

**Fairmont Board of Commissioners
Regular Meeting Agenda**

Date: March 21, 2023

Time: 6:00 p.m.

Place: Fairmont-South Robeson Heritage Center

CALL TO ORDER

Invocation – Rev. George Locklear, Trinity Methodist Church

Pledge of Allegiance

Mayor's Presentations

- a. Recognition of Coach Marcus Thompson and the Fairmont High School Women's Basketball Team

Public Hearing – Code Enforcement Ordinances

I. Approval of Agenda

- II. **Public Comment Period/Citizens Appearance** - Anyone wishing to come before the board must place their name and topic of discussion on the list before the meeting begins. Public Comment period is thirty minutes, and each speaker will be given five minutes to speak. There will be no discussion with the board.

III. Consent Agenda – These items will be adopted with one vote.

- a. Approval of Minutes – Regular Meeting, February 21, 2023
- b. Ordinance 23-229 – Budget Amendment #7 - \$3,945.00
- c. Ordinance 23-230 – Close Main Street for May Day Fun Festival on May 6
- d. Ordinance 23-231 – Close Main Street for Summer Business Expo on May 20

IV. Old Business

- a. Adopt revised Code Enforcement ordinances:
 - Ordinance 23-225 Chapter 91: Public Nuisances
 - Ordinance 23-226 Chapter 91.20: Abandoned, Junked, and Nuisance Vehicles
 - Ordinance 23-227 Chapter 152: Minimum Housing Standards
 - Ordinance 23-228 Chapter 152A: Non-Residential Buildings or Structures Standards

V. New Business

- a. Resolution 23-03 – Approving CDBG Compliance Plans and Grant Project Ordinance 23-232 for FY 2022 CDBG Neighborhood Revitalization Program.
- b. State Water Infrastructure Authority (SWIA) Grant Award Announcement - \$350,000 Stormwater Planning
- c. Discuss Curfew Ordinance Revision and set Public Hearing Date for April 18, 2023

VI. Comments

- a. Board of Commissioners and Mayor
- b. Town Manager

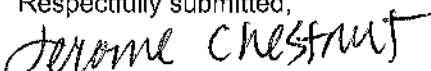
VII. Executive/Closed Session – Property acquisition NCGS 143-318.11(5)

VII. Adjournment

VIII. Community Announcements

- a. Saturday, March 25 – Community Trash/Litter Cleanup, 10:00 a.m., various locations
- b. Wednesday, March 29 – Town Employees luncheon, 12:30 p.m., Fire Hall.
- c. Thursday, April 6 – Fairmont Planning Board meeting, 6:00 p.m., Heritage Center.

Respectfully submitted,


Jerome Chestnut, Town Manager

Regular Meeting – February 21, 2023

The Fairmont Board of Commissioners held their regular meeting on Tuesday, February 21, 2023, at 6:00 p.m. in the Fairmont-South Robeson Heritage Center with Mayor Charles Kemp presiding. Commissioners present were J.J. McCree, Terry Evans, Melvin Ellison, Heather Seibles and Clarence McNill, Jr. Commissioner Jan Tedder-Rogers was absent. Staff present included Town Manager Jerome Chestnut, Town Clerk Jenny Larson, Town Attorney Jessica Scott, Public Works Director Ronnie Seals, Police Chief Jonathan Edwards, Officer Mason Locklear, Officer Carlie Sanderson, and Officer Denzel Burney. Several citizens were also present including Bishop Jerrod Moultrie, James Jones, David Richardson, Copeland Jacobs, and Joshua Outlaw.

Call to Order and Invocation

Mayor Charles Kemp called the meeting to order at 6:00 p.m. Bishop Jerrod Moultrie, Pastor of Oak Grove Baptist Church gave the invocation, which was followed by the Pledge of Allegiance.

Mayor's Presentations

Recognition of Director James Jones and TZK Thunder Zone Karate.

Mayor Kemp recognized Thunder Zone Karate Director James Jones and his students for winning first place at the War Angel Challenge in Dillon, South Carolina.

Introduction of new Police Officers – Mason Locklear, Carlie Sanderson, and Denzel Burney.

Police Chief Jon Edwards introduced the town's newest police officers – Mason Locklear, Carlie Sanderson, and Denzel Burney, who recently completed BLET. With the addition of these new officers, the police department is now fully staffed.

Approval of Agenda

Mayor Kemp asked the board to add Item F under New Business – CDBG-NR Grant Administration Services Bid Approval. Commissioner Evans made a motion to approve the amended agenda. Commissioner Ellison seconded the motion and it passed unanimously.

Public Comment Period/Citizens Appearance

There was no public comment this month.

Consent Agenda

Upon motion by Commissioner Evans and seconded by Commissioner Ellison, it was unanimously voted to adopt the following consent agenda items:

- a. Approval of Minutes – Regular Meeting, January 17, 2023, and Issue Forum, January 24, 2023
- b. Ordinance 23-223 – Budget Amendment #6 - \$6,000
- c. Ordinance 23-224 – Project Budget North Carolina Youth Violence Prevention Grant

A signed copy of the ordinances are hereby incorporated by reference and made a part of these minutes.

Old Business

There was no old business this month.

New Business

Comprehensive Plan Vision Statement adoption

The Lumber River Council of Governments has been assisting the Town of Fairmont with crafting an updated Vision Statement to align with the town's comprehensive and strategic plans. The Vision Statement will be used as a guide in all planning and investment work undertaken by the Town of Fairmont. The statement is as follows:

"The Town of Fairmont will be an inclusive community that spurs economic opportunity through development aligned with family values, innovation, heritage, and stewardship."

Commissioner Evans made a motion to adopt the Comprehensive Plan Vision Statement. Commissioner Ellison seconded the motion and it passed unanimously.

Strategic Plan adoption

The Lumber River Council of Governments has been assisting the Town of Fairmont with completing a Strategic Plan. This plan will help guide the strategic work of the Fairmont Town Commissioners and Staff for the next six years (2023-2028). It will be reviewed annually, and feedback presented to the Commissioners on progress. The mission statement of the plan is to promote and support a high quality of life for the residents and businesses of Fairmont. The values of the plan are accountability, inclusiveness, professionalism and sustainability. There are four multi-year goals, and each goal has a set of strategies and timelines for implementation. The four goals for Fairmont are: Financial Stability, Quality of Life, Community and Economic Development and Community Engagement.

Commissioner Evans made a motion to adopt the Fairmont Strategic Plan 2023-2028. Commissioner Seibles seconded the motion and it passed unanimously. A copy of the plan is hereby incorporated by reference and made a part of these minutes.

StRAP Debris Removal Bid approval

Bids for the Town's NCAGR StRAP Program Streamflow Rehabilitation project were received on Tuesday, January 24, 2023, at the Fairmont Town Hall. The project included a base bid for work along Old Field Swamp and two additive alternates for additional work in areas on the west side of Town. Four (4) bids were received ranging from a low of \$39,664.00 to a high of \$306,000.00. The low bid of \$39,664.00 from Millers Tree & Debris Removal Service was considered a non-responsive bid and rejected due to their bid price not including costs for appropriate removal and disposal of debris as indicated in the bid documents. Therefore, the lowest responsive bid of \$134,000.00 was submitted by Stocks Landscaping of Tabor City, NC. The lowest responsive bidder, Stocks Landscaping, has completed several successful projects within the area and is acceptable as a contractor for the project. Therefore, as the low base bid is within the budgeted amount and adequate funding is available, it is LKC's recommendation to award the base bid project scope and both additive alternates to Stocks Landscaping for their low bid amount of \$160,500.00.

Commissioner Ellison made a motion to award the bid for the StRAP Program Streamflow Rehabilitation project to Stocks Landscaping for their low bid amount of \$160,500.00. Commissioner Evans seconded the motion and it passed unanimously.

Resolution 23-02 Grant Submission Approval

WithersRavenel will prepare a \$150,000 USDA Rural Business Development Grant (RBDG) for assistance in preparing a Downtown Streetscape Master Plan. The RBDG Program is a competitive grant program designed to support targeted technical assistance, training, and other activities leading to the development or expansion of small and emerging private businesses in rural areas.

Commissioner Evans made a motion to adopt Resolution 23-02 – USDA RBDG Grant Submission Approval. Commissioner Scibles seconded the motion and it passed unanimously. A signed copy of this resolution is hereby incorporated by reference and made a part of these minutes.

Discuss Draft Code Enforcement ordinances and set date for Public Hearing: Ordinance 23-225 Chapter 91: Public Nuisances, Ordinance 23-226 Chapter 91.20: Abandoned, Junked, and Nuisance Vehicles, Ordinance 23-227 Chapter 152: Minimum Housing Standards, and Ordinance 23-228 Chapter 152A: Non-Residential Buildings or Structures Standards

The following Ordinances have been updated to reflect changes mandated by Chapter 160D of the North Carolina General Statutes:

- Chapter 91: Public Nuisances
- Chapter 91.20: Abandoned, Junked, and Nuisance Vehicles
- Chapter 152: Minimum Housing Standards
- Chapter 152A: Non-Residential Buildings or Structures Standards

These ordinances have been updated by an outside consultant (N-Focus, Inc) and have been reviewed by the Town Attorney, Police Chief, and local Magistrate. These ordinances were emailed to the Mayor and Commissioners on February 15, 2023. These drafts will be published on the town's website and copies made available at Town Hall for citizens. The Board of Commissioners need to review these ordinances and set a Public Hearing and tentative adoption date for March 21, 2023, with enforcement of these ordinances set to begin on April 2, 2023.

Commissioner Ellison made a motion to set a Public Hearing for Tuesday, March 21, 2023, at 6:00 p.m. in the Heritage Center for the purpose of discussing updating the town's code enforcement ordinances. Commissioner McNeill seconded the motion and it passed unanimously.

CDBG-NR Grant Administration Services Bid Approval

Grant Administration Services bids for the \$950,000 Community Development Block Grant – Neighborhood Revitalization were received on Monday, February 20, 2023, at the Fairmont Town Hall. Four bids were received ranging from a low of \$90,000 to a high of \$175,000. The low bid of \$90,000 was not scored highly based on statewide experience with the CDBG-NR program. Therefore, the lowest responsive bid of \$143,000 was submitted by The Adams Company of Warsaw, NC. The Adams Company has completed numerous projects in this region and is acceptable as a contractor for this project. Therefore, as the low bid is within the budgeted amount and adequate funding is available, it is the recommendation to award the CDBG-NR Administrative Services bid to The Adams Company in the amount of \$143,000.

Commissioner Evans made a motion to award the bid for CDBG-NR Grant Administration Services to The Adams Company. Commissioner Ellison seconded the motion and it passed unanimously.

Commissioner and Mayor Comments

The commissioners thanked the citizens for coming to the meeting and voicing their concerns. They welcomed the new police officers and stated that code enforcement is necessary for the growth and beauty of the town. Commissioner Evans still wants to strengthen the curfew ordinance. Commissioner Ellison announced the Fairmont ABC store will be undergoing renovations for the next 2 months.

Mayor Kemp made the following statement:

I am certain that I'm not the only person in this room who has waited for the introduction and presentation of the newly revised codes at this meeting. For the first time in years our government can now begin the process of true revitalization and self-improvement both commercially and residentially. No longer, after you board members adopt these codes, will any of us elected officials have to tell a citizen "We're waiting on our new codes". Once you vote adoption, Mr. Chestnut can begin his long and well thought out plan to implement these codes and when that process begins Fairmont will begin to change, for the better. I have been awaiting this moment for over a year ever since our former manager

told us what was happening regarding code revision. We've all waited patiently. We're all anxious to move forward. Fairmont's physical and economic future is now on the line. We cannot and must not drag our feet or be tentative. Let's approve the codes and watch as Fairmont is transformed into the community we all want it to be. This is a defining moment for our community. We now will have the means to actually, physically make Fairmont a better, cleaner, more up to date town. The only thing standing between that future status and our present one is the adoption of these codes and I truly believe all of us want that. I stand firmly with each board member as you study, discuss, and adopt these codes. We are a team. A team that wants all the best for Fairmont. So, let's do that for her and all our citizens.

Mayor Kemp announced that Chanda Hughes will be the 2023 Farmers Festival Chairman.

Town Manager Comments

Town Manager Jerome Chestnut said he is proud to serve the Town of Fairmont and thanked his hard working staff.

Announcements

Saturday, March 18 – Senior Bingo, 12:00 noon to 2:00 p.m., Fairmont-South Robeson Heritage Center.

Tuesday, March 21 -Regular Town Board meeting, 6:00 p.m., Fairmont-South Robeson Heritage Center

Wednesday, March 29 – Town Employees luncheon, 12:30 p.m., Fire Hall.

Adjournment

Commissioner Evans made a motion to adjourn the meeting at 6:44 p.m. Commissioner Ellison seconded the motion and it passed unanimously.

Jennifer H. Larson
Town Clerk

TOWN OF FAIRMONT
2022-2023 BUDGET ORDINANCE AMENDMENT #7
23-229

AGENDA ITEM 111-B

WHEREAS, the Board of Commissioners of the Town of Fairmont, previously approved the Annual Budget Ordinance 22-211; and

WHEREAS, it is necessary to make amendments to the budget to reflect additional revenue and expenditures for Fiscal Year 2022-2023.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Fairmont, North Carolina that:

SECTION I. General Fund Revenue is hereby increased \$3,945 from \$2,353,730 to \$2,357,675 as shown as follows:

Interest	\$ 1,655
Sale of Fixed Assets	\$ 2,290
TOTAL REVENUES	\$ 3,945

SECTION II. General Fund Expenditures are hereby increased \$3,945 from \$2,353,730 to \$2,357,675 as shown as follows:

Finance Professional Services	\$ 3,945
TOTAL EXPENDITURES	\$ 3,945

SECTION III. Revenues and Expenditures of the Ordinance Amendment have increased \$3,945 from \$4,008,211.00 to \$ 4,012,155 as follows:

SUMMARY

GENERAL FUND	\$2,357,675.00
POWELL BILL FUND	\$111,117.00
WATER & SEWER FUND	\$1,497,471.00
FEDERAL DRUG FUND	\$3,350.00
STATE DRUG FUND	\$4,450.00
RBEG ECONOMIC DEVELOPMENT FUND	\$19,000.00
CEMETERY FUND	\$18,993.00
TOTAL	<u>\$4,012,155.00</u>

Adopted this 21st day of March 2023.

Charles Kemp, Mayor

Attest:

Jennifer H. Larson, Town Clerk

ORDINANCE 23-230

**AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE
MAY DAY FUN FESTIVAL AND PARADE**

WHEREAS, the Fairmont Board of Commissioners acknowledges a tradition of providing an annual May Day Fun Festival for the pleasure and enjoyment of its citizens and visitors; and,

WHEREAS, the Fairmont Board of Commissioners acknowledges this festival provides an opportunity for day-long, family-oriented activities; and,

WHEREAS, the Fairmont Board of Commissioners acknowledges a parade and festival requires approximately two (2) hours to install signing and traffic control, and also requires approximately two (2) hours for removing signs, traffic control, and litter;

NOW THEREFORE BE IT ORDAINED by the Fairmont Board of Commissioners pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the date and times set forth below on the following described portion of a State Highway System route:

- Date:** Saturday, May 6, 2023
- Times:** 7:00 a.m. to 5:00 p.m.
- Route Description:** The parade route is Main Street (NC 41) from NC 130 Bypass to Railroad Street. The parade lasts from 10:30 a.m. to 12:00 p.m. The main part of the festival is held on Main Street, which will require Main Street (NC 41) to be closed from Cottage Street (NC 130) to Railroad Street.

This ordinance to become effective when signs are erected giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

Adopted this the 21st day of March, 2023.

Charles Kemp, Mayor

ATTEST:

Jennifer H. Larson, NCCMC, Town Clerk

ORDINANCE 23-231

**AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE
SUMMER BUSINESS EXPO**

WHEREAS, the Fairmont Board of Commissioners acknowledges the potential for holding a Summer Business Expo; and,

WHEREAS, the Fairmont Board of Commissioners acknowledges this event provides an opportunity for day-long, family-oriented activities; and,

WHEREAS, the Fairmont Board of Commissioners acknowledges a downtown event requires approximately two (2) hours to install signing and traffic control, and also requires approximately two (2) hours for removing signs, traffic control, and litter;

NOW THEREFORE BE IT ORDAINED by the Fairmont Board of Commissioners pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the date and times set forth below on the following described portion of a State Highway System route:

- Date:** Saturday, May 20, 2023
- Times:** 7:00 a.m. to 5:00 p.m.
- Route Description:** The expo will be held on Main Street, which will require Main Street (NC 41) to be closed from Iona Street (NC 130) to Railroad Street.

This ordinance to become effective when signs are erected giving notice of the limits and times of the event, and implementation of adequate traffic control to guide through vehicles around the event.

Adopted this the 21st day of March, 2023.

Charles Kemp, Mayor

ATTEST:

Jennifer H. Larson, NCCMC, Town Clerk

TOWN OF FAIRMONT

RESOLUTION 23-03 APPROVING CDBG COMPLIANCE PLANS/PROJECT
BUDGET ORDINANCE 23-232 FOR FY2022 CDBG NEIGHBORHOOD
REVITALIZATION PROGRAM

WHEREAS, the Town of Fairmont wishes to carry out its FY2022 CDBG Neighborhood Revitalization Program in accordance with established state and federal administrative guidelines.

NOW THEREFORE, the Town of Fairmont Board of Commissioners hereby collectively adopts the following Compliance Plans/Project Budget Ordinance and resolves that the attached documents be executed and utilized during the administration of the FY20122 CDBG Neighborhood Revitalization Program:

- Equal Employment Opportunity and Procurement Plan
- Fair Housing Plan
- Section 3 Plan
- Section 504 Compliance Officer/Grievance Procedure
- Language Access Plan
- 519 Resolution - Excessive Force Policy
- Residential Anti-Displacement and Relocation Assistance Plan
- Optional Coverage Plan
- Program Policies
- Code of Conduct
- Performance Based Contract
- Use of Experienced CDBG Administrator
- Signatory Resolution
- Signature Cards
- Project Budget Ordinance 23-232 - CDBG 21-C-4013 - \$950,000

Adopted this 21st day of March, 2023.

Charles Kemp, Mayor

Attest:

Jennifer H. Larson, Town Clerk

(SEAL)

Town of Fairmont

CDBG Programs

Equal Employment and Procurement Plan

The Town of Fairmont maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, the *Town* prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The *Town* shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the *Mayor and/or other persons designated by the Chief Elected Official* to assist in the implementation of this policy statement.

The *Town* shall development a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the *Chief Elected Official*.

The *Town* is committed to this policy and is aware that with its implementation, the *Town* will receive positive benefits through the greater utilization and development of all its human resources.

Adopted this 21st day of March, 2023.

Charles Kemp, Mayor

ATTEST:

(Clerk)

Recipient's Plan to Further Fair Housing

Grantee: Town of Fairmont

Recipient's Address:

P.O. Box 248, Fairmont, NC 28340

Contact Person: Jennifer Larson

Contact Phone #: 910-628-9766

Contact Email:

jlarrison@fairmontnc.gov

TDD #:800-735-2962

- I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.**

First Time _____

Past Activities X

- II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community. (Use additional pages as necessary)**

A major obstacle in Town is lack of knowledge, community awareness and education. Some of the low income families are not aware of housing assistance programs and other services available to them in the Town. Although local Realtors, lending institutions and other agencies are involved in housing placement and financing and are aware of Federal Fair Housing Legislation, there appears to be a lack of specific knowledge getting to our citizens of the Title VII of the Civil Rights Act of 1968.

- III. Will the above activities apply to the total municipality or county?**

Yes X No _____

If no, provide an explanation.
(Use additional pages as necessary)

- IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. *Activities must be scheduled for implementation at least on a quarterly basis.* (Use attached table)**

Grantee Name: Town of Fairmont

Quarterly Fair Housing Activity	Months	Year	Estimated Cost	Actual Cost
<i>Example: Establish FH policy, Complaint Procedure</i>	<i>Jan-Mar.</i>	<i>20xx</i>	<i>\$xxxx</i>	<i>\$xxxx</i>
Publish Fair Housing Complaint Procedure with the TDD number.	Jan. – March	2023	\$75	
Place Fair Housing Literature in the Lobby of the Town Hall	April – June	2023	0	
Distribute Fair Housing Brochures to Local Financial Institutions, Realtors, Businesses	July – Sept.	2023	0	
Publish Notice to Public Promoting Fair Housing.	Oct. – Dec.	2023	\$75	
Conduct a Fair Housing Awareness Meeting	Jan. – March	2024	\$20	
Publish Fair Housing Complaint Procedure with the TDD number.	April – June	2024	\$75	
A Fair Housing Notice will be printed on Town Water Bill to all customers	July – Sept.	2024	\$20	
Publish Notice to Public Promoting Fair Housing	Oct. – Dec.	2024	\$75	
Distribute Fair Housing Brochures to Local Financial Institutions, Realtors, Businesses	Jan. – March	2025	0	
A Fair Housing Notice will be printed on Town Water Bill to all customers	April – June	2025	0	
Update Fair Housing Poster in Town Hall	July – Sept	2025	\$20	
Post Complaint Procedure in Lobby of Town Hall	Oct. – Dec.	2025	\$75	

- V. **Describe recipient's method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures. (Use additional pages as necessary)**
- 1) Any person or persons wishing to file a complaint of housing discrimination in the Town may do so by informing the Town Clerk of the facts and circumstance of the alleged discriminatory acts or practice.
 - 2) Upon receiving a housing discrimination complaint, the Town Clerk shall acknowledge the complaint within **10 days in writing** and inform the Division of Community Assistance and the North Carolina Human Relations Commission about the complaint.
 - 3) The Town Clerk shall **offer assistance** to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the Town.
 - 4) The Town Clerk shall **publicize** in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

Approved By:

Charles Kemp, Mayor

3/21/23

**Name and Title of
Chief Elected or Executive Officer**

Signature

Date

**Local Jobs Initiative
Section 3 Plan
Local Economic Benefit for Low- and Very Low-Income Persons**

TOWN OF FAIRMONT

I. APPLICATION AND COVERAGE OF POLICY

NC Commerce and any of its sub-recipients are committed to the policy that, to the greatest extent possible, opportunities for training and employment be given to lower income residents of the community development project area and contracts for work in connection with federally assisted community development project be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, *NC Commerce and any of its sub-recipients* of the Town of Fairmont has developed and hereby adopts the following Plan:

NC Commerce and any of its sub-recipients will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 CRF Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, and all applicable rules and orders of the Department issued thereunder

This Section 3 covered project area for the purposes of this grant program shall include *NC Commerce and any of its sub-recipients* and portions of the immediately adjacent area.

NC Commerce and any of its sub-recipients will be responsible for implementation and administration of the Section 3 plan. In order to implement the *NC Commerce and any of its sub-recipient's* policy of encouraging local residents and businesses participation in undertaking community development activities, the *NC Commerce and any of its sub-recipients* will follow this Section 3 plan which describes the steps to be taken to provide increased opportunities for local residents and businesses

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

When in need of a service, *NC Commerce and any of its sub-recipients* will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.

The *State of North Carolina and any of its sub-recipients* will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers. The Section 3 Plan shall be mentioned in the pre- bid meetings and preconstruction meetings.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Sampson County Employment Security Commission shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise the pertinent information regarding the project including all Section 3 required information. Community Investment and Assistance (CI) should be contacted with the Bid Materials to distribute the information throughout their list serve to reach out the communities.

II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

NC Commerce and any of its sub-recipients will take the following steps to assure that low income residents and businesses within the community development project area and within the **Town** are used whenever possible: (Describe below)

The Town will keep a record of interested residents and businesses within the community development project area and within the Town to use upon the need for solicitation of need for services. The Town will advertise the local distributed newspaper encouraging all low income persons and Section 3 businesses to participate in activities related to the project.

(Example: Place qualified residents and businesses on solicitation lists, assure that residents and businesses are solicited whenever they are potential sources of contracts, services or supplies; divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by residents and businesses; establish delivery schedule, where the requirements permits, which encourages participation by area for residents and businesses)

Please check the methods to be used for the Section 3 program in your community:

NC Commerce and any of its sub-recipients will place a display advertisement in the local newspaper containing the following information:

- i. A brief description of the project
- ii. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
- iii. An acknowledgement that under Section 3 of Housing and Community Development Act, local residents and businesses will be utilized for jobs, contract and supplies in carrying out the project to the greatest extent feasible.
- iv. A location where individuals interested in jobs or contracts can register for consideration
- v. A statement that all jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; a statement that all contracts will be listed with the North Carolina Division of Purchase and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, or which the **Town** will maintain a list for individuals and business concerns inquiring information

Training and technical assistance will be provided by the local community college for low income residents requiring skills to participate in community development project activities. Referrals will be made to the community college, local Private Industry Councils, Job Training Partnership Act (29 U.S.C. 1579 (a)) (JTPA) Programs, and job training programs provided by local community action agencies as appropriate. Residents and businesses will be encouraged to participate in state and/or federal job training programs that may be offered in the area.

Low income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- i. Advertisement in the local newspaper
- ii. Posting of Section 3 Plan at the Town Hall

Other (describe):

NC Commerce and any of its sub-recipients will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

1. Encourage rehabilitation contractors to hire local area residents
2. Encourage public works contractors to hire local area residents

NC Commerce and any of its sub-recipients will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area

1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores

III. RECORDS AND REPORTS

NC Commerce and any of its sub-recipients will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized representatives of State CDBG, and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

NC Commerce and any of its sub-recipients shall report annually the Section 3 numbers using the form HUD 60002 to State CDBG at the end of the calendar year as part of the Annual Performance Report (APR).

IV. MONITORING COMPLIANCE

NC Commerce and any of its sub-recipients may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.

V. COMPLAINTS CONTACT

Please provide the main contact in case that any complaint is received from the general public on Section 3 compliance (including name, phone number, address, and email):

Jennifer Larson
P.O. Box 248
Fairmont, NC 28340
910-628-9766
jl Larson@fairmontnc.gov

Adopted this 21st day of March, 2023.

Charles Kemp, Mayor

ATTEST: _____

**TOWN OF FAIRMONT
P.O. BOX 248
FAIRMONT, NC 28340
SECTION 504
COMPLIANCE OFFICER/GRIEVANCE PROCEDURE**

The Town of Fairmont Board of Commissioners hereby designates the Mayor to serve as Section 504 Compliance Officer throughout the implementation of the Fairmont Community Development Block Grant Program.

Citizens with Section 504 grievances may file these with the Mayor at any point in the program. The Town will respond in writing to written citizen grievances. Citizen grievances should be mailed to Mayor, P.O. Box 248, Fairmont, NC 28340. The Town will respond to all written citizen grievances within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a grievance concerning any action prohibited under Section 504, a meeting with the compliance officer to discuss the grievance will be scheduled. The meeting date and time will be established within five (5) days of receipt of the request. Upon meeting and discussing the grievance, a reply will be made, in writing, within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to the North Carolina Department of Commerce, Division of Community Assistance, 4313 Mail Service Center, Raleigh, NC 27699-4313. DOC will respond only to written comments with ten (10) calendar days of the receipt of the comments.

Charles Kemp, Mayor

March 21, 2023
Date

Town of Fairmont
Language Access Plan
(5-Year Plan)

Providing Meaningful Communication with Persons with Limited English Proficiency

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

POLICY:

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the *Town of Fairmont* will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

DEFINITIONS:

Limited English Proficient (LEP) individual -- Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.

Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

Title VI Compliance Officer: The person or persons responsible for administering compliance with the Title VI LEP policies.

Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

PROCEDURES:

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

The *Town of Fairmont* will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or "I speak cards," provided by the Rural Economic Development Division (REDD) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

2. OBTAINING A QUALIFIED INTERPRETER

List the current name, office telephone number, office address and email address of the Title VI compliance officers:

Jennifer Larson
P.O. Box 248
Fairmont, NC 28340
910-628-9766
jlarson@fairmontnc.gov

Check all methods that will be used:

- Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff (*provide the list*):
- Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

(Identify the agency(s) name(s) with whom you have contracted or made arrangements)

Robeson County Department of Social Services
(910) 671-3500

The agency's hours of availability are from 8am - 5 pm.

- Other (*describe*):

All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

3. PROVIDING WRITTEN TRANSLATIONS

- i. The *Town of Fairmont* will set benchmarks for translation of vital documents into additional languages. *(please ensure to keep records of those documents that apply to your agency)*
- ii. When translation of vital documents is needed, the *Town of Fairmont* will submit documents for translation into frequently-encountered languages.
- iii. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

4. PROVIDING NOTICE TO LEP PERSONS

The *Town of Fairmont* will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the main lobbies, waiting rooms, etc.

Main Lobby *(Include those areas that apply to your agency).*

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations

Local Newspaper *(Include those that apply to your agency).*

5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, The *Town of Fairmont* will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, The *Town of Fairmont* will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

I. Compliance Procedures, Reporting and Monitoring

A. Reporting

The agency will complete an annual compliance report and send this report to REDD. (Format will be supplied by REDD)

B. Monitoring

The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the REDD upon request.

The agency will cooperate, when requested, with special review by the REDD.

II. Applicant/Recipient Complaints of Discriminatory Treatment

A. Complaints

The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy. The form can be found at <https://www.nccommerce.com/documents/cdbg-compliance-plans>.

The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The agency will notify the appropriate section within REDD of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Resolution of Matter

If the matter cannot be resolved by informal means, the individual will be informed of his or her right to appeal further to REDD. This notice will be provided in the primary language of the individual with Limited English Proficiency.

The REDD Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.

If not resolved by REDD, then complaint will be forwarded to Department of Justice (DOJ), Department of Housing and Urban Development (HUD) Field Office.

SUBMITTED AND ADOPTED BY:

Charles Kemp

Mayor

Signature of Mayor

March 21, 2023

Date

THE PROHIBITION OF THE USE OF EXCESSIVE FORCE FOR CDBG GRANTEES

WHEREAS, the **Town of Fairmont**, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, Title 1 of the Housing and Community Development Act (HCDA) of 1974, Section 519 of Public Law 101-144, and 1990 HUD Appropriations Act requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations;

WHEREAS, all recipients of CDBG funds are further required to follow a policy enforcing applicable federal, state and local laws against physically barring entrances or exists to a facility that is the subject of a non-violent demonstration;

WHEREAS, **Town of Fairmont** endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy; and

WHEREAS, the failure to enforce such policy may cause the **Town of Fairmont** to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED:

SECTION 1: It is the Policy of the **Town of Fairmont** that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and non-violent civil rights demonstrations within the its boundaries.

SECTION 2 It is the Policy of the **Town of Fairmont** to enforce applicable federal, state and local laws against the physical barring of an entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction.

SECTION 3: The **Town Commissioners** will coordinate with the local law enforcement agency(ies) to implement this Resolution.

PASSED BY THE **FAIRMONT COMMISSIONERS, FAIRMONT, NORTH CAROLINA.**

Adopted this 21st day of March, 2023.

ATTEST:

Charles Kemp, Mayor

Jennifer Larson, Clerk

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-Displacement and Relocation Assistance Plan is prepared by the **Town of Fairmont** in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹ projects.

MINIMIZE DISPLACEMENT

Consistent with the goals and objectives of activities assisted under the Act, the **Town** will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.

CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.
- Other: (*Describe*)

A. Relocation Assistance to Displaced Persons

The **Town** will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

B. One-for-One Replacement of Lower-Income Dwelling Units

The **Town** will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing **Town** to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the **Town** will make public by publication in a newspaper of general circulation and submit to State CDBG Program(s) North Carolina Department of Commerce (NC DOC) the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. [*See also 24 CFR 42.375(d)*].
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the **Town** will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

C. Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the **Town** may submit a request to the State (NC DOC) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

D. Contacts

The **Town Clerk at 910-628-9766** is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The **Town Clerk at 910-628-9766** is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Adopted this 21st day of March, 2023.

Charles Kemp, Mayor

ATTEST:

Jennifer Larson, Town Clerk

TOWN OF FAIRMONT

OPTIONAL COVERAGE RELOCATION PLAN CDBG PROGRAMS

Organization and Administration

The Town of Fairmont (hereinafter called "Town") will administer and coordinate all relocation activities (temporary or permanent) resulting from Community Development activities. Citizens displaced by Community Development Program activities are eligible to receive relocation assistance. The financial assistance is in a form as permitted under implementing regulations at 49 CFR part 24 and the Uniform Relocation Assistance and Real Property Acquisition Policies act of 1970, as amended.

Definition of a "Displaced Person"

A displaced individual is someone whose home, which is located within the Community Development Activity Area, is determined to be in a condition too dilapidated to be economically feasible to rehabilitate and will be demolished. This can also include a person temporarily displaced as a result of program activities such as housing rehabilitation or reconstruction.

Definition of "Standard Housing"

A dwelling unit is in standard condition if it is decent, safe, and sanitary. A dwelling unit is considered decent, safe, and sanitary if (a) it is in good repair and is weathertight, with no leakage nor dampness; (b) it has no health, fire nor safety hazards within the structure or in the immediate vicinity; (c) it has running water, a private sewer-connected to a flush toilet, and a bathroom for exclusive use of the occupant, with tub or shower with hot and cold running water, all within the dwelling unit; (d) it has permanent, reasonably efficient kitchen facilities for exclusive use of the occupant, including sink with hot and cold running water, cooking stove connections, shelves and storage space for food and utensils; (e) it has facilities or connections for washing and drying clothes; (f) it is large enough to accommodate the occupants without overcrowding; (g) it is equipped with adequate heating facilities; (h) it is adequately ventilated by at least one operable window in every room and is screened, or screens are available; (i) it is wired for electricity; and (j) it is located in a neighborhood which is free from industrial and other nuisances, is supplied with the community facilities of a standard neighborhood, and is reasonably accessible to transportation, school, churches and stores.

It is intended that all dwellings into which displaced families relocate will be inspected by the Town. If the dwellings are not found to be decent, safe and sanitary, the move will be considered temporary relocation.

Optional Coverage for the Town of Fairmont, North Carolina

The Town's Community Development Program shall undertake relocation that may not be covered automatically under the URA such as would be the case with voluntary demolition. The Town intends for these persons to be served at the same levels as those described under the URA and will use this Optional Coverage Relocation Plan to establish this coverage. Under this Plan, the Town of Fairmont shall provide relocation payments and assistance to the following:

1. Homeowners and their families who are displaced by rehabilitation activity of a dwelling located within the Community Development Area by the Town. This will be effective only when the Town makes the request for the occupant to move.
2. Homeowners and their families who are displaced by the voluntary demolition of a dwelling occupied by the families and located within the Community Development Area.

Relocation Assistance to Families and Individuals

The Town shall provide relocation planning, advisory and coordination services consistent with those described in Section 24.205 of the URA. These shall include, but not be limited to, the provision of transportation as deemed necessary and reasonable to support the relocation, assistance in submitting claims for payment, counseling and education on relocation regulations and coordinating these activities with existing social service and economic assistance programs as they are available.

Temporary Relocation

Rehabilitation shall be conducted without relocation of the affected occupants to the greatest extent feasible. Should relocation be necessary and should available temporary housing be substandard by the above definition, the minimum standards set forth shall not apply. Such relocation shall be accomplished at the minimum feasible cost. The Town will only pay for the cost of the lodging during the temporary relocation time period. A maximum allowable per night charge shall be established prior to the move. Relocates are required to submit receipts to the Town documenting the expenses for which they are requesting reimbursement.

Moving Expense Payment

A permanently displaced individual or family covered under this Plan shall be eligible to receive a moving expense payment in accordance with the following sections of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). Specifically referenced is the following section of the URA:

1. Section 24.302 – Fixed payment for moving expenses – residential moves.

The relocatee will receive payment on the basis of the moving expense schedule (Fixed Rate Method) which is prepared by the U.S. Department of Transportation and shown below for the State of North Carolina.

Occupant Owns Furniture								Occupant Does Not Own Furniture		
Number of Rooms of Furniture								Each Add. Room	First Room	Each Add. Room
1	2	3	4	5	6	7	8			
550	750	1050	1200	1350	1600	1700	1900	150	350	50

Under the Fixed Rate method, it should be noted that certain rooms are excluded from the calculations. These include unfurnished or unused rooms, halls, bathrooms, attics, porches, garages, dressing rooms and utility rooms. However, should the relocatee have sufficient storage room in the above stated rooms, the Town may count one additional room for the sum of these, but this is not to exceed one additional room for the calculation of the number of eligible rooms in the dwelling.

Replacement Housing Payment

A permanently displaced individual or family covered under this Plan shall be eligible to receive replacement housing payments in accordance with the following sections of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (URA). Specifically referenced are the following sections of the URA:

1. Section 24.401 – 180 Day Homeowners
2. Section 24.403 – Additional Rules
3. Section 24.404 – Replacement Housing of Last Resort

Complaint Procedure

The Town conforms to standard, ethical practices in the relocation of individuals and families and desires to see that all interests are protected. If there are any questions or complaints, the Town solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The Town has adopted the following Complaint Procedure:

Should any individual, family or entity have a complaint concerning the Town of Fairmont Community Development Program, the complaint should first be discussed with the Project Manager. **ALL EFFORTS SHOULD BE EXHAUSTED TO RESOLVE THE COMPLAINT AT THIS LEVEL.**

If the complaint cannot be resolved in this manner, a meeting with the Mayor, to discuss the complaint should be requested. The request should be in writing and should briefly outline the complaint. A meeting date and time will be established within ten (10) calendar days of receipt of the request. Upon meeting and discussing the complaint, a reply will be made, in writing, within ten (10) calendar days.

If the citizen is dissatisfied with local response, they may **write** to the North Carolina Department of Commerce, Division of Community Assistance (DCA), 4313 Mail Service Center, Raleigh, North Carolina 27699-4313. DCA will respond **only to written comments** within ten (10) calendar days of the receipt of the comments.

Charles Kemp, Mayor

March 21, 2023

DATE

PROGRAM POLICIES

CDBG PROGRAMS

TOWN OF FAIRMONT

March 21, 2023

ADOPTED BY THE TOWN COUNCIL OF FAIRMONT:

Charles Kemp, Mayor

March 21, 2023

Date

PROGRAM POLICIES

The policies contained in this document will serve as administrative guidelines for any Fairmont Community Development Block Grant Program. In the case of unforeseen hardship or inconvenience, these standards may be varied with the written permission of the Mayor. However, any variations made will not result in actions contrary to the Fairmont CDBG Application and DOC Regulations.

I. PROJECT AREA COMMITTEE

The CD Project Area Committee (PAC) will be composed of three members (1 commissioner, the Town Clerk and the Mayor). The commissioner member will be appointed by the Mayor, and any vacancy shall be immediately filled by the appointment of the Mayor. The PAC shall hold quarterly meetings when necessary and make diligent efforts to provide a liaison between the area citizens and the program administration. Responsibilities of the PAC will include:

- A. Review and comment on the program guidelines.
- B. Provide coordination and contact between the project area residents and the administrative personnel.
- C. Conduct meetings to review the progress of the program.
- D. Recommend program revisions to the administrative personnel as the project develops.
- E. Review recommended action to be taken on grievances.
- F. Conduct a public hearing prior to the close-out of the programs to obtain comment on the success of the project.
- G. Review and make recommendations on all community development programs and/or budget amendments.

II. HOUSING REHABILITATION

A. General

1. All homeowners and landlords are responsible for the correction of housing code violations of their housing facilities in the CDBG Target Area. The Program Administrator in conjunction with the local Code Enforcement Officer (as needed) will inspect each dwelling unit to determine what must be done to bring affected structures up to a minimum standard. Owners will be notified of all deficiencies.
2. Financial and counseling assistance will be provided by the CDBG program through grants and loans to homeowners and landlords for the correction of housing code deficiencies. Receipt of CDBG financial assistance will not be mandatory. The homeowner or landlord may correct all housing deficiencies through means other than the CDBG Program.

3. CDBG rehabilitation assistance will be provided for the correction of housing code deficiencies only.
4. Homeowners and landlords may, at their discretion, receive CDBG rehabilitation assistance for materials only and provide labor through other sources.
5. The Town will act as the property owner's agent with respect to CDBG housing rehabilitation activities. Upon completion of rehabilitation activities, the property owner will be notified that code violations in the structure have been corrected.

B. Program Application Budget Amounts and Limits

1. Per unit amounts budgeted within the CDBG Application for various sets of proposed activities are as follows:

a.	Frame Built Reconstruction	\$ <u>136,000.00</u>
b.	Demo for Reconstruction	\$ <u>20,000.00</u>
b.	Frame Built Rehabilitation	\$ <u>N/A</u>
c.	Mobile Homes	\$ <u>N/A</u>

2. The maximum allowable financial participation amount is the lesser of \$70.00 per square foot or \$72,000.00 per unit for Rehabilitation. The Town anticipates rehabilitation costs between major and minor units will average out to the respective amounts budgeted. The Town recognizes that some additional deficiencies may exist or be uncovered during the rehabilitation work. In order to correct these deficiencies, the bid amount may be amended by up to 15% by the Program Administrator. This limit is not applicable to Reconstructions.
3. Any expenditure over the bid amount plus 15% may be initially authorized by the Mayor for two reasons: One, to remove imminent threats to health and safety, and two, if the market value of the unit after rehabilitation work is completed will be more than the contract amount.
4. Any unit with a proposed rehabilitation cost exceeding the maximum allowable amount will be reviewed by the Mayor and C.D. Administrator. These units will be either referred for demolition or held until the end of housing activities to see if sufficient funds are available for rehabilitation. If sufficient funds are available, the Mayor and C.D. Administrator will review whether to proceed with a request for substantial reconstruction or relocation.

C. Rehabilitation Priorities and Contract Procedures

1. In general, the priority for selecting housing for assistance shall follow the following priorities:
 - a. LMI Owner occupied grant/loan financing
 - b. LMI Tenant occupied grant/loan financing – N/A
 - c. Above LMI Owner occupied loan financing – N/A
 - d. Above LIM Tenant occupied loan financing – N/A
 - e. Vacant units – N/A

Within each of the above categories, the elderly, handicapped or most underprivileged shall receive priority. However, the C.D. Administrator may deviate from these priorities if it is in the best interest of the Program.
2. All procurement and contract procedures will be completed in accordance with 2 CFR 200. An advertisement for bids will be sent to rehabilitation contractors and write-ups made available. Sealed bids will be received and read aloud. The C.D. Administrator will review the bids and recommend award. The Mayor may award the bids and execute grant and loan contracts or applicable Deeds of Trust. Upon approval of the Mayor, the C.D. Administrator will issue the Notice to Proceed. The C.D. Administrator may approve and execute all contract change orders as necessary within the limits set forth in Section I.B.2. Above.
3. The Town of Fairmont will have no responsibility for the execution of private agreements nor will it allow any such agreements to hinder or interfere with contracted rehabilitation activities.

D. Coordination with Property Owners

At a minimum, the following items will be reviewed with property owners except in the case of unforeseen circumstances:

1. All housing code deficiencies.
2. The proposed financing arrangement, grant or loan.
3. Decisions on rehabilitation, delay or demolition of the unit.
4. Procedures concerning bidding, contracts and construction.
5. Contract completion and closeout.
6. If the property owner disagrees with any of the information and decisions presented, appeal of the decision can be processed through the complaint procedure.

E. Income Requirements

Income guidelines for determining grant and loan financing are those provided by HUD as meeting low-moderate income limits. These figures are revised yearly, and the most current figures will apply. Income will be based on total household income of all people over 18 years of age. The eighteen-year-old exclusion does not apply for determining beneficiaries.

F. Grant/Loan Program

The type of assistance which will be made available for the correction of code deficiencies depends on the factors listed below:

1. Owner Occupied or Rental
2. Household Income - Owner
3. Household Income - Tenant
4. Household Income - Landlord
5. Amount of Monthly Rent

The specific design of the Loan Program can be found as an attachment at the end of these policies. See ATTACHMENT I.

G. Rent Freeze and Recapture Provisions

Whenever CDBG funds are used to rehabilitate a structure, rent freeze and recapture provisions shall apply. These provisions can also be found as an attachment at the end of these policies. See ATTACHMENT I. All recapture provisions shall be secured by a promissory note and deed of trust held on the property. Therefore, each property must have a clear title sufficient for execution of the deed of trust. It shall be the responsibility of the owner to insure the clear title.

H. Housing Code

1. All rehabable houses in the CDBG area must be brought up to minimum housing code during this program. Reproduced and found at the end of these policies is the N.C. Small Cities CDBG Housing Rehabilitation Standards which is the minimum accepted by N.C. DOC.
2. When conducting the rehabilitation investigation and construction, the following priorities will apply:
 - a. Provisions of a safe, sanitary water supply and adequate sewage disposal to include provisions of indoor plumbing and hot water service.
 - b. Elimination of major structural defects which are creating hazardous conditions due to unsafe electrical systems, etc.

- c. Weatherization of the unit.
- d. Control of insects, rodents and infestations.
- e. Elimination of minor structural defects.
- f. Landscaping to eliminate health hazards.

I. Substantial Rehabilitation

For the purposes of the CDBG program, substantial rehabilitation is defined as the lesser of the two following standards: total CDBG rehabilitation costs for the unit exceed \$72,000.00; or total CDBG rehabilitation costs exceed \$70 per square foot of heated, occupiable space. DOC approval must be obtained where substantial reconstruction is proposed as part of a neighborhood rehabilitation effort. In order to receive DOC approval, justification for substantial rehabilitation must be based on the following two circumstances:

- (1) The estimated cost of reconstruction is at least 20 percent less than the estimated cost of purchasing comparable newly constructed housing (including land) in the locality's jurisdiction; and
- (2) The estimated cost of the reconstruction (excluding demolition, site preparation and temporary relocation) is less than the fair market value of the reconstructed housing and land.

III. **FORMS AND AGREEMENTS**

In applying the previously discussed rehabilitation activities, incomes must be verified, construction work let, agreements executed and construction completed. Provided in the Master Rehab Casefile are the forms to be used for these activities. The Future Deed of Trust forms and Loan Agreements are not included because these forms will be approved by the Program Attorney prior to use.

IV. **ACQUISITION**

- A. Acquisition of land is necessary in the following situations under the CDBG program:
 - 1. Acquisition of lots to remove dilapidated structures: Code Enforcement.
 - 2. Acquisition of Right-of-Way necessary for parks, streets, drainage or other public facilities improvements: Eminent Domain.
 - 3. Acquisition of a permanent easement for items in No. IV.A.2.
- B. General guidelines which will apply to code enforcement acquisition (structures) are listed below. These guidelines may be varied by the Board of Commissioners of Fairmont due to the broad nature of acquisition activities.
 - 1. A structure must be acquired and demolished when it is determined to be economically "beyond repair".
 - 2. A structure must be acquired and demolished if it is an imminent threat to health and safety.

3. A structure must be acquired and demolished if the proposed rehabilitation cost is clearly more than the after rehabilitation market value. To salvage an existing structure, property owners may contribute directly to the rehabilitation cost in order for the structure to be eligible for rehabilitation assistance.
- C. When it has been determined by the Program Administration that a structure must be acquired and demolished, one of the following two methods may be used:
1. The property owner may execute a voluntary demolition agreement and temporary demolition easement. With this agreement, the CDBG Program will demolish the structure, clear all debris, and reseed the lot. The property owner will retain ownership of the lot.
 2. If the property owner does not wish to execute a voluntary demolition agreement, the acquisition procedure listed in IV.D. below will be followed to purchase the structure and the parcel of land. The CDBG Program will demolish the structure and resell the property in accordance with municipal disposition procedures.
 3. When acquired property is offered for sale, it must be advertised and offered for sale to low-and-moderate income individuals and construction of a residential unit must start within 12 months. If there is no interest from LMI persons, the property must be re-advertised with only the 12-month restriction remaining.
- D. The steps necessary for acquisition of any property in the CDBG Program are as follows:
1. Title certification.
 2. Land survey.
 3. Appraisal of the property if expected value is over \$2,500.00 - property owner must be invited to accompany the appraiser.
 4. Second Appraisal of the property if it is a complex appraisal - property owners must be invited to accompany the appraiser.
 5. Appraisal Review by the Mayor, C.D. Administrator and Board of Commissioners.
 6. Establishment of Just Compensation by the Board of Commissioners.
 7. Written offer to purchase to the property owner.
 8. Negotiation with the property owner.
 9. Upon agreement, the property is purchased.
 10. If agreement cannot be reached, the matter is referred to the attorney for condemnation through code enforcement.

V. RELOCATION

Whenever a dilapidated structure is occupied, these people must be relocated to "standard housing" which is safe, sanitary, and decent. Relocation shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL

91-646). During the program execution, the Board of Commissioners of Fairmont may adopt an "Optional Coverage Relocation Plan" if circumstances deem treatment through other than Uniform Act procedures will be appropriate. All efforts will be made during the 2020 CDBG program to minimize displacement.

VI. COMPLAINT PROCEDURE

Whenever conflict arises during the program, target area residents will have the following procedure for dealing with complaints. All complaints must be made in writing and will be responded to within 10 working days from the date of receipt.

- A. Submit complaint to the Program Administrator at the Town Hall, and the Program Administrator will issue a written response to the complaint.
- B. If resolution is not obtained, the complaint will be forwarded to the Town Clerk by the complainant. A meeting with the complainant, Program Administrator and Town Clerk will be held, and the Town Clerk shall issue a written response to the complainant.
- C. If resolution is not obtained, the PAC shall conduct a hearing with the complainant, Program Administrator and the Town Clerk to hear all sides of the complaint. The PAC shall issue a written opinion to the complainant and to the Town Council of Fairmont.
- D. If resolution is still not obtained through the PAC, the Town Council of Fairmont shall review the complainant's statement, previous written statements by the Program Administrator and the Town Clerk, and the written opinion of the PAC. The Town Council shall make a decision which will be final.
- E. The Town Council's decision will be given to the complainant along with the name and address of DOC and project representative for the 2021 CDBG program.

VII. CODE OF CONDUCT

- A. This Code shall govern the performance of officers, employees, and agents engaged in the award and administration of contracts supported by Federal funds.
- B. No employee, officer or agent of the Town shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - 1. The employee, officer or agent;
 - 2. Any member of his immediate family;
 - 3. His or her partner; or
 - 4. Any organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

- C. Town officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements.
- D. The Town, at its discretion may make determinations of minimum rules where financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.
- E. All violations of these standards deemed by the Town Council to be in excess of minimum levels determined in Item VII. D., will result in penalties, sanctions or disciplinary action as required by State and Local laws and regulations or as deemed appropriate by the Town Council.

VIII. **CITIZEN PARTICIPATION**

- A. Citizen participation shall be consistent with all requirements of the CDBG Regulations. All said regulations shall be strictly adhered to. This citizen participation plan shall include the following actions by the CDBG recipient:
 - 1. Solicit and respond to citizen views and proposals. Respond to written comments within 10 calendar days.
 - 2. Provide technical assistance to groups so requesting to facilitate participation and proposals.
 - 3. Provide notices of public hearings in a timely manner. Notice to be given 10-25 days before public hearings.
 - 4. Schedule public hearings to permit broad citizen participation.
 - 5. Hold the following public hearings at a minimum:
 - a. Prior to formulation of CDBG Application
 - b. After Application formulation but prior to submission
 - c. Prior to submission of every program amendment
 - d. Prior to submission of closeout documents
 - 6. Provide for needs of non-English speaking citizens where a significant number of non-English speaking participants are anticipated.

Any other requirements of T15:13L.1002 shall be herein incorporated by reference.

IX. **PROCUREMENT POLICY**

- A. All procurement shall be conducted in accordance with 2 CFR 200.

CODE OF CONDUCT

CDBG-PROGRAMS TOWN OF FAIRMONT

- A. This Code shall govern the performance of officers, employees, and agents engaged in the award and administration of contracts supported by Federal funds.
- B. No employee, officer or agent of Town shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - 1. The employee, officer or agent;
 - 2. Any member of his immediate family;
 - 3. His or her partner; or
 - 4. Any organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.
- C. Town officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements.
- D. Town at its discretion may make determinations of minimum rules where financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.
- E. All violations of these standards deemed by the Council to be in excess of minimum levels determined in No. 4, will result in penalties, sanctions or disciplinary action as required by State and Local laws and regulations or as deemed appropriate by the Town Board of Commissioners.

Adopted this 21st day of March, 2023.

Charles Kemp, Mayor
Name, Title

Performance Based Contract: Implementation Schedule

Name of Grantee _____

Town of Fairmont _____

Grant No. _____

21-C-4013

First Quarter begins on the date of REDD Director's signature on the Grant Agreement and Funding Approval.
 List goals to be accomplished each Quarter.

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	5th Quarter	6th Quarter	7th Quarter	8th Quarter	9th Quarter	10th Quarter
	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description
I. Administrative Activities										
a. Grant Agreement/Funding Approval	100%									
b. Environmental Condition	20%	100%								
c. Citizen Participation Condition	100%									
d. Flood Plain Compliance	100%									
e. Other Conditions		100%								

Performance Based Contract: Implementation Schedule

Name of Grantee

Town of Fairmont

Grant No.

21-C-4013

First Quarter begins on the date of RFD Director's signature on the Grant Agreement and Funding Approval.

List goals to be accomplished each Quarter. Activities should correspond to those on the Budget and Benefit Low and Moderate Income forms in the application approved for funding.

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	5th Quarter	6th Quarter	7th Quarter	8th Quarter	9th Quarter	10th Quarter
	% Units	% Units	% Units	% Units	% Units	% Units	% Units	% Units	% Units	% Units
2. Housing Activities										
a. Relocation										
b. Acquisition										
c. Disposition										
d. Clearance										
e. Rehabilitation of Privately owned dwellings (Includes any on-site installations: e.g. septic tanks, wells)	10%				20%	30%	50%	75%	85%	95%
f. Units Constructed										100%
g. Units Occupied										
3. Innovative Activity										

Performance Based Contract: Implementation Schedule

Name of Grantee

Town of Fairmont

Grant No.

21-C-4013

First Quarter begins on the date of REDD Director's signature on the Grant Agreement and Funding Approval

List goals to be accomplished each Quarter. Activities should correspond to those on the Budget and Benefit. Low and Moderate Income Items in the application approved for funding.

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	5th Quarter	6th Quarter	7th Quarter	8th Quarter	9th Quarter	10th Quarter
	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description	% Process Completed Description
4. Water Improvements Engineering Bidding Process Contract Awarding Construction/Installation Work Completed										
5. Sewer Improvements Engineering Bidding Process Contract Awarding Work Construction Work Completed										
6. Street Improvements Engineering Bidding Process Contract Awarding Construction/Installation Work Completed										
7. Drainage Improvements Engineering Bidding Process Contract Awarding Construction/Installation Work Completed										
8. Other Improvements Work Completed										

8. Signature of Authorized Local Official

Charles Kemp
Name

Signature

Mayor
Title

March 21, 2023
Date

9. Signature of Authorized REDD Official

Name

Valerie Fegans

Director, Rural Economic Development Division
Title

Date

TOWN OF FAIRMONT

421 South Main Street • P.O. Box 248

Fairmont, NC 28340

Phone: (910) 628-9766

Email: fairmontnc@bellsouth.net

Fax: (910) 628-6025

www.fairmontnc.com

March 21, 2023

Mrs. Valerie Moore Fegans
NC Department of Commerce
4346 Mail Service Center
Raleigh, NC 27699-4346

Subject: Experienced Administrator
2022 Fairmont CDBG-NR
Grant No. 21-C-4013

Dear Mrs. Fegans:

As part of our conditions for release of funds, our Funding Approval requires that we certify the use of an Experienced CDBG Administrator. Please accept this letter as the Town's certification for the following:

Use of Experienced CDBG Administrator: the Town certifies they will be hiring an experienced CDBG administrator. The firm hired will have administered more than one CDBG project.

Should you have any questions, please do not hesitate to contact me at 910-649-7426.

Sincerely,

Charles Kemp
Mayor

BH/td

SIGNATORY RESOLUTION
BY THE BOARD OF COMMISSIONERS
OF THE
TOWN OF FAIRMONT

WHEREAS, Fairmont has received a Grant no. 21-C-4013 under the NC Department of Commerce/REDD Community Development Block Grant (CDBG) Program; and,

WHEREAS, Fairmont wishes to authorize certain individuals to sign the Requisition for Funds forms; and,

WHEREAS, Fairmont is required to adopt a Resolution when the Mayor is one of the authorized persons;

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of Fairmont that the Town hereby authorizes the following individuals to sign Requisition for CDBG Funds forms:

Jerome Chestnut, Town Manager
Jennifer Larson, Finance Officer/Town Clerk
Charles Kemp, Mayor
Jeffrey McCree, Mayor Pro Tem

Adopted this the 21st day of March, 2023 at Fairmont, North Carolina.

By: Charles Kemp

Title: Mayor

SIGNATORY FORM AND CERTIFICATION

Grant No. 21-C-4013

Recipient Name: Town of Fairmont

Address: P.O. Box 248
Fairmont, NC 28340

Signatures of individuals authorized to sign Requisition for Funds forms. (Two signatures required on each requisition.)

(Signature)

Jerome Chestnut, Town Manager
(Typed Name) (Typed Title)

(Signature)

Jennifer Larson, Finance Officer/Town Clerk
(Typed Name) (Typed Title)

(Signature)

Charles Kemp, Mayor
(Typed Name) (Typed Title)

(Signature)

Jeffrey McCree, Mayor Pro Tem
(Typed Name) (Typed Title)

CERTIFICATION

1. () I certify that the signatures above are of the individuals authorized to sign Requisition for Funds form for the above recipient.

Certifying Official + Title

2. (X) The governing board has passed a resolution authorizing the persons above to sign Requisition for Funds form for the above recipient. A copy of the resolution is attached.

I certify that the signatures above are those of the individuals authorized by resolution of the governing board of the recipient to sign Requisition for Funds forms.

Certifying Official + Title

**GRANT PROJECT ORDINANCE 23-232
2022 CDBG-NR PROGRAM
TOWN OF FAIRMONT**

Be it ordained by the Fairmont Town Council that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Community Development project described in the work statement contained in the grant agreement #21-C-4013 between this unit and the Department of Commerce. This project is more familiarly known as the Fairmont 2022 Community Development Block Grant Project Neighborhood Revitalization.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the Department of Commerce and the budget contained herein.

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

Community Development Block Grant	\$950,000.00
TOTAL	\$950,000.00

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

C-1 Rehabilitation	\$855,000.00
C-1 Administration	<u>\$ 95,000.00</u>
TOTAL	\$950,000.00

Section 5. The finance officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The finance officer is directed to report annually on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The budget officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

Section 9. Copies of this grant project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this 21st day of March, 2023.

Charles Kemp, Mayor
Name, Title



Agenda Item V-B

Memorandum for Record

TO: Mayor and Commissioners, Town of Fairmont
FROM: Jerome Chestnut, Town Manager
DATE: March 16, 2023
REF: Stormwater Planning Grant (*Tab 5-B*)

Background

On February 21, 2023, the Town of Fairmont was approved for a \$350,000 Grant for Stormwater Planning.

Why is this grant important?

First and most importantly, this grant will help us plan in more detail on how to handle stormwater issues during heavy rain periods, storms, and hurricanes. This grant is key to our future, especially now with the development we have going on around town. The more properties that are developed with facilities and pavement increases our chances of localized flooding if we do not properly plan on how to handle our stormwater runoff. This grant will also study how we can prevent stormwater from entering our wastewater (sewer) system.

We were one of three towns in the County to receive funding from the latest round of funding from the state.

V-C

§ 132.04 CURFEW FOR MINORS.

(A) The purpose of this section shall be to establish a curfew for minors in the Town of Fairmont, thus promoting the health, safety and welfare of both minors and adults in the town by creating an environment offering protection and security for all concerned.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADOLESCENT MINOR. A minor as defined herein who has reached his or her sixteenth birthday, but has not reached his or her eighteenth birthday.

GUARDIAN. One who legally has the care and management of the person defined as a minor by this section.

JUVENILE MINOR. A minor as defined herein who has not reached his or her sixteenth birthday.

MINOR. A person who has not reached his or her eighteenth birthday and is not married, emancipated or a member of the armed services of the United States. **MINOR** shall include juvenile minors and adolescent minors.

PUBLIC PLACE. Areas such as, but not limited to, all common areas open to all for common use; alleys, streets, public areas, highways, parks; establishments open to the public for the conduct of business.

(C) This section does not apply to a minor who is:

- (1) Accompanied by the minor's parent or guardian;
- (2) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (3) Involved in an emergency;
- (4) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the town, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, and official school, religious or other recreational activity supervised by adults and sponsored by the town, a civic organization or another similar entity that takes responsibility for the minor; or
- (5) Married or had been married or had disabilities of minority removed in accordance with state law.

(D) A curfew applicable to minors is established and shall be enforced as follows:

(1) *Time limits.* It is unlawful for any juvenile minor to be or remain upon any public place as defined in this chapter in the town between 11:00 p.m. and 6:00 a.m. on Monday through Sunday. It shall be unlawful for any adolescent minor to be or remain upon any public place as defined in this chapter in the town between midnight and 6:00 a.m. on Monday through Sunday.

(2) *Exceptions.* The restrictions provided by division (C)(1) above shall not apply to any minor who is accompanied by a guardian or other person charged with the care and custody of a minor, nor shall the restriction apply to any minor who is traveling between his or her home or place of employment, church, municipal building or school where a function is being held.

CURRENT CURFEW ORDINANCE

(3) *Responsibility of adults.* It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit a minor to be in or upon a public place within the town within the curfew hours set by division (C)(1) except as otherwise provided in division (C)(2).

(4) *Responsibility of business establishments.* It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to remain in or upon any place of business or amusement operated by them within the curfew hours set by division (C)(1), except as otherwise provided in division (C)(2).

(5) *Enforcement.*

(a) When a minor is found to be in violation of this section, the officer will check the curfew file located at the Police Department in the dispatcher's office to see if the juvenile is a first offender. If the juvenile is a first offender, he or she will be taken to the residence of his or her parent or guardian. A written warning will be given to that adult and an information report will be taken by the officer to include the name of the juvenile and adult, the time, date and location of the offense. This report will be kept in the curfew policy file and a copy of the report will be forwarded to the town's juvenile detective.

(b) If, upon checking the curfew policy file, the juvenile is found to be a repeat offender, he or she will be taken to the residence of his or her parent or guardian and the adult will be subject to a criminal citation pursuant to division (C)(6) of this section. A report will be turned in to the curfew policy file and a copy forwarded to the town's juvenile detective.

(c) If the juvenile is under 12 years of age, a report will be made and a copy forwarded to the Robeson County Department of Social Services.

(6) *Aiding and abetting by adult or guardian.* It shall be a violation of this section for an adult, guardian or parent to allow, permit, encourage, aid or abet a minor in the violation of division (C)(1) of this section except otherwise provided in division (C)(2).

(7) *Refusal of guardian or parent to take custody of a minor.* If any guardian or parent refuses to take custody of his or her minor found in violation of this section, the officer(s) with custody of the minor shall contact the Robeson County Department of Social Services and release the minor to that agency, pending further investigation by the Police Department and the Department of Social Services. The adult will be subject to criminal citation pursuant to division (C)(6) of this section.

(1988 Code, § 13-54) (Am. Ord. 06-104, passed 11-21-2006) Penalty, see § 132.99

§ 132.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to the provisions of § 10.99.

(B) The punishment for violation of § 132.04 shall be a fine of up to \$50 and/or imprisonment up to 30 days.

§ 132.04 CURFEW FOR MINORS.

(A) The purpose of this section shall be to establish a curfew for minors in the Town of Fairmont, thus promoting the health, safety and welfare of both minors and adults in the town by creating an environment offering protection and security for all concerned.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADOLESCENT MINOR. A minor as defined herein who has reached his or her sixteenth birthday, but has not reached his or her eighteenth birthday.

GUARDIAN. One who legally has the care and management of the person defined as a minor by this section.

JUVENILE MINOR. A minor as defined herein who has not reached his or her sixteenth birthday.

MINOR. A person who has not reached his or her eighteenth birthday and is not married, emancipated or a member of the armed services of the United States. **MINOR** shall include juvenile minors and adolescent minors.

PUBLIC PLACE. Areas such as, but not limited to, all common areas open to all for common use; alleys, streets, public areas, highways, parks; establishments open to the public for the conduct of business.

(C) This section does not apply to a minor who is:

- (1) Accompanied by the minor's parent or guardian;
- (2) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (3) Involved in an emergency;
- (4) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the town, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, and official school, religious or other recreational activity supervised by adults and sponsored by the town, a civic organization or another similar entity that takes responsibility for the minor; or
- (5) Married or had been married or had disabilities of minority removed in accordance with state law.

(D) A curfew applicable to minors is established and shall be enforced as follows:

(1) *Time limits.* It is unlawful for any juvenile minor to be or remain upon any public place as defined in this chapter in the town between 11:00 p.m. and 6:00 a.m. on Monday through Sunday. It shall be unlawful for any adolescent minor to be or remain upon any public place as defined in this chapter in the town between midnight and 6:00 a.m. on Monday through Sunday.

(2) *Exceptions.* The restrictions provided by division (C)(1) above shall not apply to any minor who is accompanied by a guardian or other person charged with the care and custody of a minor, nor shall the restriction apply to any minor who is traveling between his or her home or place of employment, church, municipal building or school where a function is being held.

PROPOSED REVISED CURFEW

(3) *Responsibility of adults.* It is unlawful for any parent, guardian or other person charged with the care and custody of any minor to allow or permit a minor to be in or upon a public place within the town within the curfew hours set by division (C)(1) except as otherwise provided in division (C)(2).

(4) *Responsibility of business establishments.* It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to remain in or upon any place of business or amusement operated by them within the curfew hours set by division (C)(1), except as otherwise provided in division (C)(2).

(5) *Enforcement.*

(a) When a minor is found to be in violation of this section, the officer will check the **computer files** located at the Police Department to see if the juvenile is a first offender. If the juvenile is a first offender, he or she will be taken to the residence of his or her parent or guardian. A warning will be given to that adult and an information report will be taken by the officer to include the name of the juvenile and adult, the time, date and location of the offense. This report will be kept in the **computer files at the Police Department.**

(b) If, upon checking the **computer files**, the juvenile is found to be a repeat offender, he or she will be taken to the residence of his or her parent or guardian and the adult will be subject to a criminal citation pursuant to division (C)(6) of this section. A report will be turned in to the **office and it will be reviewed by the Fairmont Police Chief on his designee for possible referral to the Robeson County Juvenile Justice office.**

(c) If the juvenile is under 12 years of age, a report will be made and a copy forwarded to the Robeson County Department of Social Services.

(6) *Aiding and abetting by adult or guardian.* It shall be a violation of this section for an adult, guardian or parent to allow, permit, encourage, aid or abet a minor in the violation of division (C)(1) of this section except otherwise provided in division (C)(2).

(7) *Refusal of guardian or parent to take custody of a minor.* If any guardian or parent refuses to take custody of his or her minor found in violation of this section, the officer(s) with custody of the minor shall contact the Robeson County Department of Social Services and release the minor to that agency, pending further investigation by the Police Department and the Department of Social Services. The adult will be subject to criminal citation pursuant to division (C)(6) of this section.

Penalty

(A) The criminal offense for violation of of this section shall be Contributing to the Delinquency of a Minor, as stated in NC GS 14-316.1

(B) The civil punishment for violation of § [132.04](#) shall be a fine of up to **\$100**

(1988 Code, § 13-54) (Am. Ord. 06-104, passed 11-21-2006)