CITY OF NEW BERN BOARD OF ALDERMEN MEETING NOVEMBER 13, 2018 – 6:00 P.M. CITY HALL COURTROOM 300 POLLOCK STREET

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Kinsey. Pledge of Allegiance.
- 2. Roll Call.
- 3. Request and Petition of Citizens.

Consent Agenda

- 4. Consider Adopting a Resolution Calling for a Public Hearing to Amend Article II "Definitions", Article X "Permissible Uses" and Article XVIII "Parking" of Appendix A of the City of New Bern Land Use Ordinance.
- 5. Consider Adopting a Resolution Calling for a Public Hearing to Amend Article II: Section 15-15 Basic Definitions and Interpretations of the City of New Bern Land Use Ordinance.
- 6. Consider Adopting a Resolution Closing Specific Streets on December 1, 2018 for the Craven County Jaycees 2018 Christmas Parade.
- 7. Consider Adopting a Resolution Closing Specific Streets for the City's First Annual New Year's Eve Celebration.
- 8. Consider Adopting a Resolution Closing Specific Streets for Tryon Palace's Candlelight Christmas Celebration.
- 9. Consider Adopting a Resolution Closing Specific Streets for Beary Merry Christmas Events.
- 10. Consider Approving a Proclamation for Hospice and Palliative Care Month.
- 11. Consider Approving a Proclamation for Elinor D. Hawkins Day.
- 12. Approve Minutes.

- 13. Presentation by Friends of Kafer Park.
- 14. Presentation on National Night Out.
- 15. Presentation on Opportunity Zones.

- 16. Discussion of Part-Time Animal Control Officer.
- 17. Consider Adopting a Resolution to Initiate the Upset Bid Process for 570 NC Hwy. 55 West.
- 18. Consider Adopting a Resolution Approving a Contract with the Housing Authority of New Bern for the Sale of a Portion of 703 Carolina Avenue.
- 19. Consider Adopting a Resolution Approving a Revised School Resource Officer Contract with Craven County Board of Education for Local Elementary Schools.
- 20. Consider Adopting a Resolution Accepting the FY2018 Edward Byrne Memorial Justice Assistance Grant.
- 21. Consider Adopting a Budget Ordinance Amendment for the FY2018-19 Grant Fund.
- 22. Appointment(s).
- 23. Attorney's Report.
- 24. City Manager's Report.
- 25. New Business.
- 26. Closed Session.
- 27. Adjourn.

Aldermen

Sabrina Bengel Jameesha Harris Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham



Mark A. Stephens City Manager

4-LC. The

Dana E. Outlaw

Mayor

300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000

Memo to: Mayor and Board of Aldermen

From: Mark A. Stephens, City Manager

Date: November 8, 2018

Re: November 13, 2018 Agenda Explanations

1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Kinsey. Pledge of Allegiance.

2. Roll Call.

3. Request and Petition of Citizens.

This section of the Agenda is titled Requests and Petitions of Citizens. This is an opportunity for public comment, and we thank you for coming to the Board of Aldermen meeting tonight to share your views. We value all citizen input.

Speaker comments are limited to a maximum of 4 minutes during the public comment period. At the conclusion of 4 minutes, each speaker shall leave the podium. Comments will be directed to the full board, not to an individual board member or staff member. Although the board is interested in hearing your comments, speakers should not expect any comments, action or deliberation from the board on any issue raised during the public comment period.

In the board's discretion, it may refer issues to the appropriate city officials or staff for further investigation. If an organized group is present to speak on a common issue, please designate one person to present the group's comment, which shall be limited to a maximum of 4 minutes.

Consent Agenda

4. Consider Adopting a Resolution Calling for a Public Hearing to Amend Article II "Definitions", Article X "Permissible Uses" and Article XVIII "Parking" of Appendix A of the City of New Bern Land Use Ordinance.

The Board is asked to call for a public hearing on November 27, 2018 to consider proposed amendments to Sections 15-15, 15-146 and 15-342 of the Land Use

Ordinance. The proposed amendments will create standards for marinas in the City of New Bern. At their September 4, 2018 meeting, the Planning and Zoning Board voted 5-1 to recommend approval of the proposed amendments. A memo from Bradleigh Sceviour, Planner II, is attached along with a draft copy of the ordinance change.

5. Consider Adopting a Resolution Calling for a Public Hearing to Amend Article II: Section 15-15 – Basic Definitions and Interpretations of the City of New Bern Land Use Ordinance.

The Board is asked to call for a public hearing on November 27, 2018 to consider proposed amendments to Section 15-15 "Basic Definitions and Interpretations" of the Land Use Ordinance. The proposed amendments will clean up the residential definitions found in the basic definitions and interpretations section. The last overhaul of the Land Use Ordinance created errors in formatting that lead to the retention of some older, now redundant, definitions for residential uses. Adopting the proposed changes will make sure there is no confusion in how different residential uses are defined. At their June 5, 2018 meeting, the Planning and Zoning Board voted unanimously to recommend approval of the proposed amendments. A memo from Mr. Sceviour is attached along with a draft copy of the ordinance change.

6. Consider Adopting a Resolution Closing Specific Streets on December 1, 2018 for the Craven County Jaycees 2018 Christmas Parade.

(Ward 1) David Ricks, Event Coordinator, has requested the 300-800 blocks of George Street, 400-600 blocks of Broad Street and 200-300 blocks of Middle Street be closed from 1 p.m. until 6 p.m. on December 1, 2018 for the annual Christmas parade. Additionally, it is requested the south side of Broad Street be closed to parking from 12 a.m. until the conclusion of the parade. A memo from Foster Hughes, Director of Parks and Recreation, and a map of the parade route are attached.

7. Consider Adopting a Resolution Closing Specific Streets for the City's First Annual New Year's Eve Celebration.

(Ward 1) The City of New Bern plans to hold its first annual New Year's Eve Celebration on December 31, 2018. As a result, it is requested the 200-300 blocks of Craven Street and 200-300 blocks of Pollock Street be closed from 8 a.m. on December 31, 2018 until 8 a.m. on January 1, 2019. A memo from Foster Hughes is attached.

8. Consider Adopting a Resolution Closing Specific Streets for Tryon Palace's Candlelight Christmas Celebration.

(Ward 1) Rebekah Hornek, Cultural Arts Coordinator, has requested the 600 block of Pollock Street and 300 block of George Street be closed on December 8th and 15th from 9:15 p.m. until 10:30 p.m. for fireworks associated with Tryon Palace's Candlelight Christmas Celebration. She has also requested a temporary block of

South Front Street at the location of Palace Point Commons behind the palace's south lawn. A memo from Foster Hughes is attached along with a maps of the proposed closures.

9. Consider Adopting a Resolution Closing Specific Streets for Beary Merry Christmas Events.

(Ward 1) Amanda Banks, Event Chair for the Downtown Council's Beary Merry Christmas, has requested to close the following streets for the identified activities on the dates and times noted: a) the 200 block of Middle Street on November 23, 2018 from 2:30 p.m. to 9 p.m. for "Light Up the Season"; b) the 200 block of Craven Street and the "Talbot's Lot" on December 9, 2018 from 10 a.m. until 5 p.m. for the "Sledding Shopping Sunday" event. A memo from Foster Hughes is attached

10. Consider Approving a Proclamation for Hospice and Palliative Care Month.

Thomas Smith, Director of Craven County Hospice, has requested a proclamation recognizing November as National Hospice and Palliative Care Month.

11. Consider Approving a Proclamation for Elinor D. Hawkins Day.

After the unveiling of a bear statute on November 3, 2018 honoring Elinor D. Hawkins, Mayor Outlaw received a request from Rose Williams to establish November 3rd as Elinor D. Hawkins Day in New Bern. A proclamation to this effect is proposed.

12. Approve Minutes.

Minutes from the October 23, 2018 work session and regular meetingss are provided for review and approval.

13. Presentation by Friends of Kafer Park.

(Ward 1) A member of Friends of Kafer Park will make a presentation about the group's desire and plans to raise funds to restore Kafer Park to its original state.

14. Presentation on National Night Out.

Police Chief Toussaint Summers will share a video reflecting upon this year's National Night Out. The communities that participated will be recognized and presented a certificate. The Board is asked to extend a handshake of appreciation for their involvement.

15. Presentation on Opportunity Zones.

A couple of members of the Governing Board have expressed an interest in Opportunity Zones. To learn more about these zones, a representative from the

NC Department of Commerce, Lee Padrick, Chief Economic Development Planner for the Northeast Prosperity Zone and Main Street and Rural Planning Center, will be in attendance to share a presentation. Congress enacted the opportunity zone program in December 2017 as part of tax reform. The program offers incentives for qualified investors who reinvest in low-income communities. Mr. Padrick will describe how the initiative could drive investment in these communities. A memo from Amanda Ohlensehlen, Economic and Community Development Manager, is attached along with a copy of the presentation.

16. Discussion of Part-Time Animal Control Officer.

Police Chief Toussaint Summers will provide a verbal update regarding the search for a part-time Animal Control Officer.

17. Consider Adopting a Resolution to Initiate the Upset Bid Process for 570 NC Hwy. 55 West.

Edwin B. Franklin, Sr. has submitted an offer of \$6,750.00 to purchase 570 NC Hwy. 55 W. The parcel is a vacant lot with a tax value of \$13,500.00, and the offer represents 50% of the value. The property was acquired jointly by the City and Craven County through tax foreclosure in May of 2017. The total taxes due to both taxing authorities was \$4,860.56. In December 2017, the County transferred its interest in the property to the City. The City subsequently demolished a structure that was on the property due to its deteriorated state and asbestos contamination. As the sole property owner, the cost of the demolition was paid by the City. If the upset bid process is approved and there are no additional bids, the City will receive the full proceeds from the sale, less the cost of advertising the offer. A memo from Brenda Blanco, City Clerk, is attached.

18. Consider Adopting a Resolution Approving a Contract with the Housing Authority of New Bern for the Sale of a Portion of 703 Carolina Avenue.

(Ward 2) As discussed at previous meetings, the Housing Authority of New Bern has requested to purchase a portion of 703 Carolina Avenue for the purpose of developing mixed-use housing and relocating some of the residents of Trent Court. A copy of the proposed contract will be provided before or at the time of the meeting on November 13th.

19. Consider Adopting a Resolution Approving a Revised School Resource Officer Contract with Craven County Board of Education for Local Elementary Schools.

On August 28, 2018, the Board of Aldermen adopted a resolution approving a School Resource Officer contract with Craven County Board of Education for four additional school resource officers who were to be placed in local elementary schools. The City Attorney had requested a couple of revisions to the contract to provide clarity, which were not incorporated into the contract that was previously approved by the Board. The contract before the Board at this time includes those

changes, and Mr. Davis or Chief Summers can detail them, if needed. A brief memo from Chief Summers is attached.

20. Consider Adopting a Resolution Accepting the FY2018 Edward Byrne Memorial Justice Assistance Grant.

The Police Department has been notified of an award from the FY2018 Edward Byrne Memorial Justice Assistance Grant in the amount of \$11,334.00. Grant funds will be shared with the Craven County Sheriff's Office and utilized to procure equipment and materials for personnel workstations at the Coastal Narcotics Enforcement Team's facility. No matching funds are required. The Board is asked to adopt a resolution accepting the grant funds and authorizing the execution of the Memorandum of Agreement. A memo from Chief Summers is attached.

21. Consider Adopting a Budget Ordinance Amendment for the FY2018-19 Grant Fund.

In conjunction with the grant described in the previous item, this budget ordinance amendment acknowledges the grant funds and establishes the necessary budget. A memo from J.R. Sabatelli, Director of Finance, is attached.

22. Appointment(s).

- a) Kenneth Brown's appointment on the Board of Adjustment has expired. He has served two consecutive terms and is ineligible to serve another term at this time. Alderman Best is asked to make an appointment to replace Mr. Brown.
- b) Lois Jamison's appointment on the Board of Adjustment has expired. She has served two consecutive terms and is ineligible to serve another term at this time. Alderman Kinsey is asked to make an appointment to replace Ms. Jamison.
- 23. Attorney's Report.
- 24. City Manager's Report.
- 25. New Business.
- 26. Closed Session.
- 27. Adjourn.

AGENDA ITEM COVER SHEET

Agenda Item Title:

To consider holding a Public Hearing to consider amending Article II "Definitions" Article X "Permissible Uses" and Article XVIII: "Parking" of Appendix A "Land Use" of the City of New Bern Land Use Ordinance

Date of Meeting November 13th, 2018 Ward # if applicable N/A
Department Development Services Person Submitting Item: Bradleigh Sceviour
Call for Public Hearing Ves No Date of Public Hearing 11/27/2018
Explanation of Item:
The Board of Aldermen is requested to adopt a resolution to hold a public hearing on November 27, 2018, to consider amending Article II: Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations", Article X: Section 15-146 of the City of New Bern Land Use Ordinance "Table of permissible uses." and Article XVIII: Section 15-342 of the City of New Bern Land Use Ordinance; "Number of parking spaces required".
Actions Needed by Board:
To adopt a resolution to hold a public hearing on November 27, 2018 for the purpose of considering a land use amendment requested by City of New Bern Development Services.
Is item time sensitive? ✓ Yes ☐ No
Will there be advocates/opponents at the meeting? ✓ Yes ☐ No
Backup Attached:
Staff memo, resolution, Proposed revisions and Ordinance.
Cost of Agenda Item: 0
If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : \square Yes \square No
Additional notes:
The Planning & Zoning Board reviewed these requests at its September 4th, 2018 regular meeting and voted 5-1 in favor of recommending approval for the proposed amendment.



Development Services 303 1st Street, P.O. Box 1129 New Bern, NC 28563 (252)639-7581

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Bradleigh Sceviour

Planner II

DATE: November 13th, 2018

SUBJECT: Call for a Public Hearing to consider adoption of the proposed amendments to Sections 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations." 15-146 "table of permissible uses." And 15-342 "Number of parking spaces required."

Background

The Board of Aldermen is requested to adopt a resolution for a public hearing to be held on November 27th, 2018 at 6:00 p.m., or as soon thereafter as possible, to consider a request by the City of New Bern to consider adoption of proposed amendments to Sections 15-15, 15-146 and 15-342 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations." "Table of permissible uses." and "Number of parking spaces required."

The reason for these amendments is to create standards for marinas in the City of New Bern.

At their September 4th, 2018 regular meeting the Planning and Zoning Board voted 5-1 to recommend approval to the Board of Aldermen.

Recommendation

To adopt a resolution for a public hearing to be held on November 27th, 2018 at 6:00 p.m., to consider adoption of proposed amendments to Sections 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations." 15-146 "table of permissible uses." and 15-342 "Number of parking spaces required."

Please contact me at 639-7582 should you have questions or need additional information.

RESOLUTION BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN

WHEREAS, the City of New Bern desires to call for a public hearing to receive comments on amending Article II: "Definitions", Section 15-15 "Basic definitions and interpretations" Article X: "Permissible Uses", Section 15-146 "Table of Permissible uses." and Article XVIII: "Parking", Section 15-342 "Number of parking spaces required." of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on November 13, 2018 in the City Hall Courtroom at 6 p.m., or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard amending Article II: "DEFINITIONS", Section 15-15 "Basic definitions and interpretations" Article X: "Permissible Uses", Section 15-146 "Table of Permissible uses." and Article XVIII: "Parking", Section 15-342 "Number of parking spaces required." of the Code of Ordinances of the City of New Bern.

ADOPTED THIS 13TH DAY OF NOVEMBER, 2018.

	DANA E. OUTLAW, MAYOR	
BRENDA BLANCO, CITY CLERK		

DRAFT

AN ORDINANCE TO AMEND APPENDIX A "LAND USE" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Planning and Zoning Board of the City of New Bern recommends that certain amendments be made to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern; and

WHEREAS, the City's planning staff further recommends approval of said proposed amendments; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Section 15-15. "Definitions." of Article I. "General provisions" of Appendix A "Land Use" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by adding the following definitions and renumbering the remaining definitions accordingly:

"Section 15-15. Definitions.

- (9) Boat slip: A berthing place for watercraft on a body of water where the watercraft can be securely moored to cleats, pilings or other devices, or secured to floats or a lift.
- (32) *Dock, commercial:* A structure extending alongshore or out from the shore into a body of water from a parcel of real property on which commercial activity is permitted, provided that the structure does not accommodate more than four (4) boat slips, and does not allow overnight dockage.
- (33) *Dock, residential:* A structure extending alongshore or out from the shore into a body of water from a parcel of real property used for residential purposes, provided that the structure does not accommodate more than four (4) boat slips. Residential docks are accessory to a residential use, and may not be used for any commercial purpose.

<u>. . .</u>

(68) Marina, commercial: Any publicly or privately owned dock, basin, or wet storage facility constructed to accommodate more than four (4) boat slips, and that offers one or more of the following services: fueling facilities, haul out facilities, boat repair services, or lease of dockage for less than thirty (30) days.

- (69) Marina, private: Any publicly or privately owned dock, basin, or wet storage facility constructed to accommodate more than four (4) boat slips, and that does not offer any of the services that would constitute a commercial marina.
- (70) Marine facility: Any facility used for the purpose of boat manufacturing, maintenance, construction or storage of watercraft, including but not limited to boat yards, dry docks, dry stacks, & and storage facilities."

SECTION 2. That Section 15-146. "Table of permissible uses." of Article X. "Permissible Uses" of Appendix A "Land Use" of the Code of Ordinances of the City of New Bern be and the same is hereby by adding the following uses:

"Section 15-146. Table of permissible uses.

...

SECTION 3. That subsection (g) of Section 15-342. "Number of parking spaces required." of Article XVIII. "General provisions" of Appendix A "Land Use" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by adding the following uses:

"Section 15-342. Number of parking spaces required.

. . . .

(g) Table of parking requirements.

Use	Parking Requirement
6.270	1 space per 4 slips.

SECTION 4. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS DAY OF _	, 2018.
	MAYOR

DRAFT	DRAFT
CITY CLERK	

AGENDA ITEM COVER SHEET

Agenda Item Title:

To consider holding a Public Hearing to consider amending Article II: Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations."

Date of Meeting November 13th, 2018 Ward # if applicable N/A
Department Development Services Person Submitting Item: Bradleigh Sceviour
Call for Public Hearing Yes No Date of Public Hearing 11/27/2018
Explanation of Item:
State statute and local ordinance requires the governing body to hold a public hearing prior to amending the Land Use Ordinance.
City staff is requesting the Board of Aldermen to consider amending Article II: Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations".
Actions Needed by Board:
To hold a public hearing and consider approval or denial of the requested Land Use Ordinance Amendment.
Is item time sensitive? Ves No
Will there be advocates/opponents at the meeting? ✓ Yes ☐ No
Backup Attached:
Staff memo, and proposed edits.
Cost of Agenda Item: ⁰
Cost of Agenda Item: •
If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : \square Yes \square No
Additional notes:
The Planning & Zoning Board reviewed these requests at its June 5th regular meeting and voted unanimously (8-0) in favor of recommending approval for the proposed amendment.



Development Services 303 1st Street, P.O. Box 1129 New Bern, NC 28563 (252)639-7581

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Bradleigh Sceviour

Planner II

DATE: November 2nd, 2018

SUBJECT: Call for a Public Hearing to consider adoption of the proposed amendments to Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations".

Background

The Board of Aldermen is requested to adopt a resolution for a public hearing to be held on November 27th th, 2018 at 6:00 p.m., or as soon thereafter as possible, to consider a request by the City of New Bern to consider adoption of proposed amendments to Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations".

The proposed edits will clean up the residential definitions found in our basic definitions and interpretations section of the Land Use Ordinance. With the last major overhaul of the Land Use Ordinance some errors in formatting lead to the retention of some older, now redundant, definitions for residential uses. Adopting the proposed changes will make sure there is no confusion in how different residential uses are defined within the Land Use Ordinance.

At their June 5th, 2018 regular meeting the Planning and Zoning Board voted unanimously (8-0) to recommend approval to the Board of Aldermen.

Recommendation

To adopt a resolution for a public hearing to be held on November 27th, 2018 at 6:00 p.m., to consider adoption of proposed amendments to Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations".

Please contact me at 639-7582 should you have questions or need additional information.

RESOLUTION BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN

WHEREAS, the City of New Bern desires to call for a public hearing to receive comments on amending Article II: "DEFINITIONS", Section 15-15 "Basic definitions and interpretations" of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on November 27, 2018 in the City Hall Courtroom at 6 p.m., or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard amending Articles II: "DEFINITIONS", Section 15-15 "Basic definitions and interpretations" of the Code of Ordinances of the City of New Bern.

ADOPTED THIS 13TH DAY OF NOVEMBER, 2018.

DANA E. OUTLAW, MAYOR

AN ORDINANCE TO AMEND APPENDIX A "LAND USE" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Planning and Zoning Board of the City of New Bern
recommends that certain amendments be made to Appendix A "Land Use" of the Code of
Ordinances of the City of New Bern; and
WHEREAS, the City's development services staff further recommends approval of said

WHEREAS, the City's development services staff further recommends approval of said proposed amendments; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

- <u>SECTION 1</u>. That Section 15-15. "Basic definitions and interpretations." of Article II. "DEFINITIONS" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(87) in its entirety, and renumbering subsequent subsections of 15-15 accordingly.
- <u>SECTION 2</u>. That Section 15-15. "Basic definitions and interpretations." of Article II. "DEFINITIONS" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(88) in its entirety, and renumbering subsequent subsections of 15-15 accordingly.
- SECTION 3. That Section 15-15. "Basic definitions and interpretations." of Article II. "DEFINITIONS" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(90) in its entirety, and renumbering subsequent subsections of 15-15 accordingly.
- <u>SECTION 4</u>. That Section 15-15. "Basic definitions and interpretations." of Article II. "DEFINITIONS" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(91) in its entirety, and renumbering subsequent subsections of 15-15 accordingly.

SECTION 5. This of	ordinance shall b	e effective from	and after the date of its adoption.
ADOPTED THIS _	DAY OF		, 2018.

	MAYOR
 CITY CLERK	

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting Resolution to close the 300-800 blocks of George Street, 400-600 blocks of Broad Street, 200-300 blocks of Middle Street to vehicle traffic from 1:00 p.m. until 6:00 p.m. on Saturday, December 1, 2018 along with the south side (east bound lane) of Broad Street closed to parking from 12:00 a.m. until the conclusion of the parade for Craven County Jaycees Christmas Parade.

Date of Meet	ing 11/13/2018	Ward # if applicable <u>Ward 1</u> If multiple, list:
Department	Parks & Recreation	Person Submitting Item: Mr. Foster Hughes
Call for Publi	ic Hearing <u>No</u>	Date of Public Hearing
Explanation		
600 blocks of Jaycees Chris	Broad Street, 200-300 blo tmas Parade on Saturday,	uested to close the 300-800 blocks of George Street, 400- ocks of Middle Street to vehicle traffic for Craven County December 1, 2018 from 1:00 p.m. until 6:00 p.m. along ed to parking from 12:00 a.m. until the conclusin of the
Actions Need	ded by Board:	
Adopt the Res		
Backup Atta		at the meeting? Select
Resolution		
Memo Event applica	tion	
Map	CIOII	
·		
	lai/a	
Cost of Agen	ida Item: N/A	
	requires an expenditure the Finance Director : <u>S</u> e	, has it been budgeted and are funds available and elect
Additional ne	otes:	



Aldermen

Sabrina Bengel Jameesha Harris **Bobby Aster** Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham

Family, fitness and fun come together here

Foster Hughes, CPRE Director of Parks & Recreation



Mark A. Stephens City Manager



Memo To: Mayor and Board of Aldermen

Foster Hughes, CPRE Parks and Recreation Director. From:



Re: Adopt the Resolution to close the 300-800 blocks of George Street, 400-600

> blocks of Broad Street, 200-300 blocks of Middle Street to vehicle traffic for the Craven County Jaycees Christmas Parade from 1:00 p.m. until 6:00 p.m., along with the south side (east bound lane) of Broad Street closed to parking from 12:00 a.m. until the conclusion of the parade on Saturday, December 1, 2018.

Background Information:

David Ricks, Event Coordinator has requested to close the 300-800 blocks of George Street, 400-600 blocks of Broad Street, 200-300 blocks of Middle Street to vehicle traffic for Craven County Jaycees Christmas Parade from 1:00 p.m. until 6:00 p.m., along with the south side (east bound lane) of Broad Street closed to parking from 12:00 a.m. until the conclusion of the parade on Saturday, December 1, 2018.

Recommendation:

The Parks and Recreation Department recommends approval and request the Board adopt a Resolution approving the request.

If you have any questions concerning this matter, please call

RESOLUTION

THAT WHEREAS, Craven County Jaycees has scheduled their Annual Christmas Parade and has requested that specific streets be closed to vehicular traffic from 1:00 p.m. to 6:00 p.m. on Saturday, December 1, 2018. Those streets are the 300-800 blocks of George Street, 400-600 blocks of Broad Street, and the 200-300 blocks of Middle Street. It is also requested the south side (east bound lane) of Broad Street be closed to parking from 12:00 a.m. until the conclusion of the parade; and

WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends the streets be closed as requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the 300-800 blocks of George Street, 400-600 blocks of Broad Street, and 200-300 blocks of Middle Street be closed to vehicle traffic from 1:00 p.m. until 6:00 p.m., and that the south side (east bound lane) of Broad Street be closed to parking from 12:00 a.m on December 1, 2018, until the Craven County Jaycees' Christmas Parade concludes.

ADOPTED THIS 13th DAY OF NOVEMBER 2018.

	DANA E. OUTLAW, MAYOR
BRENDA BLANCO, CITY CLERK	-

NEW BERN

New Bern Parks, Recreation, & Cultural Resources Pre-Event or Permit Questionnaire



Thank you for choosing New Bern Parks & Recreation for your event or permit. The purpose of this form is to obtain information <u>before</u> the application or permit process is requested. All requests are to be returned to Parks & Recreation Administration; requests include, but not limited to parks, open spaces, ball fields, streets, festivals, parades, road races and railies.

If requesting the use of a recreation center, complete and return to the facility of choice (contact facility at bottom of page); approval of application is at the discretion of the Center Supervisor.

Please note: When requesting the use of City facilities for event purposes, allow for a minimum of 60 days prior to the requested event date for consideration; for permits, allow for a minimum of 30 days prior to the requested permit date for consideration. Completing a pre-event or permit questionnaire does not guarantee approval.

Name:	Creven	County Jayones	***	Today's	Date: 11-2-2018	
Addres	s: _PO E	Nax 3471	T	City: Nov	Bern	
State:	NC	Zip: 28564	Telephone:	252-636-0303	Cell: 252-634-7349	
E-mail	address	davidricks@eudderi	link.net	·		
Facility	Reques	sted (check one): _	Stanley White Rec.	CenterW	est New Bern Rec. Center	
G	eorge St	. Park Spray Groun	nd New Bern Aqua	tics Center	Athletic FieldCity Pa	ark
<u> </u>	other (ex	ample: Open Space	e/Ball Field/Street): Geo	orge Street/Broa	d Street/Middle Street	
Date of	Fevent:	December 1, 2018	Hour	s: From: 13:00	To: 18:00	
Purpos	e of Eve	nt: Annual Christman	Perade			dania
ls this a	an ongoi	ng event?Ye	s <u>X</u> No (if yes, pleas	e explain, include	dates & times:	
Are you	u reques	ting closure and/or	use of State-owned str	eets/bridges in th	e City limits of New Bern?	X_Y•N
returned	to NCDOT	 If you require this form 	n, please let our office know a	nd we will supply one	sats/bridges A Special Event Form for you. Once the NCDOT Special I ity of New Bern and NCDOT as an	Events Form is complete
ls even	t for fund	draising purposes?	X Yes No (Myes	, płease provide non-	profit or not-for profit organization r	name and tax I D
Number)	Organiz	ation Name: Craver	County Jeyoses ID	# <u>56-1994</u>	772	
Project	ed Atten	dance: 750 V	Vill you be charging adm	nission?Ye	X No (If yes, state how i	much \$)
Note: S	Security m	nay be required at the	organizers expense, give	n th e attendance a	and projected nature of the ever	M.
Recrea	rtion Ce	nter:	ple	ase check the an	ea(s) you are requesting	
M	eeting R	oomKitchen	Multi-purpose Ro	omGame R	oomFitness Room	Gymnasium
Park N	ame:		Plea	se check the area	e(s) you are requesting.	
		_ShelterOpen	Space Stage	Gazebo	Other:	
Electric	aity?	_Yes _X No (Check one) Water?	Yes _X_	No (Check one)	
1	and	of Ruche	Went (Sordinator	10-31-18 (Date)	
:	Signatur	e	Title (if appl	icable)	(Date)	



CITY OF NEW BERN APPLICATION FOR PERMIT PARADE, PICKET, OR DEMONSTRATION



Application is hereby made for a permit to parade, picket, or demonstrate, as provided in the Ordinance of the City of New Bern entitled "An Ordinance Regulating Parades, Picket Lines, and Group Demonstrations in the City of New Bern", and other applicable sections of law.

81	me of Event: New Bern/Jeycees Christmes Parade / Person in charge: Jackie Jones / David Ricks
••	The purpose for which the application is to parade, picket, or demonstrate, and the reason for sactivity is as follows: Annual downtown Christmas Parade
	The time requested for such activity is as follows:
	From: <u>11:00</u> To: <u>6:00</u> on the <u>1st</u> day of <u>Dec, 2018</u> →, 2019.
	The place of such activity shall be at Map Attached
	NOTE: A map should be attached if available.
	Are you requesting a State road or bridge to be closed XY*N
	*(If yes, a 90-day notice is required by DOT regulation to gain permission to close State roads or dges)
•	Projected attendance at such activity is 500 ; projected not to exceed 1000 .
•	Minors (under 18 years of age) involved? Yes/No (circle one)how many?
•	The principle objective of the activity(describe in detail):
,	Celebrate the holiday season
•	
•	f the activity includes the use of floats, vehicles, placards, loudspeakers, or mechanical devices of type, please explain in full detail their use, purpose, and number:
	Parade floats, antique vehícles, políce and fire vehícles, marching bands, etc currently estimated at 35 vehícles/floats
).	

9. Check points: George Street / Broad Street / Middle Street						
	Staging to be done	e on George Street b	y Kafer Park			
10. Additional c	omments(if applicab	le):				
The annual downton	rn Christmas parade		American Commission of the Com			
activity desc	ribed, as is filed or p	etitioned, for issuar	as a representative of the grounce of a permit from the Direct blished by the City of New Berr	or of Parks and		
This 31	day of Octobe	м	, 2018			
(Date)		(Month)	(Year)			
Name: David Rick						
Organization: G	even County Jayoees					
Address: PO Box	3471					
New Ber	n, NC 28560					
Telephone #: 25	2-634-7349 cell, 252-636-03	103 Office				
Please return to:			•			
New Bern Parks & 1307 Country Club		•				
New Bern, NC 2856						
252-639-2901	•					

REV: 10-30-18

4

AGENDA ITEM COVER SHEET

Agenda Item Title:

	e 200-300 blocks of Craven Street and 200-300 blocks of ecember 31, 2018 until 8:00 a.m. Tuesday, January 1, al New Year's Eve Celebration.
Date of Meeting 11/13/2018	Ward # if applicable <u>Ward 1</u>
	If multiple, list:
Department Parks & Recreation	Person Submitting Item: Mr. Foster Hughes
Call for Public Hearing No	Date of Public Hearing
Explanation of Item:	
The City of New Bern and the Parks and I to vehicle traffic for City of New Bern Firs	Recreation Director has requested to close specific streets it Annual New Year's Eve Celebration.
Actions Needed by Board:	
Adopt the Resolution	
Is item time sensitive? No Will there be advocates/opponents at Backup Attached:	t the meeting? <u>Select</u>
Resolution Memo	
Cost of Agenda Item: N/A If this item requires an expenditure, I certified by the Finance Director : Sel	has it been budgeted and are funds available and ect
Additional notes:	



Aldermen

Sabrina Bengel Iameesha Harris **Bobby Aster** Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham

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Foster Hughes, CPRE Director of Parks & Recreation



Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memo To: Mayor and Board of Aldermen

From: Foster Hughes, CPRE Director of Parks and Recreation



Re: Adopt the Resolution to close a specific street to vehicle traffic, the 200-300

> blocks of Craven Street and 200-300 blocks of Pollock Street from 8:00 a.m. Monday, December 31, 2018 until 8:00 a.m. on Tuesday, January 1, 2019 for the

City of New Bern First Annual New Year's Eve Celebration.

Background Information:

The City of New Bern and the Parks and Recreation Director has requested to close the 200-300 blocks of Craven Street and the 200-300 blocks of Pollock Street to vehicle traffic from 8:00 a.m. Monday, December 31, 2018 until 8:00 a.m. on Tuesday, January 1, 2019. This new family friendly event will have activities to be offer to include live entertainment, food trucks, games and activities for the entire family.

Recommendation:

The Parks and Recreation Department recommends approval and request the Board adopt a Resolution approving the request.

If you have any questions concerning this matter, please call

RESOLUTION

THAT WHEREAS, the City of New Bern has scheduled its First Annual New Year's Eve Celebration and requests that specific streets be closed to vehicular traffic from 8:00 a.m. Monday, December 31, 2018 until 8:00 a.m. on Tuesday, January 1, 2019. Those streets are the 200-300 blocks of Craven Street and 200-300 blocks of Pollock Street; and

WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends the streets be closed as requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the 200-300 blocks of Craven Street and 200-300 blocks of Pollock Street be closed to vehicular traffic from 8:00 a.m. Monday, December 31, 2018 until 8:00 a.m. Tuesday, January 1, 2019 for the City's First Annual New Year's Eve Celebration.

ADOPTED THIS 13TH DAY OF NOEVEMBER 2018.

	DANA E. OUTLAW, MAYOR	
BRENDA BLANCO, CITY CLERK		

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting Resolution to close the 600 block of Pollock Street and the 300 block of George Street from 2:30 p.m. until 10:30 p.m., and a temporary blockage of South Front St. at Palace Point Commons behind Tryon Palace South Lawn be closed to vehicle traffic from 9:15 p.m. until 10:30 p.m. for fireworks on Saturday, December 8th and 15th, 2018 for Tryon Palace Candlelight Christmas Celebration.

Date of Meeting 11/13/2018	Ward # if applicable <u>Ward 1</u> If multiple, list:
Department Parks & Recreation	Person Submitting Item: Mr. Foster Hughes
Call for Public Hearing No	Date of Public Hearing
Explanation of Item:	
Rebekah Hornek, Special Event Assista	ant has requested to close the 600 block of Pollock Street and temporary block of Palace Point Commons for Tryon Palace I fireworks.
Actions Needed by Board:	
Adopt the Resolution	
Will there be advocates/opponents Backup Attached: Resolution Memo Application Map	s at the meeting? <u>Select</u>
Cost of Agenda Item: N/A	
If this item requires an expenditur certified by the Finance Director:	e, has it been budgeted and are funds available and Select
Additional notes:	



Aldermen

Sabrina Bengel Iameesha Harris **Bobby Aster** Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham

Family, fitness and fun come together here.

Foster Hughes, CPRE Director of Parks & Recreation



Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memo To: Mayor and Board of Aldermen

From: Foster Hughes, CPRE Director of Parks and Recreation



Re: Adopt the Resolution to close the 600 block of Pollock Street and the 300 block

> of George Street to vehicle traffic for Tryon Palace annual Candlelight Christmas Celebration from 2:30 p.m. until 10:30 p.m., and a temporary blockage of South Front Street at Palace Point Commons behind Tryon Palace South Lawn be closed to vehicle traffic from 9:15 p.m. until 10:30 p.m. for fireworks on Saturday.

December 8th and 15th, 2018.

Background Information:

Rebekah Hornek, Special Event Assistant has requested to close the 600 block of Pollock Street and the 300 block of George Street to vehicle traffic for Tryon Palace Candlelight Festival to be held 2:30 p.m. until 10:30 p.m., and a temporary blockage of South Front Street at Palace Point Commons behind Tryon Palace South Lawn be closed to vehicle traffic from 9:15 p.m. until 10:30 p.m. for fireworks on Saturday, December 8th and 15th, 2018.

Recommendation:

The Parks and Recreation Department recommends approval and request the Board adopt a Resolution approving to close the 600 block of Pollock Street and the 300 block of George Street to vehicle traffic from 2:30 p.m. until 10:30 p.m., and a temporary blockage of South Front Street at Palace Point Commons behind Tryon Palace South Lawn be closed to vehicle traffic from 9:15 p.m. until 10:30 p.m. on the said dates for a firework display.

If you have any questions concerning this matter, please call.

RESOLUTION

THAT WHEREAS, Tryon Palace has scheduled their annual Candlelight Christmas Celebration and has requested specific streets be closed to vehicular traffic from 2:30 p.m. until 10:30 p.m. on both Saturday, December 8, 2018 and December 15, 2018. The streets to be closed are the 600 block of Pollock Street and the 300 block of George Street; and

WHEREAS, a temporary blockage of South Front Street at Palace Point Commons and the portion of South Front Street behind Tryon Palace's south lawn is also requested to be closed to vehicular and pedestrian traffic from 9:15 p.m. until 10:30 p.m. for fireworks on Saturday, December 8, 2018 and Saturday, December 15, 2018 as part of the Palace's Annual Candlelight Christmas Celebration.

WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends the streets be closed as requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the 600 block of Pollock Street and the 300 block of George Street be closed from 2:30 p.m. until 10:30 p.m. on Saturday, December 8, 2018 and Saturday, December 15, 2018 for Tryon Palace's Annual Candlelight Christmas Celebration; and

FURTHER, a temporary blockage of South Front Street at Palace Point Commons and the portion of South Front Street behind Tryon Palace's south lawn shall be closed to vehicular and pedestrian traffic from 9:15 p.m. until 10:30 p.m. on the aforesaid dates for a fireworks display.

ADOPTED THIS 13TH DAY OF NOVEMBER 2018.

	DANA E. OUTLAW, MAYOR	
BRENDA BLANCO, CITY CLERK	_	



New Bern Parks, Recreation, & Cultural Resources Pre-Event or Permit Questionnaire



Thank you for choosing New Bern Parks & Recreation for your event or permit. The purpose of this form is to obtain information <u>before</u> the application or permit process is requested. All requests are to be returned to Parks & Recreation Administration; requests include, but not limited to parks, open spaces, ball fields, streets, festivals, parades, road races and rallies.

If requesting the use of a recreation center, complete and return to the facility of choice (contact facility at bottom of page); approval of application is at the discretion of the Center Supervisor.

Please note: When requesting the use of City facilities for event purposes, allow for a minimum of 60 days prior to the requested event date for consideration; for permits, allow for a minimum of 30 days prior to the requested permit date for consideration. Completing a pre-event or permit questionnaire does not guarantee approval.

Name: Kebekan Homek			Today	's Date: 10/	10/2018			
Address: 529 South From	nt Street	City: New Bern						
State: NC	_ Zip: <u>28562</u>	Telephone: 252-6	39-3545	Cell: <u>6</u>	15-772-4337			
E-mail address: rebeksh	.homek@ncdcr.gov (horseshoe on	ly needs to be closed from	n 9:15 PM to 10:3	0 PM)				
Facility Requested (che	eck one):Stanle	/ White Rec. Cei	nter	West New Be	m Rec. Center			
George St. Park S	pray Ground Nev	w Bern Aquatics	Center _	Athletic F	ieldCity	Park		
X Other (example: 0	Open Space/Ball Field	/Street): Pollock St	., George St., a	nd S. Front St. loc	<u> </u>			
Date of Event: 12/8 & 1	2/15/2018	Hours: F	rom: <u>2:30</u>	<u>PM </u>	o: 10:30 PM			
Purpose of Event: Ann	ual Candlelight Christmas	celebration (includes	tours of histo	ric buildings, foo	d trucks, and firew	orks)		
Is this an ongoing even	t? <u>X</u> YesNo (if yes, please ex	plain, inclu	de dates & tir	nes:			
Are you requesting clos	ure and/or use of Stat	e-owned streets	/bridges in	the City limits	of New Bern?	Y*	X	_N
*If yes, a 90-day notice is requireturned to NCDOT. If you reattached the following: a magile event for fundraising	quire this form, please let ou p of the route: along with a c	ir office know and we certificate of insuran	will supply on se naming the	e for you. Once City of New Ber	the NCDOT Specia n and NCDOT as a	il Events Form an additional in	is com nsured.	olet
Number) Organization Na	ıme:	ID #:		·				
Projected Attendance:	1500/night Will you be o	charging admissi	on? X Y	esNo (I	f yes, state how	much \$ 25	& \$15	ر
Note: Security may be req	juired at the organizers ϵ	expense, given the	attendance	and projected	nature of the eve	ent.		
Recreation Center:		please	check the a	rea(s) you ar	e requesting			
Meeting Room	KitchenMulti-	purpose Room _	Game	RoomF	itness Room _	Gymnasi	um	
Park Name:		Please cl	neck the are	ea(s) you are	requesting.			
Shelter	Open Space	Stage	_Gazebo	_Other:				
Electricity?Yes _	No (Check one)	Water?	Yes	_No (Che	ck one)			
Rebekah Hornek	Cultu	ıral Arts Coordinator	·	10/	10/18			
Signature Title (if a			e)		(Date)			



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting Resolution to close the 200 block of Middle Street to vehicle traffic on Friday, November 23, 2018 from 2:30-9:00 p.m. and the 200 block of Craven Street, 300 block of South Front Street to vehicle traffic on Sunday, December 9, 2018 from 10:00 a.m.- 5:00 p.m. for Beary Merry Christmas Celebration.

Date of Meet	ing 11/13/2018	Ward # if applicable <u>Ward 1</u> If multiple, list:
Department	Parks & Recreation	Person Submitting Item: Mr. Foster Hughes
	ic Hearing <u>No</u>	Date of Public Hearing
Explanation	*	
Amanda Bank Christmas Cel		sted to close specifics streets to vehicle traffic for Beary Merry
Actions Need	ded by Board:	
Adopt the Res	solution	
Will there be Backup Attac Resolution Memo Application Map		s at the meeting? <u>Select</u>
Cost of Agen	da Item: N/A	
	equires an expenditure the Finance Director: $\underline{\underline{S}}$	e, has it been budgeted and are funds available and Select
Additional no	otes:	



Aldermen

Sabrina Bengel Jameesha Harris Bobby Aster Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham

PARKS & RECREATION Family, fitness and fun come together here.

Foster Hughes, CPRE Director of Parks & Recreation Dana E. Outlaw Mayor

Mark A. Stephens
City Manager



Memo To: Mavo

Mayor and Board of Aldermen

From:

Foster Hughes, CPRE Parks and Recreation Director (74)

Re:

Adopt the Resolution to close specifics streets to vehicle traffic from 2:30 p.m. until 9:00 p.m. on November 23, 2018 for Light Up the Season, and the 200 block of Craven Street, 300 block of South Front Street from 10:00 a.m. until 5:00 p.m. on December 9, 2018 for Sledding Shopping Sunday for Beary

Merry Christmas Celebration.

Background Information:

Amanda Banks, Event Chair has requested to close specific streets to vehicle traffic the 200 block of Middle Street from 2:30 p.m. until 9:00 pm on November 23, 2018, and the 200 block of Craven Street, 300 block of South Front Street closed to vehicle traffic from 10:00 a.m. until 5:00 p.m. on December 9, 2018; and

The use of the vacant lots located at 304 and 308 South Front Street (old Talbot's lot) December 9, 2018 from 10:00 a.m. until 5:00 p.m.

Recommendation:

The Park and Recreation Department recommends approval and request the Board adopt a Resolution approving the request.

RESOLUTION

THAT WHEREAS, the Downtown Council of the New Bern Chamber of Commerce has requested that specific streets in Downtown New Bern be closed to vehicular traffic for two Beary Merry Christmas Events. The streets to be closed are:

- a) the 200 block of Middle Street on Friday, November 23, 2018 from 2:30 p.m. until 9:00 p.m. for "Light Up the Season"; and
- b) the 200 block of Craven Street and 300 block of South Front Street on Sunday, December 9, 2018 from 10:00 a.m. until 5:00 p.m. for "Sledding Shopping Sunday"; and

WHEREAS, the Downtown Council has also requested to use the vacant lots located at 304 and 308 South Front Street (known as the "Talbot's" lot) on Sunday, December 9, 2018 from 10:00 a.m. until 5:00 p.m. for "Sledding Shopping Sunday"; and

WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends the streets be closed as requested and that permission be granted for the use of the "Talbot's" lot on South Front Street.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

- 1. That the 200 block of Middle Street be closed to vehicular traffic from 2:30 p.m. until 9:00 p.m. on November 23, 2018; and
- 2. That the 200 block of Craven Street and 300 block of South Front Street be closed to vehicular traffic from 10:00 a.m. until 5:00 p.m. on December 9, 2018; and
- 3. FURTHER, use of the vacant lots located at 304 and 308 South Front Street ("Talbot's" lot) is hereby granted for Beary Merry Christmas events from 10 a.m. to 5:00 p.m. on December 9, 2018.

ADOPTED THIS 13th DAY NOVEMBER 2018.

	DANA E. OUTLAW, MAYOR
BRENDA E. BLANCO, CITY CLERK	

Downtown Christmas Event – Beary Merry Christmas November 23 – December 31, 2018

Summary of Anticipated Usage:

Bear Plaza - Delivery & take down determined by city staff

Decoration of House & Bear Plaza by Downtown Committee

Santa House is open from Nov 23rd until Dec 2th free of charge; \$6 for picture with Santa

House is removed by City Staff – date TBD by City Staff

Friday, November 23, 2018 2:3

2:30pm - 9:00pm

6.5 hours

Street closure request

200 Block of Middle Street

Light Up the Season – Santa's Arrival Celebration – November 23, 2018 4:00pm until 8:00pm 200 Block of Middle Street closed from 2:30pm until 9:00pm

Kick off to Christmas Season to include activities for children, entertainment and the arrival of Santa to Bear Plaza where he will light it up!!

Saturday, November 24, 2018

1:00pm - 9:30pm

9.5hours

Park closed

Union Point Park

Community Christmas Tree Lighting & Sledding – Saturday, November 24, 2018 4:30pm – 8:30pm Sledding free to community; Food vendors will be on site selling various food for purchase & other businesses/nonprofits will be onsite providing activities for the children to enjoy.

Sunday, December 9, 2018

10:00am-5:00pm

7 hours

Street closure request

200 Block of Craven Street, 300 Block of S Front Street & 304 S Front Street, Corner lot of Craven & S. Front Streets

Sledding Shopping Sunday - December 9, 2018 12-4pm

304 S Front Street & 200 Block of Craven & 300 Block of S Front Streets

Sledding, bounce house and other activities for one admission price of \$5



New Bern Parks, Recreation, & Cultural Resources Pre-Event or Permit Questionnaire

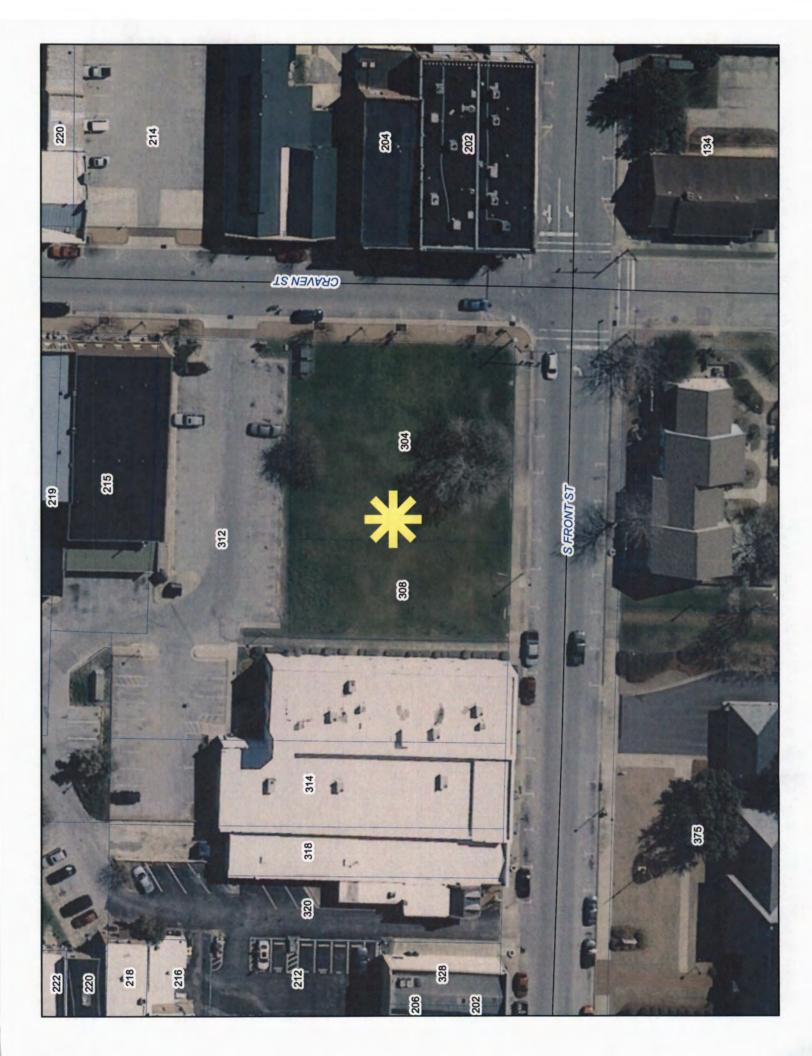


Thank you for choosing New Bern Parks & Recreation for your event or permit. The purpose of this form is to obtain information <u>before</u> the application or permit process is requested. All requests are to be returned to Parks & Recreation Administration; requests include, but not limited to parks, open spaces, ball fields, streets, festivals, parades, road races and rallies.

If requesting the use of a recreation center, complete and return to the facility of choice (contact facility at bottom of page); approval of application is at the discretion of the Center Supervisor.

Please note: When requesting the use of City facilities for event purposes, allow for a minimum of 60 days prior to the requested event date for consideration; for permits, allow for a minimum of 30 days prior to the requested permit date for consideration. Completing a pre-event or permit questionnaire does not guarantee approval.

and a second does not guarantee approval.
Name: Beary Merry Christmas / New Bern Chamber of Commerce Today's Date: 10/29/2018
Address: 301 S Front Street City: New Bern
State: NC Zip: 28560 Telephone: 252-671-1196 Cell:
E-mail address:info@bearymerrychristmas.com
Facility Requested (check one):Stanley White Rec. CenterWest New Bern Rec. Center
George St. Park Spray Ground New Bern Aquatics Center Athletic Field City Park
Other (example: Open Space/Ball Field/Street):
Date of Event: multiple / see attached Hours: From: To:
Purpose of Event:
Is this an ongoing event?YesNo (if yes, please explain, include dates & times:
Are you requesting closure and/or use of State-owned streets/bridges in the City limits of New Bern? XX Y*N
*If yes, a 90-day notice is required by DOT regulation to gain permission to use/close State roads/bridges. A Special Event Form must be completed and returned to NCDOT. If you require this form, please let our office know and we will supply one for you. Once the NCDOT Special Events Form is complete attached the following: a map of the route: along with a certificate of insurance naming the City of New Bern and NCDOT as an additional insured.
Is event for fundraising purposes? XX YesNo (If yes, please provide non-profit or not-for-profit organization name and tax I.D.
Number) Organization Name: New Bern Chamber ID #:
Projected Attendance: 2500 Will you be charging admission? X Yes X No (If yes, state how much \$)
Note: Security may be required at the organizers expense, given the attendance and projected nature of the event.
Recreation Center: please check the area(s) you are requesting
Meeting RoomKitchenMulti-purpose RoomGame RoomFitness RoomGymnasium
Park Name: Please check the area(s) you are requesting.
ShelterOpen SpaceStageGazeboOther:
Electricity? X YesNo (Check one) Water?YesNo (Check one)
Signature Title (if applicable) Date Da



Agenda Item Title:

Consider Adopting a Proclamation Recognizing November as National Hospice and Palliative Care Month

Date of Meeting 11/13/18	Ward # if applica	able N/A
Department City Clerk [Person Submitti	ng Item: ^{Brenda} Blanco
Call for Public Hearing Yes	No Date of Pub	lic Hearing
Explanation of Item: Thomas Smith, Director of Crave November as National Hospice a		s requested a proclamation recognizing of the new first and the new first are necessarily as the new first are necessarily as the necessarily as the necessarily are necessarily as the necessa
Actions Needed by Board: Consider approving proclamation		
Is item time sensitive? Ves[□No	
Will there be advocates/oppone	nts at the meeting? $lacksquare$]Yes ☑No
Backup Attached: Proclamation		
Cost of Agenda Item: \$		
If this item requires an expending certified by the Finance Director		eted and are funds available and
Additional notes:		



MAYOR'S OFFICE PROCLAMATION

- WHEREAS, 2017 marked the 50th anniversary of St. Christopher's Hospice in London, widely recognized as the first modern-day hospice organization and the 35th anniversary of the Medicare hospice benefit in the United Sates; and
- WHEREAS, hospice and palliative care offer those they serve the high-quality of care delivered by an interdisciplinary team of skilled professionals and trained volunteers that includes physicians, nurses, social workers, therapists, counselors, health aides, spiritual care providers and more; and
- WHEREAS, the hospice and palliative care philosophy places the needs of the individual at the center of care allowing patients and family caregivers to focus on quality of life, surrounded and supported by family and loved ones, despite serious and life-limiting illness; and
- WHEREAS, every year more than 1.5 million Americans living with life-limiting illness, and their families, receive care from the nation's hospice programs in communities throughout the United States; yet more than 40% of Medicare beneficiaries received care for 14 days or less, considered too short a time to fully benefit from the range of services that hospice offers; and
- WHEREAS, each year, hospice saves Medicare more than \$2 billion by providing solutions for physicians, care to patients, and comfort to families; and
- WHEREAS, a growing body of peer-reviewed research indicates that timely access to hospice and palliative care can decrease hospitalizations and emergency room visits and increase quality of life for patients and family caregivers; and
- WHEREAS, hospice and palliative care organizations are advocates and educators about advance care planning that help individuals make decisions about the healthcare they would want to receive should they have a serious or life-limiting illness or if they were unable to speak for themselves; and
- WHEREAS, hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals.
- NOW, THEREFORE, be it resolved that I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby proclaim

November as National Hospice and Palliative Care Month

and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this 13th day of November in the Year of Our Lord Two Thousand and Eighteen.

Dana E. Outlaw, Mayor

Agenda Item Title:

Consider Adopting a Proclamation Recognizing November 3rd as Elinor D. Hawkins' Day

Date of Meeting 11/13/18	Ward # if appli	icable N/A
Department City Clerk	Person Submit	ting Item: Brenda Blanco
Call for Public Hearing 🗌 Yes 🔽	No Date of Pu	ıblic Hearing
Explanation of Item: After the unveiling of a bear statut Outlaw received a request from R Hawkins' Day.	te on November 3, 2 lose Williams to esta	2018 to honor Elinor D. Hawkins, Mayo ablish November 3rd as Elinor D.
Actions Needed by Board: Consider approving proclamation		
Is item time sensitive? Ves	□No	
Will there be advocates/oppone	nts at the meeting?	☐Yes ☑No
Backup Attached: Proclamation		
Cost of Agenda Item: \$		d
If this item requires an expendit certified by the Finance Director		dgeted and are funds available and
Additional notes:		



- WHEREAS, after auditioning for a children's television show in Greensboro, North Carolina, in 1952 Elinor D. Hawkins began hosting the first television show of its kind when she began reading storybooks to children every Monday afternoon on TeleStory Time; not only did she make storytime exciting, but she stressed to the children how much fun reading could be and quickly became known as the "Story Lady";
- WHEREAS, she later moved to Eastern North Carolina, at which point TeleStory Time began airing on New Bern's Channel 12 beginning on December 6, 1963; it has been on Channel 12 for more than 55 years; and
- WHEREAS, in addition, Ms. Hawkins spent more than five decades reading to children and encouraging them to also read, but under her leadership, eight new libraries were constructed in three different counties; for 42 years, she established and directed a regional library system; and
- WHEREAS, Ms. Hawkins is a familiar face to so many children, and her love for her work shines through during each of her storytimes; and
- WHEREAS, it comes as no surprise that Ms. Hawkins' commitment to children, her community, and the importance of reading was recognized on Saturday, November 3, 2018 with the unveiling and dedication of a bear statute that was donned in a manner to pay tribute and honor to Ms. Hawkins.
- NOW, THEREFORE, I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby recognize Elinor D. Hawkins' longtime devotion to our community and proclaim November 3rd as

ELINOR D. HAWKINS' DAY

in the City of New Bern, and I call upon the citizens of New Bern to carry forth her legend by reading a storybook to a child.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this 13th day of November in the Year of Our Lord Two Thousand and Eighteen.

Dana E. Outlaw, Mayor

Agenda Item Title:

Presentation by Friends of Kafer Park

Date of Meeting 11/13/18 Ward # if applicable N/A
Department Parks & Recreation Person Submitting Item: Foster Hughes
Call for Public Hearing Yes No Date of Public Hearing
Explanation of Item: Members of the Friends of Kafer Park group will make a presentation to describe their vision for restoring Kafer Park
Actions Needed by Board:
Is item time sensitive? ☐ Yes ✓ No
Will there be advocates/opponents at the meeting? ☐ Yes ☑ No
Backup Attached: Copy of presentation
Cost of Agenda Item: \$
If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : \square Yes \square No
Additional notes:

Friends of Kafer Park with Swiss Bear, Inc.

Friends of Kafer Park partners with Swiss Bear for the preservation and restoration of Historic Kafer Park

Why Partner with Swiss Bear Inc

- ECABL has no fundraising platform
- ECABL spends sponsorship monies for improving city-owned Kafer Park
- A privately-funded, upgraded Kafer Park would add to the revitalization of downtown, restore a historic site, and provide an improved venue for community events and activities.
- Provide first-class field to host regional and national baseball tournaments.

Chronology of Events

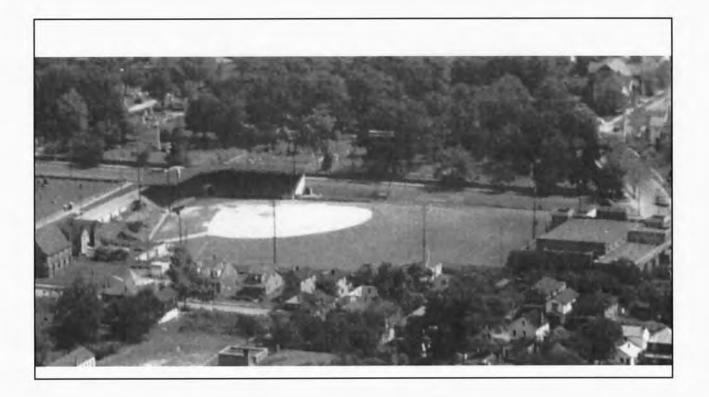
- 2017 East Carolina Amateur Baseball league (ECABL) brings baseball games back to Kafer Park after decades of abandonment
- 2017-2018 ECABL raises \$3,000 from private sponsors
- 2017 ECABL invests in new sod to improve playing surface
- 2018 ECABL invests in new netting for home plate area
- 2018 ECABL invests in new material to upgrade pitcher's mound and home area
- 2018 Friends of Kafer Park partner with Swiss Bear

Why Friends of Kafer Park (FKP)?

- ECABL is a player fee-based organization with fees covering only baseball operations.
- Private contributions received by ECABL were used to improve city property, Kafer Park.
- FKP needs a 501(3)(c) (Swiss Bear) to expand its fundraising potential and provide fiduciary services
- FKP coordinates and drives vision for completion of an outdoor facility that will serve the local neighborhood and restore the historical significance of this once vibrant property.

Kafer Park History

- 1928 Opened as home of New Bern Bears, member of semipro Coastal Plains league
- First Park in NC with lights
- 1937-1952 Pro league players paid from gate receipts
- Bears owned and operated by New Bern Fire Dept.
- 1939 -1948 Every Sunday 2-3k fans
- 1952-1965 Negro League Giants
- 1965-2016 under-utilized abandoned historic park



Kafer Park Today

- 2017 ECABL made investments to return field surface to suitable baseball condition
- 2017 70 games were played
- City Parks and Recreation actively involved making improvements and maintenance of the field surface.

Future Kafer Park

- Seating capacity approx. 3,000
- Modern facilities, bathrooms and concessions
- Upgraded lights
- · Restoration of outfield murals
- Modern press box
- · 3 new 30-ft flag poles in center field



Plan of Action and Milestones Phase One 2018

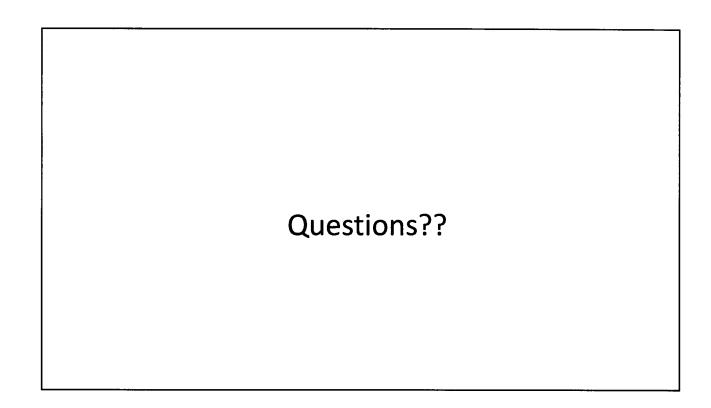
- Board of Aldermen approval
- Complete City permitting process
- Feasibility study
- ECABL providing seed money on the assumption of payback
- · Continue small capital projects , fence modifications, netting, lights
- Seek endorsement of NB Historical Society, NB Preservation Society and Tryon African-American Cultural Department, HDRA

Plan of Action and Milestones Phase II (quiet period)

- Grant research and application
- Identify major gift donors
- Identify minor gift donors
- Sponsor ships from local vendors

Phase III

- Solicit construction bids (estimates)
- Select contractor (time and material or single bid)
- Coordinate with City for a time line



Agenda Item Title:

Recognition of National Night Out Communities and Their Coordinators.
Date of Meeting 09-11-18 Ward # if applicable N/A
Department Police Person Submitting Item: Toussain E Summers, Jr.
Call for Public Hearing Yes No Date of Public Hearing
Explanation of Item: Recognition of National Night Out Communities and Their Coordinators.
Actions Needed by Board: None.
Is item time sensitive? Yes No
Will there be advocates/opponents at the meeting? ☐ Yes ☑ No
Backup Attached: The NNO video will be shown.
Cost of Agenda Item: \$0.00
If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : $\square Yes \nearrow No$
Additional notes: Following communities that will be present: Carolina Colours, Coastal Photo Club, Colony Estates, Courtyard at Berne Village, Craeberne Forest, Carven Terrace, Duffy Field, EMS, Evans Mills, Ghent, HDRA, Home Place of New Bern, Kings Row, NBFD, New Bern Older Adult Housing, New Bern Towers, New Hope, Olde Towne, Pembroke, Pleasant Hill, Selhorr Heights, St. Johns Missionary Baptist Church, Sunnyside, Taberna, Target, The Meadows, Trent Court

Agenda Item Title:

Cost of Agenda Item:

Additional notes:

certified by the Finance Director : Yes No

Receive a presentation from the North Caro	lina Department of Commerce regarding Opportunity Zones
Date of Meeting 11/13/18	Ward # if applicable N/A
Department Development Services	Person Submitting Item: Amanda Ohlensehlen
Call for Public Hearing Yes V No	Date of Public Hearing
Explanation of Item:	
Planner for the Northeast Prosperity Zone an presentation regarding Opportunity Zones an communities. The Opportunity Zone Program	partment of Commerce, Lee Padrick, Chief Economic Development d Main Street and Rural Planning Center, will be making a d how the initiative could drive investment in North Carolina was enacted in tax reform under the Federal Tax Cuts and Jobs The program offers tax incentives for qualified investors to re-invest munities.
Actions Needed by Board:	
	entative from the North Carolina Department of tes regarding the Opportunity Zone Program.
Is item time sensitive? Yes 🗸 No	
Will there be advocates/opponents a	t the meeting?□Yes ☑No
Backup Attached:	
Memo, PowerPoint Presentation	

If this item requires an expenditure, has it been budgeted and are funds available and



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563 (252)636-4000

MEMORANDUM

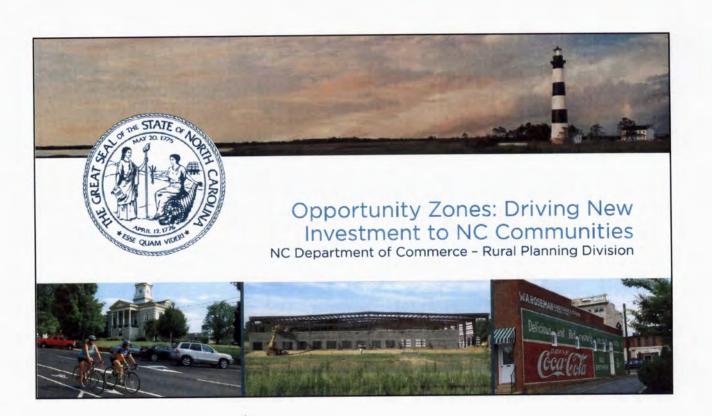
TO: Mayor Dana Outlaw, City of New Bern Board of Aldermen

FROM: Amanda Ohlensehlen, Economic and Community Development Manager

DATE: 10/30/18

SUBJECT: Opportunity Zone Presentation

A representative from the North Carolina Department of Commerce, Lee Padrick, Chief Economic Development Planner for the Northeast Prosperity Zone and Main Street and Rural Planning Center, will be making a presentation regarding Opportunity Zones and how the initiative could drive investment in North Carolina communities. The Opportunity Zone Program was enacted in tax reform under the Federal Tax Cuts and Jobs Act passed by Congress in December 2017. The program offers tax incentives for qualified investors to re-invest unrealized capital gains into low-income communities. The Board of Alderman is asked to receive a presentation to learn more information and updates about the program.



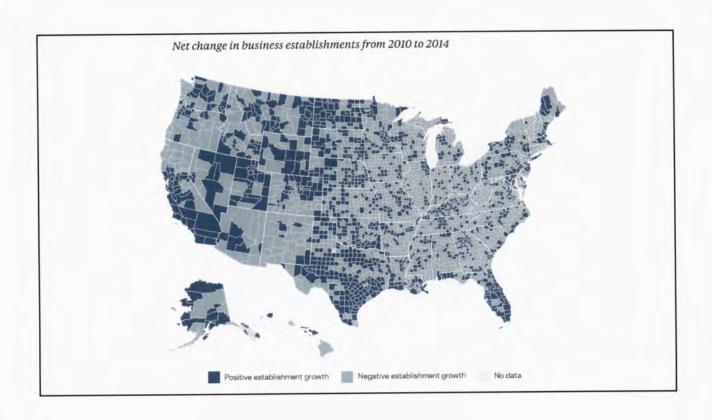
Authorizing Legislation



Opportunity Zones
Program (Sec. 13823)
in Federal Tax Cuts and
Jobs Act (H.R.1),
passed December 2017

Tax incentives for qualified investors to re-invest unrealized capital gains into lowincome communities

\$2.5 trillion estimated unrealized capital gains
\$15 billion estimated realized capital gains in NC



Background

- Enacted in tax reform (Tax Cuts and Jobs Act)
- Tax benefits to encourage individuals and corporations to invest in distressed communities
 - ✓ Internal Revenue Service (IRS) will oversee, not a tax program
 - ✓ No reporting requirements, state oversight, or investment mandates
- Opportunity funds could connect investors to overlooked, but credit-worthy investment opportunities
- Equity investments in growth-stage businesses and real property

What Problems Do Opportunity Zones Address?

- Promoting economic vitality in parts of the state that have not shared in the general prosperity over the past few years
- Funding the development of workforce and affordable housing in areas with escalating prices and inventory shortages
- Funding new infrastructure to support population and economic growth
- Investing in startup businesses that have potential for rapid increases in scale
- Upgrading the capability of existing underutilized assets through capital improvement investments

Opportunity Funds Incentives

Federal tax incentives for investments made by qualified entities (Opportunity Funds)



Temporary tax deferral for capital gains reinvested in an Opportunity Fund



Step-up in basis for capital gains reinvested in an Opportunity Fund



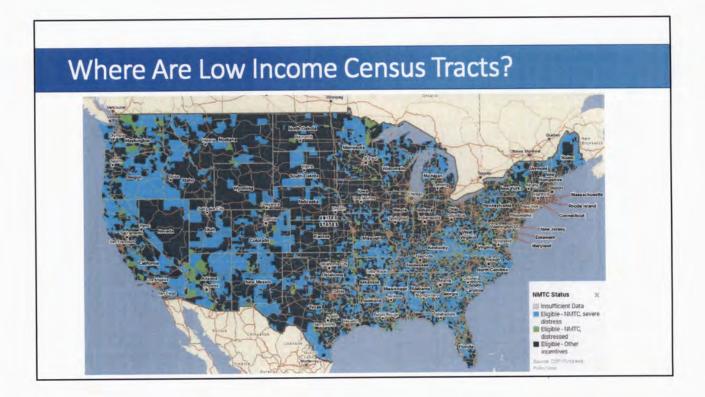
Permanent exclusion from taxable income of long-term capital gains

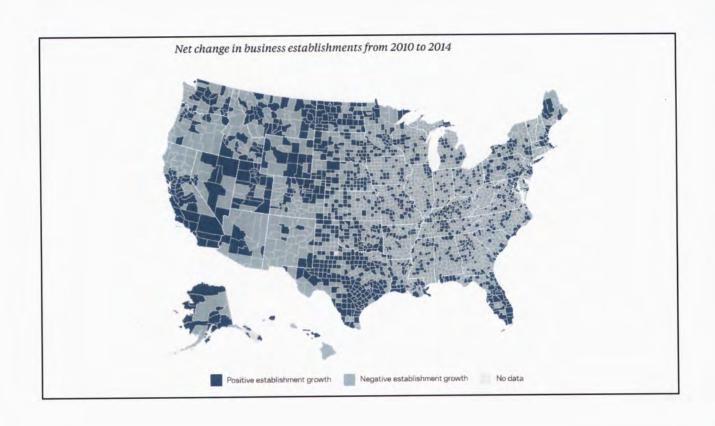
What Is A Low Income Census Tract?

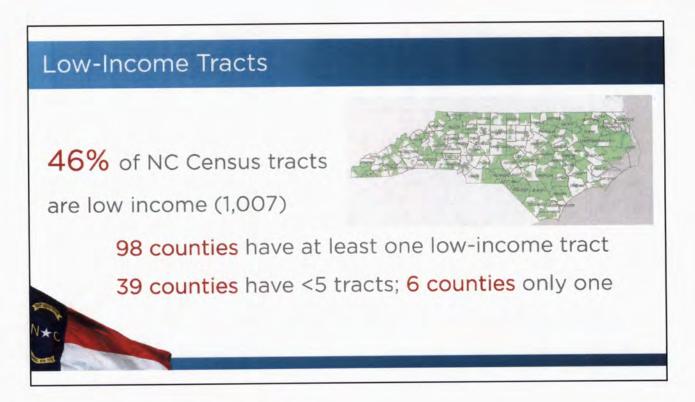
Same as the definition for New Market Tax Credits:

A census tract with income at or lower than 80 percent area median income and poverty rate is greater than 20 percent.

(Area median income refers to the median family income of the state in rural areas, or if the tract is in a Metropolitan Statistical Area with a higher median family income than the state as a whole, the median family income of the MSA)







Selecting Opportunity Zones

Guiding Principles:

- At least one zone in every county
- 25 percent of each county's low-income tracts
- Local recommendations and development goals
- State industrial site development initiatives
- Tracts hit by Hurricane Matthew

Selected 252 Tracts across NC



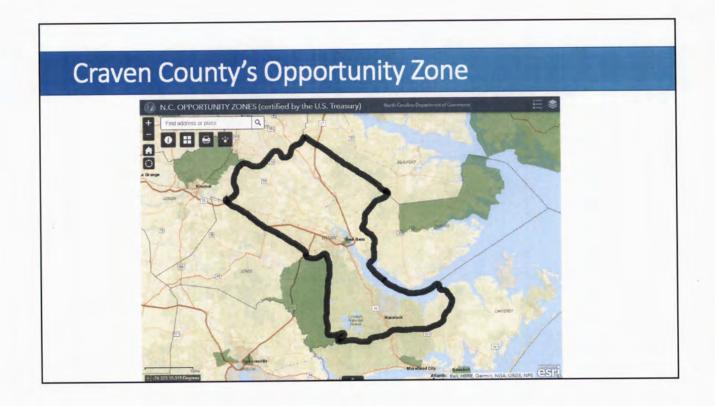


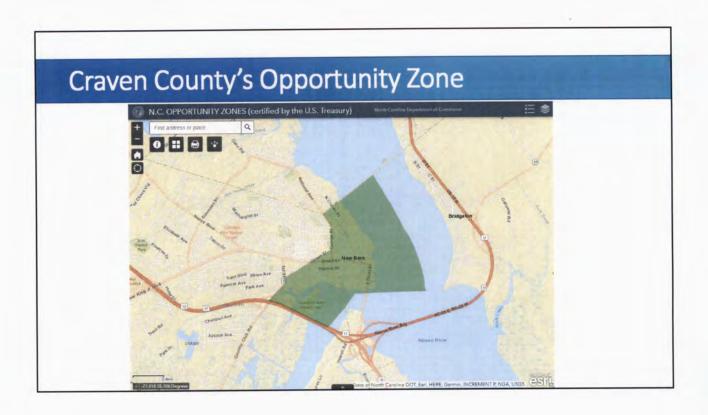






1.1 million North Carolinians 50,000 business establishments \$580 million public and private investments All NC Megasites





What is an Opportunity Fund?

An investment vehicle that is set up for investing in eligible property located in an Opportunity Zone and that utilizes the investor's gains from a prior investment for funding the Opportunity Fund

How To Establish An Opportunity Fund

To become a Qualified Opportunity Fund, an eligible taxpayer self certifies. (Thus, no approval or action by the IRS is required.)

To self-certify, a taxpayer merely completes a form (which will be released in the summer fall of 2018) and attaches that form to the taxpayer's federal income tax return for the taxable year. (The return must be filed timely, taking extensions into account.)

What Are the Tax Benefits to Investors?

Opportunity zones offer three (3) main tax incentives to investors:

- An investor may defer capital gains by investing all or some of the gains from the sale or exchange of property in an opportunity fund within 180 days of the sale;
- 2. If the investor's gains are invested for at least 5-7 years, the deferred gain may be reduced by up to 15% (10% for five years and another 5% for seven years); and
- 3. If the investor elects to hold an interest in the opportunity fund for at least 10 years, taxable gains are eliminated

What is Opportunity Zone Property?

Opportunity zone property is tangible property used in a business that was purchased or acquired after Dec 31, 2017.

To be considered an opportunity zone property, the original use of tangible property in the zone is required to begin with the Opportunity Zone Fund, or the opportunity fund is required to substantially improve the tangible property.

What are Qualified Opportunity Zone Businesses?

A trade or business in which substantially all of the tangible property owned or leased by the taxpayer is qualified opportunity zone business property and:



At least 50% of gross income earned by the business must be conducted in the Opportunity Zone

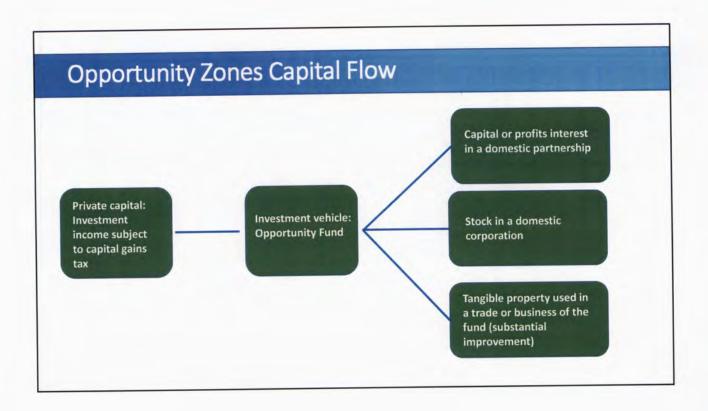


Substantial tangible assets of the business must be used in an Opportunity Zone



The business can hold only a limited amount of investment assets

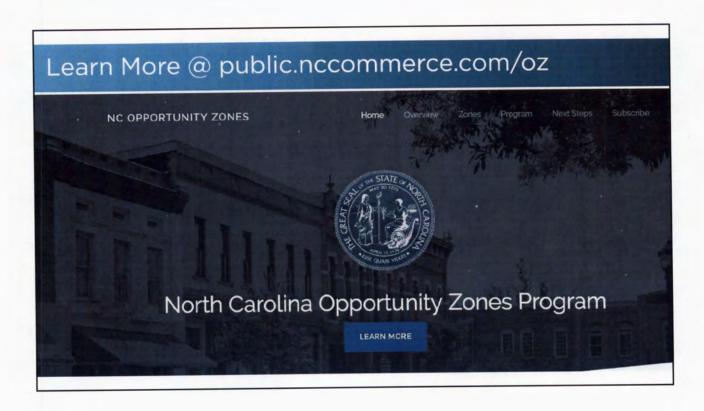
Almost any type of business will qualify, except for certain "sin businesses"



What is NC Commerce's Role?

NC Commerce will be working on the following:

- √ List of Main Street communities directly affected;
- å List of non-Main Street communities directly affected;
 - Developing a toolkit that walks NC communities through the process;
 - Supporting and connecting NC communities with deal, analysis and technical resources; and
 - Developing a list of high-quality (investment-ready) opportunities



Continuation of Discussion for a Part-time Animal Control Officer.

Agenda Item Title:

Date of Meeting 09-11-18	Ward # if applicable N/A
Department Police	Person Submitting Item: Toussaint B. Dommers, Jr.
Call for Public Hearing \square Yes \boxed{arphi}	No Date of Public Hearing
Explanation of Item: Chief Summers to provide a verba	al update regarding the search for a part-time ACO.
Actions Needed by Board: None.	
Is item time sensitive? Ves]No
Will there be advocates/opponen	ats at the meeting?□Yes ☑No
Backup Attached: None.	
Cost of Agenda Item: \$0.00	
If this item requires an expenditucertified by the Finance Director:	ure, has it been budgeted and are funds available and \square Yes $ olimits No$
Additional notes:	

Agenda	Item	Title:
---------------	-------------	--------

Consider Adopting a Resolution Initiating the Upset Bid Process for 570 NC Hwy 55W

Date of Meeting 11/13/18	Ward # if applicable N/A
Department City Clerk	Person Submitting Item: City Clerk
Call for Public Hearing ☐ Yes ✓ No	Date of Public Hearing
	an offer of \$6,750 to purchase 570 NC Hwy 55W. The e of \$13,500. The offer represents 50% of the tax value
Actions Needed by Board: Consider approving resolution.	
Is item time sensitive? ☐ Yes ✓ No	
Will there be advocates/opponents a	at the meeting?□Yes ☑No
Backup Attached: Memo, Resolution, Offer to Purchase, deeds showing transfer to County and	copy of tax record card, map of property, and copies fo I City and amount of delinquent taxes
Cost of Agenda Item: \$	
If this item requires an expenditure, certified by the Finance Director :	has it been budgeted and are funds available and]YesNo
Additional notes:	

Aldermen

Sabrina Bengel Jameesha Harris Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Dana E. Outlaw Mayor

Mark A. Stephens City Manager

MEMO TO:

Mayor and Board of Aldermen

FROM:

Brenda Blanco, City Clerk

DATE:

November 9, 2018

SUBJECT:

Offer to Purchase 570 NC Hwy. 55W

Edwin B. Franklin, Sr. has made an offer to purchase 570 NC Hwy. 55W for \$6,750.00. The tax value of the vacant lot is \$13,500.00, and the offer represents 50% of the value. The property was acquired jointly by the City and County through tax foreclosure in May of 2017. The total taxes due to both taxing authorities was \$4,860.56. In December 2017, Craven County transferred its interest in the property to the City. The City subsequently demolished a structure that was on the property due to asbestos and a deteriorated state.

If the upset bid process is approved and there are no additional bids received, the City will receive the full proceeds from the sale of the property, less the cost of advertising the offer.

/beb

RESOLUTION

THAT WHEREAS, the City of New Bern owns certain real property identified as 570 NC Highway 55 West, Craven County parcel identification number 8-222-051; and

WHEREAS, North Carolina General Statute § 160A-269 permits the City to sell property by upset bid after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the above described property in the amount of \$6,750.00, submitted by Edwin B. Franklin, Sr.; and

WHEREAS, Edwin B. Franklin, Sr. has paid the required five percent (5%) deposit on the offer.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

Section 1. The Board of Aldermen of the City of New Bern authorizes the sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.

Section 2. The City Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.

Section 3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the City Clerk within ten (10) days after the notice of sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

Section 4. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Aldermen.

Section 5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

Section 6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check or certified check. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset bid if a qualifying higher bid is received. If the City accepts the final high bid, the deposit of the final high bidder will be applied to the purchase price at closing.

Section 7. The terms of the final sale are:

- (a) The Board of Aldermen must approve the final high offer before the sale is closed, which it may do within thirty (30) days after the final upset bid period has passed; and
 - (b) The buyer must pay with cash at the time of closing.

Section 8. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted, and the right to reject all bids at any time, specifically including the initial offer.

Section 9. If no qualifying upset bid is received after the initial public notice, and if the offer set forth above has not been subsequently rejected, the offer set forth above is hereby accepted, and the appropriate city officials are authorized to execute the instruments necessary to convey the property to Edwin B. Franklin, Sr.

ADOPTED THIS 13th DAY OF DECEMBER, 2018.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

CRAVEN COUNTY	
Edwin B. Franklin, Sr.	, as Buyer, hereby offers to purchase and CITY OF NEW BERN, as Seller,
upon acceptance of said offer, agrees to sell and co as the "Property"), upon the following terms and co	onvey, all of that plot, piece or parcel of land described below (hereafter referred to
1. REAL PROPERTY: Located in or near the	e City of New Bern, Craven County, North Carolina, being known as and more
particularly described as:	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Street Address: 570 NC Hwy 55W	
Subdivision Name:	
Tax Parcel ID No.: 8-222-051	
Plat Reference:	
Being all of that property more particularly describe	ed in Deed Book 3523, Page 1136 in the Craven County Registry.
2. PURCHASE PRICE: The purchase price is \$	6,750.00 and shall be paid as follows:
(a) \$ 6,750.00 , EARNEST MOR	NEY DEPOSIT with this offer by \square cash \square bank check \square certified check to be
held by Seller until the sale is closed, at wh	ich time it will be credited to Buyer, or until this contract is otherwise properly
terminated. In the event this offer is not accept	oted, then all earnest monies shall be refunded to Buyer. In the event of breach of
this contract by Seller, all earnest monies shall	I be refunded to Buyer upon Buyer's request In the event of breach of this contract
by Buyer, then all earnest monies shall be for	feited to Seller upon Seller's request, but such forfeiture shall not affect any other
remedies available to Seller for such breach.	
(b) \$ 0.00 , BALANCE of the pur	rchase price in cash or readily available funds at Closing.
3. CONDITIONS:	
(a) This contract is not subject to Buyer obtaining	financing.
excepted.	e or better condition at Closing as on the date of this offer, reasonable wear and tear
(c) The Property is being sold subject to all liens a	
(d) Other than as provided herein, the Property is I	being conveyed "as is".
provisions and the rights in others to submit up	
(f) Title shall be delivered at Closing by QUITCL	AIM DEED
4. SPECIAL ASSESSMENTS: Seller makes n	o warranty or representation as to any pending or confirmed governmental special
assessments for sidewalk, paving, water, sewer, or	other improvements on or adjoining the Property, or pending or confirmed owners'
association special assessments. Buyer shall take t	itle subject to all pending assessments, if any.
PAYMENT OF TAXES: Any ad valorem ta	xes to which the Property is subject shall be paid in their entirety by Buyer.
6. EXPENSES: Buyer shall be responsible for a	all costs with respect to any title search, title insurance, recording of the deed and its
	leed and all other documents necessary to perform Seller's obligations under this
agreement, and for any excise tax (revenue stamps)) required by law.
7. EVIDENCE OF TITLE: Not Applicable.	
8. CLOSING: Closing shall be defined as the	date and time of recording of the deed. All parties agree to execute any and all
documents and papers necessary in connection v	with Closing and transfer of title within thirty (30) days of the granting of final
	s Board of Aldermen pursuant to G.S. §160A-269. The deed is to be made to
Edwin R Franklin Sr Edwin R Franklin.	Ir. and Jeannie Johnson

- 9. POSSESSION: Unless otherwise provided herein, possession shall be delivered at Closing.
- 10. PROPERTY INSPECTION, APPRAISAL, INVESTIGATION:
- (a) This contract is not subject to inspection, appraisal or investigation, as the Property is being bought "as is." Seller makes no representation as to water, sewer, conditions, title, access, or fitness for any intended use.
- (b) CLOSING SHALL CONSTITUTE ACCEPTANCE OF THE PROPERTY IN ITS THEN EXISTING CONDITION.
- 11. RIGHT OF ENTRY, RESTORATION AND INDEMNITY: Buyer and Buyer's agents and contractors shall not have the right to enter upon the Property for any purpose without advance written permission of the Seller. If such permission is given, Buyer will indemnify and hold Seller harmless from all loss, damage, claims, suits or costs, which shall arise out of any contract, agreement, or injury to any person or property as a result of any activities of Buyer and Buyer's agents and contractors relating to the Property. This indemnity shall survive this contract and any termination hereof.
- 12. OTHER PROVISIONS AND CONDITIONS: (ITEMIZE ALL ADDENDA TO THIS CONTRACT AND ATTACH HERETO.): None.

Buyer Initials <u>B</u>	Seller Initials	

- 13. RISK OF LOSS: The risk of loss or damage by fire or other casualty prior to Closing shall be upon Seller.
- 14. ASSIGNMENTS: This contract may not be assigned without the written consent of all parties, but if assigned by agreement, then this contract shall be binding on the assignee and the assignee's heirs, successors or assigns (as the case may be).
- 15. PARTIES: This contract shall be binding upon and shall inure to the benefit of the parties, i.e., Buyer and Seller and their heirs, successors and assigns. As used herein, words in the singular include the plural and the masculine includes the feminine and neuter genders, as appropriate.
- 16. SURVIVAL: If any provision herein contained which by its nature and effect is required to be observed, kept or performed after the Closing, it shall survive the Closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed.
- 17. ENTIRE AGREEMENT: This contract contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed herein. All changes, additions or deletions hereto must be in writing and signed by all parties.
- 18. NOTICE AND EXECUTION: Any notice or communication to be given to a party herein may be given to the party or to such party's agent. This offer shall become a binding contract (the "Effective Date") when signed by both Buyer and Seller and such signing is communicated to the offering party. This contract is executed under seal in signed multiple originals, all of which together constitute one and the same instrument, with a signed original being retained by each party, and the parties adopt the word "SEAL" beside their signatures below.

BUYER:			SELLER
(If an individual)			CITY OF NEW BERN
Z	EBF	_(SEAL)	By:(SEAL)
Name:	Edwin B. Franklin, Sr.		Its:
Date:	November 1, 2018		Date:
Address:	560 NC Hwy 55W		
	New Bern, NC 28562		
Phone:	252-259-2126 (C) or		
i none.	252-638-6999 (H)		
(If a busi	iness entity)		
By:		(SEAL)	
Its:			
Address		_ 	
Phone:			

Buyer Initials _____ Seller Initials _____

Craven County Geographic Information System

Craven County does NOT warrant the information shown on this page and should be used ONLY for tax assessment purposes.

This report was created by Craven County GIS reporting services on 11/1/2018 9:30:14 AM

Parcel ID: 8-222 -051

Owner: NEW BERN-CITY OF

Mailing Address: PO BOX 1129 NEW BERN NC 28563

Property Address: 570 W NC 55 HWY

Description: NEUSE RD

Lot Dimension : Subdivision :

Assessed Acreage: 0.352 Calculated Acreage: 0.350

Deed Reference: 3523-1136 Recorded Date: 12 29 2017

Recorded Survey:

Estate Number:

Land Value: \$13,500 Tax Exempt: Yes Improvement Value: \$0 # of Improvements: 0

Total Value: \$13,500

City Name: NEW BERN Fire tax District:

Drainage District: Special District:

Land use: VACANT-RESIDENTIAL TRACT

Recent Sales Information

SALE DATE	Sellers Name	Buyers Name	Sale Type	Sale Price
12/29/2017	CRAVEN COUNTY & NEW BERN-CITY	NEW BERN-CITY OF	MULTI-PARCEL- SALE	\$0
5/18/2017	GREEN, SANDRA	CRAVEN COUNTY & NEW BERN-CITY	STRAIGHT TRANSFER	\$0
11/5/2001	MOORE, ROBERT EARL & HOLLIS H	GREEN, SANDRA	STRAIGHT TRANSFER	\$33,000
12/17/1996	JACKSON, HELEN CLARK	MOORE, ROBERT EARL & HOLLIS H	STRAIGHT TRANSFER	\$15,000
1/18/1996	JACKSON, MELVIN	JACKSON, HELEN CLARK	STRAIGHT TRANSFER	\$0

List of Improvements to Site

No improvements listed for this parcel





Craven County GIS 570 NC Hwy 55W PID 8-222-051

Doc No: 10007612
Recorded: 05/18/2017 at 10:39:18 AM Fee Amt: \$28.00 Page 1 of 4

CRAVEN County, North Carolina Sherri B. Richard Register of Deeds
Bk 3501 Pg 1550

NORTH CAROLINA

DEED OF CORRECTION

CRAVEN COUNTY

Revenue Stamps: \$ 0 Parcel ID # 8-222-051

THIS DEED OF CORRECTION, made and executed this 17th day of May, 2017, by and between AARON D. ARNETTE, Commissioner, pursuant to a judgment of the District Court of the N.C. General Court of Justice in Craven County, North Carolina in an action entitled "Craven County, Plaintiff v. Sandra Green, et al. (16 CVD 892).", Grantor, to Craven County and the City of New Bern, whose mailing addresses are 406 Craven Street, New Bern, North Carolina 28560 and 300 Pollock Street, New Bern, North Carolina 28560, respectively, as Grantees.

WITNESSETH:

WHEREAS, Grantor heretofore executed a deed dated the 9th day of May, 2017, and recorded on May 9, 2017 in Book 3500, Page 1538 in the Office of the Register of Deeds of Craven County conveying certain property to Grantee; and

WHEREAS, the legal description for parcel number 8-222-051 was referenced in the Commissioner's Deed as Exhibit A. However, by mistake, Exhibit A was not attached to the Commissioner's Deed as indicated therein.

WHEREAS, Exhibit A is attached hereto and incorporated herein by reference.

WHEREAS, said Aaron D. Arnette, Commissioner, being empowered and directed by a judgment in the said action, did, on the 21st day of April, 2017, after due advertisement according to law, and as directed by said judgment, expose the land hereinafter described to public sale at the

Prepared By:
Sumrell, Sugg, Carmichael, Hicks & Hart, P.A.
416 Pollock Street
New Bern, NC 28560

W

door of the Craven County Courthouse, where and when Craven County and the City of New Bern became the last and highest bidders for said land at the public sale for the sum of \$4,860.56; and

WHEREAS, on the 21st day of April, 2017, Aaron D. Arnette, Commissioner, reported to the Court that Craven County and the City of New Bern were the last and highest bidders for said property in the amount of \$4,860.56; and

WHEREAS, more than 10 days elapsed since the report of sale was filed and the last upset bid was received; and

WHEREAS, an order confirming the sale to Craven County and the City of New Bern was entered by the Assistant Craven County Clerk of Superior Court on or about May 3, 2017.

WHEREAS, on or about the 3rd day of May, 2017 Aaron D. Arnette, Commissioner, was ordered by said Court to execute a deed in fee simple to Craven County and the City of New Bern.

NOW THEREFORE, in consideration of the premises, the said Aaron D. Arnette, Commissioner, as aforesaid, does hereby grant, bargain, sell, and convey to Craven County and the City of New Bern, all of that certain tracts or parcels of land Lying, situate and being in Number Eight Township, Craven County, North Carolina, and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The property is commonly referred to by its tax parcel identification number which is 8-222-051.

This parcel is not the primary residence of the grantor.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges and appurtenances thereunto belonging to the said Grantee, in fee simple forever, in as full and ample manner as said Aaron D. Arnette, Commissioner, as aforesaid, is authorized and empowered to convey same.

Regarding Parcel ID 8-222-051, the title conveyed by this Commissioner's Deed is held pursuant to N.C. Gen. Stat. § 105-376, with CRAVEN COUNTY having \$3,437.23 in taxes, interest, penalties, fees and costs associated with this matter and the CITY OF NEW BERN having \$1,423.33 in taxes, interest, penalties, fees and costs associated with this matter, all of which constitute a first and prior lien as of the date of the sale. Upon subsequent sale of this parcel, the proceeds will be distributed between Craven County and the City of New Bern pursuant to N.C. Gen. Stat. § 105-376.

Bk 3501 № 1551

IN WITNESS WHEREOF, the said Aaron D Arnette, Commissioner, hath hereunto set his hand and seal the day and year first above written.

(SEAL)

Aaron David Arnette, COMMISSIONER

STATE OF NORTH CAROLINA COUNTY OF CRAVEN

I. Debbie H. Southerland, a Notary Public of the County of Craven, State of North Carolina, do hereby certify that Aaron D. Arnette, Commissioner, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial stamp or seal, this 17th day of May, 2017.

My Commission Expires: 2/11/22

Doc No: 10007612 Bk 3501 pg 1552

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Date 11/05/2001 Fine 12:51:54 3 of 3 Pas No: 2001-00033741

Book 1862 Page 570

PARCEL A: Beginning at a point in the northern right of way line of MC Highway 55, which point lies the following courses and distances from the centerline intersection of MC Highway 55 and Pleasant Hill Road:

8 56° 53' 03" E 990.57 feet to a point, N 33° 00' 00" B 30 feet to a point which point marks the aforementioned point of beginning.

THENCE FROM SAID POINT OF BEGINNING, N 33° 00' 00" B 208 feet to an iron pipe; thence 8 58° 00' 00" N 209.42 feet to a point; thence 8 33° northern right of way line of MC Highway 55; thence along and with the northern right of

way line of MC Highway 55, N 57° 00' 00" W 75.0 fact to an iron pipe marking the aforementioned point of beginning. Containing of Lot Number Two as the same is shown and delineated in Map Book 3, at Page 57, Craven

This description is taken from that certain Re-survey of Lot #2 of the Hahn Land for Robert Earl and Hollis H. Moore by Jerry R. Ryan, Registered Land Surveyor, dated October 9, 1996, to which reference is made for a more accurate description.

PARCEL B:

Beginning at a point in the northern right of way line of NC Highway 55, which point lies the following courses and distances from the centerline intersection of NC Highway 55 and Pleasant Hill Road:

8.56° 53' 03" B 990.57 feet to a point; N 33° 00' 00" B 30 feet to a point which point marks the aforementioned point of beginning.

THENCE PROM SAID POINT OF BEGINNING, N 33° 00° 00° B 208 feet to an iron pipe, S 36° 01° 38° a point in the northern right of way line of NC Highway 55; thence along and with the northern right of way line of NC Highway 55; thence along and with the soft of way line of NC Highway 55; thence along and with the 157° 00° E 11 feet to the aforementioned point parcel of land described as an area of the same is shown on the aforementioned plat the same is shown on the aforementioned plat for Robert Earl and Hollis H. Moore by Jerry October 9, 1996, to which reference is made said plat is attached hereto and incorporated herein by reference.

This being the same property recorded in Book 1545 Page 261. Craven County Registry.

*3501 * 1555

Doc No: 10017018
Recorded: 12/29/2017,01:05:24 PM
Fee Amt: \$26:00 Page 1 of 5

CRAVEN County, North Carolina
Sherri B. Richard Register of Deeds
Bk 3523 Pg 1136

Prepared by and return to:

Michael Scott Davis DAVIS HARTMAN WRIGHT PLLC 209 Pollock Street New Bern, NC 28560

Tax Parcel Nos. 8-014-217 & 8-222-051 Revenue Stamps \$0.00

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this <u>215+</u> day of <u>December</u>, 20<u>17</u>, by and between **CRAVEN COUNTY**, a body politic and corporate of the State of North Carolina ("Grantor"); to the **CITY OF NEW BERN**, a municipal corporation of the State of North Carolina ("Grantee"), whose mailing address is Post Office Box 1129, New Bern, North Carolina 28563;

WITNESSETH:

That said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to Grantor paid by the Grantee, the receipt of which is hereby acknowledged, has remised and released, and by these presents does remise, release and forever quitclaim unto the Grantee, Grantee's successors and assigns, pursuant to N.C.G.S. Section 160A-274, its interest in the following described property, to wit:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property herein conveyed does not include the primary residence of the Grantor.

DAVIS HARTMAN WRIGHT PLLC Attorneys at Law 209 Pollock Street New Bern, NC 28560 TO HAVE AND TO HOLD the above described lots or parcels of land and all privileges and appurtenances thereunto belonging to the Grantee, Grantee's successors and assigns, free and discharged from all right, title, claim or interest of the said Grantor or anyone claiming by, through or under the Grantor.

IN TESTIMONY WHEREOF, CRAVEN COUNTY has caused this instrument to be executed as its act and deed by the Chairman of its Board of Commissioners, attested by its Clerk, and its seal to be hereunto affixed, all by the authority of its Board of Commissioners, as of the day and year first above written.

CRAVEN COUNTY

[SEAL]

Chairman, Craven County Board of

Commissioners

ATTEST:

Clerk, Craven County Board of

Commissioners

Doc No: 10017016 Bk 3523 Pg 1137

STATE OF NORTH CAROLINA

COUNTY OF PAMILICO

I, Notary Public in and for said County and State, do hereby certify that on the 21 day of December, 2017, before me personally appeared THOMAS F. MARK with whom I am personally acquainted, who, being by me duly sworn, says that he is the Chairman of the Board of Commissioners for Craven County, and that GWENDOLYN M. BRYAN is the Clerk of the Board of Commissioners for Craven County, the body politic and corporate described in and which executed the foregoing instrument; that he knows the common seal of said body politic and corporate; that the seal affixed to the foregoing instrument is said common seal; that the name of the body politic and corporate was subscribed thereto by the said Chairman; that the said common seal was affixed, all by order of the Board of Commissioners of said body politic and corporate; and that the said instrument is the act and deed of said body politic and corporate.

WITNESS my hand and official seal this the 21 day of December, 2017.

My Commission Expires:

My Commission Expires 6-23-2020

Doc No: 10017016 Bk 3523 Pg 1138

Doc No: 10017016 Bk 3523 Pg 1139

EXHIBIT A

All those certain tracts or parcels of land lying and being situated in the City of New Bern, Number Eight (8) Township, Craven County, North Carolina, and being more particularly described as follows:

1113 Raleigh Street (Parcel No. 8-014-217)

A portion of Lot Number 128 in the subdivision known as Mechanicsville, plot recorded in Book 116, Page 530. Being that same portion of Lot Number 128 currently bearing New Bern postal enumeration of 1113 Raleigh Street.

Also being that same property described in that certain deed of record in Book 1782, Page 474 of the Craven County Registry.

This property is also commonly referred to by its tax parcel identification number which is 8-014-217.

Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed recorded on October 11, 2017, in Book 3516, Page 695 of the Craven County Registry.

570 NC Highway 55 West (Parcel No. 8-222-051)

<u>PARCEL A</u>: Beginning at a point in the northern right-of-way line of NC Highway 55, which point lies the following courses and distances from the centerline intersection of NC Highway 55 and Pleasant Hill Road:

S 56° 53' 03" E 990.57 feet to a point; N 33° 00' 00" E 30 feet to a point which point marks the aforementioned point of beginning.

THENCE FROM SAID POINT OF BEGINNING, N 33° 00' 00" E 208 feet to an iron pipe; thence S 58° 01' 59" E 75.01 feet to a point; thence S 33° 00' 00" W 209.42 feet to a point in the northern right-of-way line of NC Highway 55; thence along and with the northern right-of-way line of NC Highway 55, N 57° 00' 00" W 75.0 feet to an iron pipe marking the aforementioned point of beginning. Containing 15,656 square feet, more or less and being all of Lot Number Two as the same is shown and delineated in Map Book 3, at Page 57, Craven County Registry.

This description is taken from that certain Re-survey of Lot #2 of the Hahn Land for Robert Earl and Hollis H. Moore by Jerry R. Ryan, Registered Land Surveyor, dated October 9, 1996, to which reference is made for a more accurate description.

<u>PARCEL B</u>: Beginning at a point in the northern right-of-way line of NC Highway 55, which point lies the following courses and distances from the centerline intersection of NC Highway 55 and Pleasant Hill Road:

S 56° 53' 03" E 990.57 feet to a point; N 33° 00' 00" E 30 feet to a point which point marks the aforementioned point of beginning.

THENCE FROM SAID POINT OF BEGINNING, N 33° 00' 00" E 208 feet to an iron pipe, S 36° 01' 38" W along and with a wire fence, 208.29 feet to a point in the northern right-of-way line of NC Highway 55; thence along and with the northern right-of-way line of NC Highway 55, S 57° 00' E 11 feet to the aforementioned point of beginning. Being that certain tract or parcel of land described as an area of occupation, 1,144 square feet more or less, as the same is shown on the aforementioned plat entitled Re-survey of Lot #2 of the Hahn Land for Robert Earl and Hollis H. Moore by Jerry R. Ryan, Registered Land Surveyor, dated October 9, 1996, to which reference is made for a more accurate description.

This being the same property recorded in Book 1545, Page 261, Craven County Registry.

Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed of Correction recorded on May 18, 2017, in Book 3501, Page 1550 of the Craven County Registry.

Doc No: 10017016 Bk 3523 Pg 1140

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Approving a Contract with the Housing Authority of New Bern for the Sale of a Portion of 703 Carolina Avenue

Date of Meeting 11/13/18	Ward # if applicable $Ward 2$				
Department Administration	Person Submitting Item: Mark Stephens				
Call for Public Hearing Yes Vo	Date of Public Hearing				
Explanation of Item: As discussed at previous meetings, the Housing Authority of New Bern has requested to purchase a portion of 703 Carolina Avenue for the purpose of developing mixed-use housing. A copy of the proposed contract will be supplemented before or at the time of the meeting on November 13th.					
Actions Needed by Board: Consider approving resolution.					
Is item time sensitive? ✓ Yes ☐ No					
Will there be advocates/opponents a	it the meeting?□Yes □No				
Backup Attached: None at this time					
Cost of Agenda Item: \$ If this item requires an expenditure,	has it been budgeted and are funds available and				
certified by the Finance Director :					
Additional notes:					

AGENDA ITEM COVER SHEET

Consider signing the modified SRO Contract for officers to be placed in two elementary schools within city limits.
Date of Meeting November 13, 2018 Ward # if applicable N/A
Department Police Person Submitting Item: Toussaint E. Symmers, Jr.
Call for Public Hearing Yes No Date of Public Hearing
Explanation of Item:
Seeking approval by signing the modified SRO Contract to place officers in JT Barber Elementary School and Oaks Road Academy/Aspire. This item was approved by the Board on August 28, 2018, however City Attorney Scott Davis recognized the need for modifications.
Actions Needed by Board: Signing of the new SRO Contract.
Is item time sensitive? Yes No
Will there be advocates/opponents at the meeting? ☐ Yes ☑ No
Backup Attached: Memo to the Mayor and Board of Aldermen.

If this item requires an expenditure, has it been budgeted and are funds available and

Additional notes:

Cost of Agenda Item: \$10,000.00

certified by the Finance Director : Yes \(\subseteq No

Agenda Item Title:

Please refer to the associated expenditures in the August 28th packet.







P.O. Box 1129, New Bern, NC 28563-1129 (252) 672-4100

Police and Community come together here.

TO:

Mayor Outlaw and the Board of Alderman

FROM:

Toussaint E. Summers, Jr., Chief of Police

SUBJECT:

SRO Contract

DATE:

October 25, 2018

The New Bern Police Department is seeking approval by signing the modified School Resource Officer Contract for two additional officers to be placed in JT Barber Elementary School and Oaks Road Academy/Aspire. The original contract was accepted by the Board of Aldermen during the August 28, 2018 meeting, however after further review by City Attorney Scott Davis, it was recommended that changes were necessary. The suggested changes have been made to the contract and the Craven County Board of Education has been consulted with and are in agreeance with the modifications.

It is respectfully recommended that the Board of Aldermen consider signing the revised SRO Contract for two additional School Resource Officers within two of the City's most disadvantaged elementary schools.

CRAVEN COUNTY

THIS CONTRACT made and entered into effective the 16th day of August, 2018, by and between CRAVEN COUNTY BOARD OF EDUCATION, (hereinafter Local Board of Education or "LBE") a statutory corporation of North Carolina with its principal office in Craven County, North Carolina; and the City of New Bern, (hereinafter Local Law Enforcement Agency or "LLEA"), with the principal office in New Bern, Craven County, North Carolina;

WITNESSETH:

WHEREAS, LBE desires to contract with LLEA to provide School Resource Officers at J. T. Barber Elementary School and Oaks Road Academy(80%)/Aspire(20%) for the school year 2018/2019, who will: provide security for schools the entire time school is in session or school activities are taking place during a traditional school calendar, provide security at school sponsored extra-curricular activities held at school after the student instructional day, including but not limited to PTA meetings, athletic events, drama performances and student band, chorus and/or orchestra concerts; participate in educational programs and activities that will increase student's knowledge of and respect for the law and the function of law enforcement agencies; participate in crisis planning and management; act swiftly and cooperatively with school staff when responding to school disruptions, acts of violence and criminal offenses at school, including but not limited to, the crimes that must be reported by the principal to law enforcement personnel listed in NCGS § 115C-288(g) and disorderly conduct by trespassers, the possession and use of weapons on campus, the illegal sale and/or distribution of controlled substances, and nots; receive principal reports of crimes listed in NCGS § 115C-288(g) that occur on campus; cooperate and coordinate with other law enforcement officials in their investigations of criminal offenses which occur on or off campus and that impact the schools; cooperate and coordinate with the District Attorney's Office in their prosecution of criminal offenses which occur on or off campus and that impact the schools; provide traffic control at the beginning and end of the student day at the school to which each SRO is assigned for the safety and protection of students and the general public

NOW, THEREFORE, the parties do hereby agree as follows:

- SROs and their supervisors shall be employees of the LLEA and not the LBE and shall be subject to the administration, supervision and control of the LLEA, except as such administration, supervision and control are subject to the terms and conditions of this Contract between the LLEA and LBE.
- 2. LBE will furnish to LLEA funds in the total sum of \$49,500.00 per SRO to offset the cost of salary and related benefits of members of the LLEA who will act as SRO to the schools pursuant to the terms hereinafter expressed.
- LBE will also furnish for the use of the SRO on the schools' premises an office, telephone, computer and a short wave radio.
- LLEA, will furnish the said SRO with an appropriate "marked" law enforcement vehicle, and vehicular expense.

- 5. The SRO will be assigned full-time to the schools during the traditional school year. The SRO is expected to work forty (40) hours per week and will be assigned to the specific duties and responsibilities by the Principal of the schools, subject to the general supervision, rules, and policies of the LLEA. On a typical day, the SROs shall be on duty at an assigned school(s) from approximately thirty (30) minutes before the beginning of the student instructional day until approximately thirty (30) minutes after the end of the students' school day unless modified by mutual agreement between parties. Any remaining time shall be used to provide after school and/or evening security at school events or other assignments as determined by the Principal, subject to the general supervision, rules, and policies of the LLEA
- 6. The LLEA, in its sole discretion, shall have the power and authority to hire, discharge and discipline SROs and their supervisors. However, the LLEA shall agree to consult with and to ask for a non-binding recommendation from the principal in regard to the hiring, evaluation, discipline and termination of the SRO assigned to a particular school.
- 7. All SROs shall be required by the LLEA to attend annual training and periodic (monthly) briefing sessions. Briefing sessions during the school year shall be conducted to provide for the exchange of information between the LLEA, SROs and school officials. Annual Training sessions shall provide SROs with training for working in schools such as updates in school law, as well as basic law enforcement training and firearm training. Every effort shall be made that Annual Training be scheduled in the summer, not when school is in session. The LLEA shall allow the LBE to provide training for SROs in LBE policies, regulations and procedures.
- A performance review will be performed at the end of the school year by the Principal and submitted in writing to the LLEA.
- 9. The SRO will appear on campus in uniform at all times; in the event of the necessary absence of the SRO during school hours for non-SRO reasons, another appropriate LLEA Officer will be assigned by the LLEA as a substitute SRO at the schools so that there will be present and on duty at all times an appropriate LLEA Officer at the schools. During the summer months of vacation for the schools, the SRO will be re-assigned to duties to be determined by the LLEA, unless otherwise agreed to by the LLEA and the LBE.
- 10. In the event of a necessity to remove a student from campus, the SRO shall first notify the Principal, or his designee. In the event an SRO must place a student under arrest or call in "backup" or assistance, the SRO shall notify the principal or designee as soon as practical.
- 11. The LLEA will provide to the LBE's Finance Officer annually on or before July 1 of each year during the term of this Contract, a detailed list of the SRO's compensation, including the various elements of the same.
- 12. The LLEA shall purchase and maintain in full force and effect during the term of this Contract one or more general comprehensive liability insurance policies with coverage in an amount of not less than One Million Dollars (\$1,000,000.00) for any acts or omissions that occur or claims that are made during the term of the Contract, together with "umbrella coverage" of Two Million Dollars (\$2,000,000.00).
- 13. To the extent that it may legally do so, the LLEA agrees to hold the LBE, its agents and employees free, harmless and indemnified from and against any and all claims, suits or causes of actions arising from or in any way out of the performance of the duties of the SRO or the School Resource Officer Program. To the extent that it may legally do so, the LLEA shall indemnify and hold harmless the LBE, its agents and employees free from all expense, including attorneys' fees, claims or lawsuits arising out of allegations of unfair or unlawful employment practices brought by SROs.
- 14. This Contract is contingent upon the continued or recurring funding of an SRO by the State Legislature and is further contingent upon the approval by the governing board of the LLEA in approving the position which this contract establishes.

15.	This Contract may be terminated for cause at any time by either party, if the other party fails to cure any material breach of this Contract within thirty (30) days after being notified of the breach by the party terminating the Contact. The Contract may be terminated by either party without cause by giving at least ninety (90) days advance written notice. Should any party terminate this Contract, the City of New Bern shall return to LBE a pro rata portion of the amounts described in paragraph 2 above for each day of early termination based upon the number of SRO work days during the traditional school year.		
16.	This Contract shall commence on, 2018, and terminate on, 2019.		
	IN WITNESS WHEREOF, the parties hereto have duly executed this Contract by authority of		
the go	overning board of each party in duplicate originals, one copy of which is retained by each of the		
parties	s hereto.		
	LBE: CRAVEN COUNTY BOARD OF EDUCATION		
Dr. Me Super	David E. Hale, Chairman		
	LLEA: CITY OF NEW BERN Dana E. Outlaw, Mayor		
ATTE	ST:		
Brend	a Blanco, City Clerk		
THIS INSTRUMENT has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act as amended.			
Date:	LLEA: CITY OF NEW BERN Joseph R. Sabatelli, Financial Officer		
NORTH CAROLINA CRAVEN COUNTY I,			

acknowledged that she is Secretary of CRAVEN COUNTY BOARD OF EDUCATION, a corporation, and that by authority duly given and as the act of the corporation, the foregoing in was signed in its name by its Chairman, sealed with its corporate seal and attested by Dr. M Doyle, as its Secretary.	nstrument leghan S.
WITNESS my hand and notarial seal, this the $\frac{2^{+}}{2^{-}}$ day of $\frac{Novemb-er}{2^{-}}$	ar .
PUBLIC P. 7 Lowers 20	NOTARY
WITNESS my hand and notarial seal, this the 2 day of November Myra P. Flower PUBLIO My Commission Expires: March 3, 2019	PUBLIC
NORTH CAROLINA CRAVEN COUNTY	
I,, Notary Public in and for said County and State, of certify that on the day of, 2018, before me personally appeared DANA E. OUT whom I am personally acquainted, who, being by me duly swom, says that he is the Mayor BRENDA BLANCO is the City Clerk for the City of New Bern, the municipal corporation describe which executed the foregoing instrument; that he knows the common seal of said municipal cothat the seal affixed to the foregoing instrument is said common seal; that the name of the corporation was subscribed thereto by the said Mayor, that the said common seal was affixed, a of the Board of Aldermen of said municipal corporation; and that the said instrument is the act are said municipal corporation.	and that ed in and orporation; municipal Il by order
WITNESS my hand and notarial seal, this the day of, 201	18.
NOTARY PUBLIC	
My Commission Expires:	

NORTH CAROLINA		
CRAVEN COUNTY		
I,, Notary do hereby certify that Joseph R. Sabatelli, personally call he is the Director of Finance, City of New Bern, New instrument was signed in his name as Director of Finance	Bern, North C	
WITNESS my hand and notarial seal, this the	day of	, 2018.
NOTAR	Y PUBLIC	
My Commission Expires:		

AGENDA ITEM COVER SHEET

Accept Funding and Sign for the Execution of the Memorandum of Agreement for the FY2018 Edward Byme Memorial Justice Assistance Grant.

Agenda Item Title:

Date of Meeting	11/13/18		fapplicable N/A	1.1
Department Police	· [Person S	ubmitting Item:	Toussaint Argummers, Jr.
Call for Public He			of Public Hearin	
Explanation of Item: Award Notification received from the FY2018 Edward Byrne Memorial Justice Assistance Grant that funding has been approved in the amount of \$11,334.00, which will be shared with the Craven County Sheriff's Office. Grant funds will be utilized to procure equipment and materials for personnel workstations at the CNET (Coastal Narcotics Enforcement Team) facility. No matching funds required from the City of New Bern.				
Actions Needed by Board: It is recommended that the Mayor and Board of Aldermen sign for the execution of the memoramcum of Agreement for said grant funds.				
Is item time sens	itive? 🗸 Yes [□No		
Will there be advocates/opponents at the meeting? ☐ Yes ✓ No				
Backup Attached: Memorandum to Mayor and Board of Aldermen, Grant Award Notification, Memorandum of Agreement and Resolution.				
Cost of Agenda It	: em: \$0.00			
If this item require certified by the Fi			_	are funds available and
Additional notes:				







P.O. Box 1129, New Bern, NC 28563-1129 (252) 672-4100

Police and Community come together here.

TO: Mayor Outlaw and the Board of Alderman

FROM: Toussaint E. Summers, Jr., Chief of Police

SUBJECT: FY2018 Edward Byrne Memorial Justice Assistance Grant

DATE: October 12, 2018

The New Bern Police Department submitted a Grant Application to the FY2018 Edward Byrne Memorial Justice Assistance Grant. On October 1, 2018, we received notification that we were awarded funding in the amount of \$11,334.00, which will be shared with the Craven County Sheriff's Office. The funds will be jointly utilized to purchase equipment and materials for personnel workstations at the CNET (Coastal Narcotics Enforcement Team) facility.

This grant requires no matching funds from the City of New Bern.

It is recommended that the Board of Aldermen sign for the execution of the Memorandum of Agreement (MOA) for the FY2018 Edward Byrne Memorial Justice Assistance Grant.

RESOLUTION

WHEREAS, the City of New Bern desires to accept grant funding from the FY2018 Edward Byrne Memorial Justice Assistance Grant to jointly procure with the Craven County Sheriff's Office, equipment and materials for personnel workstations for the CNET (Coastal Narcotics Enforcement Team) facility. The grant funding is in the amount of \$11,334.00 with no matching funds on behalf of the City of New Bern.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

The Board authorizes the acceptance of grant funding from FY2018 Edward Byrne Memorial Justice Assistance Grant to procure equipment and materials for the CNET facility, with no matching funds required from the City and signs for the execution of the Memorandum of Agreement.

ADOPTED THIS THE 13^{TH} DAY OF NOVEMBER, 2018.

	DANA E. OUTLAW, MAYOR	
BRENDA E. BLANCO, CITY CLERK	_	



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

October 1, 2018

Chief Toussaint Summers City of New Bern P.O. Box 1129 New Bern, NC 28563-1129

Dear Chief Summers:

On behalf of Attorney General Jefferson Sessions III, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$11,334 for City of New Bern.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Shaketta Cunningham, Program Manager at (202) 514-4493; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Mast D

Matt Dummermuth

Principal Deputy Assistant Attorney General

Enclosures



OFFICE FOR CIVIL RIGHTS

Office of Justice Programs U.S. Department of Justice 810 7th Street, NW Washington, DC 20531

Tel: (202) 307-0690 TTY: (202) 307-2027 E-mail: askOCR@usdoj.gov Website: www.ojp.usdoj.gov/ocr

OCR Letter to All Recipients

October 1, 2018

Chief Toussaint Summers City of New Bern P.O. Box 1129 New Bern, NC 28563-1129

Dear Chief Summers:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at https://ojp.gov/about/ocr/vawafaqs.htm.

Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website https://www.lep.gov.

Ensuring Equal Treatment of Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion

The DOJ regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38, updated in April 2016, prohibits all recipient organizations, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities. Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal tohold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service provider. For more information on the regulation, please see the OCR's website at https://ojp.gov/about/ocr/partnerships.htm.

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. § 10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182(b); and VAWA, as amended,

34 U.S.C. § 12291(b)(13), contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at https://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs) (see below).

Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

Meeting the EEOP Requirement

An EEOP is a comprehensive document that analyzes a recipient's relevant labor market data, as well as the recipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a recipient's workforce. As a recipient of DOJ funding, you may be required to submit an EEOP Certification Report or an EEOP Utilization Report to the OCR. For more information on whether your organization is subject to the EEOP requirements, see https://ojp.gov/about/ocr/eeop.htm. Additionally, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 616-1771 or by e-mail at EEOPforms@usdoj.gov.

Meeting the Requirement to Submit Findings of Discrimination

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

Ensuring the Compliance of Subrecipients

SAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,

Michael L. Alston

Director

cc: Grant Manager Financial Analyst

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U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance	Grant PAGE 1 OF 23			
RECIPIENT NAME AND ADDRESS (Including Zip Code) Cine of New Rev.	4. AWARD NUMBER: 2018-DJ-BX-0449			
City of New Bern P.O. Box 1129 New Bern, NC 28563-1129	5. PROJECT PERIOD: FROM 10/01/2017 TO 09/30/2019 BUDGET PERIOD: FROM 10/01/2017 TO 09/30/2019			
	6. AWARD DATE 10/01/2018 7. ACTION			
2a. GRANTEE IRS/VENDOR NO. 566000248	8. SUPPLEMENT NUMBER Initial 00			
2b. GRANTEE DUNS NO. 075547208	9. PREVIOUS AWARD AMOUNT \$0			
3. PROJECT TITLE Multi-Jurisdictional Task-Porce Program	10. AMOUNT OF THIS AWARD \$ 11,334			
	II. TOTAL AWARD \$11,334			
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S). 13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY18(BJA - JAG State & JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101 - 10726), including subpart I of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)				
 CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program 				
15. METHOD OF PAYMENT GPRS				
AGENCY APPROVAL	GRANTEE ACCEPTANCE			
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL	18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL			
Matt Dummermuth Principal Deputy Assistant Attorney General	Toussaint Summers Chief of Police			
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AGENCY USE ONLY				
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AWARD CONTINUATION SHEET Grant

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PROJECT NUMBER

2018-DJ-BX-0449

AWARD DATE

10/01/2018

SPECIAL CONDITIONS

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

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

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

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

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

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2018 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2018 award.

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

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

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



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SPECIAL CONDITIONS

3. Compliance with DOJ Grants Financial Guide

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

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

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

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

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after-- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

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

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

6. Requirements related to "de minimis" indirect cost rate

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



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SPECIAL CONDITIONS

7. Requirement to report potentially duplicative funding

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

8. Requirements related to System for Award Management and Universal Identifier Requirements

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

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

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

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

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

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

10. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at https://ojp.gov/funding/Explore/SubawardAuthorization.htm (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

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SPECIAL CONDITIONS

 Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

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

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

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

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

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

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

14. Requirement for data on performance and effectiveness under the award

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

15. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm.

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SPECIAL CONDITIONS

16. Effect of failure to address audit issues

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

17. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

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

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

19. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

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

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at https://www.ecfr.gov/cgi-bin/ECFR?page=browse), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

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SPECIAL CONDITIONS

21. Restrictions on "lobbying"

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

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

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

22. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm, and are incorporated by reference here.

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

23. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

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

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by—(1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

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

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10/01/2018

SPECIAL CONDITIONS

24. Restrictions and certifications regarding non-disclosure agreements and related matters

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

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

- 1. In accepting this award, the recipient--
- a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.
- 2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--
- a. it represents that--
- (1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- (2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
- b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

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

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

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

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

26. Encouragement of policies to ban text messaging while driving

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

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

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

28. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

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29. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at https://ojp.gov/funding/Explore/FFATA.htm (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to—(1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

30. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

31. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

32. Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

33. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

34. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

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35. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

36. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

37. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

38. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

39. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

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40. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

41. Certification of Compliance with 8 U.S.C. 1373 and 1644 (within the funded "program or activity") required for valid award acceptance by a local government

In order validly to accept this award, the applicant local government must submit the required "State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. 1373 and 1644" (executed by the chief legal officer of the local government). Unless that executed certification either—(1) is submitted to OJP together with the fully-executed award document, or (2) is uploaded in OJP's GMS no later than the day the signed award document is submitted to OJP, any submission by a local government that purports to accept the award is invalid.

If an initial award-acceptance submission by the recipient is invalid, once the local government does submit the necessary certification regarding 8 U.S.C. 1373 and 1644, it may submit a fully-executed award document executed by the local government on or after the date of that certification.

For purposes of this condition, "local government" does not include any Indian tribe.

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- Noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance
 - 1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.
 - 2. Certifications from subrecipients. The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or educational institution that would receive the subaward, using the appropriate form available at https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm. Also, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State, a local government, or a public institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or institution that would receive the further subaward, using the appropriate OJP form.
 - The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.
 - 4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.
 - 5. Rules of Construction
 - A. For purposes of this condition:
 - (1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.
 - (2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")
 - (3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).
 - (4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.
 - (5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 and 1644 are to be read as references to particular components of the Department of Homeland Security (DHS).
 - B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before

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award acceptance.

- Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement (8 U.S.C. 1373 and 1644); unallowable costs; notification
 - 1. If the recipient is a "State," a local government, or a "public" institution of higher education:
 - A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."
 - B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.
 - C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance."
 - D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.
 - 2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.
 - 3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition.
 - 4. Rules of Construction
 - A. For purposes of this condition "information-communication restriction" has the meaning set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition.
 - B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition are incorporated by reference as though set forth here in full.

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44. Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law enforcement sensitive information

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference: No public disclosure of federal law enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

2. Monitoring

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

3. Allowable costs

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

- 4. Rules of construction
- A. For purposes of this condition--
- (1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));
- (2) the term "federal law enforcement information" means law enforcement sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation--(1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;
- (3) the term "law enforcement sensitive information" means records or information compiled for any law enforcement purpose; and
- (4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.
- B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

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45. Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

2. Monitoring

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

3. Allowable costs

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

- 4. Rules of construction
- A. For purposes of this condition:
- (1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)).
- (2) The term "correctional facility" means what it means under the title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).
- (3) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that--
- (a) is designed to prevent or to significantly delay or complicate, or
- (b) has the effect of preventing or of significantly delaying or complicating.
- B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full,



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46. Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

1. Noninterference with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual DOJ report to Congress on "the number of illegal alien[felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or governmentcontracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

2. Monitoring

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

3. Allowable costs

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

- 4. Rules of construction
- A. For purposes of this condition:
- (1) The term "alien" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(3)).
- (2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).
- B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.
- C. Applicability
- (1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.
- (2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be

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detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

D. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

47. Requirement to collect certain information from subrecipients

The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains from the proposed subrecipient responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subrecipient responses must be collected and maintained by the recipient, consistent with regular document retention requirements, and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

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48. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

a. New construction;

- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at https://bja.gov/Funding/nepa.html, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

49. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.





AWARD CONTINUATION SHEET Grant

PAGE 20 OF 23

PROJECT NUMBER

2018-DJ-BX-0449

AWARD DATE

10/01/2018

SPECIAL CONDITIONS

50. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

51. Certification of body armor "mandatory wear" policies

The recipient agrees to submit a signed certification that all law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stabresistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

52. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx.

53. Body armor - impact on eligibility for other program funds

The recipient understands that the use of funds under this award for purchase of body armor may impact eligibility for funding under the Bulletproof Vest Partnership (BVP) program, a separate program operated by BJA, pursuant to the BVP statute at 34 USC 10531(c)(5).

54. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (https://grants.ojp.usdoj.gov). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

55. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, descalation of conflict, and constructive engagement with the public.

56. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

JE 10/12/18



AWARD CONTINUATION SHEET Grant

PAGE 21 OF 23

PROJECT NUMBER

2018-DJ-BX-0449

AWARD DATE

10/01/2018

SPECIAL CONDITIONS

57. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2017

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2017), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum--(1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "atrisk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds in violation of the recipient's certification (executed by the chief executive of the State or local government) that federal funds will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

58. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

59. Three percent set-aside for NIBRS compliance

The recipient must ensure that at least 3 percent of the total amount of this award is dedicated to achieving full compliance with the FBI's National Incident-Based Reporting System (NIBRS), unless the FBI or appropriate State official has certified that the recipient locality is already NIBRS compliant, and evidence of this has been submitted to and approved by BJA. The recipient will be required by BJA to make revisions to budgets that do not clearly indicate what projects will be supported by this 3 percent set-aside, unless evidence of NIBRS compliance has been submitted to and approved by BJA. Recipients serving as fiscal agents for "disparate jurisdictions," (as defined at 34 USC 10156(d)(4)) have to pass this requirement through to in subawards to other localities in the disparate jurisdiction, so that each locality in a disparate jurisdiction group dedicates at least 3 percent of award funds to NIBRS compliance, unless, with respect to each locality in the disparate jurisdiction group, evidence of NIBRS compliance has been submitted to and approved by BJA.

10/12/10



AWARD CONTINUATION SHEET

Grant

PAGE 22 OF 23

PROJECT NUMBER

2018-DJ-BX-0449

AWARD DATE

10/01/2018

SPECIAL CONDITIONS

60. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at https://www.bja.gov/Login.aspx to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at https://www.bja.gov/profile.aspx. Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at https://www.bja.gov/SuccessStoryList.aspx.

61. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

62. Withholding of funds: NIBRS set-aside

The recipient may not obligate, expend, or draw down any award funds until the recipient submits, and BJA reviews and accepts, a budget that clearly dedicates at least 3 percent of the total amount of the award to NIBRS compliance activities or documentation showing that the recipient has been certified as NIBRS compliant, and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

63. Withholding of funds: Memorandum of Understanding

The recipient may not obligate, expend, or draw down any award funds until OJP has reviewed and approved the Memorandum of Understanding (MOU), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

64. Withholding of funds: Budget narrative or information

The recipient may not obligate, expend, or draw down any award funds until the recipient submits, and OJP reviews and accepts, the required budget information or narrative for the award, and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

- 65. Recipient may not obligate, expend, or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Budget Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
- 66. Withholding of funds: Program narrative

The recipient may not obligate, expend, or draw down any award funds until the recipient submits, and OJP reviews and accepts, the program narrative for this award, and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

67. Withholding of funds: Disclosure of lobbying

The recipient may not obligate, expend, or draw down any funds under this award until it has provided to the grant manager for this OJP award a complete Disclosure of Lobbying Activities (SF-LLL) form, and OJP has issued a Grant Adjustment Notice to remove this special condition.

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AWARD CONTINUATION SHEET Grant

PAGE 23 OF 23

PROJECT NUMBER

2018-DJ-BX-0449

AWARD DATE

10/01/2018

SPECIAL CONDITIONS

68. Withholding of funds: Disclosure of pending applications

The recipient may not obligate, expend, or draw down any award funds until: (1) it has provided to the grant manager for this OJP award either an "applicant disclosure of pending applications" for federal funding or a specific affirmative statement that no such pending applications (whether direct or indirect) exist, in accordance with the detailed instructions in the program solicitation, (2) OJP has completed its review of the information provided and of any supplemental information it may request, (3) the recipient has made any adjustments to the award that OJP may require to prevent or eliminate any inappropriate duplication of funding (e.g., budget modification, project scope adjustment), (4) if appropriate adjustments to a discretionary award cannot be made, the recipient has agreed in writing to any necessary reduction of the award amount in any amount sufficient to prevent duplication (as determined by OJP), and (5) a Grant Adjustment Notice has been issued to remove this condition.

69. Withholding of funds: Subrecipient monitoring policies

The recipient's response to the Subrecipient Management and Monitoring question(s) of the Financial Management and System of Internal Controls Questionnaire indicates that the recipient may not have controls in place to monitor the activities of any subrecipient, as necessary, to ensure that the subaward is used for authorized purposes in compliance with Federal laws, regulations, and the terms and conditions of the subaward and that subaward performance goals are achieved. (See 2 CFR 200.331(d)). The recipient agrees to submit a copy of its subrecipient monitoring policies and procedures to the OJP program office.

If the recipient anticipates that it will not make a subaward under this award then, instead of submitting subrecipient monitoring policies and procedures, the recipient agrees that it must advise OJP in writing that it does not intend to make a subaward under this award.

The recipient may not obligate, expend, or draw down funds under this award until either-- (1) the OJP program office has received, and OJP has reviewed and approved, the subrecipient monitoring policies and procedures, or (2) the OJP program office has received and considered the recipient's written communication and has agreed (for purposes of federal grants administrative requirements) that no subawards are anticipated under this award? and a Grant Adjustment Notice has been issued to remove this condition.

The recipient understands and agrees that it is obligated to immediately notify the OJP grant manager in writing of any later change in its plan to make or not make a subaward under this award.

70. Initial period of performance; requests for extension

The recipient understands that the initial period of performance for this award is two years. The recipient further understands that any requests for an extension of the period of performance for this award will be approved automatically for up to a total of two additional years, pursuant to 34 U.S.C. 10152(f) and in accordance with the program solicitation associated with this award.

Any request for an extension of the period of performance beyond a four-year award period will require approval, and the approval (if any) will be at the discretion of the Director of BJA.

71. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the required application attachment(s) and has issued a Grant Adjustment Notice (GAN) releasing this special condition.



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of New

Bern

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction:
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see https://www.bja.gov/Funding/nepa.html.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

Grant

	PROJECT NUMBER	PAGE		
	2018-DJ-BX-0449		1 OF 1	
ate & JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101 - 10726), including				

	2018-DJ-BX-0449	I AGE 1 OF 1	
This project is supported under FY18(BJA - JAG State & JAG Local) Title 1 of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101 - 10726), including subpart I of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)			
1. STAFF CONTACT (Name & telephone number)	2. PROJECT DIRECTOR (Name, address & telephone number)		
Shaketta Cunningham (202) 514-4493	Bobby Jones Services Division Commander P.O. Box 1129 New Bern, NC 28563-2856 (252) 672-4258 ext.6724258		
3a. TITLE OF THE PROGRAM	ON DEVI	DDE (SEE INSTRUCTIONS ERSE)	
BJA FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - I	ocal Solicitation	ŕ	
4. TITLE OF PROJECT			
Multi-Jurisdictional Task-Force Program			
5. NAME & ADDRESS OF GRANTEE	6. NAME & ADRESS OF SUBGRANTEE		
City of New Bern P.O. Box 1129 New Bern, NC 28563-1129			
7. PROGRAM PERIOD	8. BUDGET PERIOD		
FROM: 10/01/2017 TO: 09/30/2019	FROM: 10/01/2017 TO:	09/30/2019	
9. AMOUNT OF AWARD	10. DATE OF AWARD		
\$ 11,334	10/01/2018		
11. SECOND YEAR'S BUDGET	12. SECOND YEAR'S BUDGET AMOUNT		
13. THIRD YEAR'S BUDGET PERIOD	14. THIRD YEAR'S BUDGET AMOUNT		

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of criminal justice related activities based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; 7) crime victim and witness programs (other than compensation); and 8) mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

This Local JAG award will be shared by the County and one or more jurisdictions identified as disparate within the current Fiscal Year eligibility list (www.bja.gov/Jag). JAG funding will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Any

	equipment purchases or funded initiatives such as overtime, task forces, drug programs, information sharing, etc. will be aimed at reducing crime and/or enhancing public/officer safety.	
	NCA/NCF	
_		

AGENDA ITEM COVER SHEET

Consider Adopting an Ordinance to Amend the Fiscal Year 2019 Grants Fund

Agenda Item Title:

Date of Meeting 11/13/18	Ward # if applicable N/A			
Department Finance	Person Submitting Item: JR Sabatelli, CPA, Dir of Finance			
Call for Public Hearing Yes V No	Date of Public Hearing			
Explanation of Item:				
The City has been awarded a grant for \$13,334 from the Department of Justice, Bureau of Justice Assistance. The budget ordinances acknowledges receipt of the grant and establishes the necessary budget. Grant proceeds will be used to purchase equipment and materials for personnel workstations at the Coastal Narcotics Enforcement Team. No City Match is required.				
Actions Needed by Board:				
Adopt Ordinance				
Is item time sensitive? ☐ Yes ✓ N				
Will there be advocates/opponents at the meeting?☐Yes ☑No				
Backup Attached:				
Memo, Ordinance				
Cost of Agenda Item:				
If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : \square Yes \square NO				
Additional notes:				



TO: City Manager, Honorable Mayor and Members of the Board of Aldermen

FROM: Joseph R. Sabatelli, CPA - Director of Finance

DATE: November 2, 2018

RE: Amend FY2018-19 Grants Fund Budget (#2320)

Background

The City of New Bern has since been awarded the grant, in the amount of \$13,334, offered by the Department of Justice, Bureau of Justice Assistance. This budget ordinance acknowledges receipt of the grant and establishes the necessary budget. The grant proceeds will be used to purchase equipment and materials for personnel workstations at the Coastal Narcotics Enforcement Team (CNET). There is no City match required.

Requested Action

It is recommended that the Board adopts the ordinance to establish the grant fund at its meeting to be held on November 13, 2018.

CITY OF NEW BERN, NORTH CAROLINA REQUESTED AMENDMENT TO Fiscal Year 2018-2019

FROM Joseph R. Sabatelli, CPA, Director of Finance MEETING DATE: Nov. 13, 2018 EXPLANATION: This ordinance will amend the fiscal year 2018-19 Grants Fund budget to acknowledge receipt of the 2018 Justice Assistance Grant and establish the necessary budget. The grant proceeds, which will be shared with Craven County Sheriff's Office, are for the procurement of equipment and materials for personnel workstations at the Coastal Narcotics Enforcement Team (CNET).

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN THAT THE 2018-2019 Annual Budget ORDINANCE IS AMENDED AS FOLLOWS

Section 1 – Appropriations				
Schedule K – Grants Fund Increase: Policed		<u>\$ 13,334</u>		
	Section 2 – Estimated Revenues			
Schedule K – Grants Fund Increase: Grants		<u>\$ 13,334</u>		
NATURE OF TRANSACTION X ADDITIONAL REVENUE AVAILABLE FOR APPROPRIATION TRANSFER WITH ACCOUNTS OF SAME FUND OTHER:				
	APPROVED BY THE BOARD OF ALDERME ENTERED ON MINUTES DATED AGENDA ITEM NUMBER	EN AND		
	BRENDA E. BLANCO, CITY CLERK			

Aldermen

Sabrina Bengel Jameesha Harris Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memorandum

TO: Alderman Barbara Best

FROM: Brenda Blanco, City Clerk

DATE: October 18, 2018

SUBJECT: Appointment to Board of Adjustment

Kenneth Brown's appointment on the Board of Adjustment expired June 30, 2018. However, because of ongoing matters being discussed by the Board of Adjustment which required familiarity and knowledge, a new appointment was not desirous at that time. Those matters have now concluded.

Mr. Brown has served two consecutive terms and is not eligible for reappointment at this time. You are asked to make an appointment to fill this seat. Please feel free to contact Brad Sceviour, Planner II, to discuss citizen(s) who have expressed an interest in serving on this Board.

Thank you.

/beb

Aldermen

Sabrina Bengel Jameesha Harris Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memorandum

TO: Alderman Johnnie Ray Kinsey

FROM: Brenda Blanco, City Clerk

DATE: October 18, 2018

SUBJECT: Appointment to Board of Adjustment

Lois Jamison appointment as an alternate on the Board of Adjustment expired June 30, 2018. However, because of ongoing matters being discussed by the Board of Adjustment which required familiarity and knowledge, a new appointment was not desirous at that time. Those matters have now concluded.

Ms. Jamison has served two consecutive terms and is not eligible for reappointment at this time. You are asked to make an appointment to fill this seat. Please feel free to contact Brad Sceviour, Planner II, to discuss citizen(s) who have expressed an interest in serving on this Board.

Thank you.

/beb