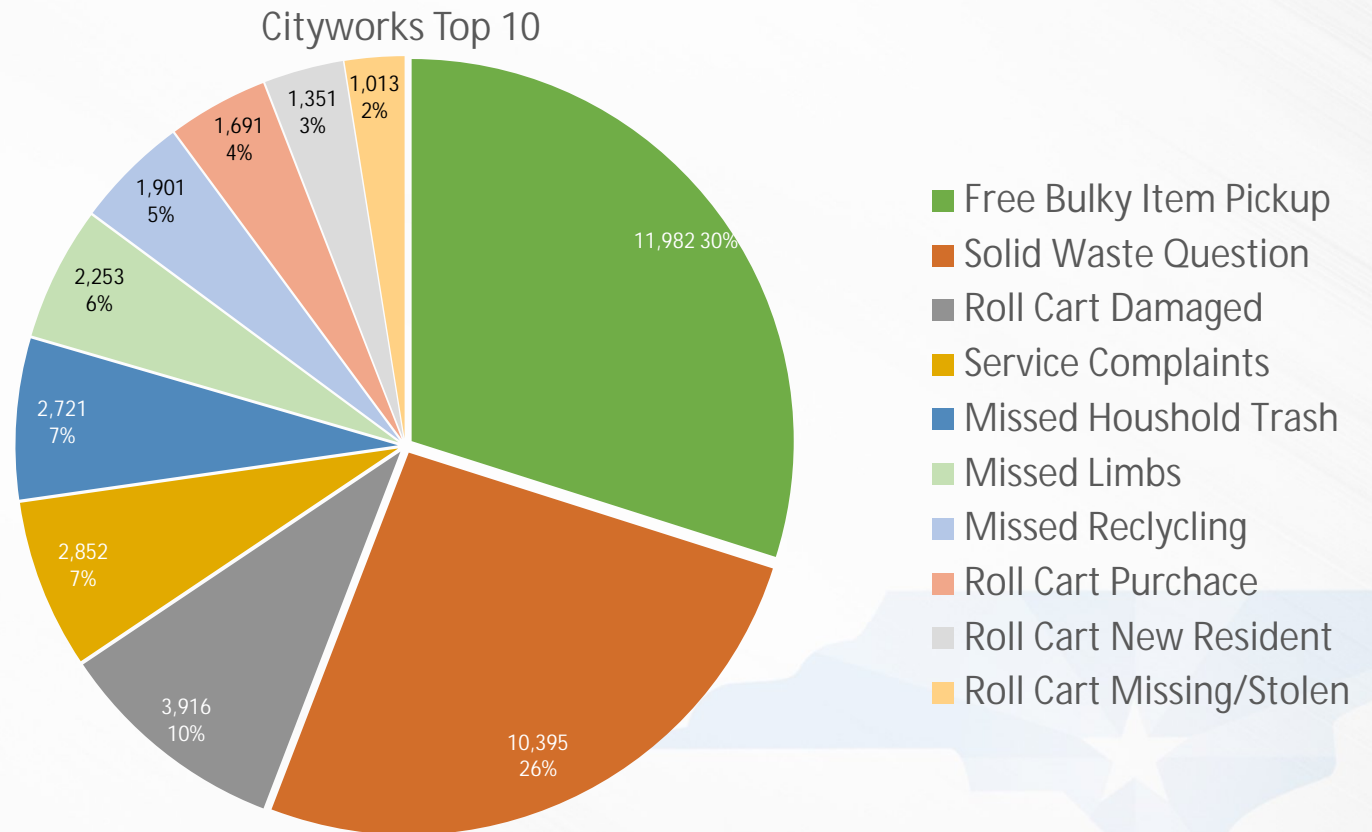
16,129
FayFixIT Ticket
Request

FayFixIT Top 10



Data Source: FayFixIT

Goal 6: Collaborative Citizen & Business Engagement - KPI



Data Source: Cityworks



Goal 6: Collaborative Citizen & Business Engagement Other Goal Accomplishments

- City Manager electronic newsletter is now in production for Friday afternoons
- Call center increased data performance tracking to better serve customers
- Diversity, Equity, and Inclusion training sessions were presented to the Senior Leadership Team
- Increase in social media activity with citizens and followers



- ✓ April 6th: Affirmed TFA
- ✓ STAFF will integrate TFA into budget development and into departmental action plans
- ✓ June: Adopt Strategic Plan
- ✓ Q4 FY 21 TFA Performance Report in September using these TFA slides, status dashboard, and performance results
- ✓ FY 22 Quarterly TFA Performance Reports in Oct., Jan., April, Aug.



FayettevilleNC.gov

FY 2021 City Council Yearend Scorecard									
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Goal	Obj. #	Strategic Objective	Strategic Level KPIs	Owner	Data Source	FY18 Actuals	FY19 Actuals	FY20 Actuals	FY21 Actuals	FY21 Target	% Variance from Target
Goal 1: Safe and Secure Community.	1.1	Fully prepare for emergency and disaster response	Fire Departments Average Actual Dollar Loss/Save Ratio Percentage	Fire	Firehouse	94%	94%	97%	94.39%	94.00%	0.41
			90th percentile for Fire Department first unit emergency response travel time (in seconds)	Fire	Firehouse	364	336	347	328	312	5.13
			# of total FFD calls for service	Fire	CAD	29,707	30,016	24,537	23,531	30,000	-21.56
			% satisfaction with overall quality of fire protection and rescue services	SPA	Resident Survey	84%	84%	86%	86%	86%	0.00
	1.2	Ensure traffic and pedestrian safety	# of traffic collisions within the city	Police	RMS	9,511	9,668	9,532	8,637	9,532	-9.39
	1.3	Ensure low incidence of property and violent crime	Average Police Department response time for priority 1 calls (in seconds)	Police	CAD	388	350	400	584	440	32.78
			# Total Crimes *	Police	RMS	10,726	10,544	9,009	8,885	9,000	-1.278
			% satisfaction with how quickly police respond to emergencies	SPA	Resident Survey	56%	56%	58%	58%	58%	0.00
	1.4	Engage citizens in community watch and safety events	# of active residential community watch groups	Police	FPD office records	149	142	154	172	160	7.50
			% satisfaction with overall police relationship with your community	SPA	Resident Survey	58%	58%	61%	61%	61%	0.00
			% of residents very satisfied or satisfied with police efforts to prevent crime	SPA	Resident Survey	53%	53%	49%	49%	49%	0.00
	* # Total Crimes - Police tracking for these data point are based on calendar year										

FY 2021 City Council Yearend Scorecard											
Goal	Obj. #	Strategic Objective	Strategic Level KPIs	Owner	Data Source	FY18 Actuals	FY19 Actuals	FY20 Actuals	FY21 Actuals	FY21 Target	% Variance from Target
Goal 2: Responsive City Government Supporting a Diverse and Viable Economy.	2.1	Ensure a diverse City tax base	% increase in tax base (Residential, commercial, industrial)	Finance	TR2	-7.47%	0.80%	0.80%	1.06%	1.60%	-33.75
			% satisfaction overall strength of Fayetteville's economy	SPA	Resident Survey	35%	35%	43%	43%	43%	0.00
	2.2	Invest in community places to ensure revitalization and increase quality of life	% satisfaction overall downtown Fayetteville experience	SPA	Resident Survey	54%	54%	54%	54%	54%	0.00
			% satisfaction overall quality of life in the City	SPA	Resident Survey	41%	41%	50%	50%	50%	0.00
	2.3	Leverage partnerships for job creation and retention, with a focus on the local and regional workforce to increase per capita income	# of jobs created by ECD programs	ECD	CAPER	20	6	9	7	10	-30.00
			% satisfaction overall availability of employment opportunities in Fayetteville	SPA	Resident Survey	25%	25%	35%	35%	35%	0.00
	2.4	Sustain a favorable development climate to encourage business growth	% vacancy rate in city (Office, Industrial, Retail)	SPA	FCEDC	7.0%	7.1%	6.8%	6.4%	7%	-8.57
			% satisfaction overall quality of businesses, services, and retail in Fayetteville	SPA	Resident Survey	48%	48%	52%	52%	52%	0.00
			% satisfaction overall appearance of major corridors	SPA	Resident Survey	38%	38%	44%	44%	44%	0.00

FY 2021 City Council Yearend Scorecard											
Goal	Obj. #	Strategic Objective	Strategic Level KPIs	Owner	Data Source	FY18 Actuals	FY19 Actuals	FY20 Actuals	FY21 Actuals	FY21 Target	% Variance from Target
Goal 3: City Investment in Today and Tomorrow.	3.1	Enhance City street connectivity, traffic flow and stormwater systems	\$ Completed Stormwater Projects	Public Services	Public Services Office Records	\$5,730,000	\$7,510,000	\$5,660,000	\$897,868	\$850,000	5.632
			Miles of Streets Resurfaced	Public Services	Cityworks	12.60	13.16	11.26	20.31	15.00	35.40
			% of streets rated with an excellent or good pavement condition rating	Public Services	PCR executive summary	78%	78%	78%	78%	78%	0.00
			% of traffic signal intersection equipment meeting NCDOT standards of inspection biannually	Public Services	Fayworx	98%	99%	100%	100%	100%	0.00
	3.2	Manage the City's future growth and strategic land use	\$ value of residential & Commercial permits issued	Dev Services	Cityworks	\$283,453,576	\$195,969,745	\$176,421,118	\$201,079,600	\$200,000,000	0.54
			% satisfaction overall preparedness to manage development and growth	SPA	Resident Survey	31%	31%	37%	37%	37%	0.00
	3.3	Sustain a favorable development and business climate through timely and accurate construction review and building inspection reviews	# of building trades inspections (Residential / Commercial)	Dev Services	Cityworks	24,676	25,184	28,031	33,223	27,000	23.05
			% of building trades inspections completed within the established deadline	Dev Services	Cityworks	96%	99%	100%	100%	99%	1.01
			% of construction plan reviews completed within the established deadline	Dev Services	Cityworks	95%	95%	98%	100%	98%	2.04
	3.4	Revitalize neighborhoods with effective code enforcement and violations abatement	# of code enforcement violation cases opened by type	Dev Services	Cityworks	14,024	14,155	14,452	12,325	14,000	-11.96
			% of code enforcement cases opened proactively	Dev Services	Cityworks	66%	66%	69%	66.80%	65%	2.77
			% satisfaction overall enforcement of codes and ordinances	SPA	Resident Survey	38%	38%	37%	37%	37%	0.00
	3.5	Increase our smart city capacity	% uptime of network connected devices & applications	IT	IT Office Records	99.98%	99.98%	96.26%	95.00%	99.99%	-4.99
			% Of city properties with Wi-Fi Access	IT	IT Office Records				87%	New KPI	New KPI
			% of residents indicating they have internet access	SPA	Resident Survey	89%	89%	96%	96%	96%	0.00
Goal 4: Desirable Place to Live, Work, and Recreate.	4.1	Maintain public transportation investments with high quality transit and airport services	Average load factor percentage	Airport	Airlines	74%	73%	72%	73%	80%	-8.25
			# of enplaned/deplaned passengers	Airport	Airlines	426,274	461,961	334,396	295,604	450,000	-34.31
			% satisfaction with the condition and usability of the airport	SPA	Resident Survey	64%	64%	70%	70%	70%	0.00
			# of fixed route transit passengers	Transit	UTA - APC	1,378,291	1,390,968	1,286,566	1,663,501	1,421,730	17.01
			# of FASTTRAC Passengers	Transit	Routematch	62,984	63,146	62,251	48,121	65,200	-26.19
			% of bus stops with shelter and/or benches	Transit	Virgina Small - Excel	20.3%	21.5%	22.3%	23.0%	24.0%	-4.167
			% satisfaction with the availability of public transportation	SPA	Resident Survey	46%	46%	42%	42%	42%	0.00
	4.2	Enhance diverse recreation, leisure and cultural opportunities.	# of recreation participants	Parks & Rec	RecTrac	24,140	23,806	24,778	1,868	25,000	-92.53
			# of athletic program participants	Parks & Rec	RecTrac	15,970	19,960	15,841	4,228	16,000	-73.58
			Acres of Publically accessible open space	Parks & Rec	PRM Facilities Inventory	1,230	1,240	1,243	1,248	1,245	0.233
			% satisfaction overall quality of Parks and Recreation programs and services	SPA	Resident Survey	53%	53%	58%	58%	58%	0.00
			% satisfaction overall satisfaction with diversity of city recreation opportunities	SPA	Resident Survey	47%	47%	53%	53%	53%	0.00
	4.3	Improve mobility and connectivity through sidewalk, trails and bike lanes investments	# of linear feet of sidewalk installed	Public Services	Cityworks	2,849	4,855	24,211	20,209	29,994	-32.62
			% satisfaction overall condition of sidewalks	SPA	Resident Survey	46%	46%	46%	46%	46%	0.00
	4.4	Provide a clean and beautiful community with increased green spaces	% increase in acres of green space	Parks & Rec	PRM	0.8%	0.2%	0.4%	0	0.2%	-100.00
			# of curb lane miles swept	Public Services	Street Maintenance Division Records	15,766	10,436	10,140	12,189	12,000	1.58
			Diversion rate for recycling as a percentage	Public Services	Solid Waste Office Records	33%	30%	32%	34%	32%	6.25
			% of Successful Collection	Public Services	Solid Waste Office Records	99.90%	99.90%	99.80%	99.90%	99.90%	0.00
			# of household solid waste collection points	Public Services	FleetMind	61,234	61,409	61,520	61,680	61,520	0.26
			# of tons yard waste collected	Public Services	Solid Waste Office Records	18,254.72	20,113.64	19,574.01	18,428.07	18,000	2.38
			% satisfaction overall quality of solid waste services	SPA	Resident Survey	80%	80%	67%	67%	67%	0.00
			# of Illegal dump sites identified and mitigated	Public Services	RAPID & Solid Waste Office Records	515	412	270	569	450	26.44
			Litter index	Parks & Rec	Fayetteville Beautiful	1.85	2.00	2.00	2.70	2.00	35.00
	4.5	Ensure a place for people to live in great neighborhoods	# of single family affordable housing units provided via ECD funding	ECD	CAPER	4	3	16	10	10	0.00
			# of multi-family affordable housing units provided via ECD funding	ECD	CAPER	0	56	0	72	70	2.86

FY 2021 City Council Yearend Scorecard

Goal	Obj. #	Strategic Objective	Strategic Level KPIs	Owner	Data Source	FY18 Actuals	FY19 Actuals	FY20 Actuals	FY21 Actuals	FY21 Target	% Variance from Target	
			# Human Relations Community events	Human Relations	HR Office Records	40	13	35	13	25	-48.00	
			% satisfaction overall affordability of housing in Fayetteville	SPA	Resident Survey	39%	39%	49%	49%	49%	0.00	
			% satisfaction overall quality of life in your neighborhood	SPA	Resident Survey	57%	57%	63%	63%	63%	0.00	
			PIT count	SPA	HUD	372	329	329	329*	329	0.00	
			# of beds available for the homeless	ECD	CAPER	387	387	366	54	633	-91.47	
	4.6	Reduce poverty and homelessness	# residents living in poverty	SPA	Census	19.30%	19.20%	19.00%	19.30%	19.00%	1.58	
			* Based on COVID restrictions we followed HUD guidance for PIT count and reported the previous year number. Our actual number was 54 and only counted those in homeless shelters and not street counts.									

FY 2021 City Council Yearend Scorecard											
Goal	Obj. #	Strategic Objective	Strategic Level KPIs	Owner	Data Source	FY18 Actuals	FY19 Actuals	FY20 Actuals	FY21 Actuals	FY21 Target	% Variance from Target
Goal 5: Financially Sound City Providing Exemplary Services.	5.1	Ensure strong financial management with fiduciary accountability and plan for the future resource sustainability by aligning resources with City priorities	# of financial compliance findings reported in prior year annual audit	Finance	ERP	0	0	0	0	0	0.00
			PO Timeliness (days)	Finance	ERP	3	2	2	1	2	-50.00
			% of projects on time	CMO	Construction				86.7	New KPI	New KPI
			General obligation bond rating	CMO	Bond Rating Agencies	AAA/Aaa	AAA/Aaa	AAA/Aaa	AA+/Aa1	AAA/Aaa	-1.000
	5.2	Identify and achieve efficiencies through innovation and technology utilization, by increasing data driven decisions and using business intelligence strategies	% satisfaction overall quality of services provided by the City	SPA	Resident Survey	58%	58%	61%	61%	61%	0.00
	5.3	Promote an organizational climate that fosters an exceptional, diverse, engaged, and healthy workforce that delivers excellent services	Retention Rate	HRD	HRD Office Records	87%	88%	88%	85%	90%	-5.56
			Mean Response of employees satisfied with their job	SPA	Employee Survey	4.58	4.42	4.42	4.55	4.58	-0.66
			DART score	HRD	JJ Keller Incident Tracker	3.9	4.91	4.91	9.08	3.56	155.06
			Mean response of employees that feel they are paid fairly for the work that they do	SPA	Employee Survey	3.42	3.17	3.17	3.36	3.42	-1.75

FY 2021 City Council Yearend Scorecard											
Goal	Obj. #	Strategic Objective	Strategic Level KPIs	Owner	Data Source	FY18 Actuals	FY19 Actuals	FY20 Actuals	FY21 Actuals	FY21 Target	% Variance from Target
Goal 6: Collaborative Citizen and Business Engagement.	6.1	Ensure collaborative relationships with the business community, local	% satisfaction level of public involvement in local decisions	SPA	Resident Survey	33%	33%	34%	34%	34%	0.00
			% Of city contracts award to LSBDE	Finance	ERP	38.19%	46.00%				-45.60
	6.2	Ensure trust and confidence in City government through transparency & high quality customer service	# and Type of FayFixIt Tickets	CMO	FayFixIT	8,420	8,497	11,274	16,129	12,000	34.41
			Total Calls Answered	CMO	Taske	44,162	50,722	25,305*	65,109	52,000	25.21
			# of public records requests	Corp Comm	NextRequest	873	784	1,153	1,508	750	101.07
			Average wait time (secs) per call for the 1FAY call center (Total Time to Answer, TTA)	CMO	Taske	158	190	187	43	160	-73.13
			% of residents who felt the city is moving in the right direction	SPA	Resident Survey	50%	50%	50%	50%	50%	0.00
			% satisfaction with overall customer service	SPA	Resident Survey	56%	56%	57%	57%	57%	0.00
			# of followers on Facebook	Corp Comm	Facebook	24,721	29,431	31,672	35,151	34,000	3.39
			# of unique website visits	Corp Comm	Site Improve	569,001	771,554	666,337	637,471	700,000	-8.93
			% of residents very satisfied or satisfied with the availability of information about city programs and services	SPA	Resident Survey	51%	51%	50%	50%	50%	0.00
			% satisfaction overall effectiveness of communication with the public	SPA	Resident Survey	49%	49%	48%	48%	48%	0.00
			# of Boards and Commission Members	Clerk	B & C Member record	175	175	175	183	175	4.57
	6.3	Inform and educate about local government by enhancing public outreach and increasing community dialog, collaboration and empowerment	% satisfaction with overall customer service	SPA	Resident Survey	56%	56%	57%	57%	57%	0.00
			% satisfaction with overall customer service	SPA	Resident Survey	56%	56%	57%	57%	57%	0.00
	6.3	Inform and educate about local government by enhancing public outreach and increasing community dialog, collaboration and empowerment	% satisfaction with overall customer service	SPA	Resident Survey	56%	56%	57%	57%	57%	0.00
			% satisfaction with overall customer service	SPA	Resident Survey	56%	56%	57%	57%	57%	0.00

* Call center data for this year was for half a year. Was being migrated over from PWC to city.

City of Fayetteville

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

City Council Action Memo

File Number: 21-2197

Agenda Date: 9/13/2021

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Legislative Hearing

Agenda Number: 10.01

TO: Mayor and Members of City Council

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

Dr. Gerald Newton, AICP - Development Services Director

Taurus Freeman, MPA - Planning and Zoning Division Manager

FROM: Alicia P. Moore, Esq., MUP - Senior Planner

DATE: September 13, 2021

RE:

TA21-009 thru -015: Seven (7) Proposed Text Amendments to the Unified Development Ordinance (Seasonal Text Amendments)

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Strategic Operating Plan FY 2021

Goals 2026

Goal 2: Responsible City Government Supporting a Diverse and Viable Economy

- Objective 2.4 - Sustain a favorable development climate to encourage business growth

Goal 3: City Investment in Today and Tomorrow

- Objective 3.2 - Manage the City's future growth and strategic land use

Executive Summary:

The below text amendments represent suggested updates to the Unified Development Ordinance (UDO), as proposed by the professional Staff of the Development Services Department. The proposed amendments include language to address several items that City Council previously discussed, such as eliminating landscaping requirements for many interior renovations and smaller lot redevelopments.

Staff proposes seven text amendments:

1. TA21-009: Self-storage (mini-warehouse) Standards
2. TA21-010: Open-Space Dedication (bonus and incentives)
3. TA21-011: Accessory Uses on Large Residential Lots
4. TA21-012: Residential density in MR-5 and CC zoning districts
5. TA21-013: Special Use Permits (SUPs) in the Use Table
6. TA21-014: Nonconformities
7. TA21-015: Political Signs

At the City Council Work Session on August 2, 2021, the Council directed Staff to draft the proposed amendments for a legislative hearing before the Planning Commission. On August 17, 2021, the Planning Commission held a legislative hearing and voted unanimously (6-0) to recommend approval. Attached are summaries of the proposed text amendments, as well as fourteen proposed legal ordinances to enact the amendments.

Background:

Generally twice per year, Staff of the Development Services Department proposes a batch of seasonal text amendments to update the UDO. The aim of the amendments is to ensure that the City's regulations reflect modern development standards and preferences.

Issues/Analysis:

Proposed text amendments:

1. TA21-009: Self-Storage (mini-warehouse) Standards: The purpose of the proposed changes is to reduce the number of SUP applications, and to decrease the amount of space taken up by self-storage facilities by updating the applicable standards to accommodate vertical development. The changes will split self-storage facilities into two types: "internal access only" and "external/internal access" facilities, with the former type allowing access to units only by interior corridors, and the latter type allowing access to the units either externally or by interior corridors.
The definitions will be updated to reflect the two different types, and the requirements will be specific to each type. For "internal access only" facilities, the lot size requirement will be reduced and the height restrictions removed (subject only to the dimensional requirements of the applicable zoning district) to allow for taller, less sprawling facilities, which would more closely resemble office buildings. Parking lots will have a lower number of required parking spaces but will require loading/unloading zones.
The "internal access only" use will be permitted as-of-right in LC, CC, MU, LI, and HI zones. For "external/internal access" facilities, the SUP requirement will be removed in CC and MU zones, and facilities will be permitted in HI zones, where they are currently prohibited.
 - Sections: 30-4.A.2 Use Table; 30-4.C.4.j Use Standards; 30-5.A.4.b Parking Table; 30-5.A.10 Loading Space Standards; 30-9.D Definitions
2. TA21-010: Open Space Dedication (Bonus and Incentives): The proposed changes will update the tree-planting requirements to allow trees to be planted around the pond instead of in the shelf of the pond. This change is necessary to accurately reflect stormwater regulations and enforcement policy.
 - Section: 30-5.C.4 Development Standards

3. TA21-011: Accessory Uses on Large Residential Lots: The proposed changes will allow proportionately larger accessory structures to be built on residential lots that are greater than one acre in size. The changes are in response to the high number of variance applications by owners of larger residential lots requesting additional square footage for accessory structures.

Current regulations set the maximum square footage at twenty-five percent (25%) of the allowable lot coverage or 1,500 square feet, whichever is less, and require that the accessory structure is smaller than the principal structure. Under the proposed changes, an exception will be created for lots at least one-acre in size to allow for larger accessory structures with more flexible setback requirements. On these larger lots, the allowable square footage for accessory structures will be increased to 2,000 square feet, with an additional 250 square feet allowed for each additional half acre in lot size. (For example, a 1.5-acre lot would be allowed to have a 2,250 square feet accessory structure, and a two-acre lot would be allowed to have a 2,500 square feet accessory structure.) Setbacks for accessory structures will be subject only to the setback requirements of the principal structure, or five-feet if adjacent to a business district. The requirement that an accessory structure must be smaller than the principal structure will be removed.

- Sections: 30-4.D.3.w. Specific Standards for Accessory Uses; 30-3.D.2. SF-15 Dimensional Standards; 30-3.D.3. SF-10 Dimensional Standards; 30-3.D.4. SF-6 Dimensional Standards; 30-3.D.5. MR-5 Dimensional Standards; 30-9. Definitions

4. TA21-012: Residential Density per Acre in MR-5 and CC Zoning Districts: The proposed changes will resolve inconsistencies under current regulations by increasing the allowable residential units per acre (density) and height limits in higher intensity zoning districts, which are currently more restrictive than in lesser intensity zones.

Under current density regulations, Limited Commercial (LC) zones (intended for medium intensity uses) are allowed 24 residential units per acre; but Community Commercial (CC) zones (medium-high intensity) are allowed only 12 units per acre, and Mixed Residential (MR-5) zones (medium-high intensity) are allowed only 18-20 units per acre. These density restrictions are inconsistent with the zones' stated intensity purposes.

The proposed changes will resolve this inconsistency by increasing the density allowances in MR-5 and CC zones to match that of LC zones, specifically: increasing the density in CC zones to 24 units per acre, and increasing the density in MR-5 to 24 units per acre where the property abuts a collector or arterial street and increasing the building height maximum from 60 feet or four stories to 75 feet or six stories (consistent with CC zones).

- Sections: 30-3.E.5. CC Dimensional Standards; 30-3.D.5. MR-5 Dimensional Standards

5. TA21-013: Special Use Permits (SUPs) in the Use Table. The proposed changes will remove the SUP requirement for seven uses in certain zoning districts. The SUP requirement will be removed for the following uses and zoning districts:

Use	Zoning District
Dwelling, single- family detached	Mixed-Use (MU)

Dormitory	Mixed-Residential 5 (MR-5)
Golf course, private	Mixed-Use (MU)
Laundromat	Mixed-Residential 5 (MR-5)
Personal services establishment	Mixed-Residential 5 (MR-5)
Convenience store, w/o gas sales	Mixed-Residential 5 (MR-5)
Drug store, w/o drive through	Mixed-Residential 5 (MR-5)

In MR-5 districts, the above uses will only be allowed on parcels abutting and accessed by a Major, Arterial, or Collector Street, as defined in Section 30-9, Definitions. The City's MR-5 districts are unique because they are the only residential district that allows for small-scale retail and service establishments. Therefore, this requirement will promote harmonious development by ensuring that any such establishment is located on main corridors, not in the middle of residential subdivisions.

- Section: 30-4.A.2 Use Table
- In addition, TA21-009 Self-Storage (mini-warehouse) Standards, described above, will remove the SUP requirement for facilities in CC and MU zones.

6. TA21-014: Nonconformities. This amendment is being proposed to address issues that arose during the implementation of certain Code sections that deal with landscaping requirements on nonconforming sites less than two acres, and which were amended by UDO Task Force in June 2020.

Many sites that developed before the adoption of the current Code are legal "nonconforming uses" due to greater landscape, buffer, or parking requirements in the current Code. When a legal nonconforming site less than two acres requires a building permit for interior or exterior remodeling, the Code requires the owner to pick from a list of landscaping options to bring the site into compliance with the current landscaping standards.

These sections dealing with sites two acres or less are triggered by the need for a building permit, and not by a threshold percentage of remodeling cost to building value, as they were prior June 2020 amendment and as required for sites over two acres. In turn, many businesses have been required to install landscaping costing more, and, in some cases, a lot more, than the building remodeling costs.

The proposed amendment would change the trigger to a threshold percentage, which would be that the remodeling cost is more than 25-percent of the fair market or assessed value of the structure (at the applicant's option). This change would bring the requirement in line with sites larger than two acres. In addition, it makes minor changes to the options. It adds a section for physically constrained lands to make building improvements while upgrading landscaping to the maximum extent practicable, with the first objective being public safety and buffering issues.

The changes would adjust the standards for adding missing landscaping on non-conforming site for (1) interior remodeling of buildings when a building permit is required; and (2) multi-tenant structures existing on one parcel, on sites two acres or less. This item is for discussion to consider some equitable adjustments to changes made one year ago regarding how nonconforming landscaping improvements happen over time and implications on redevelopment properties.

- Sections: 30-7.F.1.c. Nonconforming Sites, Interior and Exterior Remodeling of Buildings on Sites Two Acres or Less; 30-7.F.2. Additions and Expansions on Sites Two Acres or Less; 30-7.F.3 Nonconforming

Sites, Changes in Use

7. TA21-015: Regulation of Signs - Political Signs in Right-of-Way: Last year, the City Council temporarily suspended the enforcement of the City's sign regulations as applied to political signs in public streets' right-of-way (R.O.W.), pending an amendment to move closer to the State's provisions, which are found in the North Carolina General Statutes (NCGS) §136-32(b) Compliant Political Signs Permitted.

The City's regulations are more restrictive and prohibit political signs along City streets. Under the State's standards, political signs are allowed along the street within a certain time before and after a voting period and under specified conditions. Signs that remain in the R.O.W. 30 days after the specified time are deemed unlawful and can be removed and disposed of by anyone. The proposed amendment would change the City's regulations of political signs to follow the State's standards. Other types of non-political signs in the R.O.W. will continue to be removed under the City's sign ordinance.

The changes remove "Additional Requirements," the current "Maximum Copy Area," and "Maximum Height if Freestanding" and replace those standards with those in NCGS §136-32 for political signs.

- Table: 30-5.L.6: Signs Allowed Without a Permit

Budget Impact:

N/A

Options:

The City Council shall hold a legislative hearing on the application in accordance with the Fayetteville City Code. After the close of the hearing, the City Council shall consider the application, relevant support materials, the staff report, the Planning Commission's recommendation, and any comments given by the public. The City Council, by a majority vote of a quorum present, shall take one of the following actions:

- 1) Approve adoption of proposed text amendments;
- 2) Denial of the proposed text amendments;
- 3) Revision and adoption of the proposed text amendments; or
- 4) Remanding of the proposed text amendments back to Staff for further consideration.

In making its decision, the City Council shall approve a brief statement describing whether its action is consistent or inconsistent with all City-adopted plans that are applicable.

Recommended Action:

Planning Staff recommends that the City Council approves the adoption of the proposed text amendments.

Attachments:

1. Summaries of Proposed Text Amendments (7)
2. Proposed Ordinances (14)

TA21-009: Self-Storage (Mini-Warehouse) Standards

Draft Proposed Changes

(Added language in underline; deleted language in ~~striketrough~~)

Section: 30-9. Definitions

CURRENT:

Self-Service Storage

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Also called "mini-warehouse."

PROPOSED:

Self-Service Storage with External Access

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Individual units may be accessed from the exterior and/or interior of the building. Also called "mini-warehouse (with external access)".

Self-Service Storage with Internal Access Only

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Individual units must be accessed from internal corridors only; external access to units is prohibited. Also called "mini-warehouse (with internal access only)."

Section: Table 30-4.A. Use Table

CURRENT:

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF-15	SF-10	SF-6	MR-5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD- R	PD- EC	PD- TN
Self-Service Storage	Mini-warehouse	/	/	/	/	/	/	/	/	/	S	S	S	/	/	P	/	/	MP	/

PROPOSED:

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT			
		C D	AR	SF- 15	SF- 10	SF- 6	MR- 5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD- R	PD- EC	PD- TN
Self- Service Storage	Mini- warehouse (w/ external access)	/	/	/	/	/	/	/	/	/	S	S P	S P	/	/	P	P P	/	MP	/
	Mini- warehouse (w/ internal access only)	L	L	L	L	L	L	L	L	L	P	P	P	L	L	P	P	L	MP	L

Section: 30-4.C.4.j. Use-Specific Standards; Commercial Use

CURRENT:

j. Self-Service Storage (Mini-warehouse)

Self-service storage or mini-warehouse uses shall comply with the following standards:

1. *Site Layout*

- a. The minimum lot area shall be least three acres.
- b. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

2. *Operation*

- a. The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- b. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.
- c. No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.
- d. Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.
- e. Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

3. *Parking and Circulation*

- a. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. Aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
- b. The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
- c. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.
- d. All access ways shall be paved with asphalt, concrete, or comparable paving materials.

4. *Building Appearance*

- a. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.
- b. With the exception of a structure used as a security guard or caretaker quarters, or the redevelopment of an existing structure, the maximum height of a self-service storage facility shall be 20 feet.

- c. Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with Section 30-5.E, Exterior Lighting.
- d. The exterior facades of all structures facing a public street shall be masonry (brick or split-faced CMU).
- e. Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.
- f. A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral and shall not be used to call attention to the use.
- g. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.
- h. All mechanical equipment and dumpsters shall be fully screened from off-site views.

PROPOSED:

j. Self-Service Storage (Mini-warehouse)

Self-service storage or mini-warehouse uses shall comply with the following standards: Unless specifically provided otherwise, the following standards shall apply to both Self-Service Storage with External Access facilities and Self-Service Storage with Internal Access Only facilities:

1. *Site Layout*

a. ~~The minimum lot area shall be least three acres.~~ **Minimum lot area:**

- 1. **Self-Service Storage with External Access: 3 acres**
- 2. **Self-Storage with Internal Access Only: 1 acre**

- b. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

2. *Operation*

- a. The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- b. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.
- c. No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.
- d. Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.

- e. Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

3. *Parking and Circulation*

a. **If individual units are accessible from the exterior:**

1. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. Aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
2. The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
3. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.
4. All access ways shall be paved with asphalt, concrete, or comparable paving materials.

b. **Off-street parking shall be provided in accordance with Table 30-5.A.4.b: Minimum Off-Street Parking Standards. In addition, Self-Service Storage with Internal Access Only facilities with 50 units or more shall provide off-street loading spaces as provided in Table 30-5.A.10: Required Off-Street Loading Spaces.**

4. *Building Appearance*

- a. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.

b. **Maximum height:**

1. **Self-Service Storage with External Access:** With the exception of a structure used as a security guard or caretaker quarters, or the redevelopment of an existing structure, the maximum height of a ~~self-service storage~~ facility shall be 20 feet.
 2. **Self-Service Storage with Internal Access Only: Facilities are subject only to the height restrictions of the zoning district in which it is located, as provided in Section 30-3.E, Business Base Zoning Districts.**
- c. Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with Section 30-5.E, Exterior Lighting.
 - d. The exterior facades of all structures facing a public street shall be masonry (brick or split-faced CMU).

- e. Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.
- f. A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral and shall not be used to call attention to the use.
- g. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.
- h. All mechanical equipment and dumpsters shall be fully screened from off-site views.

Section: Table 30-5.A.4.b. Parking Table

CURRENT:

Table 30-5.A.4.b: Minimum Off-Street Parking Standards		
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES [1]
Self-Service Storage	Mini-warehouse	5 for the first 100 units plus 1 per each additional 100 units

PROPOSED:

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES [1]
Self-Service Storage	Mini-warehouse (<u>w/ external access</u>)	5 for the first 100 units plus 1 per each additional 100 units
	Mini-warehouse (<u>w/ internal access only</u>)	<u>5 for the first 100 units plus 1 per each additional 200 units</u>

Section: Table 30-5.A.10. Required Off-Street Loading Space

CURRENT:

Table 30-5.A.10: Required Off-Street Loading Spaces [1]		
USE OR ACTIVITY [2]	UNITS OR GROSS FLOOR AREA (GFA)	MINIMUM NUMBER OF LOADING SPACES
Offices and personal service establishments	15,000 sf or more	1
Visitor Accommodations [3]	50—149 units	1 plus 1 per each additional 100 units above 149 units
Space used by, designed for, or adaptable to a retail sales and services use	10,000—19,999 sf	1
	20,000—49,999 sf	2
	50,000—99,999 sf	3
	100,000 sf or more	4 + 1 per every 100,000 sf GFA above 100,000 sf GFA
Wholesale and manufacturing uses	Up to 15,000 sf	1
	15,000—49,999 sf	2
	50,000 sf or more	3 + 1 per every 50,000 sf GFA above 50,000 sf GFA
All other Commercial and Industrial Uses	15,000—39,999 sf	1
	40,000—99,999 sf	2
	100,000—159,999 sf	3
	160,000—239,999 sf	4
	240,000—319,999 sf	5
	320,000—399,999 sf	6
	400,000 sf or more	7 + 1 per every 100,000 sf GFA above 400,000 sf GFA
NOTES: [1] DU = dwelling unit; sf = square feet; GFA = gross floor area [2] See Table 30-4.A, Use Table. [3] Loading space is not required if there is not a full service restaurant in the hotel in accordance with the Cumberland County Health Department standards and regulations.		

PROPOSED:

Table 30-5.A.10: Required Off-Street Loading Spaces [1]		
USE OR ACTIVITY [2]	UNITS OR GROSS FLOOR AREA (GFA)	MINIMUM NUMBER OF LOADING SPACES
Offices and personal service establishments	15,000 sf or more	1
Visitor Accommodations [3]	50—149 units	1 plus 1 per each additional 100 units above 149 units
Space used by, designed for, or adaptable to a retail sales and services use	10,000—19,999 sf	1
	20,000—49,999 sf	2
	50,000—99,999 sf	3
	100,000 sf or more	4 + 1 per every 100,000 sf GFA above 100,000 sf GFA
Wholesale and manufacturing uses	Up to 15,000 sf	1
	15,000—49,999 sf	2
	50,000 sf or more	3 + 1 per every 50,000 sf GFA above 50,000 sf GFA
<u>Self-service storage (mini-warehouse) with internal access only</u>	<u>50 units or more</u>	<u>1 per every 50 units [4]</u>
All other Commercial and Industrial Uses	15,000—39,999 sf	1
	40,000—99,999 sf	2
	100,000—159,999 sf	3
	160,000—239,999 sf	4
	240,000—319,999 sf	5
	320,000—399,999 sf	6
	400,000 sf or more	7 + 1 per every 100,000 sf GFA above 400,000 sf GFA
NOTES: [1] DU = dwelling unit; sf = square feet; GFA = gross floor area [2] See Table 30-4.A, Use Table. [3] Loading space is not required if there is not a full service restaurant in the hotel in accordance with the Cumberland County Health Department standards and regulations. <u>[4] Loading spaces should be located near the entrance(s) to the building. If there is more than one entrance, the loading spaces should be evenly distributed among all entrances, as shown on the Site Plan (see Section 30-2.C.5, Site Plan.)</u>		

TA21-010: Open Space Dedication

Draft Proposed Changes

(Added language in underline; deleted language in ~~strikethrough~~)

Section: 30-5.C.4. Bonuses and Incentives

CURRENT:

- c. Stormwater BMPs count 100 percent if designed as amenity and include trees in the shelf area; minimum tree planting is 36 trees per acre and 3:1 maximum slope.
- d. Stormwater BMPs count 50 percent if designed as amenity or planted with trees in the shelf area; minimum tree planting is 36 trees per acre and 3:1 maximum slope.

PROPOSED:

- e. Stormwater BMPs count 100 percent if designed as amenity and include trees ~~in the shelf area~~ around pond; minimum tree planting is 36 trees per acre and 3:1 maximum slope.
- f. Stormwater BMPs count 50 percent if designed as amenity or planted with trees ~~in the shelf area~~ around pond; minimum tree planting is 36 trees per acre and 3:1 maximum slope.

TA21-011 Accessory Uses on Large Residential Lots

Draft Proposed Changes

(Added language in underline; deleted language in ~~striketrough~~)

Section: 30-4.D.3.w. Accessory uses/structures on large residential lots

CURRENT: [n/a]

PROPOSED: [Create new section]

w. Accessory uses/structures in large residential lots.

The following standards shall apply to accessory uses/structures that exceed the maximum size provided in Section 30-3.D, Residential Base Zoning Districts and are located on residential lots of least one acre in size:

1. Structure footprint. On lots that are at least one acre, the maximum square footage of accessory uses/structures shall be 2,000 square feet. For each additional half acre in lot size, another 250sf may be added to the square footage of the accessory use/structure. For example:

Property size (acreage)	Accessory use max size
1 acre	2,000 sf
1.5 acres	2,250 sf
2 acres	2,500 sf
2.5 acres	2,750 sf
3 acres	3,000 sf
3.5 acres	3,250 sf
4 acres	3,500 sf

2. Setbacks. Accessory structures in this Section shall comply with the setback requirements applicable to the principal structure, as provided in Section 30-3.D, Residential Base Zoning Districts, except when the accessory structure is adjacent to a business zoning district, in which case the setback shall be a minimum of 5 feet from any lot line.

Section: 30-3.D. Residential Base Zoning; Dimensional Standards

[The changes below apply to the Notes section of the Dimensional Standards tables for all residential districts, which includes: 30-3.D.2. Single-Family Residential 15 (SF-15); 30-3.D.3. Single-Family Residential 10 (SF-10); 30-3.D.4. Single-Family Residential 6 (SF-6); 30-3.D.5. Mixed Residential-5 (MR-5).]

CURRENT:

Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed the lesser of 1200 square feet in size or the size of the principal structure, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage.

PROPOSED:

Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed ~~the lesser of~~ 1200 square feet in size ~~or the size of the principal structure~~, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage. **Notwithstanding the foregoing, accessory uses/structures on lots of at least one acre and that exceed the maximize size above shall comply with the footprint and setback requirements of Section 30-4.D.3.w, Accessory uses/structures on large residential lots.**

Section: 30-9. Definitions

CURRENT:

Accessory Structure

A structure that is subordinate in use and square footage to a principal structure or permitted use.

PROPOSED:

Accessory Structure

A structure that is subordinate in use ~~and square footage~~ to a principal structure or permitted use.

TA21-012: Residential Density in MR-5 and CC Zoning Districts

Draft Proposed Changes

Section: 30-3.D.5. Mixed Residential 5 (MR-5) District; Dimensional Standards Table

CURRENT:

MR-5 MIXED RESIDENTIAL 5 DISTRICT	PURPOSE					
	The Mixed Residential 5 (MR-5) district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single- family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5: Development Standards. MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub- stations), day care facilities, and limited small-scale neighborhood-serving convenience retail uses (See 30-4.D. Accessory Uses).					
DIMENSIONAL STANDARDS						
DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS	SINGLE- FAMILY ATTACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	MULTI- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES [1]	ACCESSORY STRUCTURES
Gross residential density, max. (dwelling units/ acre) [3]	18; 20 for zero lot line development				8	n/a
Height, max. (ft.) [3]	Lesser of: 4 stories or 60 feet					25; 15 where abutting a single-family zoning district or use with setback less than 10 feet

PROPOSED:

MR-5 MIXED RESIDENTIAL 5 DISTRICT	PURPOSE					
	The Mixed Residential 5 (MR-5) district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single- family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5 : Development Standards. MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub- stations), day care facilities, and limited small-scale neighborhood-serving convenience retail uses (See 30-4.D . Accessory Uses).					
DIMENSIONAL STANDARDS						
DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS	SINGLE- FAMILY ATTACHED	TWO- TO FOUR- FAMILY DWELLINGS	MULTI- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES [1]	ACCESSORY STRUCTURES
Gross residential density, max. (dwelling units/ acre) [3]	20; 24 if property abuts an Arterial, Collector, or Major Street					n/a
Height, max. (ft.) [3]	Greater of six stories or up to 75 feet					25; 15 where abutting a single-family zoning district or use with setback less than 10 feet

Section: 30-3.E.5. Community Commercial (CC) District; Dimensional Standards Table

CURRENT:

CC COMMUNITY COMMERCIAL DISTRICT	PURPOSE			
	The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium- to high- intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed- use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards.			
DIMENSIONAL STANDARDS				
DIMENSIONAL STANDARD	NONRESIDENTIAL	MIXED-USE	ALL OTHER USES	ACCESSORY STRUCTURES
Gross residential density, max. (dwelling units/acre)[1]	24		12	n/a

PROPOSED:

CC COMMUNITY COMMERCIAL DISTRICT	PURPOSE			
	The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium- to high- intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed- use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards.			
DIMENSIONAL STANDARDS				
DIMENSIONAL STANDARD	NONRESIDENTIAL	MIXED-USE	ALL OTHER USES	ACCESSORY STRUCTURES
Gross residential density, max. (dwelling units/acre)[1]	24			n/a

TA21-014: Nonconformities

Draft Proposed Changes

(Added language in underline; deleted language in ~~strikethrough~~)

Section: 30-7.F.1 Interior and Exterior Remodeling of Buildings or Structures

CURRENT:

c. Interior and Exterior Remodeling of Buildings on Sites Two Acres or Less.

If a Building Permit is required for interior or exterior remodeling of the building or structure, the remodeling or redevelopment shall require that non-residential property provide a six-foot in height solid fence or wall where the property abuts single-family residentially zoned property. For sites one (1) acre and less in size, properties shall also provide two (2) of the following in not already existing, for sites larger than one (1) acre but not more than two (2) acres, properties shall also provide three (3) of the following if not already existing:

1. Where non-residential property abuts a residential property, a six-foot wide planting buffer along the residential property line shall be provided. Within the planting buffer there shall be a continuous row of evergreen shrubs (Leland Cyprus, wax myrtle or similar) planted no less than six-feet apart and at a height of no less than three-feet at the time of planting. The shrubs shall obtain a minimum height of six-feet at maturity.
2. For every 25-feet of road frontage an understory tree shall be planted within 25-feet of the right-of-way;
3. For every five-feet of building frontage facing the right-of-way, a shrub shall be planted within 10-feet of the street facing building facade.
4. A landscape island no less than nine-feet by 18-feet shall be installed at the end of each row of parking spaces within 50-feet of a public right-of-way. The landscape island shall be planted with one understory tree or 10 shrubs.
5. Where the property abuts the right-of-way, a continuous row of shrubs shall be planted along the entire length of the property abutting the right-of-way excluding driveway entrances. The plantings shall maintain a minimum height of two-and-a-half-feet.

PROPOSED:

c. Interior and Exterior Remodeling of Buildings on Sites Two Acres or Less.

1. If a Building Permit is required for interior or exterior remodeling of the building or structure **with a remodeling cost of more than 25 percent of the current fair market or assessed value of the structure (at the option of the applicant)**, the remodeling or redevelopment shall require that non-residential property provide a six-foot in height solid fence or wall where the property abuts single-family residentially zoned property. For sites one (1) acre and less in size, properties shall also provide two (2) of the following in not already existing, for sites larger than one (1) acre but not more than two (2) acres, properties shall also provide three (3) of the following if not already existing:

- a. Where non-residential property abuts a residential property, a six-foot-wide planting buffer along the residential property line shall be provided. Within the planting buffer, there shall be a continuous row of evergreen shrubs (Leland Cypress, wax myrtle, or similar) planted no less than six feet apart and at a height of no less than three feet at the time of planting. The shrubs shall obtain a minimum height of six feet at maturity.
 - b. For every 25-feet of road frontage **excluding driveway entrances**, an understory tree shall be planted within 25-feet of the right-of-way.
 - c. For every five feet of building frontage facing the right-of-way, a shrub shall be planted within 10-feet of the street-facing building facade. Planters used to meet this requirement shall be constructed of durable all-weather material such as fiberglass, metal, stone, or cementitious material.
 - d. A landscape island no less than ~~nine-feet by 18-feet~~ **180 square feet** shall be installed at the end of each row of parking spaces within 50-feet of a public right-of-way. The landscape island shall be planted with one understory tree or ten shrubs.
 - e. Where the property abuts the right-of-way, a continuous row of shrubs shall be planted along the entire length of the property abutting the right-of-way, excluding driveway entrances. The plantings shall maintain a minimum height of two-and-a-half feet.
2. **Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable, as determined by the City Manager. In determining the priorities for remediation, the entire site, its context, and its operational characteristics will be considered, with the first objective being public safety and buffering issues.**

Section: 30-7.F.2. Additions and Expansions

CURRENT:

c. Additions and Expansions on Sites Two Acres or Less.

If a Building Permit is required for interior or exterior remodeling of the building or structure, the remodeling or redevelopment shall require that non-residential property provide a six-foot in height solid fence or wall where the property abuts single-family residentially zoned property. For sites one (1) acre and less in size, properties shall also provide two (2) of the following in not already existing, for sites larger than one (1) acre but not more than two (2) acres, properties shall also provide three (3) of the following if not already existing:

1. Where non-residential property abuts a residential property, a six-foot wide planting buffer along the residential property line shall be provided. Within the planting buffer there shall be a continuous row of evergreen shrubs (Leland Cypress, wax myrtle or similar) planted no less than six-feet apart and at a height of no less than three-feet at the time of planting. The shrubs shall obtain a minimum height of six-feet at maturity.

2. For every 25-feet of road frontage an understory tree shall be planted within 25-feet of the right-of-way;
3. For every five-feet of building frontage facing the right-of-way, a shrub shall be planted within 10-feet of the street facing building facade.
4. A landscape island no less than nine-feet by 18-feet shall be installed at the end of each row of parking spaces within 50-feet of a public right-of-way. The landscape island shall be planted with one understory tree or 10 shrubs.
5. Where the property abuts the right-of-way, a continuous row of shrubs shall be planted along the entire length of the property abutting the right-of-way excluding driveway entrances. The plantings shall maintain a minimum height of two-and-a-half-feet.

PROPOSED:

c. Additions and Expansions on Sites Two Acres or Less.

1. If a Building Permit is required for ~~interior or exterior remodeling~~ **an addition or expansion** of the building or structure, the remodeling or redevelopment shall require that non-residential property provide a six-foot in height solid fence or wall where the property abuts single-family residentially zoned property. For sites one (1) acre and less in size, properties shall also provide two (2) of the following if not already existing, for sites larger than one (1) acre but not more than two (2) acres, properties shall also provide three (3) of the following if not already existing:
 - a. Where non-residential property abuts a residential property, a six-foot-wide planting buffer along the residential property line shall be provided. Within the planting buffer, there shall be a continuous row of evergreen shrubs (Leland Cyprus, wax myrtle, or similar) planted no less than six feet apart and at a height of no less than three feet at the time of planting. The shrubs shall obtain a minimum height of six feet at maturity.
 - b. For every 25-feet of road frontage **excluding driveway entrances**, an understory tree shall be planted within 25-feet of the right-of-way.
 - c. For every five feet of building frontage facing the right-of-way, a shrub shall be planted within 10-feet of the street-facing building facade. Planters used to meet this requirement shall be constructed of durable all-weather material such as fiberglass, metal, stone, or cementitious material.
 - d. A landscape island no less than ~~nine feet by 18 feet~~ **180 square feet** shall be installed at the end of each row of parking spaces within 50-feet of a public right-of-way. The landscape island shall be planted with one understory tree or ten shrubs.
 - e. Where the property abuts the right-of-way, a continuous row of shrubs shall be planted along the entire length of the property abutting the right-of-way, excluding driveway entrances. The plantings shall maintain a minimum height of two-and-a-half feet.
2. **Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to**

the maximum extent practicable, as determined by the City Manager. In determining the priorities for remediation, the entire site, its context, and its operational characteristics will be considered, with the first objective being public safety and buffering issues.

Section: 30-7.F.3. Changes in Use

CURRENT:

Any change in use shall require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, and open space standards of this Article with the exception of Physically Constrained Properties or sites two acres or less.

- a. Any change in use on a Physically Constrained Property or a site two acres or less shall require that the non-residential property provide a six-foot high solid fence or wall where property abuts single-family residentially zoned property.
- b. For sites one (1) acre and less in size, properties shall also provide two (2) of the following if not already existing, for sites larger than one (1) acre but not more than two (2) acres, properties shall also provide three (3) of the following if not already existing:
 1. Where non-residential property abuts a residential property, a six-foot wide planting buffer along the residential property line shall be provided. Within the planting buffer there shall be continuous row of evergreen shrubs (Leland Cyprus, wax myrtle or similar) planted no less than six-feet apart and at a height of no less than three-feet at the time of planting. The shrubs shall obtain a minimum height of six-feet at maturity.
 2. For every 25-feet of road frontage an understory tree shall be planted within 25-feet of the right-of-way;
 3. For every five-feet of building frontage facing the right-of-way, a shrub shall be planted within 10-feet of the street facing building facade.
 4. A landscape island no less than nine-feet by 18-feet shall be installed at the end of each row of parking spaces within 50-feet of a public right-of-way. The landscape island shall be planted with one understory tree or 10 shrubs.
 5. Where the property abuts the right-of-way, a continuous row of shrubs shall be planted along the entire length of the property abutting the right-of-way excluding driveway entrances. The plantings shall maintain a minimum height of two-and-a-half-feet.

PROPOSED:

- a.** Any change in use shall require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, and open space standards of this Article with the exception of Physically Constrained Properties or sites two acres or less.

1. Any change in use on a Physically Constrained Property or a site of two acres or less shall require that the non-residential property provide a six-foot-high solid fence or wall where property abuts single-family residentially zoned property.
2. For sites one (1) acre and less in size, properties shall also provide two (2) of the following if not already existing, for sites larger than one (1) acre but not more than two (2) acres, properties shall also provide three (3) of the following if not already existing:
 - a. Where non-residential property abuts a residential property, a six-foot-wide planting buffer along the residential property line shall be provided. Within the planting buffer, there shall be a continuous row of evergreen shrubs (Leland Cypress, wax myrtle, or similar) planted no less than six feet apart and at a height of no less than three feet at the time of planting. The shrubs shall obtain a minimum height of six feet at maturity.
 - b. For every 25-feet of road frontage **excluding driveway entrances**, an understory tree shall be planted within 25-feet of the right-of-way.
 - c. For every five feet of building frontage facing the right-of-way, a shrub shall be planted within 10-feet of the street-facing building facade. Planters used to meet this requirement shall be constructed of durable all-weather material such as fiberglass, metal, stone, or cementitious material.
 - d. A landscape island no less than ~~nine feet by 18 feet~~ **180 square feet** shall be installed at the end of each row of parking spaces within 50-feet of a public right-of-way. The landscape island shall be planted with one understory tree or ten shrubs.
 - e. Where the property abuts the right-of-way, a continuous row of shrubs shall be planted along the entire length of the property abutting the right-of-way, excluding driveway entrances. The plantings shall maintain a minimum height of two-and-a-half feet.
3. **Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable, as determined by the City Manager. In determining the priorities for remediation, the entire site, its context, and its operational characteristics will be considered, with the first objective being public safety and buffering issues.**

TA21-015: Political Signs

Draft Proposed Changes

(Added language in underline; deleted language in ~~strikethrough~~)

Table 30-5.L.6: Signs Allowed Without a Permit

SIGN TYPE	ADDITIONAL REQUIREMENTS	MAX. NUMBER ALLOWED	MAXIMUM COPY AREA (SQ. FT.)	MAXIMUM HEIGHT IF FREESTANDING
Temporary (Political)	(2)	-	16 <u>See NCGS 136-32</u>	8 <u>see NCGS 136-32</u>
ADDITIONAL REQUIREMENTS:				
1. See also Section 24-167 of the City Code of Ordinances.				
2. Political signs may be displayed up to 60 days prior to the election day for which they are intended and must be removed within 10 days following that election. They are only allowed to be placed on private property and only with permission of the property owner. No temporary political sign shall be placed on public property, on any right of way or attached in any manner as a snipe sign including, but not limited to, attachment to a pole, tree, fence, rock or another sign. <u>Political sign displays shall comply with NCGS 136-32</u>				
3. When not displayed in connection with a commercial promotion.				
4. Permitted for 30-day period prior to and must be removed within five days of close of event.				

Proposed

§ 136-32. Regulation of signs.

- (a) Commercial Signs. - No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.
- (b) Compliant Political Signs Permitted. - During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection. Any political sign remaining in the right-of-way of the State highway system more than 30 days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.
- (c) Definition. - For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.
- (d) Sign Placement. - The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:
- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
 - (2) No sign shall be closer than three feet from the edge of the pavement of the road.
 - (3) No sign shall obscure motorist visibility at an intersection.
 - (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
 - (5) No sign shall be larger than 864 square inches.
 - (6) No sign shall obscure or replace another sign.
- (e) Penalties for Unlawful Removal of Signs. - It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.
- (f) Application Within Municipalities. - Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. Any such ordinance shall provide that any political sign that remains in a right-of-way of streets located within the corporate limits of a municipality and maintained by the municipality more than 30 days after the end of the period prescribed in the ordinance is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r);

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Subsection j, Self-Service Storage (Mini-warehouse), of Section 30-4.C.4, Commercial Uses, is amended by deleting the same in its entirety and substituting with the following:

j. Self-Service Storage (Mini-warehouse)

Unless specifically provided otherwise, the following standards shall apply to both “Self-Service Storage with External Access” and “Self-Service Storage with Internal Access Only” facilities:

1. *Site Layout*

- a. Minimum lot area:
 - 1. Self-Service Storage with External Access: 3 acres
 - 2. Self-Service Storage with Internal Access Only: 1 acre
- b. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

2. *Operation*

- a. The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods; to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities; to conduct garage sales or retail sales of any kind; or to conduct any other commercial or industrial activity on the site.
- b. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.
- c. No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building’s design.
- d. Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.
- e. Hours of public access to a self-service storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

3. *Parking and Circulation*

- a. If individual units (storage bays) are accessible from the exterior:
 - 1. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. Aiseways shall be used for both circulation and temporary customer parking while using storage bays. The minimum width of aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
 - 2. The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
 - 3. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.
 - 4. All access ways shall be paved with asphalt, concrete, or comparable paving materials.
- b. Off-street parking shall be provided in accordance with Table 30-5.A.4.b, Minimum Off-Street Parking Standards. In addition, Self-Service Storage with Internal Access Only facilities with 50 units or more shall provide off-street loading spaces as provided in Table 30-5.A.10, Required Off-Street Loading Spaces.

4. *Building Appearance*

- a. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.
- b. Maximum height:
 - 1. Self-Service Storage with External Access: With the exception of a structure used as a security guard or caretaker quarters, or the redevelopment of an existing structure, the maximum height for facilities with external access shall be 20 feet.
 - 2. Self-Service Storage with Internal Access Only: Facilities are subject only to the height restrictions of the zoning district in which it is located, as provided in Article 30-3, Zoning Districts.
- c. Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with Section 30-5.E, Exterior Lighting.
- d. The exterior facades of all structures facing a public street shall be masonry (brick or split-faced CMU).
- e. Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.
- f. A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral and shall not be used to call attention to the use.

- g. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.
- h. All mechanical equipment and dumpsters shall be fully screened from off-site views.

5. *Fencing*

All areas adjacent to a street frontage not occupied by a building shall include fencing designed in accordance with the following standards:

- a. Fences shall be no shorter than six feet or taller than eight feet.
- b. Fencing shall be masonry, wrought iron, steel, or aluminum and shall be painted or vinyl coated with colors that compliment the buildings.
- c. Chain link fencing is prohibited except where the use abuts lots with a commercial zoning designation, but in no instance shall chain link fencing be visible from a public street.
- d. Metal fences shall include brick pilasters or supports located with consistent on-center spacing.
- e. Wooden or chain link entry gates into the use are prohibited.

6. *Open Storage*

Open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

- a. No outdoor storage shall be visible from off-site views;
- b. The storage shall occur only within a designated area, which shall be clearly delineated;
- c. The size of the storage area shall not exceed 25 percent of the buildable area of the site;
- d. Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall at least eight feet high;
- e. Storage shall not occur within the areas set aside for minimum building setbacks;
- f. No dry stacking of boats shall be permitted on-site; and
- g. Vehicles shall be allowed on the premises for storage only.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be re-alphabetized and renumbered or accomplish such intention.

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. The Commercial Use Classification section of Table 30-5.A.4.b, Minimum Off-Street Parking Standards, is amended by deleting the same in its entirety and substituting with the following:

Table 30-5.A.4.b: Minimum Off-Street Parking Standards		
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES [1]
COMMERCIAL USE CLASSIFICATION Uses in the commercial use classification shall not provide more than 140 percent of the minimum number of spaces required except as specifically noted below or through an approved alternative parking plan (see Section 30-5.A.8).		
Adult Entertainment	Adult entertainment	1 per every 3 persons of maximum fire rated capacity
Animal Care	Animal grooming	1 per every 300 sf
	Animal shelter	1 per every 400 sf
	Kennel, indoor	1 per every 400 sf
	Kennel, outdoor	
	Veterinary clinic	1 per every 300 sf
Conference and Training Centers	Conference or training center	See Section 30-5.A.4.d
Eating Establishments	Dinner theater	1 per every 4 seats
	Restaurant, with indoor or outdoor seating	Less than 100 seats: 1 per every 125 sf (including outdoor waiting/seating/dining areas). Maximum parking shall be 175% of the minimum.
	Restaurant, with drive-through service	100 or more seats: 1 per every 4 seats. Maximum parking shall be 1 space per every 2 seats (including outdoor waiting/seating/dining areas)
	Specialty eating establishment	1 per every 200 sf
Offices	Business services	1 per every 300 sf
	Financial services	
	Professional services	1 per every 300 sf
	Radio and television broadcasting studio	1 per every 500 sf
	Sales (including real estate)	1 per every 300 sf
Parking, Commercial	Parking lot	None
	Parking structure	
	Parking tractor trailers	
Recreation/Entertainment, Indoor	Commercial recreation, indoor	1 per every 300 sf
	Theater	1 per every 4 seats
Recreation/Entertainment, Outdoor [2]	Arena, amphitheater, or stadium	1 per every 4 seats
	Golf course, private	4 per hole
	Athletic field and clubhouse	1 per every 5,000 sf of land area

	Golf driving range	1 per tee + 1 per every 15 sf of hitting area
	Swimming pool, private	1 per every 75 sf of water surface area
	Swimming pool, nonprofit	
	Tennis court	3 per court
	Other commercial recreation, outdoor	1 per every 5,000 sf of land area
Retail Sales and Services	Bar, nightclub, or cocktail lounge	1 per 3 persons of maximum North Carolina Building or Fire Code rated capacity
	Entertainment establishment	1 per 3 persons of maximum North Carolina Building or Fire Code rated capacity
	Gasoline sales	1 per employee
	Crematory	1 per 4 seats in main assembly room
	Financial institution, without drive- through service	1 per every 300 sf
	Financial institution, with drive-through service	
	Funeral home	1 per 4 seats in main assembly room
	Laundromat	1 per every 250 sf
	Personal services establishment	1 per every 300 sf
	Tattoo parlor/body piercing establishment	1 per every 300 sf
	Repair establishment	1 per every 300 sf
	Convenience store, without gas sales	1 per every 250 sf
	Convenience store, with gas sales	
	Drug store or pharmacy, without drive-through service	1 per every 250 sf
	Drug store or pharmacy, with drive-through service	
	Flea market	1 per every 200 sf of building or use area
	Grocery store	1 per every 250 sf
	Liquor Store	1 per every 250 sf
	Retail sales establishment, large	1 per 350 sf
	Electronic gaming operation	The greater of 1 per machine or one space per 150 gross square feet, + 1 per employee on largest shift.
	Other retail sales establishments	1 per every 300 sf
Self-Service Storage	Mini-warehouse (with external access)	5 for the first 100 units plus 1 per each additional 100 units
	Mini-warehouse (internal access only)	5 for the first 200 units plus 1 per each additional 200 units
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	1 per every 300 sf
	Automotive painting/body shop	1 per every 300 sf
	Automotive wrecker service	1 per employee on largest shift

	Transmission shop	1 per every 300 sf
	Boat and marine rental and sales	1 per every 400 sf + 1 per every 5,000 sf of outdoor display area
	Truck stop	1 per every 300 sf of retail + 1 per service bay + 0.5 per gasoline pump
Vehicle Sales and Services, Light	Automotive parts and installation	1 per every 300 sf
	Automobile repair and servicing (without painting/body-work)	1 per every 300 sf
	Automobile sales or rentals	1 per every 300 sf of building area + 1 per every 5,000 sf of outdoor display area
	Car wash or auto detailing	1 per employee on largest shift
	Taxicab service	1 per employee on largest shift
	Tire/muffler sales and mounting	1 per every 300 sf
Visitor Accommodations	Bed and breakfast inn	2 spaces + 1 per guest bedroom
	Hotel or motel	Hotel or Motel: 1 per every guest room plus 75% of spaces required for on-site accessory uses
	Tourist Home	2 spaces + 1 per guest room

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be re-alphabetized and renumbered or accomplish such intention.

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Table 30-5.A.10, Required Off-Street Loading Spaces, of Section 30-5.A.10., Loading Space Standards, is amended by deleting the same in its entirety and substituting with the following:

Table 30-5.A.10: Required Off-Street Loading Spaces [1]		
USE OR ACTIVITY [2]	UNITS OR GROSS FLOOR AREA (GFA)	MINIMUM NUMBER OF LOADING SPACES
Offices and personal service establishments	15,000 sf or more	1
Visitor Accommodations [3]	50—149 units	1 plus 1 per each additional 100 units above 149 units
Space used by, designed for, or adaptable to a retail sales and services use	10,000—19,999 sf	1
	20,000—49,999 sf	2
	50,000—99,999 sf	3
	100,000 sf or more	4 + 1 per every 100,000 sf GFA above 100,000 sf GFA
Wholesale and manufacturing uses	Up to 15,000 sf	1
	15,000—49,999 sf	2
	50,000 sf or more	3 + 1 per every 50,000 sf GFA above 50,000 sf GFA
Mini-warehouse (internal access only)	50 units or more	1 per every 50 units [4]
All other Commercial and Industrial Uses	15,000—39,999 sf	1
	40,000—99,999 sf	2
	100,000—159,999 sf	3
	160,000—239,999 sf	4
	240,000—319,999 sf	5
	320,000—399,999 sf	6
	400,000 sf or more	7 + 1 per every 100,000 sf GFA above 400,000 sf GFA
NOTES: [1] DU = dwelling unit; sf = square feet; GFA = gross floor area [2] See Table 30-4.A, Use Table. [3] Loading space is not required if there is not a full service restaurant in the hotel in accordance with the Cumberland County Health Department standards and regulations. [4] Loading spaces shall located near the entrance(s) to the building. If there is more than one entrance, the loading spaces should be evenly distributed among all entrances, as shown on the Site Plan (see Section 30-2.C.5, Site Plan.)		

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be re-alphabetized and renumbered or accomplish such intention.

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-9, DEFINITIONS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Section 30-9.D., Definitions, is amended by deleting the definition for “Accessory Structure” in its entirety and substituting with the following:

Accessory Structure

A structure that is subordinate in use to a principal structure or permitted use.

Section 2. Section 30-9.D., Definitions, is amended by deleting the definition for “Self-Service Storage” in its entirety and substituting with the following:

Self-Service Storage with External Access

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Individual units may be accessed from the exterior and/or interior of the building. Also called “mini-warehouse (with external access)”.

Self-Service Storage with Internal Access Only

A building divided into sections for use for storage of items, either temporary or long-term, and not to be used for any other purpose (such as small offices, garages, etc.). Individual units must be accessed from internal corridors only; external access to units is prohibited. Also called “mini-warehouse (internal access only)”.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be re-alphabetized and renumbered or accomplish such intention.

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Paragraph “c.” of Section 30-5.C.4., Bonuses and Incentives, is amended by deleting the same in its entirety and substituting with the following:

- c. Stormwater BMPs count 100 percent if designed as amenity and include trees around pond; minimum tree planting is 36 trees per acre and 3:1 maximum slope.

Section 2. Paragraph “d.” of Section 30-5.C.4., Bonuses and Incentives, is amended by deleting the same in its entirety and substituting with the following:

- d. Stormwater BMPs count 50 percent if designed as amenity or planted with trees around pond; minimum tree planting is 36 trees per acre and 3:1 maximum slope.

Section 3. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be re-alphabetized and renumbered or accomplish such intention.

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Section 30-3.D.2., Single-Family Residential 15 (SF-15) District, is amended by deleting the notes in their entirety in the Dimensional Standards table and substituting with the followings:

NOTES:

[1] [Reserved.]

[2] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed 1500 square feet in size and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage. Notwithstanding the foregoing, accessory uses/structures on lots of at least one acre and that exceed the maximize size above shall comply with the footprint and setback requirements of Section 30-4.D.3.w, Accessory uses/structures on large residential lots.

[3] Minimum setbacks for all principal uses shall be increased by five feet for all building walls 25 feet or more above grade.

[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

Section 2. Section 30-3.D.3., Single-Family Residential 10 (SF-10) District, is amended by deleting the notes in their entirety in the Dimensional Standards table and substituting with the following:

NOTES:

[1] [Reserved].

[2] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed 1200 square feet in size, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot

line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage. Notwithstanding the foregoing, accessory uses/structures on lots of at least one acre and that exceed the maximize size above shall comply with the footprint and setback requirements of Section 30-4.D.3.w, Accessory uses/structures on large residential lots.

[3] Minimum setbacks for all other principal uses shall be increased by five feet for all building walls 25 feet or more above grade.

[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

Section 3. Section 30-3.D.4., Single-Family Residential 6 (SF-6) District, is amended by deleting the notes in their entirety in the Dimensional Standards table and substituting with the following:

NOTES:

[1] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed 1200 square feet in size, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage. Notwithstanding the foregoing, accessory uses/structures on lots of at least one acre and that exceed the maximize size above shall comply with the footprint and setback requirements of Section 30-4.D.3.w, Accessory uses/structures on large residential lots.

[2] [Reserved.]

[3] Minimum setbacks for all principal uses shall be increased by five feet for all building walls 25 feet or more above grade.

[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

Section 4. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING VARIOUS SUBSECTIONS OF ARTICLE 30-4, USE STANDARDS, UNDER
CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF
ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

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

Section 1. Section 30-4.D.3, Specific Standards for Certain Accessory Uses, is amended by adding a new subparagraph w. as follows:

w. Accessory Uses/Structures on Large Residential Lots

The following standards shall apply to accessory uses/structures that exceed the maximum size provided in Section 30-3.D, Residential Base Zoning Districts, and that are located on residential lots of least one acre in size:

1. *Structure footprint.* On lots that are at least one acre, the maximum square footage of accessory uses/structures shall be 2,000 square feet. For each additional half acre in lot size, another 250 sf may be added to the square footage of the accessory use/structure. For example:

Property size (acreage)		Accessory use max size
1	acre	2,000 sf
1.5	acres	2,250 sf
2	acres	2,500 sf
2.5	acres	2,750 sf
3	acres	3,000 sf
3.5	acres	3,250 sf
4	acres	3,500 sf

2. *Setbacks.* Accessory structures in this Section shall comply with the setback requirements applicable to the principal structure, as provided in Section 30-3.D, Residential Base Zoning Districts, except when the accessory structure is adjacent to a business zoning district, in which case the setback shall be a minimum of 5 feet from any lot line.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of

Fayetteville, North Carolina, and the section of this ordinance may be re-alphabetized and renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Section 30-3.D.5, Mixed Residential 5 (MR-5) District, is amended by deleting the table in its entirety and substituting with the following:

MR-5 MIXED RESIDENTIAL 5 DISTRICT	PURPOSE					
	The Mixed Residential 5 (MR-5) district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single- family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5: Development Standards . MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub- stations), day care facilities, and limited small-scale neighborhood-serving convenience retail uses (See 30-4.D. Accessory Uses).					
DIMENSIONAL STANDARDS						
DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS	SINGLE- FAMILY ATTACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	MULTI- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES [1]	ACCESSORY STRUCTURES
Lot area per unit, min. (sq. ft.) [2]	5,000 for 1st unit, then 4,000	4,000		15,000+ 1,000 per unit	5,000	n/a
Lot width, min. (ft.)	50					n/a
Gross residential density, max. (dwelling units/ acre) [3]	20; 24 if property abuts an Arterial, Collector, or Major Street (as defined in Section 30-9, Definitions)					n/a
Lot coverage, max. (% of lot area)	55					[4]
Height, max. (ft.) [3]	Greater of six stories or 75 feet					25; 15 where abutting a single- family zoning district or use with setback less than 10 feet
Front and corner side setback, min. (ft.) [5]	25 feet or 50 feet from centerline of private streets					Not allowed in front or corner side setbacks

Side setback, min. (ft.)	10		Not allowed in side setback
Rear setback, min. (ft.)	30; 15 when corner side setback is 25 or more		5
Spacing between buildings, min. (ft.)	n/a	20	5
Zero lot line development standards	Zero lot line development shall comply with the maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [6]		
NOTES:			
[1] Including live/work units and upper-story residential development.			
[2] In cases where lot area and gross density conflict, the standard resulting in the lesser number of dwelling units shall control.			
[3] Gross residential density and maximum height may be increased through provision of sustainable development features in accordance with Section 30- 5.N, Incentives for Sustainable Development Practices.			
[4] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed 1200 square feet in size, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage.			
Notwithstanding the foregoing, accessory uses/structures on lots of at least one acre and that exceed the maximize size above shall comply with the footprint and setback requirements of Section 30-4.D.3.w, Accessory uses/structures on large residential lots.			
[5] Minimum front (and corner side) setbacks for multi-family and nonresidential uses may be reduced to 15 feet when off-street parking is located to the side or rear of buildings and buildings are located proximate to the street (or corner) rights-of-way.			
[6] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).			

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

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Section 30-3.E.5, Community Commercial (CC) District, is amended by deleting the table in its entirety and substituting with the following:

CC COMMUNITY COMMERCIAL DISTRICT	PURPOSE			
	The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses [subject to approval of a Special Use Permit (see Section 30-2.C.7)]. The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed-use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards.			
DIMENSIONAL STANDARDS				
DIMENSIONAL STANDARD	NONRESIDENTIAL	MIXED- USE	ALL OTHER USES	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	10,000	8,000	15,000	n/a
Lot width, min. (ft.)	45			n/a
Gross residential density, max. (dwelling units/acre)[1]	24			n/a
Lot coverage, max. (% of lot area)	65			[2]
Height, max.	the greater of six stories or up to 75 feet			25; 15 where abutting a single-family zoning district or use with setback less than 10 feet
Front and corner side setback, min. (ft.) [3]	The lesser of 25 ft. or 60 ft. from centerline of private streets			Not allowed in front, corner side, or side yard areas
Side setback, min. (ft.)	3; 15 where abutting a single-family zoning district or use			
Rear setback, min. (ft.)	3; 20 where abutting an alley or single-family zoning district or use			5

Spacing between buildings, min. (ft.)	20	5
Zero lot line development standards	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [4]	
NOTES: [1] A maximum density of 36 is allowed in priority redevelopment areas as may be designated by City Council. [2] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 30 percent of the allowable lot coverage. [3] Minimum front (and corner side) setbacks for nonresidential, multi-family, and mixed-uses may be reduced to 15 feet when off-street parking is located to the side or rear of buildings and buildings are located proximate to the street (or corner) rights-of-way. [4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).		

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

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Subsection 30-4.A.2., Use Table, is amended by deleting the notes in the table in their entirety and substituting with the following:

NOTES:

[1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require a Neighborhood Compatibility Permit (see Section 30-2.C.21).

[2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.

[3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.

[4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

[5] In MR-5 districts, permitted uses shall be established only on parcels abutting and accessed by an Arterial, Collector, or Major Street, as defined in Section 30-9, Definitions.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of

Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. The Commercial Use Classification section of Table 30-4.A.2, Use Table, is amended by deleting the same in its entirety and substituting with the following:

Table 30-4.A.2 Use Table P = Permitted Use S = Special Use MP = Allowed Subject to a Planned Development Master Plan “/” = Prohibited Use [1]																					
USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN
COMMERCIAL USE CLASSIFICATION [1]																					
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.a
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.b
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	S	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	S	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.d
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.e.1
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	P	/	/	/	MP	/	30-4.C.4.e.2
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.f
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	

	Radio and television broadcasting studio	/	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
Parking, Commercial	Parking lot	/	/	/	/	/	/	/	/	P	S	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.g.1
	Parking structure	/	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.g.2
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.g.3
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
Recreation/ Entertainment, Outdoor	Arena, amphitheater, or stadium	/	/	/	/	/	/	/	/	/	/	S	P	S	P	P	/	/	/	MP	/	30-4.C.4.h.1
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	P	/	/	/	/	/	MP	MP	MP	
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	/	/	MP	MP	MP	
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	/	MP	MP	MP	
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	/	MP	MP	MP	30-4.C.4.h.2
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	/	MP	MP	MP	30-4.C.4.h.2
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.h.3
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	P	S	S	P	P	P	/	P	P	/	MP	MP	MP	
Retail Sales & Services [5]	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.1
	Entertainment establishment	/	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	MP	MP	MP	
	Gasoline sales	/	/	/	/	/	/	/	/	/	S	P	P	S	S	/	/	/	MP	MP	MP	30-4.C.4.i.7
	Crematory	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	P	/	/	/	
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	/	P	S	P	P	P	S	P	/	/	/	MP	/	30-4.C.4.i.5
	Funeral home	/	/	/	/	/	/	/	/	/	/	P	P	S	P	/	/	/	/	MP	/	
	Laundromat	/	/	/	/	/	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Personal services establishment	/	/	/	/	/	P	/	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.i.9
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	/	MP	/	

	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.10
	Convenience store, without gas sales	/	/	/	/	/	P	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	MP	MP	MP	30-4.C.4.i.3
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	P	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	
	Drug store or pharmacy, with drive-through service	/	/	/	/	/	/	/	/	S	P	P	P	S	P	P	/	/	MP	/	30-4.C.4.i.4
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	/	/	30-4.C.4.i.6
	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.i.8
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	/	/	/	MP	MP	MP	
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	/	S	S	/	/	MP	/	30-4.C.4.i.11
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	S	/	S	/	/	/	MP	30-4.C.4.i.13
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	MP	MP	MP	
	Brewpub	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/				30-4.C.4.i.2
Self-Service Storage	Mini-warehouse (with external access)	/	/	/	/	/	/	/	/	/	S	P	P	/	/	P	P	/	MP	/	30-4.C.4.j
	Mini-warehouse (internal access only)	/	/	/	/	/	/	/	/	/	P	P	P	/	/	P	P	/	MP	/	
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.1
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.5
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	/	/	/	30-4.C.4.k.2

	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	/	S	P	S	S	/	P	P	/	MP	/	30-4.C.4.k.3
	Automobile sales or rentals	/	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	/	MP	/	30-4.C.4.k.4
	Car wash or auto- detailing	/	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	MP	MP	MP	30-4.C.4.k.6
	Taxicab service	/	/	/	/	/	/	/	/	/	/	S	P	P	P	/	/	/	/	MP	/	
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.1
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.3

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

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. The Residential Use Classification section of Table 30-4.A.2, Use Table, is amended by deleting the same in its entirety and substituting with the following:

[see following page]

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan “/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD- R	PD- EC		PD- TN
RESIDENTIAL USE CLASSIFICATION																					
Household Living [1]	Cottage developments	/	P	P	P	P	P	/	/	/	/	/	/	/	/	/	/	/	/	/	30-4.C.2.a.5
	Dwelling/Unit, live/work	/	/	/	/	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.2.a.1
	Dwelling, multi- family	/	/	/	/	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30.5.H
	Dwelling, single- family attached [3]	/	/	/	S	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-5.H
	Dwelling, single- family detached	/	P	P	P	P	P	P	P	P	S	/	P	P	/	/	/	MP	/	MP	30-5.G
	Dwelling, two- to four-family	/	/	S	S	S	P	/	P	P	S	/	P	/	/	/	/	MP	/	MP	30-4.C.2.a.2
	Dwelling, upper story	/	/	/	/	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Manufactured home, Class A [2]	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	30-4.C.2.a.3
	Manufactured home park (Class A or B homes)	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	30-4.C.2.a.4
Group Living	Dormitory	/	/	/	/	/	/	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	30-4.C.2.b.1
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	/	/	/	MP	MP	MP	30-4.C.2.b.5
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	/	/	/	MP	MP	MP	
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	/	/	/	MP	/	MP	30-4.C.2.b.2
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	S	/	/	/	MP		MP	30-4.C.2.b.3
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.b.4
	Transitional housing									S	S	S	S	S	/						30-4.C.2.b.6

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

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING VARIOUS SUBSECTIONS OF ARTICLE 30-2, ADMINISTRATION,
UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE
OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

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

Section 1. Subsection c, Interior and Exterior Remodeling of Buildings on Sites Two Acres or Less, of Section 30-7.F.1, Interior and Exterior Remodeling of Buildings or Structures, is amended by deleting the same in its entirety and substituting with the following:

c. Interior and Exterior Remodeling of Buildings on Sites Two Acres or Less.

1. If a Building Permit is required for interior or exterior remodeling of the building or structure with a remodeling cost of more than 25 percent of the current fair market or assessed value of the structure (at the option of the applicant), the remodeling or redevelopment shall require that non-residential property provide a six feet in height solid fence or wall where the property abuts single-family residentially zoned property. For sites one (1) acre and less in size, properties shall also provide two (2) of the following if not already existing, for sites larger than one (1) acre but not more than two (2) acres, properties shall also provide three (3) of the following if not already existing:
 - a. Where non-residential property abuts a residential property, a six-foot-wide planting buffer along the residential property line shall be provided. Within the planting buffer, there shall be a continuous row of evergreen shrubs (Leland Cypress, wax myrtle, or similar) planted no less than six feet apart and at a height of no less than three feet at the time of planting. The shrubs shall obtain a minimum height of six feet at maturity.
 - b. For every 25 feet of road frontage, excluding driveway entrances, an understory tree shall be planted within 25 feet of the right-of-way.
 - c. For every five feet of building frontage facing the right-of-way, a shrub shall be planted within 10 feet of the street-facing building facade. Planters used to meet this requirement shall be constructed of durable all-weather material such as fiberglass, metal, stone, or cementitious material.
 - d. A landscape island no less than 180 square feet shall be installed at the end of each row of parking spaces within 50 feet of a public

right-of-way. The landscape island shall be planted with one understory tree or ten shrubs.

- e. Where the property abuts the right-of-way, a continuous row of shrubs shall be planted along the entire length of the property abutting the right-of-way, excluding driveway entrances. The plantings shall maintain a minimum height of two and a half feet.
- 2. Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable, as determined by the City Manager. In determining the priorities for remediation, the entire site, its context, and its operational characteristics will be considered, with the first objective being public safety and buffering issues.

Section 2. Subsection c, Additions and Expansions on Sites Two Acres or Less, of Section 30-7.F.2, Additions and Expansions, is amended by deleting the same in its entirety and substituting with the following:

c. Additions and Expansions on Sites Two Acres or Less.

- 1. If a Building Permit is required for an addition or expansion of the building or structure, the remodeling or redevelopment shall require that non-residential property provide a six foot in height solid fence or wall where the property abuts single-family residentially zoned property. For sites one (1) acre and less in size, properties shall also provide two (2) of the following if not already existing, for sites larger than one (1) acre but not more than two (2) acres, properties shall also provide three (3) of the following if not already existing:
 - a. Where non-residential property abuts a residential property, a six-foot-wide planting buffer along the residential property line shall be provided. Within the planting buffer, there shall be a continuous row of evergreen shrubs (Leland Cyprus, wax myrtle, or similar) planted no less than six feet apart and at a height of no less than three feet at the time of planting. The shrubs shall obtain a minimum height of six feet at maturity.
 - b. For every 25 feet of road frontage, excluding driveway entrances, an understory tree shall be planted within 25 feet of the right-of-way.
 - c. For every five feet of building frontage facing the right-of-way, a shrub shall be planted within 10 feet of the street-facing building facade. Planters used to meet this requirement shall be constructed of durable all-weather material such as fiberglass, metal, stone, or cementitious material.

- d. A landscape island no less than 180 square feet shall be installed at the end of each row of parking spaces within 50 feet of a public right-of-way. The landscape island shall be planted with one understory tree or ten shrubs.
 - e. Where the property abuts the right-of-way, a continuous row of shrubs shall be planted along the entire length of the property abutting the right-of-way, excluding driveway entrances. The plantings shall maintain a minimum height of two and a half feet.
2. Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable, as determined by the City Manager. In determining the priorities for remediation, the entire site, its context, and its operational characteristics will be considered, with the first objective being public safety and buffering issues.

Section 3. Section 30-7.F.3, Changes in Use, is amended by deleting the same in its entirety and substituting with the following:

30-7.F.3. Changes in Use

- a. Any change in use shall require the entire property to meet all of the off-street parking, landscaping, perimeter buffer, screening, and open space standards of this Article with the exception of Physically Constrained Properties or sites two acres or less.
 - 1. Any change in use on a Physically Constrained Property or a site of two acres or less shall require that the non-residential property provide a six-foot-high solid fence or wall where property abuts single-family residentially zoned property.
 - 2. For sites one (1) acre and less in size, properties shall also provide two (2) of the following if not already existing, for sites larger than one (1) acre but not more than two (2) acres, properties shall also provide three (3) of the following if not already existing:
 - a. Where non-residential property abuts a residential property, a six-foot-wide planting buffer along the residential property line shall be provided. Within the planting buffer, there shall be a continuous row of evergreen shrubs (Leland Cypress, wax myrtle, or similar) planted no less than six feet apart and at a height of no less than three feet at the time of planting. The shrubs shall obtain a minimum height of six feet at maturity.
 - b. For every 25 feet of road frontage excluding driveway entrances, an understory tree shall be planted within 25 feet of the right-of-way.

- c. For every five feet of building frontage facing the right-of-way, a shrub shall be planted within 10 feet of the street-facing building facade. Planters used to meet this requirement shall be constructed of durable all-weather material such as fiberglass, metal, stone, or cementitious material.
 - d. A landscape island no less than 180 square feet shall be installed at the end of each row of parking spaces within 50 feet of a public right-of-way. The landscape island shall be planted with one understory tree or ten shrubs.
 - e. Where the property abuts the right-of-way, a continuous row of shrubs shall be planted along the entire length of the property abutting the right-of-way, excluding driveway entrances. The plantings shall maintain a minimum height of two and a half feet.
3. Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable, as determined by the City Manager. In determining the priorities for remediation, the entire site, its context, and its operational characteristics will be considered, with the first objective being public safety and buffering issues.

Section 4. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

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

Section 1. Table 30-5.L.6, Signs Allowed Without a Permit, of Section 30-5.L, Signage, is amended by deleting the same in its entirety and substituting with the following:

Table 30-5.L.6: Signs Allowed Without a Permit				
SIGN TYPE	ADDITIONAL REQUIREMENTS	MAX. NUMBER ALLOWED	MAXIMUM COPY AREA (SQ. FT.)	MAXIMUM HEIGHT IF FREESTANDING
Public interest, security and warning (no trespassing, soliciting, hunting or fishing/posted/private)	(5)	-	1	4
Temporary Business Signs (Business Promotions)	<ul style="list-style-type: none"> There are three opportunities for businesses to promote themselves with special temporary signage: grand openings, going out of business sales, and specified holiday events. Business promotions may extend for 30 consecutive days for grand openings and going out of business sales. The timeframe for specified holiday event promotions is provided below. Businesses may promote themselves with attached or freestanding banners (maximum area: 32 square feet; maximum height: 10 feet; one per frontage), with American flags, and with small balloons (12 inches or less in diameter) and balloon clusters not to exceed 8 feet in height. In addition to grand opening and store closing events, temporary business signs may be displayed for Memorial Day, Fourth of July, and Veterans Day sales events up to three days before and on the day of the event. If the holiday happens to fall on a Saturday, the temporary signs may also be displayed on the Sunday following the holiday. 			
Temporary (Special event for civic or non- profit organization)	(3)(4)(8)(11)	2	32	8
Temporary (Remodeling/repair)	(6)	1	4	6
Temporary (Construction—One- or two- family dwelling)	(7)(11)(12)(13)	2	6	8
Temporary (Construction other than one- or two- family dwelling)	(7)(11)(12)(13)	2	32	14
Temporary (Construction announcement)	(7)(11)(16)	2	32	14
Temporary (Political)	(2)	-	See NCGS 136-32	See NCGS 136-32
Occupant/Address (Ground or wall)	(1)(5)(11)	2 per frontage	2 for single family and duplex residential 1 per each 4 linear feet of frontage or occupancy, as	6 if displayed as a standalone ground sign
Private Drive	(9)	1	2	6

Informational/instructional (Traffic directions, restrictions or arrows, entrance, exit, location of rest rooms, public telephones, parcel pick-up, freight or	(5)	-	6	4
Temporary (Real estate sale/lease/rent of one- or two-family dwelling or lot)	(10)(11)(14)(18)	2	4	6
Temporary (Real estate sale/lease/rent of other than one- or two-family dwelling or lot; includes Real Estate Sales Office/Model	(10)(11)(14)(18)	2	32	12
Home occupation (Wall)	-	1	2	-
Open/Closed/Hours	(5)	2	2	6
Window	-	2	32	-
Permanent professional or business announcement (wall)	-	1	2	-
Building memorial (Wall)	(15)	1	2	-
Handicapped	(17)	-	-	-
Philosophical, religious, educational or other	(11)	2	2	4
Sports Sponsorship Signs - Not Facing Field	(19)	-	32	See (19)

ADDITIONAL REQUIREMENTS:

1. See also Section [24-167](#) of the City Code of Ordinances.
2. Political sign displays shall comply with North Carolina Gen. Stats. 136-32.
3. When not displayed in connection with a commercial promotion.
5. Permitted for 30-day period prior to and must be removed within five days of close of event.
6. Must not contain advertising matter.
7. Must be removed immediately upon completion of work.
8. Must be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.
9. Sign may advertise only the name, time and place of the event when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause; provided that no such sign shall be displayed in any residential zoning district, except on the immediate site of the event to which it pertains.
10. Sign language shall be limited to the words "private drive" and the address of any residences utilizing the private roadway.
11. Signs shall be removed within seven days after the sale is closed, or rent or lease transaction is finalized.
12. Not more than one sign per street front.
13. Rider signs not exceeding two square feet in area may be added.
14. Construction site signs may identify the project, the owner or developer, architect, engineer, principal contractor, subcontractors and material suppliers and funding sources, and may contain related information including, but not limited to, sales or leasing information. Such signs shall not be erected more than 30 days prior to the issuance of a building permit. See also Section [30-5.L.5.w](#) Exempt Signs.
15. Signs may contain the message that the real estate on which the sign is located, including buildings, is for sale, lease or rent, together with information identifying the owner or agent.
16. Message may contain name of building and date of construction.
17. Limited to six months prior to obtaining a building permit.
18. Must be in conformity with Americans With Disabilities Act and state building code regulations.
19. Temporary real estate signs shall not include pennants, streamers, ribbons, spinners, propellers, discs, consecutively hung official or unofficial flags and/or bunting.
20. Sports sponsorship signs may be installed by public or private organizations on the fence(s) or wall(s) surrounding the applicable sports field or stadium. Sports sponsorship signs that face the field or playing area are not regulated by this code unless they are not maintained, cause public safety issues, or are installed in such a manner as to intentionally be viewable from off the premises. Sports sponsorship signs that face outward or that face inward but are readily viewable or intended to be viewed from the street right-of-way shall be:
 - no closer than 75' (rounded up to allow a whole sign) from the street right-of-way,
 - 6 feet or less in height from the adjoining ground and shall not extend above the fence or structure to which they are affixed,

- made of rigid material and securely fastened to the fence or wall to which they are affixed,
- in a single row (no outward facing signs can be placed above another sign),
- at least 75 feet from any residentially used and zoned property,
- maintained so as to present a legible, attractive appearance (e.g., not torn, faded, or otherwise deteriorated),
- illuminated using only ambient sources,
- limited to displaying only the team or sport being supported and the supporting individual, business, or organization. In particular, no logos of products, such as soft drinks, shall be displayed on the signs unless they are manufactured or distributed by the sponsor;
- limited to fences whose purpose is to define and contain the activities on a playing field for youth team sports; and
- shall have an inward-facing sponsorship sign behind it.

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

ADOPTED this the _____ day of _____, 2021.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

City of Fayetteville

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

City Council Action Memo

File Number: 21-2176

Agenda Date: 9/27/2021

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Other Items of
Business

Agenda Number: 11.01

TO: Mayor and Members of City Council

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

FROM: Gina V. Hawkins, Chief of Police

DATE: August 23, 2021

RE:

Violent Crime Initiative Strategy Funding and Police Officer Retention & Recruiting

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Safe and Secure Community - Be a safe and secure community

Executive Summary:

The police department has been working on various ways to increase our Police Officer Retention and Recruitment efforts and Violent Crime Strategies. In order for our agency to succeed in these efforts we have developed a budget plan that we ask City Council to approve.

Background:

Due to law enforcement retention and recruitment issues and the rise of Violent Crimes Nationally and within the City of Fayetteville, we must take the necessary steps in order to hire quality police officers and retain the police officers who serve this community. I have presented Violent Crime Strategies to City Council and developed a plan that will improve retention and recruitment efforts which require funding. I am asking City Council to review and approve the police department's budget plan to meet those goals.

Issues/Analysis:

None

Budget Impact:

Budget plan will be presented to City Council.

Options:

Accept the Budget Plan

Do not accept the Budget Plan

City Council provide guidance in order to cover the cost for Police Officer Retention and Recruitment and Violent Crime Strategies.

Recommended Action:

Accept the Budget Plan

Attachments:

Attachment to be added later

City of Fayetteville

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

City Council Action Memo

File Number: 21-2200

Agenda Date: 9/13/2021

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Other Items of
Business

Agenda Number: 11.02

TO: Mayor and Members of City Council

THRU: Jay Toland, Assistant City Manager

FROM: Pamela Megill, MMC, City Clerk

DATE: September 13, 2021

RE:

**Presentation of Appointments Committee Recommendations for Boards and
Commissions Appointments**

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Develop and Maintain Strong Community Connections

Executive Summary:

The Appointment committee met on Thursday, August 26, 2021, to review applications for appointments to Boards and Commissions. It is from that meeting the Appointment Committee presents the recommendation for appointments to the City of Fayetteville Boards and Commissions.

Background:

The Appointment Committee consists of the following members: Mayor Colvin, MPT Jensen (Chair), Council Member Davis, Council Member Dawkins, and Council Member Kinston.

Staff received 105 applications for 57 vacant positions.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

1. Approve the Appointment Committee recommendations.
2. Do not approve the recommendations and provide direction to staff.

Recommended Action:

Approve the Appointment Committee recommendations.

Attachments:

Appointment Committee Recommendations for term of office to begin October 1, 2021.

Recommendations for 49 Appointments to 17 of the City of Fayetteville Boards and Commissions

The Appointment Committee approved the following appointments:

Joint City and County Appearance Commission

Clyde Foster	October 1, 2021 – September 30, 2023
Willie Dorman	October 1, 2021 – September 30, 2023

Board of Appeals

Aaron Calloway	October 1, 2021 – September 30, 2024
Willie Dorman	October 1, 2021 – September 30, 2024

Board of Advisors for the Woodpeckers Capital Reserve Account

Honorable George Breece	October 1, 2021 – September 30, 2023
Jordan Jones	October 1, 2021 – September 30, 2023
Dr. Dennis Corbin	October 1, 2021 – September 30, 2023
COL (R) Peter Aubrey	October 1, 2021 – September 30, 2023
Will advertise for additional position	
Will advertise for additional position	
Will advertise for additional position	
Will advertise for additional position	

Fayetteville-Cumberland Economic Development Board

Will advertise for additional position	December 1, 2021 – November 3, 2024
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Ethics Commission

Thomas Donnelly	October 1, 2021 – September 30, 2024
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Fayetteville Advisory Committee on Transit (FACT)

Will advertise for additional position	October 1, 2021 – September 30, 2023
Will advertise for additional position	October 1, 2021 – September 30, 2023
Will advertise for additional position	October 1, 2021 – September 30, 2023

Linear Park

Dr. Jimmie Riggins	October 1, 2021 – September 30, 2024
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Human Relations Commission

Franco Webb	October 1, 2021 – September 30, 2023
Semone Pemberton	October 1, 2021 – September 30, 2023
Eileen Hatch	October 1, 2021 – September 30, 2023

Millennial Advisory Commission

Kayla Fernandez	October 1, 2021 – September 30, 2023
Chester Hampton	October 1, 2021 – September 30, 2023
Kathryn Kelly	October 1, 2021 – September 30, 2023
Aaliyah Lane	October 1, 2021 – September 30, 2023
Tre’Vone McNeil	October 1, 2021 – September 30, 2023
Ieshia West	October 1, 2021 – September 30, 2023

Fayetteville-Cumberland Parks and Recreation Advisory Commission

Cindy McCormic	October 1, 2021 – September 30, 2024
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Planning Commission

Laurie Linder	October 1, 2021 – September 30, 2023
Raymond Makar	October 1, 2021 – September 30, 2023
Aaron Calloway- Alternate	October 1, 2021 – September 30, 2023
Murray Odom Duggins Jr. - Alternate	October 1, 2021 – September 30, 2023

Public Arts Commission

Ella Wren	October 1, 2021 – September 30, 2023
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Fayetteville Public Works Commission

COL (R) Donald Porter	October 1, 2021 – September 30, 2025
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Fayetteville Redevelopment Commission

Quontica Conley-Jackson	October 1, 2021 - September 30, 2026
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Joint Fayetteville- Cumberland County Senior Citizens Advisory Commission

Carey Berg	October 1, 2021 – September 20, 2023
Morris Bowden	October 1, 2021 – September 20, 2023
Dana Kolbfleisch	October 1, 2021 – September 20, 2023
Gertrude Thompson	October 1, 2021 – September 20, 2023
Jeffrey Wren	October 1, 2021 – September 20, 2023
Patricia Archie-Jackson	October 1, 2021 – September 20, 2023
Kareka Chavis	October 1, 2021 – September 20, 2023

Stormwater Advisory Board

Roderick Gooden	October 1, 2021 – September 20, 2023
Benjamin Stout	October 1, 2021 – September 20, 2023
Josef Hallatschek	October 1, 2021 – September 20, 2023
Will advertise for vacant position	October 1, 2021 – September 20, 2023

Zoning Commission

Roger Shah	October 1, 2021 – September 20, 2023
Pavan Patel	October 1, 2021 – September 20, 2023
Stephen McCorquodale	October 1, 2021 – September 20, 2023

City of Fayetteville

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

City Council Action Memo

File Number: 21-2190

Agenda Date: 9/13/2021

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Administrative
Reports

Agenda Number: 12.01

TO: Mayor and Members of City Council

THRU: Doug Hewett, City Manager
Rebecca Jackson, Chief of Staff

FROM: Brook M. Redding, Assistant to the City Manager

DATE: September 13, 2021

RE:
City Managers Update - City Council Agenda Item Request

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Goal I: Safe and Secure Community

Goal II: Responsive City Government supporting a diverse and viable economy

Goal III: City Investment in Today and Tomorrow

Goal IV: Desirable place to live, work and recreate

Goal V: Financially sound City providing exemplary City services

Goal VI: Collaborate citizen and business engagement

Executive Summary:

The City Council members submitted and approved 17 City Council Agenda Item Requests from January to July 2021. The City Manager's Office, supervised by the Chief of Staff, tracks each item from its approval to completion. This summary is intended to highlight each City Council Agenda Item Request and provide a status of these approved items.

Background:

City Council members are authorized to submit requests to staff through an adopted Code of Conduct. The *Mayor and City Council Protocol and Code of Conduct - #115.15* was adopted by Council on April 8, 2013. The City Council adopted these protocols to guide the City Council with the appropriate process of engaging with staff. Within the protocol and code of conduct, there are four categories listed, each with protocols defined:

- City Council Requests for Information from Staff
 - Protocol 1 - Simple Information
 - Protocol 2 - Complex Information or Research
 - Protocol 3 - Question on Agenda Item
 - Protocol 4 - City Council Request for Lobbying or Legislative Advocacy
 - Protocol 5 - City Council Request of PWC for information
- City Council Service Request from Citizens
 - Protocol 6 - Citizen Service Requests
- City Council Staff Expectations
 - Protocol 7 - City Staff Response Time
 - Protocol 8 - Public Meetings Held by Staff
- City Council Interactions
 - Protocol 9 - Communication among Mayor and City Council
 - Protocol 10 - Council Work Session Policy
 - Protocol 11 - Council Member Request to Add Agenda Items
 - Protocol 12 - Council Modification of Existing Agenda

Issues/Analysis:

The Council Agenda Request Tracker accompanies this memorandum. The attachment provides the requestor, Agenda Request, Council Direction, Status, and Time Analysis of return.

Budget Impact:

None.

Options:

City Council accepts the administrative report for public record.

City Council does not accept the report and provides guidance to staff.

Recommended Action:

City Council accepts the administrative report for public record.

Attachments:

Council Agenda Request Update.pdf

COUNCIL AGENDA REQUEST TRACKER

February 1, 2021 WORK SESSION			
Requestor	Request	Council Direction	Status
Mayor Colvin	<u>Development Incentives</u> Requested staff to conduct research and bring recommendations to Council on how the city can encourage development in certain areas of the City.	Council directed staff to look at programs that were offered in the 1990s and offer recommendations.	Presenting at Council Work Session on October 4, 2021 <u>Dr. Newton – Development Services</u> <ul style="list-style-type: none"> Development services has partnered with the Home Builders Association and looking at how the City can increase development incentives
MPT Jensen	<u>Renaming of Cross Creek Park</u> Requested the City to rename Cross Creek Park in honor of the late Mayor Beth D. Finch.	Council directed staff to move this item forward to the P&R Advisory Board	COMPLETE – March 8, 2021 <u>Michael Gibson, Parks and Recreation Department</u> <ul style="list-style-type: none"> Council approved the renaming on March 8, 2021
CM Ingram	<u>The Building Makes me Feel Project</u> CM Ingram proposed the “This Building Makes me feel” pop-up chalk mural walls for citizens to express themselves	Council directed staff to authorize the program.	COMPLETE – April 15, 2021 <u>Michael Gibson, Parks and Recreation Department</u> <ul style="list-style-type: none"> The Market House repurposing working group added the “Building Makes me Feel” project recommendation of over 12 for the City SPIRIT engagement event/meeting At the April 15, 2021 Regular City Council Meeting – the recommendations from the Working Group were provided as an Update to Council. This item has been combined with the City SPIRIT community engagement Market House Repurposing discussions
March 1, 2021 WORK SESSION			
Requestor	Request	Council Direction	Status
CM Davis	<u>Community Policing Advisory Board</u> Requested staff to research, develop, and present options for Council to formally adopt a CPAB	Council directed staff was to move forward with planning and development of the CPAB	COMPLETE – August 23, 2021 <u>Michael Whyte – Fayetteville Police Department</u> <ul style="list-style-type: none"> Council adopted the CPAB charter on August 23, 2021

Mayor Colvin	<u>Housing Down Payment Assistance Program Expansion</u> Requested Council consensus to expand the good neighbor program to include first responders and health care workers	Council directed staff to expand the program and report to council with recommendations	Presenting at Council Work Session on October 4, 2021 <u>Chris Cauley – Economic and Community Dept.</u> <ul style="list-style-type: none"> ECD and HRD plan to present employer of choice initiatives to include the down payment assistance program for city employees who are 1st time homebuyers and make less than 140% AMI as a household
CM Kinston	<u>Signature Technology</u> Requested Council to direct staff to investigate a more effective way to meet the needs of citizens when collecting signatures for petitions	Council directed staff to develop solutions to CM Kinston's request – and to follow up with council with recommendations	COMPLETE – August 23, 2021 <u>Dwayne Campbell – Information Technology Dept.</u> <ul style="list-style-type: none"> Staff provided administrative report on August 23, 2021 Program begins on September 7, 2021
CM Kinston	<u>National Clean-up Day</u> Requested Council consensus to participate in National Cleanup day on September 18, 2021	Council directed staff to initiate event planning and execute a community clean up event on September 18, 2021	COMPLETE – August 13, 2021 <u>CMO, Public Serv., Parks and Rec.</u> <ul style="list-style-type: none"> Staff has planned the event and provided the concept of the event to CM Kinston and Council Media campaign began August 13, 2021 Open volunteer registration begins August 16, 2021
CM Ingram CM Waddell CM Banks-McLaughlin CM Kinston	<u>Resolution in support of the Crown Act</u> Requested to establish and pass a resolution in support and to review and update its personnel policies	Council directed staff to research this item and report back	COMPLETE – April 26, 2021 <u>Jerry Clipp – Human Resource Development Dept.</u> <ul style="list-style-type: none"> Council adopted a Resolution Authorizing the CROWN Act for the City of Fayetteville

APRIL 2, 2021 WORK SESSION

Requestor	Request	Council Direction	Status
CM Kinston	<u>Cliffdale Road Survey</u> Requested to direct staff to seek assistance from NCDOT and request a study be conducted to improve safety	Council directed staff to report back with findings and recommendations	COMPLETE – May 3, 2021 <u>Lee Jernigan – Public Services Department</u> <ul style="list-style-type: none"> Staff provided an update and status of NCDOT projects along Cliffdale Road

Mayor Colvin	<u>USDOJ – City SPIRIT</u> Requested Council to request the Community Justice Department of USDOJ to facilitate racially charged issues in the City.	Council directed staff and the Human Relations Commission to initiate the request for City SPIRIT	Update to Council as Admin Report on August 23, 2021 <u>Yamile Nazar – Human Relations Department</u> <ul style="list-style-type: none"> At the April 15, 2021 Regular City Council Meeting – recommendations from the Market House Repurposing Working Group (MHRWG) were provided as an Update to Council. MHRWG was tasked to identify approximately 100 community members to participate in the City SPIRIT engagement event. MHRWG has identified 76 community members so far, and is working to bring those identified residents into the City SPIRIT engagement event <u>NEXT STEPS</u> – The City SPIRIT community engagement event – facilitated by the USDOJ – will be a single eight hour event <ul style="list-style-type: none"> This event has not been scheduled Tentative date range – the last week of September through the month of October Goal 1– at the end of the event – the community members have selected at least, but not limited to, three recommendations from the MHRWG Goal 2 – selection of representatives – the community members will select 10-12 representatives to become the SPIRIT Council <ul style="list-style-type: none"> SPIRIT Council is tasked to generate a report, with the assistance of the USDOJ, recommendations for the Repurposing of the Market House
CM Wright	<u>Street Lights on Cliffdale Road</u> Requested to make street lighting on Cliffdale Road a priority and urgent matter	Council directed staff to bring back the requested report in a council meeting	COMPLETE – April 26, 2021 <u>Lee Jernigan – Public Services Department</u> <ul style="list-style-type: none"> Staff provided council the current processes, agreements, and way ahead regarding safety features and other improvements on Cliffdale Road.
CM Banks-McLaughlin CM Wright	<u>Clean up litter by hiring homeless</u> <u>Requested Council</u> Requested consensus from Council for staff to provide information and recommendations for employing the homeless to pick up litter	Council directed staff to report back on litter collection initiatives, and possible partners to work with the homeless	COMPLETE – April 12, 2021 <u>CMO, Parks and Rec, ECD, Public Services</u> <ul style="list-style-type: none"> Staff provided a comprehensive report of the litter abatement program and the illegal dumping prevention program. The report also included the array of services and operations, state and local laws, and data pertaining to cleanup operations in and around the municipality City Staff established a Pilot program with the Cool Springs Downtown District – this program has hired one formerly homeless employee in a probationary trial – trial started in the first week of August 2021

CM Davis	<u>Naming Senior Center West after former CM Crisp</u> Requested Council for an exception to City Council Policy 155.4 to name after CM Crisp	Council directed staff to set up a public hearing for the naming; granting an exception to the policy	COMPLETE – May 5, 2021 <u>Kevin Arata – Corporate Communications</u> <ul style="list-style-type: none"> Ceremony held at future Bill Crisp Senior Center with former CM Crisp and family in attendance
CM Kinston	<u>Redistricting Consultant Decision</u> Requested Council to direct staff to hire a redistricting consultant to assist in navigating the redistricting process	Council consensus was to move the item forward to staff for execution	COMPLETE – June 2021 <u>Kim Toon – Purchasing Department</u> <ul style="list-style-type: none"> Council met with redistricting consultant on August 18, 2021

May 3, 2021 WORK SESSION

Requestor	Request	Council Direction	Status
CM Banks-McLaughlin	<u>Childcare Services</u> Requested consensus from Council to direct staff to develop options to support providing childcare for essential employees	Council directed staff to research the feasibility of providing childcare services for essential city staff	COMPLETE – August 23, 2021 <u>Jerry Clipp – Human Resource Development Dept.</u> <ul style="list-style-type: none"> City Employees in need of child care services will work with the Partnership for Children
Mayor Colvin	<u>UDO Sign Ordinance</u> Requested to direct staff to amend the current UDO regarding sign replacement	Council directed staff to amend the current UDO regarding damaged signs.	COMPLETE – June 28, 2021 <u>Dr. Newton – Development Services</u> <ul style="list-style-type: none"> Council approved and adopted recommended changes to the UDO

June 7, 2021 WORK SESSION

Requestor	Request	Council Direction	Status
CM Haire	<u>Code Violation Abatement</u> Requested Council to direct staff to bring back options on how to shorten the time allotted for code enforcement violations	Council directed staff to bring back options how to shorten the time frame for CE violations	Presenting to Council on October 4, 2021 <u>Dr. Newton – Development Services</u> <ul style="list-style-type: none"> Staff established a QUEST project with the SPA office and Development Services