



City of Fayetteville

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

Meeting Agenda - Final City Council Regular Meeting

Monday, October 10, 2022

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 [22-2981](#)

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

Attachments:

[090622 WKS](#)
[091222 Discussion of Agenda Items](#)
[091222 Reg](#)
[091922 Special](#)
[092122 Agenda Briefing](#)
[092622 Discussion of Agenda Items](#)
[092622 Reg](#)

- 7.02** [22-2979](#) Adoption of Capital Project Ordinance 2023-10 and Capital Project Ordinance Amendment 2023-14 to Appropriate North Carolina Department of Transportation Grant Funding for General Aviation Development and Security and Infrastructure Improvements
- COUNCIL DISTRICT(S):
- Attachments:** [CPO 2023-10 FY2023 NCDOR DOA Grant](#)
 [CPOA 2023-14 FY2023 NCDOT DOA Grant](#)
 [1 - Notification of Funding Allocation](#)
- 7.03** [22-2950](#) Adoption of Capital Project Ordinance 2023-11 and Special Revenue Fund Ordinance 2023-7 to Appropriate Federal Transit Administration Grant NC-2022-059-00 for Transit Capital and Planning Projects, and Adoption of Budget Ordinance Amendment 2023-6 to Carry Forward Local Match Funding from Fiscal Year 2022 to Fiscal Year 2023
- Attachments:** [FTA Grant NC-2022-059-00 Awarded](#)
 [BOA 2023-6 General Fund](#)
 [CPO 2023-11 Transit Capital Grant NC 2022-059-00](#)
 [SRO 2023-7 Transit Planning Grant NC 2022-059-00](#)
- 7.04** [22-2978](#) Professional Service Contract Execution Recommendation - Program and Project Management for FY23 for Watershed Master Plan
- Attachments:** [Work Authorization - FY23 Q2-Q4 - executed by FNI](#)
- 7.05** [22-2983](#) Award contracts for the purchase of Parks, Recreation, and Maintenance vehicle replacements
- Attachments:** [Bid Tab - Seven F250 Pickup Trucks](#)
 [Bid Tab - Two F350 Trucks with 11' Standard Service Body](#)
 [Bid Tab - Two F350 Trucks with 8' Flatbed Dump](#)
 [Bid Tab - Four Light Duty Pickup Trucks](#)
 [Bid Tab - Six Transit Connect XL Cargo Vans](#)
- 7.06** [22-2991](#) Resolution Directing Construction of Area 32 East Section II of the Phase 5 Annexation Utility Improvement Project be Undertaken
- Attachments:** [RESOLUTION DIRECTING CONSTRUCTION OF AREA 32 EAST SECTION II](#)

8.0 STAFF REPORTS

- 8.01 [22-2992](#) Acceptance of the FY 2023 1st Qtr. Strategic Performance Report

Attachments: [FY 2023 1st Qtr. Strategic Performance Report](#)

9.0 PUBLIC FORUM

10.0 ADMINISTRATIVE REPORTS

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

- 10.01 [22-2921](#) Shopping Carts - Research Review and Policy/Program Options

11.0 ADJOURNMENT

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Citizens wishing to provide testimony in response to a notice of public hearing or to participate in the public forum can obtain instructions to submit a statement by emailing cityclerk@ci.fay.nc.us 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

October 10, 2022 - 7:00 p.m.

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

Notice Under the Americans with Disabilities Act (ADA):

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Human Relations at yamilenazar@fayettevillenc.gov, 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: 22-2981

Agenda Date: 10/10/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.01

TO: Mayor and Members of City Council

THRU: Kelly Olivera, Interim Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: October 10, 2022

RE:

Approval of Meeting Minutes:

September 6, 2022 - Work Session

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September 26, 2022 - Regular

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
WORK SESSION MINUTES
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 6, 2022
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Kathy Jensen (District 1) (arrived at 5:05 p.m.); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

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

1.0 CALL TO ORDER

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

2.0 INVOCATION

The invocation was offered by Council Member Thompson.

3.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Dawkins moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Update from the NC Civil War and Reconstruction History Center Foundation

Mr. Reid Wilson, Secretary, NC Natural and Cultural Resources, introduced this item and stated he had spoken with Mayor Colvin on several occasions on this item. This history center will be like no other in the country.

Mr. Darin Waters, Ph.D., Deputy Secretary, Office of Archives and History, stated this is a unique project; it is all about remembering and telling the stories of all; who we are, and who do we wish to be. It is inclusive and deeply committed to move us to the ideals on which this country was founded.

Mr. Demetrius Haddock, Board of Directors, stated he is a school teacher, and the fundamental purpose of this project is for education; we need to bring this information forward to our young people. It is important to know your own story and genealogy.

Mr. Mac Healy, Chair, Board of Directors, requested Council take action at their next regular meeting to award funding for this project.

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Discussion ensued.

The consensus vote to move this item forward to the September 12, 2022, regular City Council meeting failed by a vote of 5 in favor to 5 in opposition (Council Members Colvin, Ingram, Haire, McNair, and Banks-McLaughlin).

4.02 Vehicle Parking in Residential Front Yards - Review of Peer City Codes

Mr. James Rutherford, Housing and Code Enforcement Division Manager, presented this item and stated at a May 24, 2022, meeting requested by Council Member Haire, the Council member met with two Development Services staff members and briefly discussed concerns brought to him over the excessive number of vehicles parked in the front yards of some residences. The Council member expressed his intent to present a request to the City Council for staff to research the issue. At the June 6, 2022, City Council work session, the request was made and staff was directed to research peer city ordinances as they pertain to parking of vehicles in residential front yards. An Administrative Report was prepared and placed on the City Council agenda and pulled to have further discussion among the City Council at the September 6, 2022, meeting. This meets that directive and is accompanied with a presentation and the addition of a front yard parking survey. Mr. Rutherford provided the presentation with the aid of a PowerPoint.

Discussion ensued.

No consensus vote was taken on this item.

Mayor Colvin recessed the meeting at 6:40 p.m., and reconvened the meeting at 6:55 p.m.

4.03 Review of City Council Policies

Mr. Douglas Hewett, City Manager, presented this item and stated on August 1, 2022, former Council Member Kinston presented a City Council Agenda Item Request to set up a sub-committee to review all City Council policies. The request was given unanimous consensus to move this item forward. This item was placed on the August 22, 2022, regular meeting agenda as an Administrative Report. Unanimous consensus of Council was to direct staff to move this item forward to a work session for further discussion. There are currently 69 City Council Policies. Several policies need to be either rescinded or revised.

Council Member Banks-McLaughlin requested a consensus vote to direct that staff and the Mayor Pro Tem notify Council members when an emergency meeting has been called, and to revise the appointment of the Mayor Pro Tem process. The consensus vote failed by a vote of 2 in favor to 8 in opposition (Council Members Colvin, Jensen, Ingram, Benavente, Haire, Dawkins, Thompson, and Hondros).

Discussion ensued.

Consensus vote of the Council was to direct the Mayor to establish a Council Policy Committee to review all Council policies and for all Council members to send any suggestions or recommendations for revising certain policies to the City Clerk and the Council Policy Committee members.

4.04 Day Resource Center Operating Partner

Mr. Chris Cauley, Economic and Community Development Director, presented this item and stated the Day Resource Center is a multi-disciplinary service center for people at risk or currently experiencing homelessness. The City has purchased property at 128 South King Street and renovations are currently underway. During the

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months of April and May, staff released a Request for Qualifications (RFQ) and conducted outreach and training sessions with the Continuum of Care. Staff also published a notice in the newspaper and on the City's website. Two responses were received and Cumberland HealthNET (CHN) is recommended by staff to move forward. City Council is asked to provide consensus for staff to include the appropriate contract and budget items on a future Council agenda.

In October of 2016, Hurricane Matthew hit North Carolina and impacted the community's ability to care for unsheltered individuals and those displaced by the storm. In September of 2017, the State awarded Cumberland County with disaster recovery funds. Subsequently, the City took on responsibility for the Day Resource Center with Council action on October 28, 2019, where the City executed a Sub-recipient agreement with the North Carolina Office of Recovery and Resiliency (NCORR) for construction of a Day Resource Center. The City evaluated sites and ultimately purchased 128 South King Street on June 28, 2021. On June 13, 2022, the City authorized construction to begin and it is currently underway.

Despite staff's efforts to conduct outreach, advertise, and hold a training webinar, only two responses were submitted. Of the two, CHN was the most responsive and deemed most qualified.

CHN has been active in the community for 13 years and collaborates with more than 200 county and community organizations to improve access to care for uninsured persons. The mission of CHN is to create a coordinated system of care for the uninsured residents of Cumberland and surrounding counties, resulting in healthier residents with a better quality of life. As part of the qualification process, CHN submitted numerous letters of support from various community organizations. CHN is currently responsible for the operation of coordinated entry, a process utilized by the Continuum of Care that was developed to ensure that all people experiencing a housing crisis have fair and equal access to services.

Staff has discussed operating costs, funding sources, and an appropriate level of service with CHN. Those discussions have resulted in a proposed plan to fund three staff members--security, janitorial services, and utilities--for a Monday through Friday 8:00 a.m. to 5:00 p.m. operation. CHN will strive to develop partnerships and resources to expand the hours of operation and scope of services through partnerships. CHN requests that staff be added in stages prior to opening. The Director would be hired first in January to assist with the project and develop partnerships throughout the community.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward.

4.05 Consideration of a Social District in Downtown

Ms. Bianca Shoneman, Cool Springs, President and CEO, presented this item and stated the Board of the Cool Spring Downtown District, Inc., is requesting City Council's consideration to establish a social district as authorized by legislation enacted by the North Carolina General Assembly in 2021. This was recommended as an action item in the Downtown Urban Design Plan adopted by City Council on February 24, 2020. Staff is seeking input and consensus from City Council related to the implementation, timeline, and boundaries for adoption at a subsequent City Council regular meeting. All subsequent actions, if directed by City Council, would require individual public hearings prior to adoption of resolutions.

The following has been sourced from the North Carolina Downtown Development Association's "Social Districts Summary". House Bill 890, entitled "ABC Omnibus Legislation", was passed by the NC House and Senate on September 8, 2021, and signed by the Governor on

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September 10, 2021. Included in House Bill 890 is a provision that allows the creation of social districts in North Carolina. Social districts have been implemented in various towns and cities across the state since legislation was enacted allowing municipalities to designate areas where alcoholic beverages can be purchased from a licensed ABC permittee and then taken outdoors.

A social district is a defined outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee. This term does not include the ABC permittee's licensed premises or an extended area allowed under G.S. 18B-904(h). A city may adopt an ordinance designating an area within the municipal limits as a social district under G.S. 160A-205.4. Social districts must be clearly defined and post signage in conspicuous locations indicating the boundaries, authorized days and hours, rules, and law enforcement contact information. Social districts are only allowed to operate during hours defined under G.S. 18B-1004 from 7:00 a.m. until 2:00 a.m. Monday through Saturday and from noon until 2:00 a.m. on Sunday. If the local government has allowed for earlier Sunday sales, a social district may operate beginning at 10:00 a.m. on Sunday (G.S. 18B-904.1(c)(1)).

Sales can be made by an ABC Permittee that is located in or contiguous to the social district in which it is selling alcohol to be consumed. The ABC permittee is only allowed to sell and serve alcoholic beverages on its licensed premises. In other words, the ABC permittee cannot sell alcoholic beverages in the street or down the street from its licensed premises just because the ABC permittee is located in or contiguous to a Social District. Alcoholic beverages that are being sold to be consumed in a social district can only be sold in a container of fewer than 16 ounces and not made of glass. The container must also identify the seller and specific social district in which it will be consumed.

A city designating a social district is required to establish management and maintenance plans for the social district and post these plans, along with a drawing of the boundaries and the applicable days and hours of the social district, on the city's website. A social district must be maintained in a manner that protects the health and safety of the general public [G.S. 18B-904.1(c)(2)]. Before a social district can become operational, a city must submit to the North Carolina Alcoholic Beverage Control Commission a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed [G.S. 18B-904.1(c)(3)]. Cool Spring Downtown District, Inc., is the entity responsible for managing the downtown Municipal Service District. They have held a downtown merchant meeting with over 60 attendees and recently conducted a survey with over 900 respondents, 88 percent of whom identify as shopping or attending events in the Downtown district. Over 72 percent of respondents agreed with the establishment of a social district, but respondents were evenly split on the frequency of days and hours allowed.

Staff has not performed a budget analysis to determine the financial impact of required signage, management, and maintenance plans as required by law. Staff will return with this data if directed to proceed.

Discussion ensued.

Consensus of Council was to direct staff to move this item forward and to set the required public hearing. Council Member Haire was opposed to the consensus vote.

4.06 Disparity Study Draft Report Presentation

Ms. Michele Clark-Jenkins, Griffin and Strong, P.C., presented this item and stated this presentation is to present the findings and recommendations from the Disparity Study and determine whether a disparity exists for minority- and women-owned businesses working on

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City of Fayetteville construction, professional services, and goods and services contracts.

The objective of the Disparity Study is to determine the effectiveness of the current Small Local Business Enterprise Program (SLBE) and to recommend modifications and adjustments. The consultant will provide the City with the current legal guidance relative to not only new legislation, policies, and procedures to meet any constitutional mandates, but also programmatic needs of the City.

A further objective was to study the availability and utilization of minority- and women-owned business enterprises and examine relevant evidence of any potential race- or gender-based discrimination in the City of Fayetteville.

Discussion ensued.

Consensus of Council was to accept the Disparity Study Report.

4.07 City Council Member Agenda Item Request - Contracting for Landscaping and Litter Collection - Mayor Colvin

Mayor Colvin presented this item and stated he is seeking Council consensus to direct staff to research contracting for landscaping and litter collection on our main corridors and high traffic areas.

Discussion ensued.

Consensus of Council was to direct staff to conduct research per the request, and respond to Council with options.

4.08 City Council Member Agenda Item Request - Presentation of Key to the City to Former Council Member Tisha Waddell - Council Member Ingram

Council Member Ingram presented this item and stated she is seeking support from Council to authorize a presentation of the Key to the City for former Council Member Waddell.

Discussion ensued.

The consensus vote failed by a vote of 3 in favor to 7 in opposition (Council Members Colvin, Dawkins, Jensen, Haire, Thompson, McNair, and Hondros.)

4.09 City Council Member Agenda Item Request - Loud Vehicles - Mayor Colvin

Mayor Colvin presented this item and stated he is seeking support from Council for a consensus vote to direct staff to research how our peer cities respond to loud vehicles.

Discussion ensued.

Consensus of Council was to direct staff to research how our peer cities respond to loud vehicles. Council Members Ingram, Benavente, Banks-McLaughlin and Hondros were in opposition to the consensus vote.

4.010 City Council Member Agenda Item Request - Beehives - Mayor Pro Tem Dawkins

Mayor Pro Tem Dawkins stated he is not requesting any action on this item, as it falls under the Cumberland County Animal Control jurisdiction.

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4.011 City Council Member Agenda Item Request - Mental Health Policy - Mayor Colvin

Mayor Colvin presented this item and stated he is seeking support from Council for a consensus vote to direct staff to research our peer cities regarding collaborations they may have with other organizations for mental health outreach and services.

Discussion ensued.

Consensus of Council was to direct staff to research our peer cities regarding collaborations they may have with other organizations for mental health outreach and services.

4.012 City Council Member Agenda Item Request - Increase Membership of the Millennial Commission - Council Member Jensen

Council Member Jensen presented this item and stated the Millennial Commission members have requested additional members for their Commission make-up; to make a total 30 Commission members.

Discussion ensued.

MOTION: Council Member Ingram moved to suspend the rules; to take an official vote on this item.
SECOND: Council Member Jensen
VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Dawkins and Hondros)

MOTION: Council Member Jensen moved to amend the Millennial Commission By-Laws to increase the membership from 13 to 30.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (10-0)

4.013 City Council Member Agenda Item Request - Resolution of Support for a Rental Rate Cap - Council Member Ingram

Council Member Ingram presented this item and stated she is seeking Council support for consensus to direct staff to draft a Resolution of Support for a Rental Rate Cap and to forward the Resolution to the State Legislature.

Discussion ensued.

The consensus vote failed by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, McNair and Hondros.)

4.014 City Council Member Agenda Item Request - Street Maintenance Standards - Council Member Ingram

Council Member Ingram presented this item and stated she is seeking Council support for consensus to direct staff to research requiring vendors and contractors to adhere to cleaning up debris in their respective work areas.

Discussion ensued.

The consensus vote failed by a vote of 4 in favor to 6 in opposition. Council Members Jensen, Haire, Dawkins, Thompson, McNair and Hondros were in opposition to the consensus vote.

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5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

PAMELEA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

090622

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**FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD CONFERENCE ROOM, CITY HALL
SEPTEMBER 12, 2022
6:00 P.M.**

Present: Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Mayor Mitch Colvin

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

Mayor Pro Tem Dawkins called the meeting to order at 6:03 p.m.

Council Member Hondros stated he would like to change his vote for Item 7.07, Shot Spotter, from the August 22, 2022, regular meeting. Ms. Karen McDonald, City Attorney, provided an overview of the three steps required: (1) reconsider the question, (2) add the item to the agenda (takes a super majority of eight votes), and (3) re-vote on the contract.

Discussion ensued.

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

Mayor Pro Tem Dawkins stated there are 22 speakers signed up for the public forum. The public forum will last no longer than 30 minutes. Ms. Pamela Megill, City Clerk, stated that the residents that signed up after the tenth speaker were forewarned that they may not have an opportunity to speak, due to time constraints.

Council Member Haire stated he will ask for one motion to appoint all of the Appointment Committee recommendations, with the exception of the Public Works Commission appointment, and will request a separate motion and vote for PWC.

Discussion ensued.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:41 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
091222

MITCH COLVIN
Mayor

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 12, 2022
7:00 P.M.**

Present: Mayor Mitch Colvin (via telephone)

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

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Gina Hawkins, Police Chief
Jody Phelps, Chief of Staff
Jodi Picarella, Chief Financial Officer
Rob Stone, Construction Management Director
Chris Cauley, Economic and Community Development Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Pro Tem Dawkins called the meeting to order.

2.0 INVOCATION

The invocation was offered by Reverend Tim Adkinson with Covenant Love Church.

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

Council Member Haire invited graduating seniors to the 5th Annual Historical Black College Fair on September 17, 2022. The event will be held at the Smith Recreation Center.

Council Member Haire announced the 100 Black Men Cape Fear Chapter is hosting a blood drive with the American Red Cross on September 21, 2022, at the Smith Recreation Center.

Council Member Haire announced the Gun Buy Back event taking place on September 17, 2022, at the Kingdom Impact Global Ministries Church.

Council Member Ingram announced that applications for the Community Safety Microgrant next wave will open up in November. Further information will be forthcoming.

Council Member Ingram recognized Judge Siler-Mack with her Fayetteville State University Criminal Justice class.

Council Members Jensen and Hondros invited everyone to attend the Annual Greek Festival September 17-18, 2022, at the Greek Orthodox Church.

Mayor Pro Tem Dawkins and Council Member Jensen presented the Key to the City to Command Sergeant Major (Retired) David Clark for his dedication to the community and the United States. CSM (Ret) Clark

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was unable to attend due to his health, but he was watching the live broadcast.

Miss Fayetteville, Bryana Carrington, and Miss Fayetteville's Outstanding Teen, Janae Johnson, provided an overview of their respective platform for the year.

Dr. Isabella Effon, CEO of the Culture & Heritage Alliance for traditional arts and music, introduced artists from Ghana. Council Member Ingram presented Mayor Colvin's coins to the band members and Dr. Effon.

Council Member Jensen recognized Millennial Commission members Malik Davis and Kathryn Brown.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated 11 years ago Ms. Pam Megill became City Clerk for Fayetteville. He thanked her for her continued service.

Mr. Brook Redding, Special Projects Manager, provided an update on the implementation and timeline of the Camping Ordinance.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Hondros moved to reconsider Item 7.07, Execution of Shot Spotter Contract, from the August 22, 2022, regular City Council meeting agenda.

SECOND: Council Member Benavente

VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Dawkins, Jensen, and Haire)

MOTION: Council Member Benavente moved to amend the agenda to add Item 10.02, Execution of Shot Spotter Contract.

SECOND: Council Member Hondros

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Colvin, Dawkins, Jensen, Haire and Thompson)

MOTION: Council Member Hondros moved to approve the agenda.

SECOND: Council Member Jensen

VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

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

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

August 11, 2022 - Special

August 17, 2022 - Agenda Briefing

August 22, 2022 - Discussion of Agenda Items

August 22, 2022 - Regular

September 2, 2022 - Emergency

7.02 P22-32. Rezoning from Single-Family 10 (SF-10) to Mixed-Residential 5 (MR-5) for property located at 813 and 913 Fairfield Road and 826, 901, and 902 Emeline Avenue (REID #s 0427019914000, 0427120055000, 0427029303000, 0427120253000, and 0427122056000), containing a total of 3.36 acres ± and being the property of Robert T. Tally, Jesse Cowles Tally, and William Lockett Tally and represented by Lori Epler of Larry King & Associates.

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7.03 Adoption of Special Revenue Fund Project Ordinance Amendment 2023-1 for the Conservation Restoration Plan for Cross Creek Cemetery #1 Phase 2

The City has received an \$8,330.00 grant awarded from Cumberland Community Foundation for Phase 2 of the Conservation Restoration Plan for Cross Creek Cemetery #1. Council is asked to adopt Special Revenue Fund Project Ordinance Amendment 2023-1 to appropriate the funding, which will be used for the educational outreach component of the project.

7.04 Adopt Budget Ordinance Amendment 2023-3 and Authorize the City to Support the Black Voices Museum

Adoption of Budget Ordinance Amendment (BOA) 2023-3 and authorize the execution of the Memorandum of Understanding (MOU) with the Community Development Foundation and Cumberland County to provide funding for and support of the planning for the proposed Black Voices Museum. The BOA will appropriate \$450,000.00 of General Fund fund balance for the project to pay for the expenses associated with the study, community engagement, and preliminary conceptual design of a Black Voice and History Museum area.

A similar request was made to the Cumberland County Board of Commissioners. They too will soon consider the MOU and are expected to also contribute \$450,000.00 to this project.

7.05 Adoption of Special Revenue Fund Project Ordinance Amendment 2023-2 to Appropriate the City's Second Allocation of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 and Approval of Proposed

Council is asked to adopt Special Revenue Fund Project Ordinance Amendment 2023-2 to appropriate \$20,213,770.00 of federal funds received from the U.S. Department of Treasury for the second tranche of the \$40,427,539.00 allocation of Coronavirus State and Local Fiscal Recovery Funds, and to approve the list of proposed projects.

7.06 Professional Service Contract Execution Recommendation - Bones Creek Watershed Study for the Watershed Master Plan

Authorize the execution of an engineering service contract for professional services in the amount of \$574,623.00 for Phase I of the Bones Creek Watershed Study to the consulting firm Gradient, PLLC.

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

7.07 Award the Contract for the Purchase of 36 Ford Explorer Police Interceptor Utility Vehicles and 5 Ford Escape SUV

Award a contract for the purchase of 36 Ford Explorer Police Interceptor Utility Vehicles, and the 5 Ford Escape SUV AWD as described herein, from Carthage, LLC, dba Cooper Ford, Carthage, North Carolina.

7.08 Assessment Appeal for Vacant Land (4.89 Acres Kennedy Land) PIN 9496-67-8292

As part of the Phase 5 Annexation Project Area 18 & 19, property owner Eric Ray, one of the heirs of this property, requested a review of the assessment. Upon reviewing the request, it was determined that the road frontage used to calculate the original assessment was incorrect. PWC staff agrees with the appeal based on this clerical error and requests that the assessment be reduced from \$45,326.00 to \$11,157.00.

7.09 Bid Recommendation - Sewer Main Rehabilitation

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Approval of the bid recommendation to award the contract for the Sewer Main Rehabilitation Project to Insituform Technologies, LLC, Chesterfield, MO, the lowest responsive, responsible bidder, in the total amount of \$2,984,192.80.

7.010 Accept NCDOT Grant Agreement for General Aviation Development and Security and Infrastructure Improvements

The North Carolina Department of Transportation's Division of Aviation has awarded \$2,972,939.00 to FAY for Airport Improvements and Debt Service. Fayetteville Regional Airport has no debt service requirement. Accordingly, this grant will appropriate \$2,972,939.00 towards General Aviation Hangar Development, a Security System Upgrade, and other Infrastructure Improvements.

8.0 PUBLIC FORUM

Ms. Kaitlyn Potts, 2940 Bakers Mill Road, Fayetteville, NC, expressed concerns regarding considering ways the City can improvise and address general concerns about town safety.

Mr. Tommy Harding, 6848 Fern Creek Place, Fayetteville, NC, expressed concerns regarding the dangers of gang activity in the community.

Ms. Anne Schrader, 223 Stedman Street, Fayetteville, NC, requested support for improving Fayetteville Sustainability Response to environmental action.

Ms. Wendy Harris, 2412 Raeford Road, Fayetteville, NC, provided an overview of the current real estate market in Fayetteville.

Mr. Rick Iwanski, 2308 Colgate Drive, Fayetteville, NC, expressed the need for police accountability and reform.

Ms. Rebecca Wright Ellis, 154 London Court, Apt 5, Fayetteville, NC, expressed concerns regarding police responding to mental health calls for assistance.

Mr. Mac Healy, 2524 North Edgewater Drive, Fayetteville, NC, provided an overview of the proposed NC Civil War History Center.

Ms. Myah Warren, 969 Bassman Lane, Fayetteville, NC, requested the City issue a "Key to the City" to former Council Member Waddell.

Ms. Kathy Greggs, 4607 Woodline Drive, Fayetteville, NC, expressed concerns regarding police responses to mental health calls for assistance.

Mr. Shaun McMillian, 6024 Goldenrain Drive, Fayetteville, NC, expressed concerns regarding mental health crisis responses from the Police Department.

9.0 PUBLIC HEARINGS

9.01 Phase 5 Annexation Area 32 East Section II Public Hearing on the Preliminary Assessment Resolution

Ms. Janelle Rockett, PWC, Development and Marketing, presented this item and stated holding a public hearing to receive public comment for the annexation areas is part of the statutory requirement process.

City Council approved the Preliminary Assessment Resolution in their meeting on August 8, 2022, for Area 32 East Section II of the Phase 5 Annexation. The resolution set the date of the public hearing for September 12, 2022, to hear public comment. A notice was published in The Fayetteville Observer on September 1, 2022, informing the

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Jonelle Brown	October 1, 2022 – September 30, 2024
Camille Little	October 1, 2022 – September 30, 2024
Kia McMillan	October 1, 2022 – September 30, 2023
Dalton Nelson	October 1, 2022 – September 30, 2024
Corey Sayyeau	October 1, 2022 – September 30, 2023
Sarah Suggs	October 1, 2022 – September 30, 2024

Parks and Recreation Board

Brooke Johnson	October 1, 2022 – September 30, 2025
Emily Schaefer	October 1, 2022 – September 30, 2025

Planning Commission

Christina Aragues	October 1, 2022 – September 30, 2024
Antonio Jones	October 1, 2022 – September 30, 2024
Eldred Loftin	October 1, 2022 – September 30, 2024
Adrian Williams	October 1, 2022 – September 30, 2024

Redevelopment Commission

Warren Cleary	October 1, 2022 – March 31, 2024
Reshon Shell	October 1, 2022 – March 31, 2026

Zoning Commission

Kevin Hight	October 1, 2022 – September 30, 2024
Alexander Keith	October 1, 2022 – September 30, 2024
Clabon Lowe	October 1, 2022 – September 30, 2024

MOTION: Council Member Haire moved to recommend the Appointment Committee recommendations, as presented.
SECOND: Council Member Thompson
VOTE: UNANIMOUS (10-0)

MOTION: Council Member Haire moved to appoint Mr. Chris Davis to the Public Works Commission.
SECOND: Council Member Thompson
VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Jensen, Ingram, Benavente, McNair, Banks-McLaughlin, and Hondros)

Discussion ensued.

MOTION: Council Member Ingram moved to delay the appointment of a Public Works Commissioner.
SECOND: Council Member Hondros
VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Colvin, Haire, Thompson, and Banks-McLaughlin)

11.0 ADMINISTRATIVE REPORTS

11.01 Fayetteville Bond Information and Education Campaign

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

12.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:56 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
091222

MITCH COLVIN
Mayor

DRAFT

FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
ST. AVOLD CONFERENCE ROOM, CITY HALL
SEPTEMBER 19, 2022
9:30 A.M.

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Deno Hondros (District 9)

Absent: Council Members Shakeyla Ingram (District 2); Mario Benavente (District 3); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8)

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 ITEM OF BUSINESS

Mayor Colvin stated the purpose of this meeting is for the Council Committee Chairs to discuss goal setting and expectations. It was agreed that each Committee Chair will identify initiatives and meet with their respective Committee members for further input and discussion.

Discussion ensued.

3. ADJOURNMENT

There being no further business, the meeting adjourned at 10:25 a.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
091922

MITCH COLVIN
Mayor

DRAFT

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
ZOOM
SEPTEMBER 21, 2022
5:00 P.M.**

Present: Mayor Pro Tem Dawkins

Council Members Shakeyla Ingram (District 2) (departed at 5:30 p.m.); Mario Benavente (District 3); D. J. Haire (District 4); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Mayor Mitch Colvin; Council Member Katherine K. Jensen (District 1)

Others Present: Telly Whitfield, Assistant City Manager
Karen McDonald, City Attorney
Kelly Olivera, Interim Assistant City Manager
Jodi Phelps, Chief of Staff
Jody Picarella, Chief Financial Officer
Gina Hawkins, Police Chief
Gerald Newton, Development Services Director
Sheila Thomas-Ambat, Public Services Director
Jennifer Baptiste, Planning and Zoning Manager
Craig Harmon, Senior Planner
Dereke Planter, Code Enforcement Supervisor
Pamela Megill, City Clerk

1.0 CALL TO ORDER

Mayor Pro Tem Dawkins called the meeting to order at 5:03 p.m. The invocation was offered by Council Member Derrick Thompson.

2. AGENDA BRIEFING - Review of Items for the September 26, 2022, City Council Meeting

City staff presented the following items scheduled for the Fayetteville City Council's September 26, 2022, agenda:

CONSENT

P22-30. Rezoning from Mixed Residential 5 (MR-5) to Limited Commercial (LC) of 5.91 acres ± located to the north of Raeford Road and east of Cliffdale Road (REID # 9476879366000), being the property of Robert Gregory Family LLLP, represented by Charles Morris.

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

P22-35. Rezoning from Single-Family Residential 6 (SF-6) to Mixed-Residential 5 (MR-5), located at the intersection of 712 Miller Avenue (REID # 0416681081000), containing 1.57 acres ± and being the property of Miller Apartment LLC and represented by R. Jonathan Charleston, Esq.

P22-36. Conditional rezoning from Single-Family 6 (SF-6) to Mixed-Residential 5 Conditional Zoning (MR-5/CZ), for no more than 160 units, located at the following properties: 7009 Fillyaw Road (REID # 9499918931000), containing a total of 15.14 acres ± and being the property of Alternative Investment Holdings, INC and represented by R. Jonathan Charleston, Esq.

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Uninhabitable Structures Demolition Recommendations
5002 Collins Street - District 4
3902 Coventry Road - District 5

Adoption of a Resolution to Rescind Demolition Ordinance
912 Ramsey Street - District 2

LEGISLATIVE HEARINGS

P22-26. Initial Conditional zoning to Mixed Residential 5/Conditional Zoning (MR-5/CZ), for a Dwelling, Multi-Unit Single-Family, detached on One Lot, located at 2881 Gillespie Street and the end of Bridgewood Drive (REID #s 0435156869000 and 0435155175000), containing 50.12 acres ± and being the properties of Fayetteville Memorial Cemetery Corporation, Draughton Holdings, LLC & Next Chapter Neighborhoods, represented by Andrew Malzer.

P22-15. Rezoning of several properties associated with Fayetteville Technical Community College, Fayetteville State University, and Methodist University from various zoning districts to a newly written district, University and Colleges (UC), represented by the City of Fayetteville. This rezoning is related to Text Amendment TA22-02.

EVIDENTIARY HEARINGS

SUP22-06. Special Use Permit to allow three Two-Family Dwellings (duplexes units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 2417 and 2421 Colgate Drive (REID #s 0426650150000 and 0426558132000), totaling 1.94 acres ± and being the property of Military Standard Construction, LLC.

PUBLIC HEARINGS

AX22-07: Annexation request located along the Southeastern side of Ivan Drive and Gillespie Street, consisting of 50.12 ± acres and being the property of Fayetteville Memorial Cemetery Corporation and Draughton Holdings, LLC; related to P22-26: Initial Zoning.

TA22-04: Proposed Text Amendments to amend Sections 30-2.A, 30.2.B, and 30.2.C of the Unified Development Ordinance regarding the Special Use Permit process, requested by the City of Fayetteville.

TA22-02: Text Amendments to Article 30 of the Unified Development Ordinance to develop a University and College Zoning District. This case is related to rezoning case P22-15.

3.0 ADJOURNMENT

There being no further business, the meeting adjourned at 5:57p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

092122

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**FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
ST. AVOLD CONFERENCE ROOM, CITY HALL
SEPTEMBER 26, 2022
6:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (arrived at 6:09 p.m.); Shakeyla Ingram (District 2) (arrived at 6:03 p.m.); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8) (arrived at 6:05 p.m.); Deno Hondros (District 9)

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

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

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

Council Member Banks-McLaughlin stated she intends to pull Item 7.01, P22-30 - Rezoning from Mixed Residential 5 (MR-5) to Limited Commercial (LC) of 5.91 acres ± located to the north of Raeford Road and east of Cliffdale Road (REID # 9476879366000), being the property of Robert Gregory Family LLLP, represented by Charles Morris, and Item 7.02, P22-33 - Rezoning from Agricultural Residential (AR) to Limited Commercial (LC) of 1.94 acres ±, to be rezoned, located to the north of Raeford Road and west of Hoke Loop Road (REID #s 9476572873000 and 9476574127000), and being the property of Palmer Williams of Sycamore Corner LLC and represented by Lori Epler, Larry King & Associates, for public hearings at the October 10, 2022, regular City Council meeting.

Council Member Haire stated he intends to pull Item 7.04, P22-36 - Conditional rezoning from Single-Family 6 (SF-6) to Mixed-Residential 5 Conditional Zoning (MR-5/CZ), for no more than 160 units, located at the following properties: 7009 Fillyaw Road (REID # 9499918931000), containing a total of 15.14 acres ± and being the property of Alternative Investment Holdings, INC and represented by R. Jonathan Charleston, Esq., for a public hearing at the October 10, 2022, regular City Council meeting.

Council Member Benavente stated he intends to table Item 11.01, Reconsideration of the Execution of a Contract for Gunshot Detection Technology, to the October work session.

Council Member Ingram stated Item 12.02, Federal and State Advocacy Program Updates, will be asking for Council to meet in small group meetings with the Federal and State lobbyists.

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ADJOURNMENT

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

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
092622

MITCH COLVIN
Mayor

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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL, 433 HAY STREET
SEPTEMBER 26, 2022
7:00 P.M.**

Present: Mayor Mitch Colvin

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

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Kelly Olivera, Interim Assistant City Manager
Gerald Newton, Development Services Director
Robert Stone, Construction Management Director
Jodi Phelps, Chief of Staff
Jennifer Baptiste, Planning and Zoning Manager
Craig Harmon, Senior Planner
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Pastor Michael Mathis, Mission Field Ministries.

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

Council Member Haire offered condolences for the passing of Dr. Wilson Lacy.

Council Member Ingram thanked the Arts Council for the International Folk Festival.

Council Member Ingram presented Kelsey and Shannon Battle with a certificate of recognition for all their work in the community.

5.0 CITY MANAGER REPORT

Mr. Hewett stated he does not have a report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Ingram moved to approve the agenda, with the modification to move Item 10.03 to Item 8.01A.

SECOND: Council Member Benavente

VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda, with the exception of Items 7.01, 7.02, and 7.04; pulled for public hearings to be held on October 10, 2022.

SECOND: Council Member Banks-McLaughlin

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VOTE: UNANIMOUS (10-0)

- 7.01 P22-30. Rezoning from Mixed Residential 5 (MR-5) to Limited Commercial (LC) of 5.91 acres ± located to the north of Raeford Road and east of Cliffdale Road (REID # 9476879366000), being the property of Robert Gregory Family LLP, represented by Charles Morris.

This item was pulled from the consent agenda to be placed on the October 10, 2022, City Council agenda as a public hearing item.

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

This item was pulled from the consent agenda to be placed on the October 10, 2022, City Council agenda as a public hearing item.

- 7.03 P22-35. Rezoning from Single-Family Residential 6 (SF-6) to Mixed-Residential 5 (MR-5), located at the intersection of 712 Miller Avenue (REID # 0416681081000), containing 1.57 acres ± and being the property of Miller Apartment LLC and represented by R. Jonathan Charleston, Esq.

- 7.04 P22-36. Conditional rezoning from Single-Family 6 (SF-6) to Mixed-Residential 5 Conditional Zoning (MR-5/CZ), for no more than 160 units, located at the following properties: 7009 Fillyaw Road (REID # 9499918931000), containing a total of 15.14 acres ± and being the property of Alternative Investment Holdings, INC and represented by R. Jonathan Charleston, Esq.

This item was pulled from the consent agenda to be placed on the October 10, 2022, City Council agenda as a public hearing item.

- 7.05 Adoption of Capital Project Ordinance Amendments 2023-12 and 2023-13 to Transfer funds for Projects Resulting from Watershed Studies between the Specific Watershed Studies Capital Project and the FY23 Stormwater Drainage Improvement Capital Projects

Capital Project Ordinance Amendments (CPOAs) 2023-12 and 2023-13 to transfer funding allocated for projects resulting from watershed studies from the specific Watershed Studies Capital Project to the FY23 Stormwater Drainage Improvement Capital Projects. The \$3.5 million appropriation was inadvertently appropriated to the incorrect capital project on July 1, 2022.

- 7.06 Adoption of Budget Ordinance Amendment 2023-4 and Capital Project Ordinance 2023-9 to Appropriate Funding for Rowan Park Improvement Project

Budget Ordinance Amendment (BOA) 2023-4 and Capital Project Ordinance (CPO) 2023-9 to appropriate \$150,000.00 for the Rowan Park Improvement Project.

- 7.07 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 100 Triangle Place, 808 and Adjacent Parcel Cedar Creek Road, 1317 Jacob Street, 222 Dallas Street, 828 Little Avenue, 2220 Roosevelt Drive, 837 Deep Creek Road, 1009 College Street, 2012 and Adjacent Parcel Powell Street, and 2022 Center 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. R2022-032

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7.08 Uninhabitable Structures Demolition Recommendations

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY COUNCIL. 5002 Collins Street, District 4. PIN 0418-59-3856. ORDINANCE NO. NS2022-030

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY COUNCIL. 3902 Coventry Road, District 5. PIN 0416-66-0090. ORDINANCE NO. NS2022-031

7.09 Adoption of a Resolution to Rescind Demolition Ordinance

912 Ramsey Street - District 2

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2022-024. RESOLUTION NO. R2022-033

7.010 Approval for City Manager to Execute a Construction Contract with Muter Construction for the Mazarick Park Tennis Center Building

Authorize the City Manager to execute a construction contract with the apparent lowest responsive, responsible bidder, Muter Construction, for the Mazarick Park Tennis Center Building in the amount of \$2,340,525.00.

7.011 Authorization of Condemnation of Easements on the Properties Needed for North Street Drainage Project

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION ON REMAINING PARCELS FOR NEEDED STORMWATER EASEMENTS. RESOLUTION NO. R2022-034

7.012 Professional Service Contract Execution Recommendation - Locks Creek Road Drainage Improvement Project Design Services

Execution of an engineering service contract for professional services in the amount of \$645,811.00 for the Locks Creek Road Drainage Improvement Project for Design Services to the consulting Gradient

7.013 Approval of Municipal Certificates with NCDOT for speed limit reduction to 35 mph on Bailey Lake Road between Strickland Bridge Road and Bingham Drive

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE. From SR 1104 (Strickland Bridge Road) eastward to NC 162. ORDINANCE NO. NS2022-032

7.014 Approval of Municipal Certificates with NCDOT for speed limit changes on Hope Mills Road to reflect the designation from NC 59 to Secondary Road (SR) 1596 within the City limits

CERTIFICATION OF MUNICIPAL DECLARATION TO ENACT SPEED LIMITS AND REQUEST FOR CONCURRENCE. Between a point 2.48 miles south of US 401 Business (Fayetteville City Limits), and US 401 Business. ORDINANCE NO. NS2022-033

CERTIFICATION OF MUNICIPAL DECLARATION TO REPEAL SPEED LIMITS AND REQUEST FOR CONCURRENCE. NC 59 from a point 2.48 miles south of US 401 Business (Fayetteville City Limits), northward to US 401 Business. ORDINANCE NO. NS2022-034

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7.015 Bid Recommendation - Shadow Lawn Aerial Sewer Crossing Replacement

Approval of the bid recommendation to award the contract for the Shadow Lawn Aerial Sewer Crossing Replacement to T. A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder, in the total amount of \$2,767,010.00.

7.016 Bid Recommendation - Ann Street to Green Street Sanitary Sewer Relocation Project

Approval of the bid recommendation to award the contract for the Ann Street to Green Street Sanitary Sewer Relocation Project to T. A. Loving Company, Goldsboro, NC the lowest responsive, responsible bidder, in the total amount of \$1,275,000.00.

7.017 Adoption of Budget Ordinance Amendment 2023-5 to Appropriate \$50,000.00 of General Fund Fund Balance for the Fayetteville Forward General Obligation Bond Information and Education Campaign

Budget Ordinance Amendment (BOA) 2023-5 to provide funding for the Fayetteville Forward Bond package education and information campaign. The BOA will appropriate \$50,000.00 of General Fund fund balance to augment the existing education and PSA campaign.

7.018 Adoption of a Resolution of the City of Fayetteville, NC to Be Included in Applications for Funding Offered by NC DEQ Division of Water Infrastructure

RESOLUTION OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO BE INCLUDED IN APPLICATIONS FOR FUNDING OFFERED BY THE NC DEQ DIVISION OF WATER INFRASTRUCTURE. RESOLUTION NO. R2022-035

7.019 Lease of Suite 303 of R. C. Williams Building

Cape Fear Supply Company d/b/a Comtech ("Lessee") originally entered into a lease agreement with PWC for Suite 303 of the R.C. Williams Building on August 29, 2016. Lessee and PWC amended the agreement on three (3) separate occasions, with Lessee currently seeking an amendment to extend the lease one (1) additional year. Lessee has agreed to an annual rent rate of \$26,981.88, which will be paid in monthly payments of \$2,248.49. There are no options to extend the lease contemplated in the amendment.

8.0 LEGISLATIVE HEARINGS

8.01 P22-26. Initial Conditional zoning to Mixed Residential 5/Conditional Zoning (MR-5/CZ), for a Dwelling, Multi-Unit Single-Family, Detached on One Lot, located at 2881 Gillespie Street and the end of Bridgewood Drive (REID #s 0435156869000 and 0435155175000), containing 50.12 acres ± and being the properties of Fayetteville Memorial Cemetery Corporation, Draughton Holdings, LLC & Next Chapter Neighborhoods, represented by Andrew Malzer.

Mr. Craig Harmon, Senior Planner, presented this item and stated the applicant is seeking to initially zone 50.12 acres ±, of a total 70-acre site. The remaining acreage will be for the existing cemetery. The property is identified as being the rear portion of the cemetery. The request is to change this rear portion and separate it from the rest of the cemetery.

Currently, the parcels are zoned in Cumberland County as Residential 10, Residential 5A, and Planned Industrial District/Conditional Use (M (P) CU) to the City of Fayetteville's Mixed Residential 5 Conditional (MR-5/CZ). Under the County's present zoning, a mix of approximately 159 single-family and 184 multi-family

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dwellings (343 total) could be built. The owner of the property in question has conditioned this request to no more than 300 units.

This case was initially heard as a legislative hearing by the Zoning Commission on June 14, 2022. The staff report submitted to the Zoning Commission was prepared by staff and submitted for approval on June 3, 2022. The report was made agenda ready on June 6, 2022, and was printed and distributed on June 7, 2022.

Staff received email correspondence from Dr. Toney Coleman, Airport Director, regarding his concerns with the project on June 7, 2022. Dr. Coleman's emailed concerns were based on information obtained from Cumberland County's Ordinance Airport Overlay section. This information was given to the Zoning Commission members during the June 14, 2022, meeting. Despite receiving the information, the Zoning Commission held a legislative hearing regarding this case and voted 5 to 0 to recommend approval. There were no speakers in opposition and one speaker in favor.

Chapter 30 of the City Code of Ordinances (commonly referred to as the Unified Development Ordinance) contains specific wording cautioning those involved in developments under the Airport Overlay Zoning District to consider the guidance of the Airport Director. The Airport Director opposed the project due to its location in flight patterns and the density of the housing underneath.

In light of the Airport Director's opposition, staff advised the City Council to remove this item and the associated annexation from the August 22, 2022, consent agenda and set it for a hearing on September 26, 2022. Council followed the staff's recommendation and moved both items to the last September meeting as a public and legislative hearings respectively.

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

Mr. Johnathan Charleston, 201 Hay Street, Fayetteville, NC, attorney representing the applicants, appeared in favor.

Mr. Charles Smith, 2639 Mirror Lake Drive, Fayetteville, NC, appeared in favor.

Mr. Mark Lynch, 833, Bragg Boulevard, Fayetteville, NC, Airport Commission Chair, appeared in opposition.

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

Discussion ensued.

MOTION: Council Member Ingram moved to deny the request for Initial Conditional zoning to Mixed Residential 5/Conditional Zoning (MR-5/CZ).

SECOND: Council Member Benavente

VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Colvin, Dawkins, Haire and Thompson)

8.01A TA22-02: Text Amendments to Article 30 of the Unified Development Ordinance to develop a University and College Zoning District. This case is related to rezoning case P22-15.

This item was moved from Item 10.03.

Ms. Jennifer Baptiste, Planning and Zoning Manager, introduced this item and Mr. Chester Green, Senior Planner, provided an overview of each proposed ordinance and stated, due to recommendations identified as part of both the Murchison Road/Bragg Boulevard Plan and the Future Land Use Plan and Map, staff is preparing to rezone properties identified as being owned and associated with local

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universities and colleges. Specifically, the rezonings will cover properties associated with Fayetteville State University (FSU), Methodist University (MU), and Fayetteville Technical Community College (FTCC).

Staff has examined the Unified Development Ordinance for items that could be amended to assist with the growth and development of our local universities and colleges. These updates are guided by specific recommendations from representatives of the schools and best practices.

At the December 13, 2021, City Council regular meeting, the City Council directed Planning staff to draft proposed changes to the Unified Development Ordinance (UDO) and the City's Official Zoning Map to support local universities and colleges.

On March 1, 2022, Planning staff held a virtual public meeting (via Zoom) to engage stakeholders and solicit feedback on proposed modifications to the UDO and introduce the concept of the new Universities & Colleges (UC) zoning district.

These proposed text amendment changes received an unanimous recommendation of approval from the Planning Commission on March 15, 2022.

The map amendments were heard by the Zoning Commission on April 12, 2022. The Commission recommended unanimously to approve the proposed map amendment as presented.

This staff report covers only the text amendment aspect of the process and is related to P22-15. P22-15 is the staff report regarding the rezoning portion of this case.

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 OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-1, GENERAL PROVISION, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-020

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-027

MOTION: Council Member Ingram moved to adopt all recommended text amendments.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

8.02 P22-15. Rezoning of several properties associated with Fayetteville Technical Community College, Fayetteville State University, and Methodist University from various zoning districts to a newly written district, University and Colleges (UC), represented by the City of Fayetteville. This rezoning is related to Text Amendment TA22-02.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated due to recommendations identified as part of both the Murchison Road/Bragg Boulevard Plan and the Future Land Use Plan and Map, staff is preparing to rezone properties identified as being owned and associated with local universities and colleges. Specifically, the rezonings will cover properties associated with Fayetteville State University (FSU), Methodist University (MU), and Fayetteville Technical Community College (FTCC).

Staff has examined the Unified Development Ordinance for items that could be amended to assist with the growth and development of our local universities and colleges. These updates are guided by specific recommendations from representatives of the schools and best practices.

At the December 13, 2021, City Council regular meeting, the City Council directed Planning staff to draft proposed changes to the Unified Development Ordinance (UDO) and the City's Official Zoning Map to support local universities and colleges.

On March 1, 2022, Planning staff held a virtual public meeting (via Zoom) to engage stakeholders and solicit feedback on proposed

DRAFT

modifications to the UDO and introduce the concept of the new Universities and Colleges (UC) zoning district.

The proposed text amendment changes received unanimous recommendation of approval from the Planning Commission on March 15, 2022. The map amendments were heard by the Zoning Commission on April 12, 2022. The Commission recommended unanimously to approve the proposed map amendment as presented.

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.

MOTION: Council Member Benavente moved to approve the map amendment to UC.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

9.0 EVIDENTIARY HEARINGS

9.01 SUP22-06. Special Use Permit to allow three Two-Family Dwellings (duplexes units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 2417 and 2421 Colgate Drive (REID #s 0426650150000 and 0426558132000), totaling 1.94 acres ± and being the property of Military Standard Construction, LLC.

Mr. Craig Harmon, Senior Planner, presented this item and stated the applicant is requesting a Special Use Permit to construct three duplexes on properties located on Colgate Drive. The attached site plan shows the layout of the six units. According to the owner, the proposed use will comply with all of the City's Dwellings, Two-to Four-Family standards and will be a self-contained complex that will not interfere with the adjoining properties. The application is only to address the construction of the three duplex sites.

Land within the City is generally classified by the Unified Development Ordinance (UDO) 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 fact:

- (1) The special use complies 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 districts(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

DRAFT

- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

The applicant will be required to meet all applicable standards.

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

Mr. Mark Mayoras, 446 Willowbend Lane, Fayetteville, NC, the applicant, appeared in favor.

Mr. James Depree, 2415 Colgate Drive, Fayetteville, NC, appeared in opposition.

Ms. Mary Kennedy, 2356 Rolling Hills Road, Fayetteville, NC, appeared in opposition.

Ms. Karen Ewart, 1657 Banbury Drive, Fayetteville, NC, appeared in opposition.

Ms. Amanda Wynn, 2425 Colgate Drive, Fayetteville, NC, appeared in opposition.

Mr. Ronald Vance, 2416 Colgate Drive, Fayetteville, NC, appeared in opposition.

Mr. Matthew McLean, 2307 Vandemere Avenue, Fayetteville, NC, appeared in opposition.

Mrs. Ellen Brantley, 2705 Colgate Drive, Fayetteville, NC, appeared in opposition.

Mr. Bill Vurnakes, 2413 Torcross Drive, Fayetteville, NC, appeared in opposition.

Ms. Denise Jasienowski, 2613 Sydney Drive, Fayetteville, NC, appeared in opposition.

Mr. Clayton Gillyard, 2406 Colgate Drive, Fayetteville, NC, appeared in opposition.

Mr. Michael Hall, 2003 Bismark Court, Fayetteville, NC, appeared in opposition.

Mrs. Nicole Graham, 2600 Cottingham Court, Fayetteville, NC, appeared in opposition.

Mr. Chris Herring, 2421 Torcross Drive, Fayetteville, NC, appeared in opposition.

Discussion ensued.

MOTION: Council Member Benavente moved to disapprove the Special Use Permit (SUP) for the construction of three Two- to Four-Family Dwellings (three duplexes for a total of six housing units) as depicted on the site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application does not meet the findings of fact. More specifically findings 2, 5, and 7.

SECOND: Council Member Thompson

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Banks-McLaughlin and Hondros)

10.0 PUBLIC HEARINGS

10.01 AX22-07: Annexation request located along the Southeastern side of Ivan Drive and Gillespie Street, consisting of 50.12 ± acres and being the property of Fayetteville Memorial Cemetery

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**Corporation and Draughon Holdings, LLC; related to P22-26:
Initial Zoning.**

MOTION: Council Member Ingram moved to remove this item from the agenda at the request of the applicant.
SECOND: Council Member Benavente
VOTE: UNANIMOUS (10-0)

10.02 TA22-04: Proposed Text Amendments to amend Sections 30-2.A, 30.2.B, and 30.2.C of the Unified Development Ordinance regarding the Special Use Permit process, requested by the City of Fayetteville.

Ms. Jennifer Baptiste, Planning and Zoning Manager, presented this item and stated the City of Fayetteville has used Special Use Permits since at least 1964 when the City's Zoning Ordinance began folding in some uses that were allowed in a zoning district if they "fit in with the character of the area in which such use is to be located and that such use is not detrimental to the surrounding neighborhood (Ordinance No.1964-10).

Over the years, the standards and North Carolina Statutes continued to allow uses when they met certain standards. North Carolina case law has also created refinements to the way Special Use Permits are handled. In 2020, the state adopted a consolidated land use statute, 160D with different effective dates for changes to be made locally, all of which Fayetteville did. A significant point was to move the SUP process into the newly named "Evidentiary Hearing" that was not significantly different than the Quasi-Judicial Hearings that the City Council held for cases.

A few primary points of the new Evidentiary Hearing were presented by the professional staff that included prima facia entitlement to approve uses where competent, substantial, material evidence is presented by the applicant for a use identified as a "special use" under the city ordinance. Another part of the process change involved the City Council meeting being the only time that the evidence is presented and no recommendations be made from an advisory board or the city staff. These process revisions on April 2021, along with a generic Fayetteville City Council Special Use Permit Evidentiary Hearing outline continue to be used.

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.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-2.C., STANDARDS AND REQUIREMENTS FOR DEVELOPMENT APPLICATIONS, OF ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2022-030

MOTION: Council Member Dawkins moved to adopt the three proposed text amendments.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

11.0 OTHER ITEMS OF BUSINESS

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

MOTION: Council Member Benavente moved to table this item to the October 2022 work session.

SECOND: Council Member Hondros

VOTE: FAILED by a vote of 4 in favor to 6 in opposition (Council Members Colvin, Jensen, Haire, Dawkins, Thompson, and McNair)

MOTION: Council Member Thompson moved to approve the Execution of a Contract for Gunshot Detection Technology Services.

SECOND: Mayor Pro Tem Dawkins

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Ingram, Benavente, McNair, Hondros, and Banks-McLaughlin)

12.0 ADMINISTRATIVE REPORTS

12.01 Retirement for City Council

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

12.02 Federal and State Advocacy Program Update

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

13.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:06 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
092622

MITCH COLVIN
Mayor



City of Fayetteville

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

City Council Action Memo

File Number: 22-2979

Agenda Date: 10/10/2022

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: Michael Gibson, Interim Assistant City Manager / Parks, Recreation and
Maintenance Director
Kelly Olivera, Interim Assistant City Manager / Budget and
Evaluation Director

FROM: Alvester T. (Toney) Coleman, PhD, A.A.E., Airport Director

DATE: October 10, 2022

RE:

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

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 North Carolina Department of Transportation's Division of Aviation (NCDOT DOA)
awarded \$2,972,939 to the City for Airport Improvements and Debt Service. Fayetteville
Regional Airport has no debt service.

Council is asked to adopt Capital Project Ordinance (CPO) 2023-10 and Capital Project
Ordinance Amendment (CPOA) 2023-14 to appropriate the grant funds for four airport
projects.

Capital Project Ordinance (CPO) 2023-10 appropriates \$450,000 for security system upgrade (\$150,000), roof replacement at Fire Training Facility (\$100,000), and a digital display wall (\$200,000). Capital Project Ordinance Amendment 2023-14 appropriates \$2,522,939 for General Aviation Hangar Development project.

Background:

City Council previously approved \$400,000 for design and construction for the General Aviation Hangar project. CPOA 2023-14 appropriates an additional \$2,522,939, bringing the total project budget to \$2,922,939.

CPO 2023-10 will appropriate \$450,000 for roof replacement at the Firefighting Training Facility, installation of new security cameras in parking lots, and the installation of a digital display wall.

The airport intends to use its full \$2,972,939 allocation in Fiscal Years 2023-2024.

Issues/Analysis:

None

Budget Impact:

There is no impact to the General Fund as the NCDOT DOA Grant requires no local match.

Options:

1. Adopt Capital Project Ordinance 2023-10 and Capital Project Ordinance Amendment 2023-14.
2. Do not adopt Capital Project Ordinance 2023-10 and Capital Project Amendment 2023-14 and provide further direction to staff.

Recommended Action:

Staff recommends Council move to adopt Capital Project Ordinance 2023-10 and Capital Project Ordinance Amendment 2023-14 as presented.

Attachments:

- Capital Project Ordinance 2023-10
- Capital Project Ordinance Amendment 2023-14 (General Aviation Hangar Project)
- NCDOT Notification of Funding Allocation per § 63-74 Airport Improvement Program #36244.27.17.1

**CAPITAL PROJECT ORDINANCE
ORD 2023-10**

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

Section 1. The authorized project is for a roof replacement at the Fire Training Facility, installation of additional security cameras in the parking area, installation of a digital display wall, and other ancillary costs.

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

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

North Carolina Department of Transportation	
Commercial Service Airport Funding - FY2023	<u>\$ 450,000</u>

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

Project Expenditures	<u>\$ 450,000</u>
----------------------	-------------------

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

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

Adopted this 10th day of October, 2022.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2023-14 (CPO 2022-14)**

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

Section 1. The project change is to Capital Project Ordinance 2022-14, adopted November 8, 2021, for the funding of the design and construction of a General Aviation Hangar, and other ancillary costs.

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

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

	<u>Listed As</u>	<u>Amendment</u>	<u>Revised</u>
North Carolina Department of Transportation Commercial Service Airport Funding - FY2022	\$ 400,000	\$ -	\$ 400,000
North Carolina Department of Transportation Commercial Service Airport Funding - FY2023	-	2,522,939	2,522,939
	<u>\$ 400,000</u>	<u>\$ 2,522,939</u>	<u>\$ 2,922,939</u>

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

Project Expenditures	<u>\$ 400,000</u>	<u>\$ 2,522,939</u>	<u>\$ 2,922,939</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 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 10th day of October, 2022.



City of Fayetteville

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

City Council Action Memo

File Number: 22-2950

Agenda Date: 10/10/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.03

TO: Mayor and Members of City Council

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

FROM: Tyffany L. Neal, Transit Director
Kelly Olivera, Interim Assistant City Manager / Budget and Evaluation
Director

DATE: October 10, 2022

RE:

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

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Objective 4.1: Maintain public transportation investments with high quality transit and airport services

Executive Summary:

The Federal Transit Administration (FTA) has awarded grant NC-2022-059-00 to the City for public transit projects.

Capital Project Ordinance (CPO) 2023-11 will appropriate \$5,676,500 for the grant's capital projects that include: three battery-electric/zero emission buses and charging infrastructure; three diesel replacement buses; bus shelters, sidewalks and accessible bus stops along transit routes; upgrade to the video surveillance system; improvements to Transit's maintenance facility including installation of a back-up generator; and capital

maintenance funding for repair or replacement of major bus components. The funding sources for this appropriation include \$4,791,175 of federal grant funding and a \$885,325 local match.

Special Revenue Fund Project Ordinance (SRO) 2023-7 will appropriate \$300,000 for a variety of eligible planning tasks and projects that include reporting and complying with FTA grant provisions and monitoring transit services. This project also includes funds for staff training. The funding sources for this appropriation include \$240,000 of federal grant funding and \$60,000 in local matching funds.

Budget Ordinance Amendment (BOA) 2023-6 will appropriate \$504,900 from General Fund fund balance to transfer to the Transit Operating Fund in order to provide the total local match for the two grant project appropriations. This local match funding was anticipated in the fiscal year 2022 year-end projections; however, transfer of the funds was delayed due to the timing of the receipt of the grant award.

Background:

FTA provides federal grant funding for eligible public transportation projects. The Fayetteville urbanized area is annually apportioned FTA formula funding under FTA's Section 5307 Urban Formula Program. Competitive grants follow an application and selection process. Once a project is selected, staff must submit a formal application within the FTA grants management system to access and receive these funds. That application describes the specific projects the City intends to complete with the grant funding. Typically, the City uses a significant portion of its FTA formula funding to support Transit's operating budget in the form of preventative maintenance reimbursement, ADA paratransit reimbursement, and operating assistance.

FTA has awarded grant NC-2022-059-00 to the City for public transit projects. The majority of the funding is for buses and capital projects included in the Capital Improvement Program (CIP) and Technology Improvement Program (TIP). It also includes funds to support transit planning activities and for ADA Paratransit services (FASTTRAC!) and \$600,000 for transit operating assistance that will reimburse the City for expenses incurred in FY2022 and included in the Operating Budget. FAST's operating assistance and preventative maintenance funding were reduced significantly since these were covered by about \$4.5 million in FTA CARES and APRA grants previously awarded.

The capital portion of this grant provides \$4,791,175 in FTA grant funding for the purchase of six (6) replacement buses for FAST's fixed route services. Three (3) of the buses will be battery-electric/zero emission buses and related electric charging infrastructure from funding competitively awarded to FAST from FTA's Low and No Emissions program. When combined with the grant received last year, this grant will allow FAST to introduce five new electric buses to its fleet in early 2024. The other three (3) buses in the grant will be 30 ft low-floor clean diesel vehicles that will replace two high-floor light duty vehicles and one 35 ft diesel bus. The smaller heavy duty low-floor buses with wheelchair ramps will improve ride quality, accessibility and safety as compared to the light-duty buses that still use lifts.

Other capital projects include bus shelters, sidewalks and accessible bus stops along transit routes; the addition of a back-up generator at the Grove Street garage/office facility to ensure continued operations when we lose power; enhancement to our buses' video surveillance system by providing wireless download of video files; and capital maintenance funding for repair or replacement of major bus components (engines, transmissions, hybrid bus batteries, etc.).

The total capital match for the FTA funding is \$885,325 the City will provide with a transfer from the Transit Operating Fund.

The planning funding from the grant will provide \$300,000 for a variety of planning tasks and projects including, reporting and complying with FTA grant provisions, and monitoring transit services. The grant funding primarily reimburses the City for staff time used to complete the tasks, but some consultant services will also be used. As the grant funds 80% of eligible planning activities, the local match for this portion of the grant is \$60,000.

Issues/Analysis:

None

Budget Impact:

The local match funding for this grant was anticipated in the fiscal year 2022 year-end projections. As a result of the delay in the grant award, \$504,900 will be designated for the required local match in the financial report for the General Fund as of June 30, 2022. Generally, designated funding is re-appropriated after the fiscal year financials are completed; however, it is requested that Council adopt BOA 2023-6 to adopt the funds for the designation local match early so that the grant appropriations may move forward. The remaining local match funding for this grant is included and available in the City's Transit Annual Operating Fund for fiscal year 2023. At a future date, the City will apply for a share of the grant match for the buses when NCDOT announces a call for projects for its Urban Capital Match program.

Options:

1. Adopt BOA 2023-6, CPO 2023-11, and SRO 2023-7 as presented to move forward with the planned capital and planning projects; or
2. Do not adopt BOA 2023-6, CPO 2023-11, and SRO 2023-7 and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt BOA 2023-6, CPO 2023-11, and SRO 2023-7 as presented to move forward with the planned capital and planning projects.

Attachments:

- FTA Grant NC-2022-059-00
- Budget Ordinance Amendment 2023-6
- Capital Project Ordinance 2023-11
- Special Revenue Fund Project Ordinance 2023-7

DOT

FTA

U.S. Department of Transportation

Federal Transit Administration

Award

Federal Award Identification Number (FAIN)	NC-2022-059-00
Temporary Application Number	1112-2021-4
Award Name	FY22 Multi-Source Grant; 5307 Formula and 5339(c) Competitive Funds; Capital, Planning, ADA, Operating Assistance and Bus Replacement; Fayetteville, NC
Award Status	Obligated / Ready for Execution
Award Budget Number	0

Period of Performance Start Date	9/9/2022	
Original Period of Performance End Date	3/30/2030	
Current Period of Performance End Date	3/30/2030	Revision #: 0

Part 1: Recipient Information

Name: FAYETTEVILLE, CITY OF

Recipient ID	Recipient OST Type	Recipient Alias	UEI	DUNS
1112	City	CITY OF FAYETTEVILLE		040031700

Location Type	Address	City	State	Zip
Headquarters	433 HAY ST	FAYETTEVILLE	NC	28301
Physical Address	467 HAY ST	FAYETTEVILLE	NC	28301
Mailing Address	433 HAY STREET	FAYETTEVILLE	NC	28301

Union Information

Union Name	NONE
Address 1	

Address 2	
City	
State	
Zipcode	00000
Contact Name	
Telephone	
Fax	00000
E-mail	
Website	

Part 2: Award Information

Title: FY22 Multi-Source Grant; 5307 Formula and 5339(c) Competitive Funds; Capital, Planning, ADA, Operating Assistance and Bus Replacement; Fayetteville, NC

FAIN	Award Status	Award Type	Date Created	Last Updated Date	From TEAM?
NC-2022-059-00	Obligated / Ready for Execution	Grant	9/17/2021	9/17/2021	No

Award Executive Summary

Purpose: The grant requests the use of \$3,512,500 of Section 5307 Urbanized Area Formula Program funds and \$2,458,675 of Section 5339(c) Low and No Emissions Competitive Program funds. The grant will use Section 5307 apportionments for 2019 (\$1,370,686) and 2020 (\$2,141,814). The grant will also use Section 5339(c) Low and No Emissions funds competitively awarded in FY21 for replacing three (3) diesel buses with battery electric buses (ID# D2021-LWNO-032).

Activities to be performed: Fixed route and complementary ADA paratransit services, planning activities in accordance with the UPWP, revenue vehicle replacement, construct ADA accessible bus stops and pedestrian ways, bus shelters, maintenance facility improvements and major bus component repair. A program of projects is attached.

A minimum of 0.75% of the Section 5307 urbanized area funds will be expended on safety related projects. Safety related projects are part of ALI 30.09.03 Operating Assistance.

Expected outcomes: Continue essential and reliable public transit services for those living or visiting the Fayetteville area in a safe and cost effective manner. Timely replacement of buses in accordance with our Transit Asset Management (TAM) Plan

Intended beneficiaries: Citizens and visitors in the Fayetteville area will benefit with improved air quality due to reduced emissions from diesel buses and with a safer and more easily accessible buses for services provided with smaller capacity vehicles . The transit operation will benefit from reduced costs from new more efficient vehicles as well as improved working conditions in our maintenance facility.

Subrecipient activities: There will be no subrecipients for this grant.

The City of Fayetteville is the Designated Recipient for FTA Section 5307 funds for the Fayetteville, NC urbanized area.

FTA Certifications and Assurances for 2022 were reviewed and signed by the Fayetteville City Attorney, Karen M. McDonald and Transit Director, Randy Hume in TrAMS.

Frequency of Milestone Progress Reports (MPR)

Quarterly

Frequency of Federal Financial Reports (FFR)

Quarterly

Does this application include funds for research and/or development activities?

This award does not include research and development activities.

Pre-Award Authority

This award is using Pre-Award Authority.

Does this application include suballocation funds?

Recipient organization is the Designated Recipient and can apply for and receive these apportioned funds.

Will this Grant be using Lapsing Funds?

No, this Grant does not use Lapsing Funds.

Will indirect costs be applied to this application?

This award is applying an approved Indirect cost rate(s).

Indirect Rate Details: Approved Independent Cost Rate is 9.45%

Requires E.O. 12372 Review

No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt

No, my organization does not have delinquent federal debt.

Award Point of Contact Information

First Name	Last Name	Title	E-mail Address	Phone
		john.crocker@dot.gov	Community Planner	
		guanying.lei@dot.gov	General Engineer	
Randall	Hume	Transit Director	randyhume@fayettevillenc.gov	910-433-1011

Award Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
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5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$3,512,500
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$2,458,675
Local			\$1,630,325
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$7,601,500

Award Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
NC-2022-059-01-00	111-00 (111-A1) BUS - ROLLING STOCK	\$1,916,500.00	\$343,500.00	\$2,260,000.00	10
NC-2022-059-01-00	11.12.01 BUY REPLACEMENT 40-FT BUS	\$467,500.00	\$82,500.00	\$550,000.00	3
NC-2022-059-01-00	11.12.03 BUY REPLACEMENT 30-FT BUS	\$1,377,000.00	\$243,000.00	\$1,620,000.00	3
NC-2022-059-01-00	11.12.40 BUY ASSOC CAP MAINT ITEMS	\$72,000.00	\$18,000.00	\$90,000.00	4
NC-2022-059-01-00	113-00 (113-A3) BUS - STATION/STOPS/TERMINALS	\$40,000.00	\$10,000.00	\$50,000.00	6
NC-2022-059-01-00	11.32.10 ACQUIRE - BUS PASSENGER SHELTERS	\$40,000.00	\$10,000.00	\$50,000.00	6
NC-2022-059-01-00	114-00 (114-A2) BUS: SUPPORT EQUIP AND FACILITIES	\$304,000.00	\$76,000.00	\$380,000.00	3

NC-2022-059-01-00		11.42.09	ACQUIRE - MOBILE SURV/ SECURITY EQUIP	\$64,000.00	\$16,000.00	\$80,000.00	1
NC-2022-059-01-00		11.42.20	ACQUIRE - MISC SUPPORT EQUIPMENT	\$240,000.00	\$60,000.00	\$300,000.00	2
NC-2022-059-01-00	117-00 (117-A7)		OTHER CAPITAL ITEMS (BUS)	\$9,600.00	\$2,400.00	\$12,000.00	0
NC-2022-059-01-00		11.7D.02	EMPLOYEE EDUCATION/ TRAINING	\$9,600.00	\$2,400.00	\$12,000.00	0
NC-2022-059-01-00	119-00 (119-A4)		Bus Associated Transit Improvements	\$72,000.00	\$18,000.00	\$90,000.00	13
NC-2022-059-01-00		11.93.05	CONSTRUCT PED ACCESS / WALKWAYS	\$72,000.00	\$18,000.00	\$90,000.00	13
NC-2022-059-01-00	300-00 (300-A5)		OPERATING ASSISTANCE	\$600,000.00	\$600,000.00	\$1,200,000.00	0
NC-2022-059-01-00		30.09.03	SPECIAL RULE - OPERATING ASSISTANCE / 1 - 75 BUSES	\$600,000.00	\$600,000.00	\$1,200,000.00	0
NC-2022-059-01-00	442-00 (442-A6)		METROPOLITAN PLANNING	\$230,400.00	\$57,600.00	\$288,000.00	0
NC-2022-059-01-00		44.21.00	PROGRAM SUPPORT ADMINISTRATION	\$16,000.00	\$4,000.00	\$20,000.00	0
NC-2022-059-01-00		44.23.01	LONGTERM TRANS PLAN - SYSTEM LEVEL	\$24,000.00	\$6,000.00	\$30,000.00	0
NC-2022-059-01-00		44.23.02	LONGTERM TRANS PLAN - PROJECT LEVEL	\$32,000.00	\$8,000.00	\$40,000.00	0
NC-2022-		44.25.00	TRANSPORTATION IMPROVEMENT PROGRAM	\$2,400.00	\$600.00	\$3,000.00	0

059-01-00							
NC-2022-059-01-00		44.26.14	PLANNING FOR TRANSIT SYS MANAGEMENT / OPERATIONS TO INCREASE RIDERSHIP	\$104,000.00	\$26,000.00	\$130,000.00	0
NC-2022-059-01-00		44.26.16	INCORPORATING SAFETY & SECURITY IN TRANSPORTATION PLANNING	\$24,000.00	\$6,000.00	\$30,000.00	0
NC-2022-059-01-00		44.27.00	OTHER ACTIVITIES	\$28,000.00	\$7,000.00	\$35,000.00	0
NC-2022-059-02-00	111-00 (111-A8)		BUS - ROLLING STOCK	\$1,898,475.00	\$335,025.00	\$2,233,500.00	3
NC-2022-059-02-00		11.12.01	BUY REPLACEMENT 40-FT BUS	\$1,898,475.00	\$335,025.00	\$2,233,500.00	3
NC-2022-059-02-00	115-00 (115-B2)		ELECTRIFICATION/POWER DIST (BUS)	\$268,200.00	\$29,800.00	\$298,000.00	3
NC-2022-059-02-00		11.52.20	PURCHASE MISC ELEC/POWER EQUIP	\$142,200.00	\$15,800.00	\$158,000.00	3
NC-2022-059-02-00		11.53.20	CONSTRUCT MISC ELEC/ POWER EQUIP	\$126,000.00	\$14,000.00	\$140,000.00	0
NC-2022-059-02-00	117-00 (117-A9)		OTHER CAPITAL ITEMS (BUS)	\$292,000.00	\$73,000.00	\$365,000.00	1
NC-2022-059-02-00		11.71.03	PROJECT MANAGEMENT - 3RD PARTY	\$292,000.00	\$73,000.00	\$365,000.00	1
NC-2022-059-03-00	117-00 (117-B1)		OTHER CAPITAL ITEMS (BUS)	\$340,000.00	\$85,000.00	\$425,000.00	0
NC-2022-		11.7C.00	NON FIXED ROUTE ADA	\$340,000.00	\$85,000.00	\$425,000.00	0

059-03-00	PARATRANSIT SERVICE
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Discretionary Allocations

Discretionary ID	Project Title	Amount Applied	FAIN	Congressional Release Date
D2021-LWNO-032	Zero-Emission Electric Buses to Reduce Carbon Emissions and Improve Air Quality.	\$2,458,675	NC-2022-059-00	9/9/2022

Sources of Federal Financial Assistance

PO Number	Project Number	Scope Name	Scope Number	Scope Suffix	UZA Code	Area Name	Account Class Code	FPC	Description	Amendment Amount	Cumulative Amount
NC-90-X 792	NC-2022-059-01-00	OPERATING ASSISTANCE	300-00 (300)	A5	3796 30	Fayetteville, NC	2020.25.90.91.2	04	Urbanized Area Formula Grants	\$600,000	\$600,000
NC-90-X 792	NC-2022-059-01-00	METROPOLITAN PLANNING	442-00 (442)	A6	3796 30	Fayetteville, NC	2020.25.90.91.2	02	Urbanized Area Formula Grants	\$230,400	\$230,400
NC-90-X 792	NC-2022-059-03-00	OTHER CAPITAL ITEMS (BUS)	117-00 (117)	B1	3796 30	Fayetteville, NC	2020.25.90.91.2	08	Urbanized Area Formula Grants	\$96,554	\$96,554
NC-90-X 792	NC-2022-059-03-00	OTHER CAPITAL ITEMS (BUS)	117-00 (117)	B1	3796 30	Fayetteville, NC	2021.25.90.91.2	08	Urbanized Area Formula Grants	\$243,446	\$243,446
NC-90-X 792	NC-2022-059-01-00	Bus Associated Transit Improvements	119-00 (119)	A4	3796 30	Fayetteville, NC	2021.25.90.91.2	00	Urbanized Area Formula Grants	\$72,000	\$72,000
NC-90-X 792	NC-2022-059-01-00	OTHER CAPITAL ITEMS (BUS)	117-00 (117)	A7	3796 30	Fayetteville, NC	2021.25.90.91.2	00	Urbanized Area Formula Grants	\$9,600	\$9,600
NC-90-X 792	NC-2022-059-01-00	BUS: SUPPORT EQUIPMENT AND FACILITIES	114-00 (114)	A2	3796 30	Fayetteville, NC	2021.25.90.91.2	00	Urbanized Area Formula Grants	\$304,000	\$304,000
NC-90-X 792	NC-2022-059-01-00	BUS - STATION/STOPS/TERMINALS	113-00 (113)	A3	3796 30	Fayetteville, NC	2021.25.90.91.2	00	Urbanized Area Formula Grants	\$40,000	\$40,000
NC-90-X 792	NC-2022-059-01-00	BUS - ROLLING STOCK	111-00 (111)	A1	3796 30	Fayetteville, NC	2021.25.90.91.2	00	Urbanized Area Formula Grants	\$1,916,500	\$1,916,500

NC-34-0089	NC-2022-059-02-00	OTHER CAPITAL ITEMS (BUS)	117-00 (117)	A9	370000	North Carolina	2021.24.34.LN.1	00	Section 5339 Bus and Buses Facilities – No and Low Emission	\$292,000	\$292,000
NC-34-0089	NC-2022-059-02-00	ELECTRIFICATION/POWER DISTRIBUT (BUS)	115-00 (115)	B2	370000	North Carolina	2021.24.34.LN.1	00	Section 5339 Bus and Buses Facilities – No and Low Emission	\$268,200	\$268,200
NC-34-0089	NC-2022-059-02-00	BUS - ROLLING STOCK	111-00 (111)	A8	370000	North Carolina	2021.24.34.LN.1	00	Section 5339 Bus and Buses Facilities – No and Low Emission	\$1,898,475	\$1,898,475

Part 3: Project Information

Project Title: FY21 Capital, Planning and Operating Projects

Project Number	Temporary Project Number	Date Created	Start Date	End Date
NC-2022-059-01-00	1112-2021-4-P1	6/16/2022	7/1/2021	3/29/2024

Project Description

The project will use Section 5307 urbanized area funding for capital, planning and operating expenditures.

Capital funding provides for the purchase of three (3) replacement revenue vehicles for fixed route services, purchase and installation of bus shelters, benches and trash receptacles, construction of 13 ADA accessible bus stops, addition to video surveillance system and improvements to the transit maintenance facility. Planning expenditures will support staff and consultant costs for programs identified in the UPWP. Operating expenses will support security services provided at FAST facilities and on buses. Table 3A for FFY 2020 (Special Operating Assistance Rule) is attached. These projects will be carried out within the Fayetteville urbanized area. The City, as the applicant, will provide the services and projects described in this grant within the FAST service area.

A Program of Projects is attached.

The project also includes additional funding to supplement the Section 5339c award for zero emission buses to offset expected cost increases due to inflation.

This project includes more than 0.75% for safety and security related expenses. Safety costs are included in ALI 30.09.03 Operating Assistance.

Project Benefits

The project will ensure the Fayetteville Area System of Transit (FAST) maintains its current assets in a manner that it can continue to provide reliable service, and will promote transit system safety, improved accessibility, transit customer convenience and improved air quality.

Additional Information

Citizens and visitors in the Fayetteville area will benefit with improved air quality due to reduced emissions from diesel buses. The transit operation will benefit from reduced costs from new more efficient vehicles, improved working conditions in our maintenance facility and enhanced ability to respond to emergency events with a backup power supply.

Location Description

Project will be located within the City of Fayetteville which includes part of the Fort Bragg military installation.

Project Location (Urbanized Areas)

UZA Code	Area Name
370000	North Carolina
379630	Fayetteville, NC

Congressional District Information

State	District	Representative
North Carolina	8	Richard Hudson
North Carolina	9	Dan Bishop

Program Plan Information**STIP/TIP**

Date: 5/13/2022

Description: NCDOT Division 6 Pages 18-20

UPWP

Date: 1/27/2021

Description: Fayetteville Area Metropolitan Planning Organization (FAMPO) UPWP 2022

Long Range Plan

Date: 3/27/2019

Description: Metropolitan Transportation Plan 2045-Transit Element

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$3,172,500
Local			\$1,107,500
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0

Total Eligible Cost	\$4,280,000
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Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
NC-2022-059-01-00	111-00 (111-A1) BUS - ROLLING STOCK	\$1,916,500.00	\$343,500.00	\$2,260,000.00	10
NC-2022-059-01-00	11.12.01 BUY REPLACEMENT 40-FT BUS	\$467,500.00	\$82,500.00	\$550,000.00	3
NC-2022-059-01-00	11.12.03 BUY REPLACEMENT 30-FT BUS	\$1,377,000.00	\$243,000.00	\$1,620,000.00	3
NC-2022-059-01-00	11.12.40 BUY ASSOC CAP MAINT ITEMS	\$72,000.00	\$18,000.00	\$90,000.00	4
NC-2022-059-01-00	113-00 (113-A3) BUS - STATION/STOPS/TERMINALS	\$40,000.00	\$10,000.00	\$50,000.00	6
NC-2022-059-01-00	11.32.10 ACQUIRE - BUS PASSENGER SHELTERS	\$40,000.00	\$10,000.00	\$50,000.00	6
NC-2022-059-01-00	114-00 (114-A2) BUS: SUPPORT EQUIP AND FACILITIES	\$304,000.00	\$76,000.00	\$380,000.00	3
NC-2022-059-01-00	11.42.09 ACQUIRE - MOBILE SURV/ SECURITY EQUIP	\$64,000.00	\$16,000.00	\$80,000.00	1
NC-2022-059-01-00	11.42.20 ACQUIRE - MISC SUPPORT EQUIPMENT	\$240,000.00	\$60,000.00	\$300,000.00	2
NC-2022-059-01-00	117-00 (117-A7) OTHER CAPITAL ITEMS (BUS)	\$9,600.00	\$2,400.00	\$12,000.00	0

NC-2022-059-01-00		11.7D.02	EMPLOYEE EDUCATION/ TRAINING	\$9,600.00	\$2,400.00	\$12,000.00	0
NC-2022-059-01-00	119-00 (119-A4)		Bus Associated Transit Improvements	\$72,000.00	\$18,000.00	\$90,000.00	13
NC-2022-059-01-00		11.93.05	CONSTRUCT PED ACCESS / WALKWAYS	\$72,000.00	\$18,000.00	\$90,000.00	13
NC-2022-059-01-00	300-00 (300-A5)		OPERATING ASSISTANCE	\$600,000.00	\$600,000.00	\$1,200,000.00	0
NC-2022-059-01-00		30.09.03	SPECIAL RULE - OPERATING ASSISTANCE /1 - 75 BUSES	\$600,000.00	\$600,000.00	\$1,200,000.00	0
NC-2022-059-01-00	442-00 (442-A6)		METROPOLITAN PLANNING	\$230,400.00	\$57,600.00	\$288,000.00	0
NC-2022-059-01-00		44.21.00	PROGRAM SUPPORT ADMINISTRATION	\$16,000.00	\$4,000.00	\$20,000.00	0
NC-2022-059-01-00		44.23.01	LONGTERM TRANS PLAN - SYSTEM LEVEL	\$24,000.00	\$6,000.00	\$30,000.00	0
NC-2022-059-01-00		44.23.02	LONGTERM TRANS PLAN - PROJECT LEVEL	\$32,000.00	\$8,000.00	\$40,000.00	0
NC-2022-059-01-00		44.25.00	TRANSPORTATION IMPROVEMENT PROGRAM	\$2,400.00	\$600.00	\$3,000.00	0
NC-2022-059-01-00		44.26.14	PLANNING FOR TRANSIT SYSTEM MANAGEMENT / OPERATIONS TO INCREASE RIDERSHIP	\$104,000.00	\$26,000.00	\$130,000.00	0
NC-2022-059-01-00		44.26.16	INCORPORATING SAFETY & SECURITY IN TRANSPORTATION PLANNING	\$24,000.00	\$6,000.00	\$30,000.00	0

NC-2022-059-01-00	44.27.00	OTHER ACTIVITIES	\$28,000.00	\$7,000.00	\$35,000.00	0
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Project Budget Activity Line Items

Budget Activity Line Item: 11.12.01 - BUY REPLACEMENT 40-FT BUS

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - ROLLING STOCK (111-00)	11.12.01	BUY REPLACEMENT 40-FT BUS	BUY REPLACEMENTS - CAPITAL BUS	3

Extended Budget Description

Incremental costs for three ZEB buses included in project #2 expected due to inflation related price adjustments. The projected cost per bus is \$927,833 for a total vehicle cost of \$2,783,500 for three (3) buses included in Project 1 (Sec 5307) and Project 2 (Sec 5339c)

Estimated useful life is 12 years or 500,000 miles.

See attached Rolling Stock Status Report. The buses being replaced are highlighted in green.

STIP project #TA-4948A.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Propulsion	Fuel Type	Vehicle Condition	Vehicle Size (ft.)
N/A	Battery Power	New	40 ft

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$467,500
Local			\$82,500
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$550,000

Milestone Name	Est. Completion Date	Description
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Design-Configuration with EOM Partner	10/28/2022	Completion configuration and specification for purchase from EOM partner (Proterra)
Contract Award Date	1/9/2023	Award vehicle purchase contract
Initial Delivery Date	1/31/2024	Receive first bus
Final Delivery Date	2/28/2024	Receive remaining buses and complete testing
Contract Completion Date	3/29/2024	Final Payment

Budget Activity Line Item: 11.42.09 - ACQUIRE - MOBILE SURV/SECURITY EQUIP

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS: SUPPORT EQUIP AND FACILITIES (114-00)	11.42.09	ACQUIRE - MOBILE SURV/SECURITY EQUIP	ACQUISITION OF BUS SUPPORT EQUIP/FACILITIES	1

Extended Budget Description

Purchase and installation of wireless download system to allow easier and more timely access to video files captured by on-board video surveillance system.

Estimated useful life is 5 years.

STIP# TG-5224C

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$64,000
Local			\$16,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$80,000

Milestone Name	Est. Completion Date	Description
Request Quotes	10/3/2022	Initiate acquisition
Issue Purchase Order	10/28/2022	Select system and issue order
Receive and install	1/9/2023	Receive system and vendor installation.

Final payment	2/28/2023	Final payment
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Budget Activity Line Item: 11.7D.02 - EMPLOYEE EDUCATION/TRAINING

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER CAPITAL ITEMS (BUS) (117-00)	11.7D.02	EMPLOYEE EDUCATION/ TRAINING	TRAINING - CAPITAL BUS	0

Extended Budget Description

Provide training for staff development, including but not limited to NTI, FTA and ITRE courses. Includes registration fees and related travel costs and is limited to 0.5% of Sec. 5307 annual apportionment (FFY 2020 - \$3,480,552). STIP #TP-5103B.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$9,600
Local			\$2,400
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$12,000

Milestone Name	Est. Completion Date	Description
Select Courses and Issue Purchase Orders	7/1/2022	Select training classes, issue purchase orders make travel arrangements
Complete Training	6/30/2023	Complete training courses
Final Expenditure and Drawdown	9/15/2023	Final funding draw

Budget Activity Line Item: 44.26.16 - INCORPORATING SAFETY & SECURITY IN TRANSPORTATION PLANNING

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
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METROPOLITAN PLANNING (442-00)	44.26.16	INCORPORATING SAFETY & SECURITY IN TRANSPORTATION PLANNING	METROPOLITAN PLANNING	0
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Extended Budget Description

Implement PTASP and monitor agency safety plans and records. Conduct safety audits. Ensure compliance with FTA drug and alcohol program requirements.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$24,000
Local			\$6,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$30,000

Milestone Name	Est. Completion Date	Description
Initial Expenditure	7/1/2022	Begin safety program activity
Final Expenditure	6/30/2023	Complete activities

Budget Activity Line Item: 44.25.00 - TRANSPORTATION IMPROVEMENT PROGRAM

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
METROPOLITAN PLANNING (442-00)	44.25.00	TRANSPORTATION IMPROVEMENT PROGRAM	METROPOLITAN PLANNING	0

Extended Budget Description

Staff time for monitoring and amending MTIP/STIP. FAMPO board and committee meetings.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
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5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$2,400
Local			\$600
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$3,000

Milestone Name	Est. Completion Date	Description
Initial Expenditure	4/1/2022	Begin review of STIP amendments
Final Expenditure	6/30/2023	Complete activity

Budget Activity Line Item: 44.21.00 - PROGRAM SUPPORT ADMINISTRATION

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
METROPOLITAN PLANNING (442-00)	44.21.00	PROGRAM SUPPORT ADMINISTRATION	METROPOLITAN PLANNING	0

Extended Budget Description

Program support, and general administrative costs for complying with FTA grant requirements. Include direct program support, interagency coordination, citizen participation, and Unified Planning Work Program (UPWP) development.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$16,000
Local			\$4,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$20,000

Milestone Name	Est. Completion Date	Description
Initial Expenditure	3/1/2022	Initial Expenditure
Final Expenditure	6/30/2023	Final activity

Budget Activity Line Item: 44.27.00 - OTHER ACTIVITIES

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
METROPOLITAN PLANNING (442-00)	44.27.00	OTHER ACTIVITIES	METROPOLITAN PLANNING	0

Extended Budget Description

Staff activities related to FTA Civil Rights program implementation, compliance and reporting. Includes Title VI, Environmental Justice, Disadvantaged Business Enterprises, Equal Employment Opportunity and ADA. Activities to support Justice40 initiatives.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$28,000
Local			\$7,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$35,000

Milestone Name	Est. Completion Date	Description
Initial expenditure	7/1/2022	Begin activities
Final Expenditure	6/30/2023	Complete program activities

Budget Activity Line Item: 11.12.03 - BUY REPLACEMENT 30-FT BUS

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - ROLLING STOCK (111-00)	11.12.03	BUY REPLACEMENT 30-FT BUS	BUY REPLACEMENTS - CAPITAL BUS	3

Extended Budget Description

Purchase three (3) replacement 30 ft low-floor buses. These heavy duty buses will replace two (2) high-floor light duty 28 ft buses that have reached the end of their useful lives (5 years) and will exceed 150,000 miles by the time they are replaced and one (1) 35 ft low-floor bus that has already exceeded its planned 12-year or 500,000 miles.

Estimated useful life for the new buses is 12 years or 500,000 miles.

Buses will improve ride quality and safer loading of mobility devices and riders with physical disabilities.

Buses to be replaced:

#431, #432, #712

See attached Rolling Stock Status Report with the buses being replaced highlighted in yellow.

STIP project #TA-4948A

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Propulsion	Fuel Type	Vehicle Condition	Vehicle Size (ft.)
N/A	Diesel (Particulate Trap)	New	30 ft

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$1,377,000
Local			\$243,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$1,620,000

Milestone Name	Est. Completion Date	Description
Vehicle Configuration	8/15/2022	Finalize Bus Configuration
Issue Purchase Order	9/30/2022	Issue vehicle order in compliance with existing multi-year bus contract awarded June 2020.
Initial Delivery Date	9/29/2023	Receive first bus
Final Delivery Date	10/20/2023	Receive final bus
Contract Completion Date	11/30/2023	Accept buses and make final payment

Budget Activity Line Item: 11.12.40 - BUY ASSOC CAP MAINT ITEMS
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Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - ROLLING STOCK (111-00)	11.12.40	BUY ASSOC CAP MAINT ITEMS	BUY REPLACEMENTS - CAPITAL BUS	4

Extended Budget Description

Acquire/Replace the following rolling stock components:

Bus Engine - In-Frame Rebuild - Hybrid Bus \$20,000 (Estimated Useful Life - 5 years). Parts and components purchase for in-house repair.

Hybrid ESS Pack - \$51,500 (Estimated Useful Life - 5 years). Contractor repair.

TG-5224C

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Propulsion	Fuel Type	Vehicle Condition	Vehicle Size (ft.)
N/A	N/A	N/A	

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$72,000
Local			\$18,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$90,000

Milestone Name	Est. Completion Date	Description
Initial Purchase or Repair	7/1/2021	Initial repair or purchase
Contract Award Date	7/1/2021	Issue Purchase Order
Install components & complete repairs	6/30/2022	Complete final repair. Accept contractor repairs.
Complete repair work	8/15/2022	Complete work and final payment

Budget Activity Line Item: 11.42.20 - ACQUIRE - MISC SUPPORT EQUIPMENT

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS: SUPPORT EQUIP AND FACILITIES (114-00)	11.42.20	ACQUIRE - MISC SUPPORT EQUIPMENT	ACQUISITION OF BUS SUPPORT EQUIP/FACILITIES	2

Extended Budget Description

Purchase and install back-up electrical generator for Grove Street operating and maintenance Facility and extend canopy over bus fueling (diesel and propane) area.

STIP# TG-5224C

Estimated useful life is 12 years - generator

Estimated useful life 20 years - canopy

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$240,000
Local			\$60,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$300,000

Milestone Name	Est. Completion Date	Description
Issue RFP	9/1/2022	Develop and issue RFP for generator
Award contract	10/3/2022	Issue purchase order
Issue Purchase Order - Canopy	10/14/2022	Order canopy work
Receive and Install Generator	12/1/2022	Install generator
Complete work	1/27/2023	Complete all work
Final Payment	2/24/2023	Final Payment

Budget Activity Line Item: 11.32.10 - ACQUIRE - BUS PASSENGER SHELTERS

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - STATION/STOPS/TERMINALS (113-00)	11.32.10	ACQUIRE - BUS PASSENGER SHELTERS	ACQUISITION - BUS STATIONS/TERMINALS	6

Extended Budget Description

Acquire six (6) bus shelter packages (shelter, bench, solar light kit and trash can) for installation along FAST bus routes in accordance with service standards.

Estimated useful life is 10 years.

STIP #TG-5224C

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$40,000
Local			\$10,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$50,000

Milestone Name	Est. Completion Date	Description
Issue Purchase Order	8/1/2022	Issue purchase order for shelters, benches and trash receptacles
Receive Shelters	11/15/2022	Receive Shelters
Final Payment	12/30/2022	Final Payment

Budget Activity Line Item: 11.93.05 - CONSTRUCT PED ACCESS / WALKWAYS

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
Bus Associated Transit Improvements (119-00)	11.93.05	CONSTRUCT PED ACCESS / WALKWAYS	CONSTRUCTION	13

Extended Budget Description

Construct thirteen (13) ADA accessible bus stops, including landing pads and accessible pathways/sidewalks along FAST bus routes. This project will improve the overall number and percentage of ADA

compliant bus stops within the FAST system. This is a long-term project with goal to make 100% of FAST bus compliant with ADA accessibility standards.

STIP# TG-5224C

Estimated useful life is 20 years. Construction will be accomplished within or immediately adjacent to state or City-owned street/road rights-of-way. Design will be performed by the City's Public Services Department-Traffic Services Division and will not be charged to the grant project.

Improvements will be made to existing bus stop locations along FAST Routes 5,12 and 14. See attached NEPA checklist.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$72,000
Local			\$18,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$90,000

Milestone Name	Est. Completion Date	Description
Issue Purchase Order	8/1/2022	Issue work initial authorization and purchase order against existing contract.
Complete construction	6/30/2023	Complete sidewalk and bus stop construction
Final Payment	7/29/2023	Final Payment

Budget Activity Line Item: 30.09.03 - SPECIAL RULE - OPERATING ASSISTANCE /1 - 75 BUSES

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OPERATING ASSISTANCE (300-00)	30.09.03	SPECIAL RULE - OPERATING ASSISTANCE /1 - 75 BUSES	OPERATING ASSISTANCE	0

Extended Budget Description

Operating expenses including wages, benefits, fuel, security services and operating supplies for the period July 1, 2021 through approximately June 30, 2022. A minimum of 1% of annual apportionment will be used to support contracted security services. STIP# TO-5144. Table 3A for 2020 apportionment is attached.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$600,000
Local			\$600,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$1,200,000

Milestone Name	Est. Completion Date	Description
Issue Purchase Orders and Award Contracts	7/1/2021	Issue purchase orders and execute contract authorizations
Initial Expenditure	7/1/2021	Begin FY 2022 transit services
Final Expenditure	6/30/2022	Complete FY 2022 transit services
Final Payment	8/30/2022	Final payment and funding draw

Budget Activity Line Item: 44.26.14 - PLANNING FOR TRANSIT SYS MANAGEMENT / OPERATIONS TO INCREASE RIDERSHIP

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
METROPOLITAN PLANNING (442-00)	44.26.14	PLANNING FOR TRANSIT SYS MANAGEMENT / OPERATIONS TO INCREASE RIDERSHIP	METROPOLITAN PLANNING	0

Extended Budget Description

Prepare and submit quarterly reports, comply with grant program guidelines, prepare and respond to compliance reviews, communications with FTA offices and NTD reporting. Provide day to day information to the general public and other agencies. Periodic functional reviews of transit operations. STIP# TP-5103B.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
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5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$104,000
Local			\$26,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$130,000

Milestone Name	Est. Completion Date	Description
Initial Expenditure	4/1/2022	Begin activity
Final Expenditure	8/1/2023	Complete activity

Budget Activity Line Item: 44.23.01 - LONGTERM TRANS PLAN - SYSTEM LEVEL

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
METROPOLITAN PLANNING (442-00)	44.23.01	LONGTERM TRANS PLAN - SYSTEM LEVEL	METROPOLITAN PLANNING	0

Extended Budget Description

Long term transit system plan development, mapping, planning database updates and service expansion planning.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$24,000
Local			\$6,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$30,000

Milestone Name	Est. Completion Date	Description
initial Expenditure	3/1/2022	Begin planning activities
Final Expenditure	7/1/2023	Complete planning activities

Budget Activity Line Item: 44.23.02 - LONGTERM TRANS PLAN - PROJECT LEVEL

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
METROPOLITAN PLANNING (442-00)	44.23.02	LONGTERM TRANS PLAN - PROJECT LEVEL	METROPOLITAN PLANNING	0

Extended Budget Description

Financial planning, corridor studies, subarea service plans

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$32,000
Local			\$8,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$40,000

Milestone Name	Est. Completion Date	Description
Initial Expenditure	4/1/2022	Begin planning studies
Final Expenditure	6/30/2023	Complete activity

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project

description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date	Description
	Class IIc CE Approved

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS - ROLLING STOCK (111-00)	11.12.03	BUY REPLACEMENT 30-FT BUS	3	\$1,377,000.00	\$1,620,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date	Description
	Class IIc CE Approved

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS - ROLLING STOCK (111-00)	11.12.40	BUY ASSOC CAP MAINT ITEMS	4	\$72,000.00	\$90,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an

environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 08: Maintenance, rehabilitation, and reconstruction of facilities that occupy substantially the same geographic footprint and do not result in a change in functional use, such as: improvements to bridges, tunnels, storage yards, buildings, stations, and terminals; construction of platform extensions, passing track, and retaining walls; and improvements to tracks and railbeds.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS: SUPPORT EQUIP AND FACILITIES (114-00)	11.42.20	ACQUIRE - MISC SUPPORT EQUIPMENT	2	\$240,000.00	\$300,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 05: Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS - STATION/STOPS/TERMINALS (113-00)	11.32.10	ACQUIRE - BUS PASSENGER SHELTERS	6	\$40,000.00	\$50,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 05: Activities, including repairs, replacements, and rehabilitations, designed to promote transportation safety, security, accessibility and effective communication within or adjacent to existing right-of-way, such as: the deployment of Intelligent Transportation Systems and components; installation and improvement of safety and communications equipment, including hazard elimination and mitigation; installation of passenger amenities and traffic signals; and retrofitting existing transportation vehicles, facilities or structures, or upgrading to current standards.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
Bus Associated Transit Improvements (119-00)	11.93.05	CONSTRUCT PED ACCESS / WALKWAYS	13	\$72,000.00	\$90,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OPERATING ASSISTANCE (300-00)	30.09.03	SPECIAL RULE - OPERATING ASSISTANCE /1 - 75 BUSES	0	\$600,000.00	\$1,200,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)**Class Level Description**

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
METROPOLITAN PLANNING (442-00)	44.26.14	PLANNING FOR TRANSIT SYS MANAGEMENT / OPERATIONS TO INCREASE RIDERSHIP	0	\$104,000.00	\$130,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)**Class Level Description**

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
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METROPOLITAN PLANNING (442-00)	44.23.01	LONGTERM TRANS PLAN - SYSTEM LEVEL	0	\$24,000.00	\$30,000.00
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Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date	Description	Date
	Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
METROPOLITAN PLANNING (442-00)	44.23.02	LONGTERM TRANS PLAN - PROJECT LEVEL	0	\$32,000.00	\$40,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date	Description	Date
	Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
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METROPOLITAN PLANNING (442-00)	44.27.00	OTHER ACTIVITIES	0	\$28,000.00	\$35,000.00
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Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
METROPOLITAN PLANNING (442-00)	44.21.00	PROGRAM SUPPORT ADMINISTRATION	0	\$16,000.00	\$20,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
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METROPOLITAN PLANNING (442-00)	44.25.00	TRANSPORTATION IMPROVEMENT PROGRAM	0	\$2,400.00	\$3,000.00
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Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
METROPOLITAN PLANNING (442-00)	44.26.16	INCORPORATING SAFETY & SECURITY IN TRANSPORTATION PLANNING	0	\$24,000.00	\$30,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OTHER CAPITAL ITEMS (BUS) (117-00)	11.7D.02	EMPLOYEE EDUCATION/ TRAINING	0	\$9,600.00	\$12,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS: SUPPORT EQUIP AND FACILITIES (114-00)	11.42.09	ACQUIRE - MOBILE SURV/SECURITY EQUIP	1	\$64,000.00	\$80,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date Description	Date
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Class IIc CE Approved

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS - ROLLING STOCK (111-00)	11.12.01	BUY REPLACEMENT 40-FT BUS	3	\$467,500.00	\$550,000.00

Project Title: Zero-Emission Electric Buses to Reduce Carbon Emissions and Improve Air Quality.
--

Project Number	Temporary Project Number	Date Created	Start Date	End Date
NC-2022-059-02-00	1112-2021-4-P2	6/16/2022	6/30/2022	3/29/2025

Project Description

This project will replace three (3) 35 ft low-floor diesel buses with 40 ft low-floor battery electric buses. The purchase of three (3) battery-electric buses, purchase and installation of electric charging infrastructure and workforce development training that will allow Fayetteville Area System of Transit (FAST) to begin the transition from diesel to electric buses to reduce vehicle emissions, improve air quality and overall quality of life and reduce operating costs. The City will partner with Proterra for vehicles and implementation and the Center for Transportation and the Environment (CTE) for technical analysis and project management support. Fayetteville Area System of Transit (FAST) has prepared a Transit Vehicle Transition. Low-No supplemental form and project selection list are attached.

Low-No ID# D2021-LWNO-032

A Program of Projects is attached

Project Benefits

The project will allow FAST to remove two 2008 and one 2009 model year diesel-fueled buses from service and deploy three zero-emission battery electric buses in their place. Combined, the three buses being replaced operate for approximately 173,100 miles and consume 59,750 gallons of diesel fuel each year. Deploying battery electric buses in place of fossil fuel vehicles will reduce energy consumption and harmful emissions, including greenhouse gases and particulates.

Additional Information

Residents and visitors to the Fayetteville region will benefit with improved air quality, reduce consumption of fossil fuels and less noise.

Location Description

City of Fayetteville and Cumberland County, North Carolina

Project Location (Urbanized Areas)

UZA Code	Area Name
370000	North Carolina

379630	Fayetteville, NC
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Congressional District Information

State	District	Representative
North Carolina	8	Richard Hudson
North Carolina	9	Dan Bishop

Program Plan Information

STIP/TIP

Date: 5/13/2022

Description: STIP - NCDOT Division 6 2020-2029

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$2,458,675
Local			\$437,825
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$2,896,500

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
NC-2022-111-00	BUS - ROLLING STOCK	\$1,898,475.00	\$335,025.00	\$2,233,500.00	3

059-02-00	(111-A8)						
NC-2022-059-02-00		11.12.01	BUY REPLACEMENT 40-FT BUS	\$1,898,475.00	\$335,025.00	\$2,233,500.00	3
NC-2022-059-02-00	115-00 (115-B2)		ELECTRIFICATION/POWER DIST (BUS)	\$268,200.00	\$29,800.00	\$298,000.00	3
NC-2022-059-02-00		11.52.20	PURCHASE MISC ELEC/ POWER EQUIP	\$142,200.00	\$15,800.00	\$158,000.00	3
NC-2022-059-02-00		11.53.20	CONSTRUCT MISC ELEC/ POWER EQUIP	\$126,000.00	\$14,000.00	\$140,000.00	0
NC-2022-059-02-00	117-00 (117-A9)		OTHER CAPITAL ITEMS (BUS)	\$292,000.00	\$73,000.00	\$365,000.00	1
NC-2022-059-02-00		11.71.03	PROJECT MANAGEMENT - 3RD PARTY	\$292,000.00	\$73,000.00	\$365,000.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 11.52.20 - PURCHASE MISC ELEC/POWER EQUIP

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
ELECTRIFICATION/POWER DIST (BUS) (115-00)	11.52.20	PURCHASE MISC ELEC/POWER EQUIP	AQUISITION	3

Extended Budget Description

Acquire bus charging equipment (chargers and dispensers)

Estimated useful life is 12 years

STIP project #TA-4948A.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
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5339 – Low or No Emission Grants Competitive	5339-2	20526	\$142,200
Local			\$15,800
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$158,000

Milestone Name	Est. Completion Date	Description
Execute Contract	1/9/2023	Execute contract for bus charging equipment
Receive Equipment	9/29/2023	Receive Equipment
Deploy and test equipment	1/15/2024	Deploy and test following installation
Acceptance and Payment	3/29/2024	Accept equipment and final payment

Budget Activity Line Item: 11.53.20 - CONSTRUCT MISC ELEC/POWER EQUIP

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
ELECTRIFICATION/POWER DIST (BUS) (115-00)	11.53.20	CONSTRUCT MISC ELEC/POWER EQUIP	CONSTRUCTION	0

Extended Budget Description

Construct and install bus charging infrastructure

Estimated useful life is 12 years

STIP project #TA-4948A.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$126,000
Local			\$14,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0

Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$140,000

Milestone Name	Est. Completion Date	Description
Execute Contract for Installation	1/9/2023	Contract for construction and installation
Notice to Proceed	3/3/2023	Begin construction
Complete Construction	9/29/2023	Complete construction and installation

Budget Activity Line Item: 11.71.03 - PROJECT MANAGEMENT - 3RD PARTY

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER CAPITAL ITEMS (BUS) (117-00)	11.71.03	PROJECT MANAGEMENT - 3RD PARTY	3RD PARTY CONTRACTS	1

Extended Budget Description

Project management services for battery electric bus program implementation. Center for Transportation and the Environment (CTE) is a named partner in the competitive grant submission. Services will include contracting, design and build for buses and infrastructure, bus testing and deployment and deployment validation.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$292,000
Local			\$73,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$365,000

Milestone Name	Est. Completion Date	Description
Contract Execution	6/30/2022	Execute services agreement
Project Management Plan	8/31/2022	Complete project management plan

Requirements Analysis	9/30/2022	Complete service modeling and requirements analysis
Bus Specifications and Contracting	1/9/2023	Finalize and execute bus contract
Infrastructure Contracting	1/31/2023	Complete and execute charging infrastructure contract
Bus and Infrastructure Deployment	2/28/2024	Monitor bus build and infrastructure testing and deployment
Deployment Validation and Key Performance Indicators	3/29/2025	Validation Report

Budget Activity Line Item: 11.12.01 - BUY REPLACEMENT 40-FT BUS

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - ROLLING STOCK (111-00)	11.12.01	BUY REPLACEMENT 40-FT BUS	BUY REPLACEMENTS - CAPITAL BUS	3

Extended Budget Description

Purchase three (3) battery electric buses. Includes bus and related equipment, inspection and Buy America audits. The projected cost per bus is \$927,833 for a total vehicle cost of \$2,783,500 for three (3) buses included in Project 1 (Sec 5307) and Project 2 (Sec 5339c)

Estimated useful life is 12 years or 500,000 miles

See attached Rolling Stock Status Report. The buses being replaced are highlighted in green.

STIP project #TA-4948A.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Propulsion	Fuel Type	Vehicle Condition	Vehicle Size (ft.)
N/A	Battery Power	New	40 ft

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$1,898,475
Local			\$335,025
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$2,233,500

Milestone Name	Est. Completion Date	Description
Design-Configuration with EOM Partner	10/28/2022	Complete configuration and specification for purchase from EOM partner (Proterra)
Contract Award Date	1/9/2023	Award vehicle purchase contract
Initial Delivery Date	1/31/2024	Receive first bus
Final Delivery Date	2/28/2024	Receive remaining buses and complete testing
Contract Completion Date	3/29/2024	Final Payment

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS - ROLLING STOCK (111-00)	11.12.01	BUY REPLACEMENT 40-FT BUS	3	\$1,898,475.00	\$2,233,500.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OTHER CAPITAL ITEMS (BUS) (117-00)	11.71.03	PROJECT MANAGEMENT - 3RD PARTY	1	\$292,000.00	\$365,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
ELECTRIFICATION/POWER DIST (BUS) (115-00)	11.52.20	PURCHASE MISC ELEC/ POWER EQUIP	3	\$142,200.00	\$158,000.00

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
ELECTRIFICATION/POWER DIST (BUS) (115-00)	11.53.20	CONSTRUCT MISC ELEC/ POWER EQUIP	0	\$126,000.00	\$140,000.00

Project Title: ADA Paratransit Service for FY22

Project Number	Temporary Project Number	Date Created	Start Date	End Date
NC-2022-059-03-00	1112-2021-4-P3	9/1/2022	7/1/2021	6/30/2022

Project Description

Allowed expenses (no more than 10% of annual apportionment) for ADA complementary paratransit services provided for the period July 1, 2021 through June 30, 2022. Expenses include wages, benefits, fuel, insurance and operating supplies. FY21 Section 5307 apportionment for the Fayetteville NC UZA is \$3,474,119.

STIP# TG-5224E.

Project Benefits

Will allow ADA paratransit service to continue for the benefit of residents of the Fayetteville area

Additional Information

None provided.

Location Description

Fayetteville Area System of Transit (FAST) service area

Project Location (Urbanized Areas)

UZA Code	Area Name
370000	North Carolina

379630	Fayetteville, NC
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Congressional District Information

State	District	Representative
North Carolina	8	Richard Hudson
North Carolina	9	Dan Bishop

Program Plan Information

STIP/TIP

Date: 5/13/2022

Description: NCDOT Division 6 (pages 18-20)

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$340,000
Local			\$85,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$425,000

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
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NC-2022-059-03-00	117-00 (117-B1)	OTHER CAPITAL ITEMS (BUS)	\$340,000.00	\$85,000.00	\$425,000.00	0
NC-2022-059-03-00	11.7C.00	NON FIXED ROUTE ADA PARATRANSIT SERVICE	\$340,000.00	\$85,000.00	\$425,000.00	0

Project Budget Activity Line Items

Budget Activity Line Item: 11.7C.00 - NON FIXED ROUTE ADA PARATRANSIT SERVICE

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER CAPITAL ITEMS (BUS) (117-00)	11.7C.00	NON FIXED ROUTE ADA PARATRANSIT SERVICE	OTHER CAPITAL ITEMS (BUS)	0

Extended Budget Description

Allowed ADA Paratransit services expenses include wages, benefits, fuel, insurance and operating supplies

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$340,000
Local			\$85,000
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$425,000

Milestone Name	Est. Completion Date	Description
Initial Expenditure	7/1/2021	Begin complementary ADA paratransit services
Final Expenditure	6/30/2022	Complete ADA paratransit services for FY 2022

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)**Class Level Description**

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
OTHER CAPITAL ITEMS (BUS) (117-00)	11.7C.00	NON FIXED ROUTE ADA PARATRANSIT SERVICE	0	\$340,000.00	\$425,000.00

Part 4: Fleet Details

Fleet Type: Fixed Route

Fleet Comments

431 2017 28' FORD F-550 Lift LTV 21-Pass (replace with this grant)
432 2017 28' FORD F-550 Lift LTV 21-Pass (replace with this grant)
443 2020 28' FORD STARTRANS SENATOR 2 Lift 21-Passenger
701 2008 35' GILLIG BUS LF 32 Passenger Ramp (Grant NC-2021-023)
704 2008 35' GILLIG BUS LF 32 Passenger Ramp (replace with this grant -NoLo)
705 2009 35' GILLIG BUS LF 32 Passenger Ramp (Grant NC-2021-023)
706 2009 35' GILLIG BUS LF 32 Passenger Ramp (replace with this grant - NoLo)
707 2009 35' GILLIG BUS LF 32 Passenger Ramp (replace with this grant - NoLo)
709 2010 35' GILLIG HYBRID BUS LF 32 Passenger Ramp
710 2010 35' GILLIG HYBRID BUS LF 32 Passenger Ramp
711 2010 35' GILLIG HYBRID BUS LF 32 Passenger Ramp
712 2010 35' GILLIG HYBRID BUS LF 32 Passenger Ramp (replace with this grant)
713 2012 35' GILLIG HYBRID BUS LF 32 Passenger Ramp
714 2012 35' GILLIG HYBRID BUS LF 32 Passenger Ramp
715 2012 35' GILLIG HYBRID BUS LF 32 Passenger Ramp
716 2014 35' GILLIG BUS LF 32 Passenger Ramp
717 2014 35' GILLIG BUS LF 32 Passenger Ramp
718 2014 35' GILLIG BUS LF 32 Passenger Ramp
719 2020 35' GILLIG BUS LF 32 Passenger Ramp
720 2020 35' GILLIG BUS LF 32 Passenger Ramp
721 2020 35' GILLIG BUS LF 32 Passenger Ramp

722 2020 35' GILLIG BUS LF 32 Passenger Ramp
 723 2021 35' NEW FLYER XD35 BUS LF 32 Passenger Ramp
 724 2021 35' NEW FLYER XD35 BUS LF 32 Passenger Ramp
 725 2021 35' NEW FLYER XD35 BUS LF 32 Passenger Ramp
 726 2021 35' NEW FLYER XD35 BUS LF 32 Passenger Ramp
 734 2022 35' NEW FLYER XD35 BUS LF 32 Passenger Ramp
 735 2022 35' NEW FLYER XD35 BUS LF 32 Passenger Ramp
 736 2022 35' NEW FLYER XD35 BUS LF 32 Passenger Ramp
 77 2022 35' NEW FLYER XD35 BUS LF 32 Passenger Ramp

Attached Rolling Stock Status Report

		Current Value
I.	Active Fleet	
	A. Peak Requirement	22
	B. Spares	8
	C. Total (A+B)	30
	D. Spare Ratio (B/A)	36.36%
II.	Inactive Fleet	
	A. Other	0
	B. Pending Disposal	0
	C. Total (A+B)	0
III.	Total (I.C and II.C)	30

Fleet Type: Paratransit

Fleet Comments

No Year Make/Model Type

423 2017 22' Ford E-350 Lift LTV 14-Pass *
 424 2017 22' Ford E-350 Lift LTV 14-Pass*
 425 2017 22' Ford E-350 Lift LTV 14-Pass *
 426 2017 22' Ford E-350 Lift LTV 14-Pass *
 427 2017 25' Ford E-450 Lift LTV 18-Pass *
 428 2017 25' Ford E-450 Lift LTV 18-Pass *
 429 2017 25' Ford E-450 Lift LTV 18-Pass *
 430 2017 25' Ford E-450 Lift LTV 18-Pass *
 433 2019 22' Ford E-450 Lift LTV 14 Pass *
 434 2019 22' Ford E-450 Lift LTV 14 Pass *
 435 2019 22' Ford E-450 Lift LTV 14 Pass *
 436 2019 22' Ford E-450 Lift LTV 14 Pass *
 437 2020 22' Ford E-450 Lift LTV 14 Pass *
 438 2020 22' Ford E-450 Lift LTV 14 Pass *
 439 2020 22' Ford E-450 Lift LTV 14 Pass *
 440 2020 22' Ford E-450 Lift LTV 14 Pass *
 441 2020 22' Ford E-450 Lift LTV 14 Pass *
 442 2020 22' Ford E-450 Lift LTV 14 Pass *

490 2020 Grand Caravan Minivan 5 Pass **
 491 2020 Grand Caravan Minivan 5 Pass **
 492 2020 Grand Caravan Minivan 5 Pass **

Attached Rolling Stock Status Report
 *Converted to dual-fuel Propane-Gasoline
 ** Lift

		Current Value
I.	Active Fleet	
	A. Peak Requirement	16
	B. Spares	5
	C. Total (A+B)	21
	D. Spare Ratio (B/A)	31.25%
II.	Inactive Fleet	
	A. Other	0
	B. Pending Disposal	0
	C. Total (A+B)	0
III.	Total (I.C and II.C)	21

Part 5: FTA Review Comments

Application Review Comments

Comment By John Crocker

Comment Type Pre-Award Manager Returns Application

Date 8/26/2022

Comment Please see the following initial comments:
 ALI 11.12.01 Buy Replacement 40-ft Bus (in both 5307 and 5339 projects): Please reference the bus replacement list is in the Application Documents
 ALIs 11.32.10 Passenger Shelters and 11.93.05 Construct Ped/Access Walkways: Please change the environmental finding to CE(c) 5 per the 4/23/2021 email from Carrie Walker clearing the NEPA Project. Please also attach the email in Application Documents.
 On both Rolling Stock Reports in Application Documents, please highlight the vehicles to be replaced in yellow or some other way so the technical reviewer can be satisfied the vehicles have met their useful life.
 If you have the Discretionary ID # for the 5339(c) LoNo award, would you add it to the executive Summary?

Comment By John Crocker

Comment Type	Pre-Award Manager Returns Application
Date	9/1/2022
	Please see the following Technical Comments:
	<p>1) Please adjust the application Period of Performance (PoP) end date per Region IV guidance: The Period of Performance end date should be set to the next March 30 after the 5year after the last milestone date listed in the application. (For example, identify final milestone in the application (e.g., 06/25/2018), add five years (e.g., 06/25/2023). If that milestone falls after March 30 of that year, extend end date to March 30 of the following year (e.g., 03/30/2024).</p> <p>2) Executive Summary</p> <p>i) Please double check accuracy/consistency throughout the application. For example, the purpose reads: The grant requests the use of \$3,512,500,000 of Section 5307</p> <p>ii) Per IIJA safety requirements for each recipient that serves urbanized areas with populations of 200,000 or more to allocate not less than 0.75 percent of their Urbanized Area Formula Program funds to safety related projects, please indicate not less than 0.75 percent of the Urbanized Area Formula Program funds to safety-related projects. The safety related projects are part of ALI XX.XX.XX.</p> <p>iii) Please delete the narrative not applicable to this application such as: FAST has not laid-off or furloughed any transit employees during the COVID Pandemic.</p> <p>Project 1</p> <p>3) 11.12.01</p> <p>i) Please add the unit cost of each bus and total budget for all three buses including both projects No. 1 and 2.</p> <p>ii) Please add mileage to the minimum useful life for the new bus.</p> <p>iii) Suggest highlighting different type of vehicles to be replaced in different color and noting them in the EBD section.</p> <p>4) 11.7D.02</p> <p>If a purchase order will be issued, that means a 3rd party contractor will be used. Hence, No, 3rd Party Contractors will not be used for this line item. Needs to be changed.</p> <p>5) 11.12.03</p> <p>i) Please clarify if the new buses to be purchased have minimum useful life 12 years/ 500,000 miles to replace existing buses that have minimum useful life of 5 years/ 150,000 miles.</p> <p>ii) Please double check the highlighted vehicles to be replace on the rolling stock status report for MB since there are four 35 FT buses and two 28 FT LTVs to be replaced. Suggest highlighting different type of vehicles to be replaced in different color and noting them in the EBD section.</p> <p>6) 11.7C.00</p> <p>This ALI needs to be placed into a separate project so under a separate scope code by itself in order for the Financial Purpose code to be assigned to ADA Complementary Paratransit funding.</p> <p>Project 2</p> <p>7) 11.12.01</p> <p>i) Please add the unit cost of each bus and total budget for all three buses including both projects No. 1 and 2.</p> <p>ii) Suggest highlighting different type of vehicles to be replaced in different color and</p>
Comment	

noting them in the EBD section.

8) 11.52.01

Please change the ALI to 11.52.20 for acquiring bus charging equipment.

9) 11.53.01

Please change the ALI to 11.53.20 for construction/installation of bus charging station.

Application Review Comments

Comment By Guanying Lei

Comment Type Application Details

Date 8/31/2022

Technical Review Comments:

1) Please adjust the application Period of Performance (PoP) end date per Region IV guidance: "The Period of Performance end date should be set to the next March 30 after the 5-year after the last milestone date listed in the application. (For example, identify final milestone in the application (e.g., 06/25/2018), add five years (e.g., 06/25/2023). If that milestone falls after March 30 of that year, extend end date to March 30 of the following year (e.g., 03/30/2024)".

2) Executive Summary

i) Please double check accuracy/consistency throughout the application. For example, the purpose reads: "The grant requests the use of \$3,512,500,000 of Section 5307....."

ii) Per IIJA safety requirements for each recipient that serves urbanized areas with populations of 200,000 or more to allocate not less than 0.75 percent of their Urbanized Area Formula Program funds to safety related projects, please indicate not less than 0.75 percent of the Urbanized Area Formula Program funds to safety-related projects.

The safety related projects are part of ALI XX.XX.XX.

iii) Please delete the narrative not applicable to this application such as: "FAST has not laid-off or furloughed any transit employees during the COVID Pandemic."

Comment

Project 1

3) 11.12.01

i) Please add the unit cost of each bus and total budget for all three buses including both projects No. 1 and 2.

ii) Please add mileage to the minimum useful life for the new bus.

iii) Suggest highlighting different type of vehicles to be replaced in different color and noting them in the EBD section.

4) 11.7D.02

If a purchase order will be issued, that means a 3rd party contractor will be used. Hence, "No, 3rd Party Contractors will not be used for this line item." Needs to be changed.

5) 11.12.03

i) Please clarify if the new buses to be purchased have minimum useful life 12 years/ 500,000 miles to replace existing buses that have minimum useful life of 5 years/ 150,000 miles.

ii) Please double check the highlighted vehicles to be replace on the rolling stock status report for MB since there are four 35 FT buses and two 28 FT LTVs to be replaced. Suggest highlighting different type of vehicles to be replaced in different color and noting them in the EBD section.

6) 11.7C.00

This ALI needs to be placed into a separate project so under a separate scope code by itself in order for the Financial Purpose code to be assigned to ADA Complementary Paratransit funding.

Project 2

7) 11.12.01

i) Please add the unit cost of each bus and total budget for all three buses including both projects No. 1 and 2.

ii) Suggest highlighting different type of vehicles to be replaced in different color and noting them in the EBD section.

8) 11.52.01

Please change the ALI to 11.52.20 for acquiring bus charging equipment.

9) 11.53.01

Please change the ALI to 11.53.20 for construction/installation of bus charging station.

Part 6: Agreement

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT
(FTA G-29, October 1, 2021)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(29), <http://www.transit.dot.gov>,
- (2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and
- (3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM "FTA AWARD" OR "AWARD" IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, "AWARD" ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA's AWARD DATE SET FORTH HEREIN.

FTA AWARD

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

Recipient Information

Recipient Name: FAYETTEVILLE, CITY OF

Recipient ID: 1112

UEI:

DUNS: 040031700

Award Information

Federal Award Identification Number: NC-2022-059-00

Award Name: FY22 Multi-Source Grant; 5307 Formula and 5339(c) Competitive Funds; Capital, Planning, ADA, Operating Assistance and Bus Replacement; Fayetteville, NC

Award Start Date: 9/9/2022

Original Award End Date: 3/30/2030

Current Award End Date: 3/30/2030

Award Executive Summary: Purpose: The grant requests the use of \$3,512,500 of Section 5307 Urbanized Area Formula Program funds and \$2,458,675 of Section 5339(c) Low and No Emissions Competitive Program funds. The grant will use Section 5307 apportionments for 2019 (\$1,370,686) and 2020 (\$2,141,814). The grant will also use Section 5339(c) Low and No Emissions funds competitively awarded in FY21 for replacing three (3) diesel buses with battery electric buses (ID# D2021-LWNO-032).

Activities to be performed: Fixed route and complementary ADA paratransit services, planning activities in accordance with the UPWP, revenue vehicle replacement, construct ADA accessible bus stops and pedestrian ways, bus shelters, maintenance facility improvements and major bus component repair. A program of projects is attached.

A minimum of 0.75% of the Section 5307 urbanized area funds will be expended on safety related projects. Safety related projects are part of ALI 30.09.03 Operating Assistance.

Expected outcomes: Continue essential and reliable public transit services for those living or visiting the Fayetteville area in a safe and cost effective manner. Timely replacement of buses in accordance with our Transit Asset Management (TAM) Plan

Intended beneficiaries: Citizens and visitors in the Fayetteville area will benefit with improved air quality due to reduced emissions from diesel buses and with a safer and more easily accessible buses for services provided with smaller capacity vehicles . The transit operation will benefit from reduced costs from new more efficient vehicles as well as improved working conditions in our maintenance facility.

Subrecipient activities: There will be no subrecipients for this grant.

The City of Fayetteville is the Designated Recipient for FTA Section 5307 funds for the Fayetteville, NC

urbanized area.

FTA Certifications and Assurances for 2022 were reviewed and signed by the Fayetteville City Attorney, Karen M. McDonald and Transit Director, Randy Hume in TrAMS.

Research and Development: This award does not include research and development activities.

Indirect Costs: This award is applying an approved Indirect cost rate(s).

Suballocation Funds: Recipient organization is the Designated Recipient and can apply for and receive these apportioned funds.

Pre-Award Authority: This award is using Pre-Award Authority.

Award Budget

Total Award Budget: \$7,601,500.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): \$5,971,175.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): \$1,630,325.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): \$5,971,175.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): \$1,630,325.00

Award Budget Control Totals

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	\$3,512,500
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$2,458,675
Local			\$1,630,325
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$7,601,500

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

U.S. Department of Labor Certification of Public Transportation Employee Protective

Arrangements:

DOL Decision: DOL Concur - Certified
DOL Review Date: 9/8/2022
DOL Certification Date: 9/8/2022

Special Conditions

There are no special conditions.

FINDINGS AND DETERMINATIONS

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

FTA AWARD OF THE GRANT AGREEMENT

Awarded By:
Yvette Taylor
Regional Administrator
FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
Contact Info: yvette.taylor@dot.gov
Award Date: 9/9/2022

EXECUTION OF THE GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:

- (1) Affirms this FTA Award,
- (2) Adopts and ratifies all of the following information it has submitted to FTA:
 - (a) Statements,
 - (b) Representations,
 - (c) Warranties,
 - (d) Covenants, and
 - (e) Materials,
- (3) Consents to comply with the requirements of this FTA Award, and
- (4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:

FAYETTEVILLE, CITY OF

**2022-2023 BUDGET ORDINANCE AMENDMENT
CHANGE 2023-6**

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

That the City of Fayetteville Budget Ordinance adopted June 13, 2022 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2022, and ending June 30, 2023, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 5,080,713	\$ 504,900	\$ 5,585,613
All Other General Fund Revenues and Financing Sources	185,023,482	-	185,023,482
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 190,104,195</u>	<u>\$ 504,900</u>	<u>\$ 190,609,095</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2022, and ending June 30, 2023, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Operations	\$ 135,538,321	\$ 504,900	\$ 136,043,221
All Other General Fund Expenditures and Other Financing Uses	54,565,874	-	54,565,874
Total Estimated General Fund Expenditures and Other Financing Uses	<u>\$ 190,104,195</u>	<u>\$ 504,900</u>	<u>\$ 190,609,095</u>

Adopted this 10th day of October, 2022.

**CAPITAL PROJECT ORDINANCE
ORD 2023-11**

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

Section 1. The authorized project is for the funding of the 2022 Transit Capital Grant NC-2022-059-00 as awarded by the Federal Transit Administration, which includes funds for replacement fixed route buses; electric charging infrastructure; video surveillance system upgrade; maintenance facility improvements; capitalizable vehicle maintenance components; bus stop shelters; and the construction of ADA accessible bus stops with landing pads and related sidewalk construction.

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:

Federal Transit Administration	\$ 4,791,175
Local Match - Transit Operating Fund Transfer	<u>885,325</u>
	<u><u>\$ 5,676,500</u></u>

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

Project Expenditures	<u><u>\$ 5,676,500</u></u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

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

Adopted this 10th day of October, 2022.

**SPECIAL REVENUE FUND PROJECT ORDINANCE
ORD 2023-7**

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

Section 1. The project authorized is for the funding of the 2022 Transit Planning Grant NC-2022-059-00 as awarded by the Federal Transit Administration.

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

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

Federal Transit Administration	\$ 240,000
Local Match- Transit Operating Fund Transfer	<u>60,000</u>
	<u><u>\$ 300,000</u></u>

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

Project Expenditures	<u><u>\$ 300,000</u></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 10th day of October, 2022.



City of Fayetteville

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

City Council Action Memo

File Number: 22-2978

Agenda Date: 10/10/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.04

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

FROM: Sheila Thomas-Ambat, Public Services Director
Alicia Lanier, Stormwater Project Manager Special Projects

DATE: October 10, 2022

RE:

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

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 1: Safe and Secure Community

Goal 3: High Quality Built Environment

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

Council is asked to authorize the execution of an engineering service contract for professional services in the amount of \$717,740 for Program and Project Management for the remainder of FY23 to the consulting firm Freese and Nichols, Inc. (FNI).

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

Background:

The Watershed Master Plan program has been managed by FNI since the beginning of the program, and they are currently providing Program and Project management services.

Budget for professional services for this was included in Council's adopted FY23 budget

utilizing Stormwater Enterprise Funds.

Issues/Analysis:

None

Budget Impact:

There is no impact to the General Fund. Budget for the program and project management of the Watershed Master Plan program. Budget was included in Council's adopted FY23 budget utilizing Stormwater Enterprise Funds.

Options:

1. Authorize the execution of an engineering service contract for professional services in the amount of \$717,740 for Program and Project Management to the consulting firm Freese and Nichols, Inc. (FNI).
2. Do not authorize the execution of an engineering service contract for professional services in the amount of \$717,740 for Program and Project Management to the consulting firm Freese and Nichols, Inc. (FNI), and provide further direction to staff.

Recommended Action:

Staff recommends to authorize execution of an engineering service contract for professional services in the amount of \$717,740 for Program and Project Management to the consulting firm Freese and Nichols, Inc. (FNI).

Attachments:

Work Authorization - FY23 Program and Project Management

**CITY OF FAYETTEVILLE
WORK AUTHORIZATION
FOR
PROFESSIONAL SERVICES
BY
FREESE AND NICHOLS, INC.**

In accordance with the General Services Agreement (Agreement) dated March 28, 2022, between the CITY OF FAYETTEVILLE (hereinafter called OWNER) and Freese and Nichols, Inc. (hereinafter called CONSULTANT), OWNER hereby authorizes CONSULTANT to proceed, and CONSULTANT agrees to perform in accordance with the terms of the Agreement and this Work Authorization, the following services for the following Project:

I. PROJECT

This Work Authorization is for professional services related to the City of Fayetteville Stormwater Department's Watershed Master Plan Program.

Freese and Nichols, Inc. (FNI) will provide engineering services for the City of Fayetteville, NC (Owner) as it pertains to Program Management for the Citywide Watershed Master Plan as described in Exhibits A and B which are hereby attached and incorporated herein by reference.

Funding Mechanism: Stormwater Enterprise Fund

Division/Department Representing the City: Stormwater/Public Services

II. AGREEMENT & SCOPE OF SERVICE

The terms of the Agreement, attached as Exhibit C, are hereby incorporated by reference as if written herein and the parties confirm that its terms are a part of this Work Authorization.

The Scope of Services to be provided by CONSULTANT, in connection with this Work Authorization, is detailed in Exhibit A.

The CONSULTANT shall request written confirmation and or execute an additional Work Authorization describing any scope change before performing any work beyond the scope specified in this Work Authorization. The confirmation shall identify any change in compensation and/or delay in completion which the scope changes entail and must be approved by the City Manager or his designee.

III. RESPONSIBILITIES

The responsibilities of the OWNER and CONSULTANT, in addition to those provided in the Agreement which are specific to this Project, are as follows:

- Owner
 - Required staff to accomplish effort as specified in Exhibit A
 - Required effort to procure additional consultants and/or partners if so desired
 - Primary coordination with City Council, City Manager and other stakeholders as necessary
 - In the event additional scope/fee is requested, Owner will provide required staff, effort and/or coordination as agreed upon by the Owner and Consultant
- Consultant
 - Required staff to accomplish effort as outlined in Exhibits A and B
 - Minimal (<4hrs) input, if requested, during any procurement processes related to this program
- Also as described in Exhibits A and B

IV. COMPENSATION

OWNER shall compensate CONSULTANT for providing the services set forth herein in accordance with the terms of the Agreement.

In the absence of a lump sum fee agreement, it is understood and agreed that:

1. CONSULTANT will perform under this Agreement on a best effort, not-to-exceed ceiling price basis and will notify OWNER when the ceiling price will be exceeded.
2. The not to exceed compensation (including travel) for this Work Authorization is \$717,740. This is not a guaranteed maximum amount but CONSULTANT shall not continue performing work in excess of this amount without further specific

authorization. OWNER will be billed only for actual time worked and identified expenses.

Payment shall be made in accordance with the terms of the above referenced Agreement.

V. SCHEDULE

All work under this Work Authorization shall begin November 1, 2022 and shall be complete by July 31, 2023.

VI. MISCELLANEOUS

1. The terms in this Work Authorization shall have the same meaning as provided in the Agreement.
2. As mandated by N.C. Gen. Stat. § 147-86.59(a), CONSULTANT certifies that it is not listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C. Gen. Stat. § 147-86.58. CONSULTANT further certifies that, in accordance with N.C. Gen. Stat. § 147-86-59(b), it shall not utilize any subcontractor found on the State Treasurer's Final Divestment List. CONSULTANT certifies that the signatory to this Work Authorization is authorized by CONSULTANT to make the foregoing statement.
3. E-Verify- CONSULTANT acknowledges that "E-Verify" is the federal E-Verify program operated by the U.S. Department of Homeland Security and other federal agencies which is used to verify the work authorization of newly hired employees pursuant to federal law and in accordance with Article 2, Chapter 64 of the North Carolina General Statutes. CONSULTANT further acknowledges that all employers, as defined by Article 2, Chapter 64 of the North Carolina General Statutes, must use E-Verify and after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with N.C. Gen. Stat. § 64-26(a). CONSULTANT pledges, attests and warrants through execution of this contract that CONSULTANT complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and further pledges, attests and warrants that any subcontractors currently employed by or subsequently hired by CONSULTANT shall comply with any and all E-Verify requirements. Failure to comply with the above requirements shall be considered a breach of this Work Authorization.

4. Force Majeure- Neither party shall be deemed to be in default of its obligations hereunder if and *so long as* it is prevented from performing such obligations by an act of war, hostile foreign actions, adverse governmental actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.
5. Morality Clause- If, in the sole opinion of the City of Fayetteville, at any time CONSULTANT or any of its owner(s) or employee(s) or agent(s) (collectively referenced as an “Actor”) engages in any one or more actions that bring disrepute, contempt, scandal, or public ridicule to the Actor or subject the Actor to prosecution or offend the community or public morals or decency or denigrate individuals or groups in the community served by the City of Fayetteville or are scandalous or inconsistent with community standards or good citizenship or may adversely affect the City of Fayetteville’s finances, public standing, image, or reputation or are embarrassing or offensive to the City of Fayetteville or may reflect unfavorably on the City of Fayetteville or are derogatory or offensive to one or more employee(s) or customer(s) of the City of Fayetteville, the City of Fayetteville may immediately upon written notice to CONSULTANT terminate this Agreement, in addition to any other rights and remedies that the City of Fayetteville may have hereunder or at law or in equity.
6. Venue and Forum Selection- The Parties expressly agree that if litigation is brought in connection with this contract and (1) the litigation proceeds in the Courts of the State of North Carolina, the parties agree that the appropriate venue shall be in Cumberland County (Twelfth Judicial District of North Carolina); or (2) the litigation proceeds in a federal court, the parties agree that the appropriate venue shall be the United States District Court for the Eastern District of North Carolina
7. Termination for Cause- In the event of substantial failure by CONSULTANT to perform in accordance with the terms of this contract, City of Fayetteville shall have the right to terminate CONSULTANT upon ten calendar (10) days written notice in which event CONSULTANT shall have neither the obligation nor the right to perform further services under this contract nor shall the City of Fayetteville be obligated to make any further payment for work that has not been performed.
8. Termination for Convenience- Upon thirty (30) calendar days’ written notice to CONSULTANT, the City of Fayetteville may, without cause and without prejudice to any other right or remedy legally available to the City of Fayetteville, terminate this Contract. Upon such notice, CONSULTANT shall have neither the obligation nor the right to perform services under this contract nor shall the City

of Fayetteville be obligated to make any further payment for work that has not been performed in accordance with the terms stated herein. In such case of termination, CONSULTANT shall be paid for the completed and accepted work executed in accordance with this Contract prior to the written notice of termination. Additionally, upon mutual agreement, CONSULTANT may be paid for any completed and accepted work which takes place in order to achieve a specifically identified item in the scope of services or a milestone of the Contract, between the written notice of termination and the effective date of termination. Unless otherwise stated or agreed upon, the effective date of termination shall automatically occur 30 days' after the written notice is sent by the City of Fayetteville.

9. Protest – Protest related to this procurement must be addressed to the Purchasing Manager for City of Fayetteville, 433 Hay St, Fayetteville, NC 28301 and shall be received, in writing, within 2 calendar days of bid award. Responses will be in writing by email and first-class mail not later than (7) calendar days following receipt of said protest by the Purchasing Manager.
10. To the extent permitted by law, CONSULTANT agrees to defend, indemnify, and hold harmless the City of Fayetteville and its elected officials, employees, agents, successors, and assigns, from any and all liability and claims for any injury or damage caused by any act, omission or negligence of CONSULTANT, its agents, servants, employees, contractors, licensees, or invitees. Indemnification of the City by CONSULTANT does not constitute a waiver of the City's governmental immunity in any respects under North Carolina law.
11. **CITY'S TERMS SUPERSEDE:** To the extent a conflict exists between the terms of this Agreement and the terms and conditions in any of the attachments to the Agreement, the terms of this Agreement shall govern.

[Signature page to follow]

CONSULTANT ACCEPTANCE:

Freese and Nichols, Inc.

BY: M. W. Wats

TITLE: Owner

DATE: September 30, 2022

AUTHORIZATION BY:

CITY OF FAYETTEVILLE

BY: _____

TITLE: _____

DATE: _____

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

Jody Picarella, CPA, MBA, Chief Financial Officer

EXHIBIT A

FY23 PROGRAM MANAGEMENT (Q2 – Q4)

The following is a scope of work (SOW) for Professional Engineering for Program Management as it pertains to the Watershed Master Plan. This SOW is for November 1, 2022 through July 31, 2023 (9 months) with regards to both schedule and budget and will work in concert with the FY23 Q1 contract for purposes of invoicing and reconciling.

This SOW identifies tasks to support the City in executing the management effort and other support efforts associated with the Watershed Master Plan. Associated hours have been documented in Exhibit B.

Tasks – The services for this project are broken into the following tasks:

- Task 1. General Program Support
- Task 2. Technical Program Support
- Task 3. Watershed Management – City
- Task 4. Watershed Management – Consultants
- Task 5. Survey Management

If required City Staff become unavailable for this program, work will be paused and FNI's level of effort will be reevaluated. The City and FNI will decide on a mutually agreed upon path prior to restarting efforts. Similarly, if FNI key staff changes, the learning curve and any additional effort or travel will be absorbed by FNI unless otherwise agreed upon.

The following watersheds are referenced throughout this scope of work. *The watersheds in orange italics are being completed by, or are anticipated to be completed by, City staff.*

- Round 1 Watersheds – Blounts Creek (BLN), Cape Fear 2 (CF2), *Little Rockfish 1 (LR1)*
 - Note: Little Cross Creek, Rockfish Creek and Beaver Creek 3 have been completed except for the final deliverables review which has been accounted for in the FY22 Program Management Supplemental WA.
- Round 2 Watersheds – Cross Creek (CRO), Beaver Creek 2 (BV2), Carvers Creek (CRV), Bones Creek (BON)
- Round 3 Watersheds – Buckhead Creek (BKH), Beaver Creek 1 (BV1), Cape Fear 1 (CF1), *Little Rockfish 2 (LR2)*, *Stewarts Creek (STW)*

BASIC SERVICES (NTE):

Task 1: General Program Support

1.1 Program Document Maintenance

- A. One CMSM Revision (Targeting February) – For the next CMSM rollout we are anticipating moderate revisions resulting from the Consultant Technical Workshops conducted in FY22.
 - i. The CMSM will be revised based on:
 - a. QA Meeting Discussions (these revisions could include minor methodology changes or clarifications, adding scenarios to the FAQ appendix)
 - b. Program Progress Meetings (these revisions could include changes to consultant management, deliverable reviews, QA process)
 - c. Consultant Workshops (these revisions could include minor methodology changes

- or clarifications, an additional CMSM appendix or addendum)
 - ii. The revision will be rolled out to the consultants after being reviewed by the City. The delivery to the City will include:
 - a. Current CMSM with track changes on for all edits since previous CMSM
 - b. Revised section in CMSM for “Revisions to CMSM – ‘*Current Version*’”
 - c. Clean CMSM Word document as well as a clean PDF for the City to track changes in whichever is easiest
 - d. Document that tracks approved updates (refer to previous task i)
 - e. Current appendices
 - B. Report and Exhibits Template Revisions (Targeting February) – We are targeting one template revision to be rolled out with the next CMSM revision.
 - i. Revisions to the report template are anticipated to be minor. The biggest revision needed to date, is the addition of two exhibits (depth and inundation) for the ‘existing rainfall/proposed infrastructure’ scenario. There may also be minor revisions resulting from the review of the consultant final deliverables.
- 1.2 Program Meetings and Reporting
 - A. Encumbrance updates – updates to the current spreadsheet to include executed contract amounts. Revised encumbrance spreadsheet to be sent to City after contracts have been executed. It is anticipated these updates will be reviewed as part of the program progress meetings.
 - B. Program Progress Meetings – program progress meetings will continue every other week to review the overall program. FNI will provide an agenda to review during the meeting and follow-up with notes and ‘key points’ email. Up to 5 staff will be in this meeting and it is anticipated the meeting will be 1 hour. (18 total)
 - C. Program Invoicing – monthly invoicing will be done utilizing the invoicing template and Account Summary and will be submitted no later than 6 weeks after month end. This will include a detailed look at our charges to ensure they are being charged to the correct task and so that we can give a more detailed summary of current and forecasted activities. This will also include tracking of specified meetings against the current scope to help alleviate the effort during contract closeout. (9 total)
 - D. Contract Closeout – provide reconciliation document for tasks, hours and budget after FNI has closed out financials for July 2023. Assuming one meeting and two round of edits.
- 1.3 Miscellaneous Program Support – unanticipated activities are assumed to arise during the course of this SOW. The effort associated with this task has not been allocated for any specific activity but will be tracked on invoices. This task may include activities such as:
 - A. Project Prioritization
 - B. Qualitative BRIC Check-In
 - C. Bond Program Support
 - D. Programmatic Partner Support
 - E. Program Technical Memos
 - F. Consultant Workshops

Task 2: Technical Program Support

- 2.1 Geodatabase Wrap-Up
 - A. Review ArcGIS Pro map packages produced by Arcadis
 - B. Workshop with consultants to roll out GDB
- 2.2 Miscellaneous Geodatabase Assistance – FNI will charge any follow up meetings or assistance

with the GDB to this task. If a request is made that will take more than 8 hrs to complete, FNI will provide a scope for that effort.

Task 3: Watershed Management – City (LR1)

- 3.1 Project Scoping and Kickoff – no effort anticipated
- 3.2 Quality Management
 - A. Serve as the main QC reviewer and will provide detailed reviews of models and deliverables (not to exceed 8hrs per QC). Two QC's are anticipated for LR1 proposed solutions
 - B. Lead two 1-hour, virtual QA meetings for LR1 PS's comparable to the consultant QA meetings, including:
 - i. Review the City's portion of the Quality Checklist
 - ii. Populate our portion of the Quality Checklist
 - iii. Use Quality Checklist as framework for the meeting
 - iv. Send fully populated Quality Checklist to the City with any relevant notes following the meeting
 - C. Final Deliverables review – FNI will perform a detailed review of final deliverables for LR1. This review will include populating the Quality Checklist and reviewing all items in the Final Deliverables Quality Checklist.
- 3.3 Project Management (Responsible Charge)
 - A. The City has requested that FNI seal the LR1 deliverables. Per 21NCAC 56.1101, "it is misconduct for a Professional Engineer or Professional Land Surveyor to seal work done by another individual unless the work is performed under the "responsible charge" of the Professional Engineer or Professional Land Surveyor." For work to be performed under the "responsible charge" of FNI, the following steps will need to be taken:
 - i. Provide general project coordination and oversight, as well as assistance with modeling. (anticipating 1hr/wk)
 - ii. Background data and previous deliverables reviews – FNI will review the background data, hydrology data and hydraulic data. These reviews differ from previous QAs performed because the QAs only checked certain, critical items, and only checked approx. 10% of some of the larger items. These more detailed reviews will check all work to the level that allows FNI to take "responsible charge" of the effort.
 - iii. Future deliverables reviews
 - a. Level of Service, Concern Areas and Scoring
 - b. Proposed Solutions
 - B. City Staff is expected to follow the CMSM and be available as required to complete studies. If required City Staff become unavailable to complete the studies as planned, work will be paused and FNI's level of effort will be reevaluated. The City and FNI will decide on a mutually agreed upon path prior to restarting efforts.

Task 4: Watershed Management – Consultant

- 4.1 Contract Preparation, Execution and Project Kickoff
 - A. Assist with negotiating Phase I consultant contracts for Beaver Creek 1(BV1), Cape Fear 1 (CF1) and Buckhead Creek (BKH)
 - B. Assist with negotiating Phase II consultant contracts for Carvers Creek (CRV), Cross Creek (CRO), Bones Creek (BON) and Beaver Creek 2 (BV2)
 - C. Coordinate dam scopes (separately and/or within the watershed contract) for CF1 and BV1
- 4.2 Quality Management

- A. FNI will participate in the following QA meetings.
 - i. Hydrologic Results for
 - a. BV2 (2), BON, CRV, BKH – Total (5)
 - b. These meetings will include 1 FNI staff for coordination and leading the meeting and 2 FNI staff to perform the QA reviews, relay the technical information and answer any questions
 - ii. Hydraulic Results for
 - a. CRO (2), BV2 (2), BON, CRV – Total (6)
 - b. These meetings will include 1 FNI staff for coordination and leading the meeting and 2 FNI staff to perform the QA reviews, relay the technical information and answer any questions
 - iii. Stream Assessment for
 - a. CRO, BV2, BON, CRV – Total (4)
 - b. These meetings will include 1 FNI staff for coordination and leading the meeting and 2 FNI staff to perform the QA reviews, relay the technical information and answer any questions
 - iv. Concern Areas for
 - a. CRO (4), BV2 (3), BON (2), CRV (2) – Total (11)
 - b. These meetings will include 2 FNI staff for coordination, leading the meeting and listening for action items and CMSM/template revisions needed. They will also include 2 FNI staff for technical opinions and insight
 - v. Proposed Solutions – Detailed review of BLN PS exhibits. We have assumed this is approx. 3hrs total (LOS, consistency, feasibility, downstream impacts, efficacy, etc.) for each PS (approx. 70 PS exhibits)
 - B. QA meetings will include only one meeting. The City will need to send their comments beforehand if they want them incorporated. For QA meetings, FNI will:
 - i. Review the consultant's deliverable for completeness before sending to the City
 - ii. Review the consultant's portion of the Quality Checklist
 - iii. Populate our portion of the Quality Checklist and incorporate any City comments
 - iv. Use Quality Checklist as framework for the meeting
 - v. Send the fully populated Quality Checklist to the consultant with any relevant notes following the meeting
 - C. Consultants should be providing their own internal quality control (QC). If the quality of any submittal is well below what is expected, FNI will request the consultant share their complete QC process and incorporate any recommendations from FNI. This may also result in intermediate submittals to verify quality has improved.
 - D. Final Deliverables review – FNI will provide a detailed final deliverable review, per the plan developed in July, for BV3 and RCK. RCK is anticipated to take half the effort as BV3 due to it not having any PSs.
- 4.3 Management and Coordination (CF2, BLN, CRO, BV2, BON, CRV)
- A. Consultant Progress Meetings – FNI will participate in monthly progress meetings, in conjunction with the City, with each consultant. We are assuming there will continue to be four consultants resulting in four progress meetings a month. All meeting materials provided by the consultants, including meeting notes, will be shared with the City. This task will include up to three FNI staff members.
 - B. Invoicing – Review invoices for projects listed above and package them together for submittal with a Program Summary. We are assuming the invoices will be compiled and summarized by the program manager. This packet will undergo a detailed reviewed by the

- respective, internal project managers.
- C. Project Management – FNI will have two main internal project managers over the watersheds. They will spend approx. 30 mins with each consultant, each week, as well as additional time to coordinate with the oversight (see next item). (4hrs/wk/PM)
 - D. Oversight – Senior management will assist with oversight by meeting with each of the internal project managers to continue to push schedule and vet any issues that need to be mitigated, either assisting with mitigation before escalating to the City or providing recommendations. This will be a two-hour meeting, twice a month and will inform the program progress meetings. (total of 36hrs per staff)
 - E. Issue Resolution – This could include discussions and review of items such as:
 - i. Change requests
 - ii. Out of scope effort
 - iii. Additional WA requests
 - iv. Coordination with other watersheds, CIPs, development, etc.
 - v. Coordination of expectations, deliverables, deadlines, schedules, etc.

Task 5: Survey Management

- 5.1 Preparation and Preliminary Management – Coordinate and help finalize the WA for surveys of BV1, CF1 and BKH to include:
 - E. Prepare survey exhibits and preliminary information for the surveyor to clearly define the area and estimate costs.
 - F. Assist with property owner survey notifications using the most up to date property ownership records.
 - G. Assist with contract preparation, including clarification of what is to be considered inaccessible, maintenance, and traffic control items.
- 5.2 Management and Coordination – this will be for one large watershed survey (BV2), two medium watershed surveys (BV1, BKH) and three small watershed surveys (LR2, STW, CF1). The management and coordination of these surveys will include the below tasks:
 - E. Assist with contract routing and execution for CF1, BV1, and BKH
 - F. Review citizen responses received from the survey notifications and distribute to watershed consultants for CF1, BV1, and BKH
 - G. Monitor survey progress weekly to identify any potential schedule delays or safety concerns (all except BV2, which will be through the collection phase)
 - H. Participate in bi-weekly meetings with the surveyor and City
 - I. Update QC Checklist and provide to City for review
 - J. Review submitted survey data and QC documentation to confirm quality and compliance with the following QC checklist items:
 - ii. Pipe negative slopes
 - iii. Pipe/Node invert disparities
 - iv. Connectivity
 - v. Inaccessible node verification
 - vi. Comparison to legacy survey data
 - K. Submit new survey GDB to watershed study consultant and City. Maintain communication and coordination between all parties as questions or concerns arise concerning the survey.

- L. Coordinate additional survey if requested by watershed study consultant after receiving first survey package and starting on the H&H effort. This will include coordination and review of the additional Cross Creek area requested.

SPECIAL SERVICES:

The following services are not included in Basic Services. A contingency has been included that may be accessed with an approved Change Request. If more effort is requested than can be covered with contingency, an additional WA will be necessary.

Task 1: General Program Support

- 1.1 Programmatic Partner Coordination – effort required for additional coordination with a programmatic partner, should one be procured.

Task 2: Technical Program Support

- 2.1 Geodatabase and Model Maintenance Plan Development

- A. Conceptual Maintenance Plan Development

Two 2-hour virtual planning meetings will be held with the City to review existing geodatabase and model maintenance plans and identify gaps or additional protocols needed to finalize the maintenance plans for the Watershed Master Plan. If additional meetings are needed, they will be noted as out of scope. For this task, FNI will prepare agendas and presentation materials to facilitate the planning meetings and will follow-up with notes and 'key points' emails. At the conclusion of these meetings, FNI will provide the City with a detailed conceptual maintenance plan which will undergo data-based testing prior to the development and approval of a final maintenance plan. The detailed conceptual maintenance plan will establish processes and document guidance for future geodatabase and model maintenance for the following maintenance-need scenarios:

- i. Watershed Study Updates – guidance will be developed to define and document processes for review of hydrologic and hydraulic model and data revisions provided by watershed study consultants and incorporation of updated information into master parameter datasets, model groups, model files and the master stormwater geodatabase.
 - ii. New Development – guidance will be developed to define and document processes for the creation and submittal of existing and proposed models and as-built data for new development projects. The guidance will inform how the new development models and as-built data will be interconnected with the watershed study models and the master stormwater geodatabase. FNI will support the development of language, for City insertion into existing Stormwater Standards Manual(s), that directs new development engineers on required deliverables and formats. The City is responsible for the update of manual(s), potential Council approval, and developer outreach on new requirements.
 - iii. City CIP Projects – guidance will be developed to define and document processes for the creation and submittal of existing and proposed models and as-built data for Capital projects. The guidance will inform how the new development models and as-built data will be interconnected with the watershed study models and the master stormwater geodatabase.

- 2.2 Conceptual Maintenance Plan Testing and Final Maintenance Plan Development – Based on the conceptual maintenance plan developed under Basic Services, Task 2.1A, FNI will execute the testing of future maintenance processes for one priority sub-basin based on three types of maintenance need scenarios: watershed study updates, new development, and City CIP projects. Two 2-hour virtual meetings will be held with the City, during which FNI will present the geodatabase and model maintenance testing results to demonstrate how the detailed conceptual maintenance plan developed during Task 2.1A would be expected to operate for each maintenance need scenario. If additional meetings are needed, they will be noted as out of scope. Based on testing results and feedback received from the City during these meetings, FNI will update the conceptual maintenance plan to create a final geodatabase and model maintenance plan for the Citywide Watershed Studies Program.
- 2.3 Geodatabase Expansion – After the maintenance plan is developed, additional effort will likely be required to expand and/or modify the database. Sub-Consultant ESP will continue to assist with this effort.
- 2.4 On-Going Geodatabase and Model Maintenance – effort required to incorporate additional information as indicated in the maintenance plan being developed

Task 3: Watershed Management – City

- 3.1 Project Delivery – additional effort required to complete a watershed study if City staff is no longer available

Task 4: Watershed Management – Consultant

- 4.1 Additional Consultant Management – effort required if the City procures additional consultants to execute watershed studies

Task 5: Survey Management

- 5.1 Additional Surveys – effort required if additional surveys are requested

EXHIBIT B									
Tasks and Descriptions		Prof 6		Prof 5	Prof 4	Prof 1		ESP	Totals
		\$225.00		\$210.00	\$180.00	\$110.00			
BASIC SERVICES	Assumptions	Mike/ Ed		Tom/ Morgan/ Curtis	Jason/ Jeremy	Melissa/ Cameron			
	Task 1. General Program Support	120		443	105	18		\$0	\$140,910
	1.1 Program Document Maintenance	40		118	89				\$49,800
	1.2 Reporting and Updates	64		293		18			\$77,910
	1.3 Misc. Program Support	16		32	16				\$13,200
Task 2. Technical Program Support		14		53	46	40		\$5,000	\$31,960
	Detailed review of map packages and roll-out to consultants	4		18	16				\$7,560
	2.1 Miscellaneous	10		35	30	40		\$5,000	\$26,575
Task 3. Watershed Management - City		0		274	72	8		\$0	\$71,380
	3.1 Project Scoping and Kickoff	0		0	0	0			\$0
	3.2 Quality Management			42	72	8			\$22,660
	3.3 Project Management			232					\$48,720
Task 4. Watershed Management - Consultant		212		948	248	72		\$0	\$325,420
	4.1 Contract Preparation, Execution and Project Kickoff			56					\$11,760
	4.2 Quality Management	32		341	294	61			\$138,440
	4.3 Management	36		710	72	46			\$175,220

	2hrs/week/key staff and 2-3hrs/month/specialized staff											
Task 5. Survey Management												
5.1 Preparation and Preliminary Management	Approx. 10 hrs per watershed	240	9	0	420	\$0	645	\$98,070				
5.2 Management and Coordination	Approx. 20 hrs for execution of one WA and review of citizen responses; Weekly progress meetings (2 staff); Bi-weekly progress meetings with City (2 staff); QC/QA hours respectively per size of watershed: large 60hrs/12hrs, med 40hrs/8hrs and small 20hrs/4hrs; 190hrs of general coordination with surveyor and consultant	30	6	0	4		40	\$8,450				
		198	3	0	404		605	\$89,620				
TOTAL BASIC SERVICES		430	1,886	589	581	\$5,000	3,486	\$667,740				
Special Services (Contingency)								\$50,000				
TOTAL CONTRACT		502	2,185	854	670	\$25,000	4,210	\$717,740				

EXHIBIT C

GENERAL SERVICES AGREEMENT FOR CONSULTING SERVICES BETWEEN

**CITY OF FAYETTEVILLE
FAYETTEVILLE, NORTH CAROLINA**

AND

Freese and Nichols Inc

3/28/2022

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND**

**GENERAL SERVICES AGREEMENT
FOR CONSULTING SERVICES**

THIS AGREEMENT, effective the day of 3/28/2022 by and between **THE CITY OF FAYETTEVILLE, NORTH CAROLINA** (hereinafter referred to as **CITY**), with principal business offices at Fayetteville, North Carolina, and **Freese and Nichols Inc** (hereinafter referred to as **CONSULTANT**), a corporation with principal business offices 1017 Main Campus Dr #1200, Raleigh, NC 27606.

WITNESSETH:

WHEREAS, **CITY**, is engaged in the operation and maintenance of facilities and services which from time to time require revision, renovation and extension of existing facilities, and the construction of new facilities and other related projects; and

WHEREAS, the professional services of engineers, architects, surveyors and others will from time to time in the future be needed by the **CITY** in the renovation of existing facilities, and in the construction of new facilities and other related projects; and

WHEREAS, pursuant to N.C.G.S. 143-64.31 it is the public policy of this State that municipalities announce all requirements for architectural, engineering and surveying services, to select firms qualified on the basis of demonstrated competence and qualification and to negotiate contracts for services at a fair and reasonable fee with the best qualified firm; and

WHEREAS, **CONSULTANT** provides professional consulting services of the nature required by the **CITY** and employs trained and experienced engineering, technical and/or other personnel possessing adequate knowledge, skills and experience to provide professional services to the **CITY**; and

WHEREAS, the **CITY** proposes to announce to various competing firms its need for professional consulting services in the future by requesting Proposals and the subsequent acceptance of proposals and the issuance of written authorizations to proceed, which together with this Agreement shall constitute a contract between the **CITY** and the **CONSULTANT**; and

WHEREAS, the parties contemplate that the services of **CONSULTANT** will be performed in various stages in accordance with separate authorizations to be issued by **CITY**, and the parties desire to set forth the basic terms of their agreement in this General Services Agreement rather than in separate authorizations to be issued by **CITY**.

NOW THEREFORE, IN CONSIDERATION of the premises and the mutual covenants herein contained, the parties hereto do hereby contract and agree as follows:

ARTICLE 1 - REQUEST FOR PROPOSAL-SUBMITTAL OF PROPOSAL. As the need

for consulting services arise, CITY will request a Proposal for said services from CONSULTANT which shall describe the scope of work, program, estimated schedule and CITY'S requirements. If CONSULTANT has the qualified personnel to meet CITY'S requirements to perform the consulting services requested by the CITY, CONSULTANT will submit to CITY within the time specified a written Proposal describing the necessary engineering, technical and/or other services, guidance, opinions and advice to be provided. The Proposal shall set forth in general terms CONSULTANT'S recommendations to carry out the work. CONSULTANT shall list the background and experience of CONSULTANT'S personnel to be assigned to the project. Said Proposal shall contain a fee schedule setting forth fees for services of the various categories of personnel to be assigned to CITY'S project.

ARTICLE 1.1 - ACCEPTANCE OF PROPOSAL. CITY and CONSULTANT contemplate certain discussions, negotiations and possible changes to the Proposal submitted by CONSULTANT. Upon a meeting of the minds, CONSULTANT shall submit the final Proposal which shall set forth the agreement of the parties. If said Proposal is acceptable, the CITY shall accept same in writing. CONSULTANT'S fee schedule shall remain in effect during the term of this Agreement, unless modified by the parties in writing. CITY shall provide CONSULTANT with a specific written Authorization to Proceed for each Proposal accepted by CITY.

ARTICLE 2 - TERM OF AGREEMENT. The term of this General Services Agreement for Consulting Services shall be for three (3) years from the date it is effective. The Agreement may be extended thereafter by mutual written agreement of the parties.

ARTICLE 2.1 - ASSIGNMENT. It is the intent of this Agreement to secure the personal services of the CONSULTANT and failure of the CONSULTANT for any reason to make the personal services available to the CITY for the purposes described in this Agreement shall be cause for termination of this Agreement. The CONSULTANT shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of CITY. Nothing contained in this paragraph shall prevent CONSULTANT from employing such independent consultants, associates, and sub-contractors as it may deem appropriate to assist CONSULTANT in the performance of services rendered.

ARTICLE 3 - COMPENSATION. CONSULTANT shall submit to CITY monthly invoices for services performed during that month, computed on the basis of the Proposal accepted by CITY. CITY agrees to pay CONSULTANT'S monthly invoice within thirty (30) days after said invoice is received by the CITY. Adjustments to an invoice for billing errors may extend the time for payment. For clarity, compensation to CONSULTANT shall be based upon Task and/or Work Authorizations that are provided to and agreed upon by the CITY. The Signing of this General Services Agreement does not bind or obligate the CITY to pay CONSULTANT any compensation.

ARTICLE 3.1 - VERIFICATION OF INVOICES. CITY has the right to require the CONSULTANT to produce for inspection all CONSULTANT'S time records, salaries of personnel and charges for direct expenses for which cost-plus compensation is provided. CONSULTANT agrees to provide CITY with said records on a timely basis and cooperate with CITY to verify the accuracy of all invoices.

ARTICLE 3.2 - COSTS AND EXPENSES. CONSULTANT will invoice CITY for all travel and living expenses of its employees assigned to a project which said expenses shall be at actual cost, unless said costs or expenses are specifically set forth and included in a fixed price contract. Accommodations for CONSULTANT'S employees shall be arranged by CONSULTANT. Living expenses for CONSULTANT'S employees shall be the usual and customary expenses for accommodations to which CONSULTANT'S employees are accustomed, and which are prevailing in Cumberland County, North Carolina.

ARTICLE 3.3 – NON APPROPRIATION. Notwithstanding any other provisions of this Agreement, the parties agree that payments due hereunder from the CITY are from appropriations and monies from the City Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the CITY to pay the terms of this agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the CITY.

ARTICLE 4 - PROFESSIONAL STANDARDS AND DUTIES OF CONSULTANT. CONSULTANT shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for CITY as is ordinarily provided by a similar professional under the same or similar circumstances at the time in Cumberland County, North Carolina.

ARTICLE 4.1 - CONSULTANT NOT RESPONSIBLE FOR CONSTRUCTION MEANS OR SAFETY. A CONSULTANT for general construction projects shall not be responsible for any general contractor's or other project participant's failure to fulfill their contractual responsibilities to the CITY, nor shall CONSULTANT be responsible for construction means, methods, techniques, sequences, or procedures. Neither shall CONSULTANT be responsible for a project safety program or safety precautions unless CONSULTANT'S Proposal sets forth a safety program which is accepted by CITY and becomes a part of the agreement between the parties.

ARTICLE 4.2 - CONSULTANT AS CONSTRUCTION MANAGER. In the event the CITY contracts with the CONSULTANT to provide Construction Management Services, the CONSULTANT shall be responsible for determining that each construction contractor provides work to the quality level specified and in accordance with the plans and specifications. In no event shall CONSULTANT be responsible for any contractor's, subcontractor's, vendor's, or other project participant's failure to comply with federal, state or local laws, ordinances, regulations, rules, codes, orders, criteria, or standards unless it has contracted with the CITY to do so.

ARTICLE 5 - ESTIMATES OF COST AND TIME. Although CONSULTANT has no control over the cost of labor, materials, equipment or services furnished by others, or over contractor's, sub-contractor's, or vendor's methods of determining prices, or over competitive bidding or market conditions, nevertheless CONSULTANT'S cost estimates and time estimates shall be made on the basis of current labor and material prices and the CONSULTANT'S experience and qualifications, and CONSULTANT'S estimates shall represent its best judgment as an experienced and qualified professional familiar with electric, water and sewer utility projects, or other projects for which CONSULTANT is employed. Although CONSULTANT has no control over the resources provided by contractors to meet contract schedules, nevertheless CONSULTANT'S estimates or forecast of schedules shall be made on the basis of its experience and qualifications and shall represent CONSULTANT'S best judgment as an experienced and qualified professional familiar with electric, water and sewer utility projects, or other projects for which CONSULTANT is employed. CONSULTANT does not guarantee that project costs and schedules will not vary from the estimates and schedules given to CITY.

ARTICLE 6.0 - LIABILITY, INDEMNIFICATION AND INSURANCE.

6.1 - GENERAL. The CITY and CONSULTANT have considered the risks and potential liability that may exist during the performance of services by CONSULTANT, and have agreed to allocate such liabilities in accordance with this Article. During the performance of services under this Agreement, CONSULTANT shall purchase and maintain insurance coverage as hereinafter set forth, without lapse or changes contrary to the requirements of this section. Words and phrases used in this Article shall be interpreted in accordance with customary insurance industry usage and practice.

6.2 - INDEMNITY AND PROFESSIONAL LIABILITY. To the extent permitted by law, CONSULTANT agrees to defend, indemnify and hold harmless the CITY and its elected officials,

employees, agents, successors, and assigns, from any and all liability and claims for any injury or damage caused by any negligent or tortious act, omission or negligence of **CONSULTANT**, its agents, servants, employees, contractors, licensees, or invitees. Indemnification of the **CITY** by **CONSULTANT** does not constitute a waiver of the **CITY'S** governmental immunity in any respects under North Carolina law. **CONSULTANT** agrees to purchase and maintain professional liability insurance (errors and omissions insurance) in the amount of \$1,000,000 coverage for each claim, with a general aggregate of \$2,000,000. Said insurance coverage shall be underwritten by an insurance company authorized to do business in the State of North Carolina by the North Carolina Department of Insurance, with an A.M. Best rating of not less than A-VII.

6.3- LIABILITY INSURANCE. **CONSULTANT** agrees to indemnify and hold the **CITY**, its servants, agents and employees, harmless from and against all liabilities, claims, demands, suits, losses, damages, costs and expenses (including attorney's fees) for third party bodily injury to or death of any person, or damage to or destruction of any third party property, to the extent caused by the negligence of the **CONSULTANT**, Consultant's employees, and Consultant's subcontractors, for whom **CONSULTANT** is legally responsible during the performance of services under this Agreement. **CONSULTANT** shall purchase and maintain at all times during performance of services under this Agreement Commercial General Liability Insurance with combined single limits of \$1,000,000.00 coverage for each occurrence with a general aggregate of \$2,000,000.00, designating the **CITY** as an additional insured and which said insurance provides **CONSULTANT** with insurance for contractual liability which **CONSULTANT** has assumed pursuant to the terms of this Article 6.

6.4- OTHER INSURANCE. In addition to professional liability insurance and commercial general liability insurance set forth above, **CONSULTANT** further agrees to purchase and maintain at all times during the performance of services under this Agreement insurance coverage as follows:

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

ARTICLE 7 - INDEPENDENT CONTRACTOR. **CONSULTANT** is an independent contractor and shall undertake performance of the services pursuant to the terms of this Agreement as an independent contractor. **CONSULTANT** shall be wholly responsible for the methods, means and techniques of performance. **CITY** shall have no right to supervise methods and techniques of performance employed by **CONSULTANT**, but **CITY** shall have the right to observe such performance.

ARTICLE 8 - COMPLIANCE WITH LAWS. **CONSULTANT** agrees that in performing services pursuant to this Agreement to comply with all applicable regulatory requirements including federal, state and local laws, rules, regulations, orders, codes, criteria, and standards. **CONSULTANT** shall be responsible for procuring all permits, certificates, and licenses necessary to allow **CONSULTANT** to perform services under this Agreement. **CONSULTANT** shall not be responsible for procuring permits required for the construction of any building, unless such responsibility is specifically agreed to by **CONSULTANT**.

ARTICLE 9 - CITY'S RESPONSIBILITIES. CITY will furnish to CONSULTANT all of CITY'S requirements for the project, including, but not limited to, scope of work, program, time constraints, schedule milestones, financial constraints, design objectives and design constraints, which are available to the CITY or which the CITY can reasonably obtain to furnish to CONSULTANT to enable CONSULTANT to make a Proposal to CITY. Additionally, the CITY shall also be responsible for the following:

- (1) Make final decisions utilizing information supplied by CONSULTANT.
- (2) Designate personnel to represent CITY in matters involving the relationship between CITY, CONSULTANT and third parties.
- (3) Provide such accounting, independent cost estimating, and insurance counseling services as may be required by the project.
- (4) Provide such legal services as CITY may require or CONSULTANT may reasonably request with regard to legal issues pertaining to the project, including those which may be raised by contractors, subcontractors, vendors or other project participants.
- (5) Enter into contracts for the purchase, construction, or other services with contractors, subcontractors, and vendors.
- (6) Provide financing for the project and make all payments in accordance with the terms of the contract.

ARTICLE 10 - OWNERSHIP OF DOCUMENTS. All documents, including drawings and specifications prepared by CONSULTANT pursuant to this AGREEMENT, are instruments of service in respect of the Project. They are not intended or represented to be suitable for reuse by CITY or others on extensions of the Project or on any other project. Any reuse without written verification or adaption by CONSULTANT for the specific purpose intended will be at CITY'S sole risk and without liability to CONSULTANT. Any such verification or adaptation will entitle CONSULTANT to further compensation at rates to be agreed upon by CITY and CONSULTANT.

ARTICLE 11 - TERMINATION OF CONTRACT FOR CAUSE. In the event of substantial failure by CONSULTANT to perform in accordance with the terms of this contract, CITY shall have the right to terminate CONSULTANT upon ten calendar (10) days written notice in which event CONSULTANT shall have neither the obligation nor the right to perform further services under this contract nor shall the CITY be obligated to make any further payment for work that has not been performed.

ARTICLE 12 - TERMINATION OF CONTRACT FOR CONVENIENCE. Upon thirty (30) calendar days' written notice to CONSULTANT, CITY may, without cause and without prejudice to any other right or remedy legally available to the CITY, terminate this Contract. Upon such notice, CONSULTANT shall have neither the obligation nor the right to perform services under this contract nor shall the CITY be obligated to make any further payment for work that has not been performed in accordance with the terms stated herein. In such case of termination, CONSULTANT shall be paid for the completed and accepted work executed in accordance with this Contract prior to the written notice of termination. Additionally, upon mutual agreement, CONSULTANT may be paid for any completed and accepted work which takes place in order to achieve a specifically identified item in the scope of services or a milestone of the Contract, between the written notice of termination and the effective date of termination. Unless otherwise stated or agreed upon, the effective date of termination shall automatically occur 30 days after the written notice is sent by the CITY.

ARTICLE 13 - NONDISCLOSURE OF PROPRIETARY INFORMATION.

CONSULTANT shall consider all information provided by **CITY** and all drawings, reports, studies, calculations, plans, specifications, and other documents resulting from the **CONSULTANT'S** performance of the **SERVICES** to be proprietary, unless such information is available from public sources. **CONSULTANT** shall not publish or disclose proprietary information for any purposes other than the performance of the **SERVICES** without the prior written authorization of **CITY**. **CONSULTANT** shall not make any written or verbal statement to any press or news media concerning the Project without the written authorization of **CITY**.

ARTICLE 14 - NOTICE. Any formal notice, demand, or request required by or made in connection with this agreement shall be deemed properly made if delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

TO CITY: **CITY OF FAYETTEVILLE**
 ATTENTION: DOUGLAS J. HEWETT
 CITY MANAGER
 433 HAY STREET
 FAYETTEVILLE, NORTH CAROLINA 28301

TO CONSULTANT: **Freese and Nichols, Inc.**
 ATTENTION: Bryan M Dick, PE
 Associate – Project Manager
 1017 Main Campus Dr #1200, Raleigh, NC 27606
 864-506-1465

Nothing contained in this Article shall be construed to restrict the transmission of routine communication between representatives of **CONSULTANT** and **CITY**.

ARTICLE 15 – FORCE MAJEURE. Neither party shall be deemed to be in default of its obligations hereunder if and *so long as* it is prevented from performing such obligations by an act of war, hostile foreign actions, adverse governmental actions, nuclear explosion, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

ARTICLE 16 - GOVERNING LAW. This Agreement shall be governed by the laws of the State of North Carolina.

ARTICLE 17 - MISCELLANEOUS.

17.1 NONWAIVER FOR BREACH. No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

17.2 PRECEDENCE. In the event of any conflict or discrepancy between the terms of this Agreement and the specific written authorization to proceed pursuant to this Agreement, then the written authorization to proceed shall be given precedence over this Agreement in resolving such conflicts or discrepancies. If any conflict or discrepancy is discovered by either party hereto, then the written authorization to proceed, or this Agreement, shall be modified or amended, as necessary.

17.3 SEVERABILITY. The invalidity, illegality, or un-enforceability of any portion or provision of this Agreement shall in no way affect the validity, legality and/or enforceability of any

other portion or provision of this Agreement. Any invalid, illegal or unenforceable provision of this Agreement shall be deemed severed from this Agreement, and the balance of the Agreement shall be construed and enforced the same as if the Agreement had not contained any portion or provision which was invalid, illegal or unenforceable. Provided, however, this section 17.3 shall not prevent this entire Agreement from being void in the event any portion or provision of this Agreement which is of the essence of this Agreement shall be deemed void as provided by law or as determined by a court of competent jurisdiction.

ARTICLE 18 - INTEGRATED AGREEMENT. The CITY'S request for Proposal, the CONSULTANT'S written Proposal, the CITY'S authorization to proceed and this General Services Agreement for Consulting Services shall be integrated into and shall become the integrated agreement between the parties. CONSULTANT and CITY agree that all prior negotiations, representations, proposals, letters, agreements, understandings, or other communications between them, whether written or oral, are hereby merged into the Agreement and that the Agreement supersedes all such prior negotiations, contracts and/or agreements. This Agreement shall not be modified unless such modifications are evidenced in writing, signed by both CONSULTANT and CITY.

ARTICLE 19 - BENEFITS LIMITED TO PARTIES. Nothing herein shall be construed to give any right or benefits hereunder to anyone other than CITY and CONSULTANT.

19.1 LIMITATIONS. CONSULTANT's total liability to CITY under each authorization shall not exceed the total compensation paid under the authorization, or \$1,000,000, whichever is greater; any portion of liability determined to be consequential damages under this per authorization limit, shall not exceed the compensation paid under the authorization. In no event shall CONSULTANT's total liability in the aggregate, for all services under this agreement, exceed \$4,000,000. limits set forth in this agreement shall apply notwithstanding any and all causes whatsoever including, but not limited to negligence (of any degree), errors, omissions, warranty, indemnity, strict liability or breach of contract, provided, however, that the foregoing limitation shall not apply to any indemnity obligations of consultant with respect to third party personal injury and death or damage to third party property.

ARTICLE 20 - VENUE AND FORUM SELECTION. The Parties expressly agree that if litigation is brought in connection with this contract and (1) the litigation proceeds in the Courts of the State of North Carolina, the parties agree that the appropriate venue shall be in Cumberland County (Twelfth Judicial District of North Carolina); or (2) the litigation proceeds in a federal court, the parties agree that the appropriate venue shall be the United States District Court for the Eastern District of North Carolina.

ARTICLE 21 - E-VERIFY. CONSULTANT acknowledges that "E-Verify" is the federal E-Verify program operated by the US Department of Homeland Security and other federal agencies which is used to verify the work authorization of newly hired employees pursuant to federal law and in accordance with Article 2, Chapter 64 of the North Carolina General Statutes. CONSULTANT further acknowledges that all employers, as defined by Article 2, Chapter 64 of the North Carolina General Statutes, must use E-Verify and after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS §64-26(a). CONSULTANT pledges, attests and warrants through execution of this contract that CONSULTANT complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and further pledges, attests and warrants that any subcontractors currently employed by or subsequently hired by CONSULTANT shall comply with any and all E-Verify requirements. Failure to comply with the above requirements shall be considered a breach of this contract.

ARTICLE 22 – MORALITY CLAUSE. If, in the sole opinion of the CITY, at any time CONSULTANT or any of its owner(s) or employee(s) or agent(s) (collectively referenced as an “Actor”) engages in any one or more actions that bring disrepute, contempt, scandal, or public ridicule to the Actor or subject the Actor to prosecution or offend the community or public morals or decency or denigrate individuals or groups in the community served by the CITY or are scandalous or inconsistent with community standards or good citizenship or may adversely affect the CITY’S finances, public standing, image, or reputation or are embarrassing or offensive to the CITY or may reflect unfavorably on the CITY or are derogatory or offensive to one or more employee(s) or customer(s) of the CITY, the CITY may immediately upon written notice to CONSULTANT terminate this Contract, in addition to any other rights and remedies that the CITY may have hereunder or at law or in equity.

ARTICLE 23 – PROTEST. Protest related to this procurement must be addressed to the Purchasing Manager for City of Fayetteville, 433 Hay St, Fayetteville, NC 28301 and shall be received, in writing, within 2 calendar days of bid award. Responses will be in writing by email and first-class mail not later than (7) calendar days following receipt of said protest by the Purchasing Manager.

ARTICLE 24 - IRAN DIVESTMENT ACT CERTIFICATION. As mandated by N.C.G.S. 147-86.59(a), CONSULTANT hereby certifies that it is not listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. CONSULTANT further certifies that in accordance with N.C.G.S. 147-86.59(b) that it shall not utilize any subcontractor found on the State Treasurer’s Final Divestment List. CONSULTANT certifies that the signatory to this General Services Agreement is authorized by the CONSULTANT to make the foregoing statement.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized representatives effective the day and year first above written.

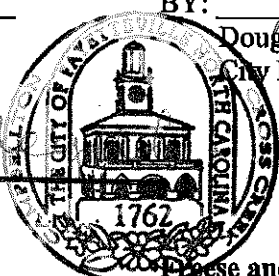
DATE: 4/18/2022

ATTEST:

Pamela J. H.
CITY CLERK

CITY OF FAYETTEVILLE,
NORTH CAROLINA

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



CITY OF FAYETTEVILLE

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

[Signature]
Chief Financial Officer

DATE: 3/28/22

BY: Mike Wayts
MIKE WAYTS

TITLE: VICE PRESIDENT / PRINCIPAL

Greese and Nichols, Inc.



City of Fayetteville

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

City Council Action Memo

File Number: 22-2983

Agenda Date: 10/10/2022

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: Adam Lindsay, Assistant City Manager

FROM: Michael Gibson, Parks, Recreation and Maintenance Director

DATE: October 10, 2022

RE:

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

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 all residents.

Executive Summary:

Parks and Recreation requests to purchase seven (7) Ford F250 Pickup Trucks, two (2) Ford F350 Trucks with 11' Standard Service Body, two (2) Ford F350 Trucks with 8' Flatbed Dump, four (4) Light Duty Pickup Trucks, and six (6) Ford Transit Connect Vans to replace existing units in the fleet.

Background:

The City plans annually for equipment and vehicle replacement as part of the capital budget process. Vehicles are replaced based on age, mileage, and condition.

On September 15, 2022, Purchasing staff opened bids for the purchase of seven (7) Ford F250 Pickup Trucks, two (2) Ford F350 Trucks with 11' Standard Service Body, two (2) Ford F350 Trucks with 8' Flatbed Dump, four (4) Light Duty Pickup Trucks, and six (6) Ford Transit Connect Vans.

Bids were received from (3) bidders.

Piedmont Truck Center, Inc, has agreed to the additional buy clause in the contract for the purchase of seven (7) Ford F250 Trucks as follows:

(7) Ford F250 Trucks	(\$41,082.75)	\$289,579.25
----------------------	---------------	--------------

Carthage Ford, LLC dba Cooper Ford has agreed to the additional buy clause in the contract for the purchase of two (2) Ford F350 Trucks with 11' Standard Service Body and two (2) Ford F350 Trucks with 8' Flatbed Dump and four (4) Light Duty Pickup Trucks and six (6) Ford Transit Connect Vans as follows:

(2) Ford F350 Trucks with 11' Body	(\$70,667.00)	\$141,334.00
(2) Ford F350 Trucks with 8' Flatbed	(\$56,439.00)	\$112,878.00
(4) Light Duty Pickup Trucks	(\$25,307.00)	\$101,228.00
(6) Ford Transit Connect Vans	(\$31,803.00)	\$190,818.00

Issues/Analysis:

We are aware of no issues.

Budget Impact:

The fiscal year Budget included the purchase of these vehicles.

Options:

- 1) Award contracts as recommended by staff.
- 2) Do not award contracts and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to award a contract for the purchase of seven (7) Ford F250 Trucks to Piedmont Truck Center, Inc and two (2) Ford F350 Trucks with 11' Body, two (2) Ford F350 Trucks with 8' Flatbed, four (4) Light Duty Pickup Trucks, and six (6) Ford Transit Connect Vans Carthage, LLC dba Cooper Ford, Carthage, North Carolina.

Attachments:

Bid Tabs

City of Fayetteville					
Seven F250 Pickup Trucks					
Vendor	Quantity	Amount (ea)	Amount (Total)	Manufacturer/Model	Vendor Location
Piedmont Truck Center, Inc	7	\$41,082.75	\$289,579.25	Ford 2023 F250	Greensboro, NC
Sport Durst Automotive of Durham	4	\$46,475.00	\$185,900.00	RAM 2500	Durham, NC
Cooper Ford	7	\$42,607.00	\$298,249.00	Ford 2023 F250 Regular Cab	Carthage, NC

City of Fayetteville					
Two (2) F350 with 11' Standard Service Body					
Vendor	Quantity	Amount (ea)	Amount (Total)	Manufacturer/Model	Vendor Location
Cooper Ford	2	\$60,766.00	\$121,532.00	2023 F350 Knapheide	Carthage, NC
Cooper Ford	2	\$70,667.00	\$141,334.00	2023 F350 Reading	Carthage, NC
Piedmont Truck Center, Inc	2	\$71,031.00	\$142,062.00	2023 Ford F350	Greensboro, NC
White's International Trucks	2	\$75,089.12	\$150,178.24	International CV515	Greensboro, NC

Did not meet Bid Specifications

City of Fayetteville					
Two (2) F350 Trucks with 8' Flatbed Dump					
Vendor	Quantity	Amount (ea)	Amount (Total)	Manufacturer/Model	Vendor Location
Cooper Ford	2	\$56,439.00	\$112,878.00	2023 F350	Carthage, NC
White's International Trucks	2	\$71,147.90	\$142,295.80	International CV515	Greensboro, NC
Piedmont Truck Center, Inc	2	\$58,611.60	\$117,223.20	2023 F350	Greensboro, NC

City of Fayetteville					
Four Light Duty Pickup Trucks					
Vendor	Quantity	Amount (ea)	Amount (Total)	Manufacturer/Model	Vendor Location
Cooper Ford	4	\$25,307.00	\$101,228.00	Ford 2023 Ranger Extended Cab	Carthage, NC

City of Fayetteville					
Six Transit Connect XL Cargo Vans					
Vendor	Quantity	Amount (ea)	Amount (Total)	Manufacturer/Model	Vendor Location
Cooper Ford	6	\$31,803.00	\$190,818.00	2023 Ford Transit Connect Van	Carthage, NC
Sport Durst Automotive	3	\$35,780.00	\$107,340.00	2022 Ram Promaster City Cargo	Durham, NC



City of Fayetteville

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

City Council Action Memo

File Number: 22-2991

Agenda Date: 10/10/2022

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.06

TO: Mayor and Members of City Council

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

FROM: Fayetteville Public Works Commission

DATE: October 10, 2022

RE:

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

COUNCIL DISTRICT(S):

6

Relationship To Strategic Plan:

High Quality Built Environment - Neighborhoods and Infrastructure

Executive Summary:

Adopting the Resolution Directing Construction of Area 32 East Section II of the Phase 5 Annexation Utility Improvement Project be Undertaken is part of the statutory requirement process for providing sewer to this Phase 5 Annexation area.

Background:

As part of the statutory requirements for annexation procedures, City Council approved Resolution Number 2022-029 in their meeting on August 8, 2022. A Public Hearing was held on September 12, 2022 to hear public comment regarding the project. The next step is to adopt the Resolution Directing Construction of Area 32 East Section II of the Phase 5 Annexation Utility Improvement Project be Undertaken.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

N/A

Recommended Action:

Staff recommends Council move to adopt the attached Resolution Directing Construction of Area 32 East Section II of the Phase 5 Annexation Utility Improvement Project be Undertaken.

Attachments:

RESOLUTION DIRECTING CONSTRUCTION OF AREA 32 EAST SECTION II OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN

RESOLUTION DIRECTING CONSTRUCTION OF AREA 32 EAST SECTION II OF THE PHASE 5 ANNEXATION UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN

WHEREAS, on the 8th day of August, 2022, the City Council of the City of Fayetteville, North Carolina, adopted a Preliminary Assessment Resolution Providing for the Extension of its Sanitary Sewer Collection System in All or Portions of the Streets Within Area 32 East Section II of the Phase 5 Annexation Listed on Exhibit “A”.

WHEREAS, the required Public Hearing has been held after due notice to the public and to the owners of the affected real property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville, North Carolina that after careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and in the exercise of its best legislative judgment, the City Council of Fayetteville, North Carolina finds as fact that:

1. The public interest, safety, convenience, and general welfare requires the extension of the sanitary sewer collection system into all or a portion of the streets as described on Exhibit “A”;
2. The resolution and order adopted at its meeting on the 8th day of August, 2022 by the City Council of the City of Fayetteville, North Carolina having been duly published on the 1st day of September, 2022 in the Fayetteville Observer, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held in Council Chambers of City Hall at 7 p.m., on the 12th day of September, 2022 when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by attorney, filed with the Clerk of the City of Fayetteville at or before said time, and that any objections not so made would be waived and objections to the legality as well as to the policy or expediency of the making of

said improvements have not been filed or made (or having been filed or made which objections were duly considered by said City Council and none of said objections were sustained);

3. The property abutting said streets will be benefitted by the extension of such sanitary sewer collection system to the extent of the part of the cost thereof to be assessed as stated below against such abutting property.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

The sanitary sewer collection system shall be installed in all of the street portions to be specifically assessed upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus the average cost for service laterals as may be installed for the benefit of the non-single family residential parcels. Said assessments to be paid after completion of such work and within thirty (30) days after notice of the assessments in cash with no interest or in equal annual installments over a term of ten (10) years bearing annual interest at a rate not to exceed prime at the time of assessment plus two percent (2%) payable annually.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA on this, the ____ day of _____, 2022; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

Mitch Colvin, Mayor

Pamela J. Megill, City Clerk

EXHIBIT “A”

PHASE V ANNEXATION - AREA 32 EAST SECTION 2 – Sewer

STREET NAMES	FROM INTERSECTION	TO INTERSECTION
DUNDLE ROAD	SOUTHWARDLY FROM ROCKRIDGE LANE	TO KING ROAD
GLEN RAVEN DRIVE	NORTHWESTERLY FROM DUNDLE ROAD	TO LAVERNE DRIVE
LAVERNE DRIVE	SOUTHWARDLY FROM STONEY POINT ROAD	TO GLEN RAVEN DRIVE
STONEY POINT ROAD	SOUTHEASTERLY FROM BRADDY ROAD	TO TOGGLE AVENUE



City of Fayetteville

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

City Council Action Memo

File Number: 22-2992

Agenda Date: 10/10/2022

Version: 2

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

FROM: Chris Lowery, Strategic & Performance Analytics Manager
Andy Brayboy, Senior Corporate Performance Analyst

DATE: October 10, 2022

RE:

Acceptance of the FY 2023 1st Qtr. 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 Mayor, City Council, and staff share a duty to ensure that the actions of public officials, employees, contractors, and volunteers of the City are carried out in the most responsible manner possible and that City policy, budgets, goals, and objectives are fully implemented.

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

laid out in the Council's strategic plan. TFA's are defined by a one-year action plan with milestones to focus the work of Council and staff.

The City Manager's Office has directed the Office of Strategy and Performance Analytics to meet regularly with teams to advance the Council's TFA and to report progress to City Council on a quarterly basis during a City Council Meeting. Staff has provided the status of the 1st Qtr. Strategic Performance Report as of September 30th, 2022, for Council consideration moving forward to the next Council Retreat.

Commitment to performance management and strategic planning strengthens the operations of the City of Fayetteville, ensuring excellent services and high quality of life for residents. It allows for long-range planning at the organizational level with alignment to departmental operations and performance expectations. With this system in place, the City is able to allocate resources appropriately and build strategies for continuous improvement.

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 2023 1st Qtr. Strategic Performance Report
- 2) City Council rejects the FY 2023 1st Qtr. Strategic Performance Report and provides additional direction to the City Manager.


Recommended Action:

City Council accepts the FY 2023 1st Qtr. Strategic Performance Report

Attachments:

FY 2023 1st Qtr. Strategic Performance Report

The City of Fayetteville's

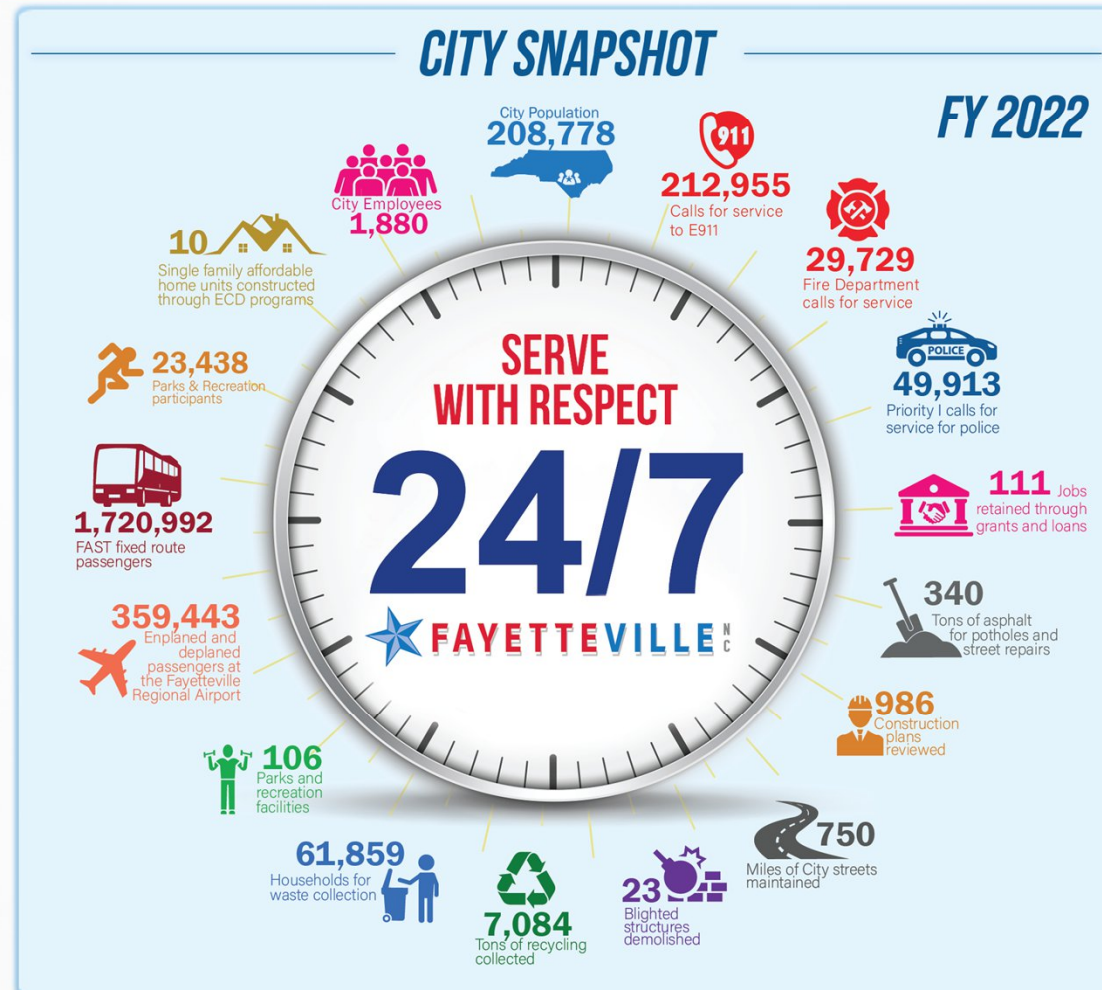


FY 2023 1st QTR. Performance Report

October 10, 2022

Chris Lowery - Strategic & Performance Analytics Manager
Andrew Brayboy - Senior Corporate Performance Analyst





FY22 Strategic Plan

A FOCUS ON THE FUTURE

















Vision 2032

An attractive, culturally diverse and inclusive city that is safe, prosperous, innovative and unified.

Mission Statement

The City of Fayetteville provides quality and sustainable public services for our communities to thrive and businesses to grow.

FY 22 Action Plans			Status
TFA 2.1.1	Execute Opportunity Zone Plan		
TFA 2.4.1	Execute redevelopment and business growth plan for Murchison Road, Bragg Blvd. with beautification of City Gateways		
TFA 3.1.1	Develop funding plan for infrastructure		
TFA 3.4.1	Develop and Implement Council Policy to Incentivize Positive Property Ownership		
TFA 3.5.1	Build Smart City Capacity		
TFA 4.2.1	Parks and Recreation Master Plan implementation with access for diverse needs		
TFA 4.4.1	Reduce litter and illegal dumping		
TFA 4.5.1	Implement residential revitalization efforts		
TFA 4.5.2	Complete Housing Study and implement affordable housing strategy		
TFA 4.6.1	Strategy to address poverty and homelessness		
TFA 5.1.1	Implement strategies to engage Council, staff & citizens in finance, budget & performance reporting		
TFA 6.1.1	Develop a strategy to maximize a relationship with the Military		
TFA 6.1.2	Conduct a Disparity Study		
TFA 6.3.1	Develop a strategy to educate and engage citizens		

A red circle with a white cross icon, which is the symbol for Goal 1.

Goal 1: Safe & Secure Community

- 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 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.

**ECONOMIC
GROWTH**

The text "ECONOMIC GROWTH" is displayed in large, bold, blue and green capital letters. To the right of the text is a stylized bar chart with three bars of increasing height, colored blue, green, and blue. Below the chart is a light blue map of North Carolina with a white star in the center.

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. Cauley, ECD Director

TFA Lead:

Mr. Taurus Freeman, ECD Assistant Dir.

TFA Team:

Dr. Newton, Development Services. Dir.; Mr. Rob Stone, 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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Report to Council on market analysis of (3)opportunities zones (include workforce) \$50 K	07/01/22	12/31/22	75%			
Review City's incentive policy and propose framework (for 3 opportunities zones)	07/01/22	6/30/23	50%			
Review / Create City's land bank policy to effectively deploy	07/01/22	06/30/23	0%			
With partners, conduct "Investor Day" virtually or in person	07/01/22	06/30/23	0%			

TFA 2.1.1- Execute Opportunity Zone Plan

Overall Project Status:
Delayed



FY 22 Quarter 3 ending March 31, 2022

- Development Finance Incentive policy and framework presented on March 7th work session to City Council
 - Drafting policy with consultant and outside legal support
 - Bring back to Council by end of FY22
- Funds needed for legal support to establish a land bank policies and procedures.
- Investor day still set to be conducted by June 30, 2022 by FCEDC.

FY 22 Quarter 4 ending June 30, 2022

- Development Finance Incentive policy and framework has been drafted and is under review in anticipation of bringing to Council once vetted
- Funds needed for legal support to establish a land bank policies and procedures.

FY 23 Quarter 1 ending September 30, 2022

- Market Analysis – staff will discuss results in Oct. with Council
- Incentive Policy being reviewed by outside counsel, staff will bring back to Council in Q2.
- Land banking funds are needed to standup and support program

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. Rob Stone, Construction Management Dir.; Ms. Thomas-Ambat Public Svcs 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 23			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
NCVP Phase II Progress Site Work / Design & Begin Construction *	07/01/22	06/30/23	75%			
Tennis Center Site Work / Design & Begin Construction *	07/01/22	06/30/22	100%			
Senior Center East Site Work / Design & Begin Construction *	07/01/22	06/30/22	100%			
Trail Master Plan: Mazarick (Glenville Lake) to Downtown	07/01/22	06/30/22	100%			
Beautification: Utilize Tree Fund	07/01/22	06/30/22	100%			
Acquire and Demolish Paye Funeral Home	07/01/22	12/31/21	100%			
Murchison Choice Planning (CNI)	07/01/22	12/31/22	90%			
CAT Site 1 – Site Preparation	07/01/22	6/30/23	25%			
Conceptual Design of Makerspace	07/01/22	2/28/22	100%			

* Tracked in the Qtrly Parks and Rec bond report card (Feb, May, Aug, Nov)

TFA 2.4.1- Execute Redevelopment and Business Growth Plan for Murchison Road, Bragg Blvd with Beautification of City Gateways

Overall Project Status:
On-Time



FY 22 Quarter 4 ending June 30, 2022

- Mazarick (Glenville Lake) to Downtown trail masterplan – Council adopted this plan into the Center City Parks & Trails Masterplan
- >80% of funding spent for the Beautification: Tree fund.
- City Council will be updated for the next steps on Makerspace
- Public Art has been added to the Catalyst Site based on recommendations from the Arts Council
- On schedule with CNI planning. A draft plan is being reviewed by community stakeholders and partnerships are being solidified.
- CAT Site 1 – Request for Projects on City-owned land is out and ECD continues to market the site and re-evaluate our strategies to generate a catalytic Public Private Partnership
- NC Veterans Park (NCVP) Phase II design complete. Waiting for NCDOT to transfer ownership of property.

FY 23 Quarter 1 ending September 30, 2022

- On schedule with CNI planning. A draft plan is being reviewed by community stakeholders and partnerships are being solidified. The plan will return to council in October and is due to HUD by Dec 31st.
- CAT Site 1 – Request for Projects on City-owned land is out and ECD continues to market the site and re-evaluate our strategies to generate a catalytic Public Private Partnership. Staff will consult with the development finance Initiative (DFI).
- NCVP phase II – Property ownership finalized with site work in progress.
- Senior Center East ground breaking in the 1st QTR of FY23
- Mazarick (Glenville Lake) to Downtown – Contract being developed to do a feasibility study and community meetings.
- Tennis Center – ARPA dollars identified to help fund and complete project.
- Tree Fund – reserves have been spent down to appropriate levels.



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:

Ms. Kelly Olivera, Interim 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 Action Plan			FY 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Identify funding source options for infrastructure and present recommendations to Council based on peer city review	07/01/22	12/31/22	100%			



TFA 3.1.1-Develop Funding Plan for Infrastructure

Overall Project Status:
Complete



[FY 22 Quarter 2 ending December 31, 2021](#)

- Funding source options for infrastructure will be presented to City Council on 2/14/22.

[FY 22 Quarter 3 ending March 31, 2022](#)

Completed in previous Quarter

[FY 22 Quarter 4 ending June 30, 2022](#)

Completed in Quarter 2

[FY 23 Quarter 1 ending September 30, 2022](#)

Completed in Quarter 2 of FY22

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.; Adam Lindsay, ACM; Mrs. Phelps, Corporate Communications Dir. / COS

Partners/ Collaborators:

Realtors Association, 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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Develop residential management program (eg. incentives to promote positive ownership and rental behavior, policy violation and correction process) and brief Council	7/01/22	06/30/23	100%			
Seek authority from NCGA to regulate property management	7/01/22	06/30/23	100%			
Create an inventory of Homeowner Associations (HOA) in the City and assess effectiveness of HOA impact on neighborhood	7/01/22	06/30/23	100%			



TFA 3.4.1- Develop and Implement Council Policy to Incentivize Positive Property Ownership

Overall Project Status:
On-Time



FY 22 Quarter 4 ending June 30, 2022

- The neighborhood engagement office through ECD will be focusing on our 6 Council affirmed neighborhood revitalization strategy areas (Murchison Neighborhood, Central Campbellton (Downtown), Bonnie Doone, Deep Creek, 71st Area, Massey Hill)
- Plans for neighborhood quality of life index are forthcoming to help determine a baseline result for each of these strategy areas
- The preliminary results from a small sample size for the HOA inventory effectiveness show:
 - The number and price of homes in an HOA have no direct correlation to the amount of code enforcement required.
 - An HOA that a 3rd party manages requires less code enforcement than HOA's that are not.
 - The lower % of home ownership didn't increase violations but areas with more restrictions in the covenants required less code enforcement activity.
 - An active community watch results in more code enforcement cases but does not mean the neighborhood with not benefit from an HOA.

FY 23 Quarter 1 ending September 30, 2022

- Inventory of Homeowner Associations (HOA) and their effectiveness in the City was completed in the 4th Qtr. of FY22 and presented to Council.
- Property Management regulation was advised against by NCLM and put on hold.

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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Prepare gap analysis for Smart City capacity for each program/department and brief CMO	7/01/22	3/31/22	60%			
Develop a comprehensive and prioritized IT 3-year strategic plan and brief CMO and Council	7/01/22	06/30/23	80%			
Incorporate recommendations (from gap analysis) into TIP process	10/01/22	06/30/23	--	--		
Implement departmental SMART City initiatives	7/01/22	06/30/23	25%			

TFA 3.5.1- Build Smart City Capacity

Overall Project Status:
On-time



FY 22 Quarter 4 ending June 30, 2022

- Gap analysis / Smart City template created and will be used to help track and identify smart city initiatives per program/department. We will roll over this tactic to the next FY to determine CIP and TIP projects that qualify.
- Comprehensive and prioritized IT 3- year strategic plan developed and CMO will be briefed in December.
- Completed Smart City Initiatives:
 - Granicus - VoteCast – Allowing Council to track motions, votes, and requests to speak digitally
 - Cape Fear River Trail and Clark Park Maps: Configured, completed, and developed digital maps for East Coast Greenway Application for Public Services
 - Implemented Pavement Preservation application & database in support of Public Service efforts for asset management across the City

FY 23 Quarter 1 ending September 30, 2022

- Using smart city components to increase operational capacity without increasing FTE's
 - PRM field marking robots
- IT comprehensive and prioritized 3- year strategic plan developed. Will brief CMO and Council Qtr. 2.
- Completed Smart City Initiatives:
 - Completed legacy NCAWARE application migration to new EWarrants platform for the Fayetteville Police department as part of North Carolina's eCourts initiative.
 - Airport Conference Zoom Room
 - FAYTV Android TV App
 - Fire ESN Review
 - Direct Connection Fiber Core Upgrade



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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Incorporate ADA recommendations into Parks & Rec. capital improvement planning (CIP) efforts	7/01/22	06/30/23	100%			
Investigate if there are disparities in Parks & Rec. services per geographic area (Gilmore Center)	7/01/22	06/30/23	100%			
Complete 19 Parks & Rec. construction projects on time / on schedule with reports to Council	7/01/22	06/30/23	50%			



TFA 4.2.1 Parks and Recreation Master Plan Implementation with Access for Diverse Needs

Overall Project Status:
On-Time



FY 22 Quarter 4 ending June 30, 2022

- Gilmore center renovation (On time)
- Senior Center East (On time)
- Senior Center West - Bill Crisp Senior Center (On time – Scheduled to be open in Aug. 2022)
- Tennis Center (On Time)
- Lake Rim Splash Pad (Complete)
- Baseball Plaza Fountain & Play Space (Project on hold for repairs)
- Jordan Soccer Complex (Complete)

FY 23 Quarter 1 ending September 30, 2022

- Gilmore center renovation (On time)
- Senior Center East (On time)
- Senior Center West - Bill Crisp Senior Center (Slightly Behind – Scheduled to be open in Oct. 2022)
- Tennis Center (On Time)
- Lake Rim Splash Pad (Complete)
- Jordan Soccer Complex (Complete)
- Veterans Park Phase II (On Time)

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:

Ms. Thomas-Ambat, Public Services Dir.; Mr. Gibson, Parks and Rec. Dir.

TFA Lead:

Mr. Daniel Edwards, Assistant Director Public Services – Solid Waste

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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Implement RAPID team camera system to further reduce illegal dumping	7/01/22	06/30/23	50%			
Add a 2 nd citywide clean up in Sept. 18, 2021 / April 23, 2022	07/01/22	04/30/23	100%			
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)	07/01/22	06/30/23	25%			



TFA 4.4.1- Reduce Litter and Illegal Dumping

Overall Project Status:
On-Time



FY 22 Quarter 3 ending March 31, 2022

- Camera system still being tested. Trying to set camera to capture vehicle license plate for photographic evidence along with solidifying premium camera locations.
- 2nd citywide cleanup planning is underway. Everything is lined up and finishing media components for the April 23rd cleanup.
- Five for Friday runs with SSH, County, and City
- Recycling campaign initiated by Solid Waste
- Sustainability staff COHORT meets Monthly to discuss other ideas and areas of focus
- Last e-waste drive was a success with over 4 tons of waste collected

FY 22 Quarter 4 ending June 30, 2022

- RAPID team camera system was purchased and implemented. Camera system did not meet quality and efficiency standards to be able to accurately identify illegal dumping participants. RAPID and IT are currently reviewing a more improved and efficient camera system which will capture better quality images of illegal dumping activity.

FY 23 Quarter 1 ending September 30, 2022

- RAPID team camera system was purchased and implemented; it was determined to not meet the quality and efficiency standards to reduce illegal dumping. More effective routes are being implemented and tested.
- 1st round of Fayetteville Beautiful cleanup is schedule for October 8th 2022.
- 5 for Friday was held on September 17th with SSH, City, and County

FAYETTEVILLE ^{NC} TFA 4.5.1- Implement Residential Revitalization Efforts

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:

Mr. Taurus Freeman, ECD Assistant Dir.

TFA Team:

Chief Hawkins, Police Chief; Mrs. Phelps, Corporate Communications Dir. / COS; 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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Promote Good Neighbor Home Buyer Program (Ongoing)	07/01/22	06/30/23	25%			
Implement a new Community Impact Team with Bi-annual meetings (Ongoing)	07/01/22	06/30/23	25%			
Assist 2 businesses per year with a Commercial Corridor Program	07/01/22	06/30/23	100%			
Implement the Choice Neighborhood Early Action Activity	07/01/22	12/31/22	75%			



TFA 4.5.1- Implement Residential Revitalization Efforts

Overall Project Status:
On-Time



FY 22 Quarter 4 ending June 30, 2022

- Down payment program and enhanced homebuyer education is active and being marketed to residents
- The Community Impact Team effort has been refined to comprise the following:
 - Community Safety Micro Grants – Mid-way through the first round, all \$50k awarded to 32 agencies
 - Nonprofit Training and Capacity Building – 2/3 monthly classes have been conducted for the first round.
 - New Neighborhood Engagement Division – Manager hired and developing programs, new staff added as we benchmark peer cities
- Partnered with Arts Council to install public art on Murchison; working to design a gateway at MLK bridge; deploying Wi-Fi infrastructure at Murchison Townhomes



FY 23 Quarter 1 ending September 30, 2022

- Good Neighbor – Staff selected HUD certified housing counselors. Housing workshop for staff to be held by end of October. This item will be an ongoing effort.
- A cross departmental team called the Code Compliance Coordinating Committee meets regularly to discuss innovative code compliance solutions. This item will be an ongoing effort.
- Commercial Corridor program is over-performing with the infusion of the ARPA funding. This item will be an ongoing effort.
- Staff has worked with the community to develop early action activities. An array of projects are at various stages of design and implementation. All projects to be completed by Dec 31st.

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:

Mr. Taurus Freeman, 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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Implement Council approved actions for top 3 items (1.1, 2.2, 4.3)	07/01/22	06/30/22	100%			
Bring a proposal for housing trust fund policy and procedures; incorporate potential funding mechanisms	01/01/22	06/30/22	100%			



TFA 4.5.2- Complete Housing Study and Implement Affordable Housing Strategy

Overall Project Status:
On-Time



FY 22 Quarter 3 ending March 31, 2022

- Housing Strategy 1.1 - Develop housing resources & engage – On Time (100%)
- Housing Strategy 2.2 - Public land disposition – Hired analyst to evaluate City owned properties (50%)
- Housing Strategy 4.3 - Down payment assistance – will be launched in April (90%)
- Draft Proposal for Housing Trust Fund has been developed and will be brought to Council by June 30th, 2022.

FY 22 Quarter 4 ending June 30, 2022

- Housing Strategy 2.2 - Public land disposition – Hired analyst to evaluate City owned properties (75%)
- Housing Strategy 4.3 - Down payment assistance – Launched in April (100%)
- Housing Trust fund policies, procedures, and application are on the website and a workshop is planned for late July/August

FY 23 Quarter 1 ending September 30, 2022

- All 3 of the top Council items are completed.
- The housing trust fund policies are operational and ongoing.

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; \$3.99M (Homeless Day Center)

TFA Leadership Sponsor:

Mr. Cauley, ECD Dir.

TFA Lead:

Mr. Albert Baker, Community Relations Manager

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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Support P4P strategies – Communities in Schools	07/01/21	06/30/22	100%			
Investigate the empowerment plan model for applicability to the City of Fayetteville	07/01/21	12/30/21	100%			
Support P4P strategies – Day Resource Center Pre-construction (Ends in Bid award)	07/01/21	04/30/22	100%			



TFA 4.6.1 – Strategy to Address Poverty & Homelessness

Overall Project Status:
On-Time



FY 22 Quarter 3 ending March 31, 2022

- Student support specialist is deployed to Luther Nick Gerald's School and fully funded through June 2022
- Day Resource Center Pre-construction is on schedule; the Bid package is being finalized with the granting agency for posting

FY 22 Quarter 4 ending June 30, 2022

- Day Resource Center Pre-construction is on schedule; the contractor will be working for the next 10-12 months.

FY 23 Quarter 1 ending September 30, 2022

- Communities in Schools – Funding expired in FY22 after a student support specialist was deployed for a full school year.
- Staff researched and presented the results of the empowerment plan model to Council.
- Day Resource Center – Bid awarded and construction is currently underway.





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:

Ms. Kelly Olivera, Interim ACM

TFA Lead:

City Treasurer

TFA Team:

Mrs. Olivera, Budget and Evaluation Dir; Mrs. Phelps, Corporate Communications Dir. / 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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Benchmark peer cities on options to report financial data including open data trends	07/01/22	06/30/23	100%			
Investigate participatory budget model and additional engagement options for budget process	07/01/22	06/30/23	100%			
Investigate performance data dashboard for KPIs using ESRI	07/01/22	06/30/23	100%			
Creation of searchable database for the expenditures of the City with quarterly updates (eg. checks issues - with date amount, and vendor)	07/01/22	06/30/23	100%			
Conduct a Café Conversation virtually / in person as allowable	07/01/22	06/30/23	25%			

TFA 5.1.1- Implement Strategies to Engage Council, Staff and Citizens in Finance, Budget and Performance Reporting

Overall Project Status:
On-Time



FY 22 Quarter 3 ending March 31, 2022

- Citizen engagement survey was collected and closed for budget process. Data from survey is being compiled and evaluated in order to make decision with City budget that align to citizen interest.
- List compiled for all programs across City that is used to track or compile data for KPIs. List presented to team to determine feasibility of using ESRI as a platform to produce automated dashboards.
- Café Conversation questions asked in accordance with the citizen engagement survey that was produced by the budget department. With COVID cases falling, plans are to have a in person Café Conversation during summer.

FY 22 Quarter 4 ending June 30, 2022

- The City's Strategic and Performance team along with IT met with ESRI to evaluate the feasibility of using the platform as a citywide performance reporting dashboard
- Café conversation was completed virtually through the budget department survey of engaged citizens.

FY 23 Quarter 1 ending September 30, 2022

- Searchable database for expenditures is currently being updated with current information.
- Café Conversation planning is underway pending alternative approaches



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:

Mrs. Phelps, Corporate Communications Dir. / COS

TFA Lead:

Mr. Brook Redding, Assistant to the City Manager

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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Draft a military liaison program to strengthen and leverage partnerships and present to Council	07/01/22	06/30/23	60%			
Hold Quarterly Military Host Cities Coalition meetings	07/01/22	06/30/23	100%			
Participate in quarterly meetings with the NC Dept. of Military and Veterans Affairs and the MAC	07/01/22	06/30/23	100%			



TFA 6.1.1-Develop a Strategy to Maximize a Relationship with the Military

Overall Project Status:
On-Time



FY 22 Quarter 3 ending March 31, 2022

- Stakeholder engagement is under way
- Military Host City Coalition held first meeting on March 24th with 5 other cities.
- Another meeting scheduled with staff only in April
- Participating with NCLM and NCMAC

FY 22 Quarter 4 ending June 30, 2022

- CMO transitioning the military liaison program
- The last Military Host Cities meeting was held May 11th with next meeting in August
- A meeting with the NC Dept. of Military and Veterans Affairs and the MAC was held May 19th.

FY 23 Quarter 1 ending September 30, 2022

- 2 of 3 items completed during FY22
- Work underway to establish and finalize military liaison program.
- City staff are actively seeking out ways to support and engage with Fort Bragg.



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:

Ms. Kelly Olivera, Interim 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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Complete Disparity Study (target completion date May 2022)	07/01/22	06/30/23	100%			
Determine if revisions to policy and procedures for contracting are needed (target completion date 6/30/23)	10/01/22	06/30/23	25%			
Report quarterly KPI performance (LSDBE report)	10/01/22	06/30/23	25%			





TFA 6.1.2- Conduct a Disparity Study

FY 22 Quarter 3 ending March 31, 2022

- Feb Work-Session update was presented to Council on the progress and process of the disparity study. Still on pace to have completed by end of June.
- 3rd quarter LSDBE data will be presented 2nd regular meeting in April.

FY 22 Quarter 4 ending June 30, 2022

- Disparity study to be presented to Council in Qtr. 1 of FY23.
- Revisions to policy and procedures will be noted by the consultant during the review of disparity study results.
- LSDBE to be presented to Council on a quarterly basis. The next presentation will be presented with the disparity study.

FY 23 Quarter 1 ending September 30, 2022

- Disparity study was completed in the 4th Qtr of FY22 and presented to Council in Qtr. 1 of FY23.
- After completion of disparity study, staff is reviewing the policy and procedures for contracting to determine if revisions are needed
- LSDBE report is reported on a quarterly basis

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:

Mrs. Phelps, Corporate Communications Dir. /
COS

TFA Team Lead:

TBD

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 22			
Tactics	Start Date	Completion Date	Q1 (Jul-Sept)	Q2 (Oct-Dec)	Q3 (Jan-Mar)	Q4 (Apr-Jun)
Execute (Implement) strategic communication & engagement plan (eg. Messaging, marketing, tools, branding, identification of audiences, ways to leverage media)	07/01/22	06/30/23	100%			
Use Zencity to leverage social media (& assess)	07/01/22	06/30/23	100%			
Assess and improve FayFixIT (COS)	07/01/22	06/30/23	100%			
Develop citywide customer service surveys on one platform to leverage and report holistically (COS)	07/01/22	06/30/23	95%			



TFA 6.3.1- Develop a Strategy to Educate and Engage Citizens

Overall Project Status:
On-Time



FY 22 Quarter 3 ending March 31, 2022

- Strategic communication & engagement plan is currently in draft form.
- Social Media engagement plan with newly hired social media coordinator being developed and implemented.
- Council adopted new seal in March
- Council Meeting Rrecap launched following each City Council meeting
- Council Chambers updates improve media quality and public engagement
- Citywide customer service survey developed on single platform. Will be implemented in stages during fourth quarter.

FY 22 Quarter 4 ending June 30, 2022

- Strategic communication & engagement plan was presented to Council in June.
 - Implementation currently underway with future Council update this FY.
- Considering a change to social listening tools to improve our metrics and usability of data.
- Customer Service Survey on hold while the completion of the Dev Service premier customer service project is completed. ETA September for initial roll out.

FY 23 Quarter 1 ending September 30, 2022

- Items in this TFA were all substantially completed in FY22.
- Customer service surveys will be started in Q1 of FY23

- ✓ FY 23 Quarterly TFA Performance Reports in Oct., Jan., April, Aug.
- ✓ Council Retreat – November 2022





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City of Fayetteville

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

City Council Action Memo

File Number: 22-2921

Agenda Date: 10/10/2022

Version: 1

Status: Agenda Ready

In Control: City Council Work Session

File Type: Administrative
Reports

Agenda Number: 10.01

TO: Mayor and Members of City Council

THRU: Doug Hewett, City Manager
Kelly Olivera, Interim Assistant City Manager

FROM: Brook M. Redding, Special Project Manager

DATE: October 10, 2022

RE:

Shopping Carts - Research Review and Policy/Program Options

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work, and Recreate - Be a highly desirable place to live, work, and recreate with thriving neighborhoods and high quality of life for all residents.

Executive Summary:

The City of Fayetteville continues to collect, return, or dispose of shopping carts left abandoned at bus stops, residential areas, and other public property locations. Shopping carts left unattended and abandoned pose a hazard to pedestrians and motorists. Additionally, the collection and return of carts to a business, done by city staff, continues to create operational burdens on multiple departments. In 2020, the City Council adopted a Memorandum of Agreement with local retailers operating in the City. Since its adoption, the number of carts collected, returned, or disposed of has continued to rise.

Background:

City Council reviewed and discussed this item in late 2019. The following summarizes the significant actions and discussions from 2019 to 2022.

August 2019 - April 2020

- Mayor Colvin presented a Council Member Agenda Request to discuss errant shopping

carts across the City of Fayetteville

- Staff conducted research and briefed Council on the findings of the research, and provided two options to address the issue.
 - Option 1 - Establish a Memorandum of Agreement with retailers operating in Fayetteville through coordination with N.C. Retail Merchants Association and Fayetteville/Cumberland Chamber of Commerce
 - Option 2 - Develop ordinance recommendations and return to Council for discussion and consideration
- City Council directed staff to establish the MOA with retailers operating in Fayetteville
- Retailers and the NCRMA agreed to the revisions of the MOA. The City staff developed the implementation plan. City Council formally adopted the MOA.
- The agreement and other actions decreased the number of errant carts discovered and removed by city staff. However, the COVID-19 pandemic also began as the MOA was adopted. As limitations from the pandemic subsided, the number of errant carts steadily increased.

May 2020 - September 2022

- City staff implemented the following best practices following the adoption of the MOA.
 - Placed signage to inform and educate areas with high volumes of carts
 - Established and maintained communications with local vendors to collect and return carts
 - Established a process through FayFixIT to report an errant cart.
- From May 2020 through September 2022, city staff has encountered over 1,000 errant carts. This is an exponential increase from the original research project conducted in 2019.

Issues/Analysis:

The City of Fayetteville established an operational process to recover shopping carts from public places in the City. However, the burden of collecting, returning, or disposing of shopping carts increased following the pandemic. Errant carts are impacting departments both operationally and fiscally.

The Cost of Errant Carts

Recovering and removing shopping carts has detrimental impacts on the city departments involved. To better understand these impacts, staff created a simple model to calculate the time and financial implications of errant cart recovery. The following bullets explain the model and how the staff has quantified the impacts:

- Labor Costs - This value was created using the average salary and benefits of the employees involved in errant cart recovery operations. Staff estimate that one hour of labor equals \$39.
- Identification, Collection, Removal, and Disposal - Staff estimate the collection and recovery of shopping carts take a minimum of two employee work hours which equals \$78 per errant cart recovery

The following chart depicts the aggregate number of carts found, returned, or disposed of. Additionally, using the simple cost model, the City has spent over \$78,468 since May

2020 to recover shopping carts.

	2020	2021	2022	Total Cost
RAPID -	257	249		\$39,468
Parks & Recreation			- 84 75	\$12,402
Solid Waste	58	22	21	\$7,878
Transit	50	98	92	\$18,720
Total	108	461	437	\$78,468

State and other Local Government Laws

The state of North Carolina has a general statute that makes it unlawful to remove a shopping cart from the premises of a store. Several municipalities have discussed or are discussing adopting ordinances to address errant shopping carts. The City of Greensboro is currently discussing ordinance options. However, no city has formally adopted a law to address errant or abandoned shopping carts.

§ 1472.3. Removal of a shopping cart from shopping premises.

- As used in this section:
 - "Shopping cart" means the type of push cart commonly provided by grocery stores, drugstores, and other retail stores for customers to transport commodities within the store and from the store to their motor vehicles outside the store.
 - "Premises" includes the motor vehicle parking area set aside for customers of the store.
- It is unlawful for any person to remove a shopping cart from the premises of a store without the consent, given at the time of the removal, of the store owner, manager, agent, or employee.
- Violation of this section is a Class 3 misdemeanor. Sess., c. 14, s. 3.1.) (1983, c. 705, s. 1; 1994, Ex. Page 1 G.S. 14 72.3

Ordinance Options

The Mayor and City Council have many options to address errant shopping carts. Most shopping cart ordinances fall into three categories:

- ***A retailer must have a system to contain shopping carts and prevent them from being abandoned - Restrictive devices required on Shopping Carts***
 - The ordinance could establish that any new business shall not receive a certificate of occupancy from the Community Development Director until the business carts are equipped with a restrictive device that prevents their removal from the premises.
 - The ordinance could also require any business or partnership established before the ordinance existed and with ten or more carts to enter a contract for a cart retrieval service within 30-90 days.
 - Businesses that fail to comply are assessed fees annually
- ***A retailer must have a plan to contain and collect errant shopping carts - Signs are required on Shopping Carts***
 - Identifies the owner of the cart or name of the business establishment or both

- Notifies the public of the procedure to remove if authorized by a business
- Notifies the public that removal of the cart is a violation of local law
- Lists a telephone number and address to contact and report the location of a cart to businesses
- ***The fines and penalties imposed by a city for abandoned or errant shopping carts - Errant Shopping Carts are impounded***
 - Definition of “Abandoned Shopping Cart,” “Unmarked,” and “Marked.”
 - The city can impound carts if they impede emergency services and traffic
 - The city provides notice to the business of shopping cart location
 - The city can impound after three days of notification
 - The city imposes a fee for carts impounded.
 - If the business fails to retrieve the cart from impound, a fee is assessed

Hundreds of cities across America have implemented ordinances and programs to alleviate the nuisance and burden of misplaced shopping carts. Larger municipalities have initiated impoundment and buyback programs to fund those initiatives.

Budget Impact:

Using a simple cost model, the City has spent over \$78,468 since May 2020. The cost model does not include the use of equipment and vehicles.

	2020	2021	2022	Cost
RAPID -	257	249		\$39,468
Parks & Recreation		-	84 75	\$12,402
Solid Waste	58	22	21	\$7,878
Transit	50	98	92	\$18,720
Total	108	461	437	\$78,468

Options:

1. Council receives the report.
2. Council does not receive the report.

Recommended Action:

Staff recommends Council review and receive the report.

Attachments:

None